



PUBLIC

## **Contractor information**

# **SAP's approach on the implementation of the new set of standard contractual clauses for cross-border data transfers**

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**Dear Contractors,**

**on June 7, 2021, the European Commission published the long awaited modernized Standard Contractual Clauses (“SCCs”). The Commission adopted these new SCCs in light of the Court of Justice of the European Union’s (“CJEU”) judgment in *Data Protection Commissioner v. Facebook Ireland Limited, Maximilian Schrems (C-311/18)* (“Schrems II”) and to further align with the requirements under the General Data Protection Regulation (Regulation (EU) 2016/679)(“GDPR”). These modernized pre-approved SCCs will replace the old set of SCCs that were adopted under the previous Data Protection Directive 95/46.**

As you will likely be aware, the GDPR prohibits transfers of personal data outside the EU/EEA (a “third country”) unless the recipient of the data features an adequate level of data protection. SCCs are legal contracts catering for various transfer scenarios while ensuring this adequate level. In general, SAP’s contractual framework with its Contractors, the so-called “Master Data Processing Agreement” (“MDPA”), is based on the previous iteration of the SCCs.

***What does it mean for SAP now that the new SCCs are published?***

As a global company with cross-border data transfers, SAP needs to assess its’ data flows and transfer arrangements and prepare to incorporate the new SCCs and supporting mandatory documentation into its’ existing and new relationships with customers and Contractors.

***What’s next for me as an SAP Contractor?***

SAP is acting quickly to analyze its transfer arrangements and address the new SCCs. We will roll out these SCCs soon within the timeframes allotted by the European Commission. This update will impact both our current and future MDPAs. If you are an SAP Contractor, processing personal data on behalf of SAP or SAP’s customers, you will be contacted by SAP or receive further information on the SAP Supplier Portal. Please be aware that there are some additional procedural requirements SAP and its Contractors must adhere to. We appreciate your patience as we develop a strategy for the rollout. More details will follow.

We understand that you as our Contractor must also take certain actions to ensure you are compliant with EU data protection laws as well, including assessments to identify any necessary supplemental measures to protect the personal data being transferred.

***Who can I contact for more information?***

Please reach out to [the SAP Data Protection Enablement team](#).

[www.sap.com/contactsap](http://www.sap.com/contactsap)

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