***Please note:*** Please fill in this form if, at the time the contract is concluded, it is already determined that

1. the Processor performs the data processing that was contractually agreed upon in a third country and the conditions of Articles 44 et seqq. GDPR are fulfilled **and/or**
2. the Processor engages one or several subcontractors or the subcontractor engages additional subcontractors in the service chain and the Controller approves of this.

Annex 1

(to section 2 subsection 4 and section 5 subsection 1)

ZENDAS Version 4.2, 30 August 2023

# Data processing in a third country

The **Processor** performs (part of the) data processing that was contractually agreed upon in the following third country/countries (please copy table and fill in a separate table for each country, if applicable):

|  |  |
| --- | --- |
| Activities | [Description of activities] |
| Third country | [Third country] |
| The level of data protection… | [ ]  is provided for by an adequacy decision of the European Commission (Art. 45 (3) GDPR),[ ]  is provided for by binding corporate rules on data protection (Art. 46 (2) letter b in conjunction with Art. 47 GDPR),[ ]  is provided for by standard data protection clauses (Art. 46 (2) letters c and d GDPR),[ ]  is provided for by an approved code of conduct (Art. 46 (2) letter e in conjunction with Art. 40 GDPR),[ ]  is provided for by a certification mechanism (Art. 46 (2) letter f in conjunction with Art. 42 GDPR),[ ]  is provided for by the following measures:       (Art. 46 (2) letter a, (3) letters a and b GDPR). |

# Subcontractors

(Please copy table and fill in aseparate table for each company/activity/country, if applicable)

|  |  |
| --- | --- |
| Subcontract level | 2 (The Processor is a direct contracting party to the underlying contract with the Controller and engages a subcontractor) |
| Company (incl. address) | [Exact name of the subcontractor with address for service] |
| Activities | [Description of activities] |
| Third country | [ ]  yes: [Third country][ ]  no |
| The level of data protection in the third country... | [ ]  is provided for by an adequacy decision of the European Commission (Art. 45 (3) GDPR),[ ]  is provided for by binding corporate rules on data protection (Art. 46 (2) letter b in conjunction with Art. 47 GDPR),[ ]  is provided for by standard data protection clauses (Art. 46 (2) letters c and d GDPR),[ ]  is provided for by an approved code of conduct (Art. 46 (2) letter e in conjunction with Art. 40 GDPR),[ ]  is provided for by a certification mechanism (Art. 46 (2) letter f in conjunction with Art. 42 GDPR),[ ]  is provided for by the following measures:       (Art. 46 (2) letter a, (3) letters a and b GDPR). |

# Additional subcontractors in the entire service chain

(Please copy table and fill in a separate table for each company/activity/third country/additional subcontract level, if applicable)

|  |  |
| --- | --- |
| Subcontract level | 3 (If a subcontractor engages an additional subcontractor (sub-subcontractor); 4 (If a sub-subcontractor engages an additional subcontractor (sub-sub-subcontractor); etc.) |
| Company (incl. address) | [Exact name of the (sub-)sub-subcontractor with address for service] |
| Client | [Exact name of the client; the client is a subcontractor on the level above and must be listed in the table for the level above] |
| Activities | [Description of activities] |
| Third country | [ ]  yes: [Third country][ ]  no |
| The level of data protection in the third country... | [ ]  is provided for by an adequacy decision of the European Commission (Art. 45 (3) GDPR),[ ]  is provided for by binding corporate rules on data protection (Art. 46 (2) letter b in conjunction with Art. 47 GDPR),[ ]  is provided for by standard data protection clauses (Art. 46 (2) letters c and d GDPR),[ ]  is provided for by an approved code of conduct (Art. 46 (2) letter e in conjunction with Art. 40 GDPR),[ ]  is provided for by a certification mechanism (Art. 46 (2) letter f in conjunction with Art. 42 GDPR),[ ]  is provided for by the following measures:       (Art. 46 (2) letter a, (3) letters a and b GDPR). |