

## **International Transfers of EU Personal Data to FinancialForce's Services**

On July 16, 2020, the European Court of Justice invalidated Privacy Shield as a legitimate data transfer mechanism which organizations were relying upon for personal data transfers from the EU to the US, but confirmed the validity of the European Commission's standard contractual clauses as a legal mechanism for the transfer of EU personal data.

On September 8, 2020 the Federal Data Protection and Information Commissioner (FDPIC) of Switzerland issued an opinion concluding that the Swiss-U.S. Privacy Shield Framework does not provide an adequate level of protection for data transfers from Switzerland to the United States pursuant to Switzerland's Federal Act on Data Protection (FADP).

This means that companies may no longer rely on either the EU-US or SwissUS Privacy Shield frameworks to transfer EU personal data to the US. However, FinancialForce's customers may continue to use our services, relying on the European Commission's standard contractual clauses which are already included in our [Data Processing Addendum](#).

### **What action do customers need to take?**

For most customers, no action is needed to update their FinancialForce contracts to comply with the decision. Despite the invalidation of the Privacy Shield frameworks, EU personal data may still be transferred to and within FinancialForce's services pursuant to the European Commission's standard contractual clauses, which are already incorporated by reference into FinancialForce's Data Processing Addendum.

If any customers are in doubt as to whether they have an existing Data Protection Addendum then they should reach out to their AE who will be able to check.

If a customer continues to have concerns about the implications of the revoking of either the EU-US or Swiss-US Privacy Shield we encourage them to sign and return our latest Data Processing Addendum. Signing our latest Data Processing Addendum will not reduce any contractual privacy protections but will add to it, due to the fact that the Data Processing Addendum states that it does not replace any comparable or additional rights relating to the processing of Customer Data contained in Customer's Agreement (including any existing data processing addendum to the Agreement).

If a customer needs to complete or update their Standard Contractual Clauses then they can complete them by downloading them from [here](#) and send to [privacy@financialforce.com](mailto:privacy@financialforce.com) for processing.

### **Government requests for access to data**

FinancialForce has not received any requests from a government agency or law enforcement seeking access to data belonging to a customer and does not have any reasonable expectation to receive such a request.

If FinancialForce were to receive such a request we would always endeavor to comply with such a request but would, where legally allowed, refer the government agency to the customer in the first instance and (again where legally allowed) inform the customer of the request. Our goal is always to protect our customers' data, while complying with applicable laws.