

Commission Decision of 5 February 2010 on standard contractual clauses for the transfer of personal data to processors established in third countries under Directive 95/46/EC of the European Parliament and of the Council (notified under document C(2010) 593) (Text with EEA relevance) (2010/87/EU)

Article 1	The standard contractual clauses set out in the Annex are...
Article 2	This Decision concerns only the adequacy of protection provided by...
Article 3	For the purposes of this Decision the following definitions shall...
Article 4	(1) Without prejudice to their powers to take action to...
Article 5	The Commission shall evaluate the operation of this Decision on...
Article 6	This Decision shall apply from 15 May 2010.
Article 7	(1) Decision 2002/16/EC is repealed with effect from 15 May...
Article 8	This Decision is addressed to the Member States.
	Signature

ANNEX

STANDARD CONTRACTUAL CLAUSES (PROCESSORS)

For the purposes of Article 26(2) of Directive 95/46/EC for...
Name of the data exporting organisation: ...
Address: ...
Tel. ...; fax ...; e-mail: ...
Other information needed to identify the organisation
...
(the data exporter)
And
Name of the data importing organisation: ...
Address: ...
Tel. ...; fax ...; e-mail: ...
Other information needed to identify the organisation:
...
(the data importer)
each a 'party'; together 'the parties',
HAVE AGREED on the following Contractual Clauses (the
Clauses) in...

Clause 1 Definitions

Clause 2 Details of the transfer

Clause 3 Third-party beneficiary clause

1. The data subject can enforce against the data exporter this...
2. The data subject can enforce against the data importer this...
3. The data subject can enforce against the sub-processor this Clause,...

4. The parties do not object to a data subject being...

Clause 4 Obligations of the data exporter

Clause 5 Obligations of the data importer

Clause 6 Liability

1. The parties agree that any data subject, who has suffered...
2. If a data subject is not able to bring a...
3. If a data subject is not able to bring a...

Clause 7 Mediation and jurisdiction

1. The data importer agrees that if the data subject invokes...
2. The parties agree that the choice made by the data...

Clause 8 Cooperation with supervisory authorities

1. The data exporter agrees to deposit a copy of this...
2. The parties agree that the supervisory authority has the right...
3. The data importer shall promptly inform the data exporter about...

Clause 9 Governing law

Clause 10 Variation of the contract

Clause 11 Sub-processing

1. The data importer shall not subcontract any of its processing...
2. The prior written contract between the data importer and the...
3. The provisions relating to data protection aspects for sub-processing of...
4. The data exporter shall keep a list of sub-processing agreements...

Clause 12 Obligation after the termination of personal data-processing services

1. The parties agree that on the termination of the provision...
2. The data importer and the sub-processor warrant that upon request...

Appendix 1

to the Standard Contractual Clauses

This Appendix forms part of the Clauses and must be...
The Member States may complete or specify, according to their...
DATA EXPORTER Name: ... Authorised Signature ... DATA
IMPORTER Name:...

Data exporter

Data importer

Data subjects

Categories of data

Special categories of data (if appropriate)

Processing operations

Appendix 2 to the Standard Contractual Clauses

This Appendix forms part of the Clauses and must be...
Description of the technical and organisational security measures
implemented by...

...
...
...
...

ILLUSTRATIVE INDEMNIFICATION CLAUSE (OPTIONAL)

Status: This is the original version (as it was originally adopted).

- (1) [OJ L 281, 23.11.1995, p. 31.](#)
- (2) [OJ L 6, 10.1.2002, p. 52.](#)
- (3) SEC(2006) 95, 20.1.2006.
- (4) The International Chamber of Commerce (ICC), Japan Business Council in Europe (JBCE), EU Committee of the American Chamber of Commerce in Belgium (Amcham), and the Federation of European Direct Marketing Associations (FEDMA).
- (5) [OJ L 181, 4.7.2001, p. 19.](#)