General Data Protection Regulation (GDPR) – Info Sheet

In this info sheet Software AG wants to provide its Customers with a short overview of how Software AG and its group companies are managing the handling of personal data with regard to the harmonized European data protection law GDPR and how Software AG ensures that our Customers can use our products and services in compliance with GDPR.

What measures have been implemented by Software AG to achieve GDPR compliance of Software AG products and services?

All products offered by Software AG have been analyzed in respect to their functionality of personal data processing and changes have been implemented where needed. For future functionalities, a release task to check for GDPR-related topics has been integrated into the product release cycle.

How is Software AG addressing the GDPR's accountability and governance requirements?

The Corporate Data Protection Team has set up a central Data Protection Management System (DPMS) which defines clear processes for aspects addressed by the GDPR, including data breach handling, data subject rights, records of processing activities and obligations to the supervisory authorities. As part of the scope of Software AG's ISO 9001 certification, the established DPMS processes are subject to regular review.

How are employees of Software AG trained in data protection as required by the GDPR?

Software AG has a designated data protection officer and one of his tasks, according to Article 39 of the GDPR, is to inform the employees about their obligations in respect to personal data processing. All Software AG personnel have received an updated data protection training, which was mandatory and addresses the privacy and information security requirements of the GDPR. Regular data protection trainings that address the requirements of GDPR will be required on an annual basis.

How is Software AG handling the requirements GDPR places on data processing on behalf of a Customer (Art. 28 ff. GDPR)?

Software AG has implemented new Data Processing Agreements (DPAs) for the processing of data on behalf of its Customers. These new DPAs address the following aspects:

- Data transfer requirements: Software AG's mission is to provide for high support services availability; this requires Software AG to include its affiliated group companies all around the world into its support processes. Also certain other services may be subcontracted to group companies or selected external providers (e.g. Infrastructure Providers).
    - Data export to non-EU/EEA companies: For the involvement of any non-EU (group) companies, Software AG offers its Customers the option of directly applying the EU Standard Contractual Clauses (Controller to Processor) complementing the contents of the DPA. The Standard Contractual Clauses are model contracts published by the European Commission designed to facilitate transfers of personal data from the European Economic Area to other countries.
    - Data transfer within the EU/EEA: Within the EU/EEA, Software AG as the company heading the Global Support organization is used by Software AG's local sales companies as a subprocessor. Internal structures allow Software AG then to subcontract its affiliated group companies as further subprocessors within the EU. It is ensured that privacy obligations placed on Software AG's local sales companies flow down to those subprocessors to the extent applicable.
- Data subject requests: GDPR requires Software AG's Customers as the data controllers to provide information upon a data subject's request without undue delay and in any event within one month of receipt of such request. To the extent the request made by a data subject was addressed to Software AG, Software AG will notify the respective Customer and will respond to the data subject according to the Customer's instructions. This helps ensure the Customer can fulfill its obligations well within the GDPR's required time frame.
- Data breach notification: In the case of a personal data breach, GDPR requires Software AG's Customers as the data controllers to fulfill certain notification obligations towards the affected data subjects and the supervisory authority. Software AG itself will inform its Customers without undue delay in case it has documented reason to believe that a personal data breach at Software AG or its Subprocessors has occurred. Software AG has implemented a data breach handling process that aligns with these notification requirements and is in the scope of the Data Protection Management System (DPMS).

Ongoing Assessment and Improvements

Since the GDPR is a new law and details on how certain aspects of the law are to be addressed are still evolving, Software AG's Corporate Data Protection Team is keeping up with the new developments relating to this law with the target to ensure that the processes and technical and organizational measures will be adapted as required.

With questions relating to GDPR, please contact our Corporate Data Protection Team at: *dataprotection(at)softwareag.com*