

Subject Line: Cendyn Updates Its Data Processing Addendum (DPA)

Dear Valued Customer,

Cendyn constantly monitors developments in data protection and privacy laws and regulations and best practices to incorporate them into our online [Data Processing Agreement](#). We've just released an update to our Data Processing Agreement, and we want to share what those updates consisted of with you.

Summary of updates made to the Cendyn Data Processing Agreement (February 10, 2022, version) in the November 7, 2022, version.

- We inserted the date that we updated this version of the Data Processing Agreement (“DPA”).
- We improved the formatting of the DPA and corrected typos. DPA.
- We included the definitions of “Contracted Processor” and “Sub-Processor” in Section 1 of the DPA.
- We amended Section 3.1 of the DPA to clarify the following:
 - that Cendyn will process Customer Personal Data in accordance with the exhibits of the DPA;
 - that Cendyn will not process personal data outside the Customers’ instructions;
 - that, as required under Article 28(3)(a) of the GDPR, Cendyn will process the personal data only on documented instructions from the controller, including with regard to transfers of personal data to a third country or an international organization, unless required to do so by applicable laws to which Cendyn is subject.
- We amended Exhibit A to include the following:
 - an indication that it serves as Annex 1B of the UK Addendum (discussed below);
 - additional categories of data subjects;
 - additional categories of Personal Data;
 - provision for the Customer’s DPO’s details;
 - provision for the Customer’s EU and UK Representative’s details, if any; and
 - formatting amendments.
- We amended Exhibit B to include an indication that it serves as Annex III of the EU 2021 SCCs and the UK Addendum (discussed below) and to amend formatting inconsistencies.
- We added the following sub-Processors to Exhibit B:
 - Veeam;
 - Rubrik;
 - Amazon AWS; and
 - Microsoft Azure.
- We defined the term “EEA” in Exhibit C which means the European Economic Area, consisting of the EU Member States, and Iceland, Liechtenstein, and Norway.
- In Exhibit C, we clarified which Supervisory Authority will have responsibility for ensuring Customer’s compliance with the EU 2021 Standard Contractual Clauses in terms of Clause 13 of the EU 2021 SCCs.
- We removed reference to the EU 2010 Standard Contractual Clauses for the purposes of UK Restricted Transfers because the UK Information Commissioner’s has issued an International Data Transfer Addendum to the EU 2021 SCCs for international data transfers which became effective on March 21st, 2022.

- We've defined the term "UK Addendum", which means the International Data Transfer Addendum (version B1.0) to the EU 2021 SCCs, issued by the Information Commissioner's Office and laid before the UK Parliament in accordance with Section 119A of the Data Protection Act 2018 on 2 February 2, 2022, as may be amended, superseded or replaced from time to time.
- We incorporated the UK Addendum into the DPA by reference by amending Exhibit C and including an Exhibit thereto. We also indicated the requisite elections made in terms of the UK Addendum.
- We amended Exhibit D to include additional detail regarding Cendyn's security measures taken to protect Customer Personal Data.