

Schedule 2 To Data Processing Addendum: Switzerland

Standard Contractual Clauses For The Transfer Of Personal Data From Switzerland To Third Countries

Controller to Processor Transfers

In its communication of August 27, 2021, the Swiss Federal Data Protection and Information Commissioner (“FDPIC”) recognized the new SCCs issued by the European Commission in accordance with Regulation (EU) 2016/679 as a legal basis for personal data transfers to a country without an adequate level of data protection, provided that the necessary adaptations and amendments are made for use under Swiss data protection law.

Therefore, this Schedule 2 to the Data Processing Addendum incorporates by reference the Standard Contractual Clauses in Schedule 1 and its Annexes I through III, except that:

- (a) all references to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (“GDPR”) must be understood and interpreted as references to the Swiss Data Protection Act in the context of data transfers abroad that are subject to the Data Protection Act;
- (b) any reference to a supervisory authority shall refer to the Swiss Federal Data Protection and Information Commissioner; and
- (c) with regards to Clauses 17 and 18, these clauses shall be governed by the law of Switzerland and the Participating Entities agree to the jurisdictions of the courts of Switzerland with regard to any disputes that arise from these Clauses.

