

Notice on international personal data transfer and Brexit to Basware customers

1. Transfer of personal data from the European Economic Area (EU + Norway, Iceland, Liechtenstein) for processing in any country outside the EEA that is not providing an “adequate level of protection” according to EU Commission decision, is only allowed if appropriate safeguards are foreseen. This is set out in the GDPR.

Today, we might transfer personal data of our customers from the EEA to the following **non-EEA countries**: India (subcontractor Basware India Private Limited), USA (subcontractor Basware Inc.) and Australia (subcontractor Basware Pty Ltd.), all as far as necessary for the delivery of our services to the customers.

None of these countries is officially considered by the EU Commission as providing an adequate level of protection. So, we needed to foresee appropriate safeguards for such transfer to our affiliates processing the data in India, USA and Australia. We have opted for the **EU Standard Contractual Clauses**. These SCC are a standard set of conditions, validated by the EU Commission. Our SCC are part of all sales agreements since end 2017 by default, between the customer and our related non-EEA affiliated subcontractor. These SCC are the safeguards that are mostly applied in practice by internationally operating cloud service providers and are legally perfectly fine.

2. Today, for a **limited number of services** (mainly InvoiceReady and TEM cloud services), we also process EEA customers’ personal data on systems located in the **UK** (subcontractor Rackspace Limited).

The EU Commission has confirmed that from the Brexit date onwards, the **UK will be treated as a third country** within the meaning of the GDPR. This means that any transfer of personal data from the EEA for processing in the UK must be subject to appropriate safeguards as specified in the GDPR (as long as UK is not considered by EU Commission to provide an adequate level of protection).

Given the current status of the **Brexit**, we can inform our customers using our related UK located services of the following scenarios:

1. In case the **UK approves the Agreement on the Withdrawal** of the UK from the EU, we will, during the transitional period, decide on the measures necessary to continue to comply with the applicable GDPR data transfer requirements after the end of the transitional period. The EU Commission might consider the UK as providing an adequate level of protection and if not, other possibilities will be assessed.
2. In case the **UK does not approve the meant Agreement**, we will approach our related EEA customers (whose personal data are processed on UK located systems) with our request for a power of attorney to execute the EU SCC with our subcontractor (data importer) Rackspace Limited in the UK. This power of attorney and execution of the EU SCC on behalf of the related customers will allow us to continue to comply with the applicable GDPR data transfer requirements after Brexit (March 2019 or later).

So, based on the above, our customers’ personal data does not need to be moved out of the UK.

We do follow up on this matter, so feel free to contact us in case you would have any further question, via your customer service manager or privacy@basware.com.

Kind regards

Basware Data Privacy Team

As this Notice is only given for information purposes and not as legal advice, we can modify it at any time without notice and we recommend that you verify with your legal advisers or competent authorities the compliance of your (intended) decisions and actions with your own legal obligations.