FAQ on International Transfers of EU Personal Data to Salesforce’s Services

Published: June 4th, 2021

This document is provided for informational purposes. It is not intended to provide legal advice. Salesforce urges its customers to consult with their own legal counsel to familiarize themselves with the requirements that govern their specific situations. This information is provided as of the date of document publication, and may not account for changes after the date of publication. Please visit Salesforce’s Privacy website for the latest information.

This document provides information about international transfers of EU personal data to Salesforce’s services relying on the Salesforce’s Processor Binding Corporate Rules and the European Commission’s standard contractual clauses, both of which are already included in our Data Processing Addendum.

General Information about International Transfers of EU Personal Data

What is an International Transfer of EU Personal Data? 2
How can EU Personal Data be Lawfully Transferred? 2
What are the Binding Corporate Rules? 3
What are the European Commission’s Standard Contractual Clauses? 3
How do the European Commission's new Standard Contractual Clauses impact my organization? 3

What are Salesforce’s Mechanisms for the International Transfers of EU Personal Data? 4
What should I do to ensure the application of these transfer mechanisms? 4
Where is my data located? 5
How does Salesforce help its customers? 5
General Information about International Transfers of EU Personal Data

Customers often use Salesforce services to process personal data they may have on their employees, customers and prospects. In the EU, the use of such personal data is regulated under the General Data Protection Regulation (‘GDPR’). The GDPR provides a similar level of protection for EU personal data in all EU member states. EU personal data can then be transferred freely within the EU as well as within the European Economic Area (EEA) (i.e. EU Member States plus Norway, Iceland, and Lichtenstein).

When EU personal data is transferred outside the EU/EEA, the GDPR requires specific conditions to be fulfilled to ensure an equivalent level of protection for EU personal data. Given that Salesforce is a global company, the use of Salesforce services by EU/EEA based customers may involve the transfer of personal data outside of the EU/EEA. Salesforce therefore enables customers to comply with GDPR requirements with regard to such international transfers of EU personal data.

What is an International Transfer of EU Personal Data?

There is an international transfer of EU personal data (‘International Transfer’) when such data is made available outside the EEA. International Transfer may include the storage of EU personal data in a country outside the EEA but also the access to personal data stored in the EU from sub-processors located outside the EEA (e.g. for support services).

How can EU Personal Data be Lawfully Transferred?

International Transfer of EU personal data is regulated under the GDPR to ensure the continued protection of EU personal data outside of the EEA. They must have a legal basis which can be demonstrated when the transfer is:

- Based on an adequacy decision delivered by the EU Commission where the EU Commission decided the recipient country ensures an adequate level of protection for the EU personal data (e.g., Argentina, Canada, Israel, Japan, complete list available [here](#)); or

- Subject to appropriate safeguards (i.e. transfer mechanism) which can be outlined in a legally binding instrument, such as a contract between the parties.

Following the decision of the Court of Justice of the European Union (CJEU) on July 16, 2020 (‘Schrems II decision’), which invalidated the EU-US Privacy Shield, the following transfer
mechanisms remain valid:

- the binding corporate rules; and
- the European Commission’s standard contractual clauses.

What are the Binding Corporate Rules?

Binding corporate rules ("BCRs") are company-specific, group-wide data protection policies approved by European data protection authorities to facilitate international transfers of EU personal data. BCRs are seen as the “gold standard” of transfer mechanisms because they are based on strict privacy principles and require intensive consultation with and approval by European data protection authorities.

Salesforce was the first top 10 software company to achieve approval for BCRs - available here.

What are the European Commission’s Standard Contractual Clauses?

The European Commission’s standard contractual clauses are legal contracts entered into between parties that are transferring EU personal data outside of the EU. The initial standard contractual clauses for controller-to-processor transfers were drafted and approved by the European Commission in 2010.

Following the Schrems II decision, the European Commission has published draft new standard contractual clauses to incorporate the requirements of GDPR and the Schrems II decision. The new SCCs were subject to consultation until December 10 2020 and their final version was published on June 4, 2021.

The European Commission grants companies a transitional period of 18 months to implement the new SCCs in their existing contracts.

Salesforce welcomes the recently adopted new SCCs as they are advancing our core priorities of Trust and Customer Success.

How do the European Commission's new Standard Contractual Clauses impact my organization?

On June 4, 2021, the European Commission published new Standard Contractual Clauses for international data transfers ("SCCs"). SCCs are legal contracts entered into between parties
that are transferring EU personal data outside of the EU. At present Salesforce relies on the existing SCCs (in addition to its Binding Corporate Rules) for transfers of EU customer data in our services.

In the coming months, we will update our agreements to implement the new SCCs. All customers will have the opportunity to enter into the new SCCs with Salesforce if they wish. Salesforce continues to offer Binding Corporate Rules ("BCRs"), and our customers currently relying on the BCRs can continue to do so. We will make the updated data processing addendum as well as the amendment agreement available [here](#).

What are Salesforce’s Mechanisms for the International Transfers of EU Personal Data?

International Transfers of EU Personal Data to Salesforce’s Services rely on Salesforce’s Processor Binding Corporate Rules and the European Commission’s standard contractual clauses, both of which are already included in our Data Processing Addendum.

Despite the invalidation of the EU-US Privacy Shield framework, EU personal data can still be transferred to and within Salesforce’s services pursuant to these two transfer mechanisms, both of which are already incorporated by reference into Salesforce’s Data Processing Addendum.

What should I do to ensure the application of these transfer mechanisms?

Salesforce’s customers do **not** need to take any additional steps to benefit from Salesforce’s Processor Binding Corporate Rules, which are already incorporated by reference into Salesforce’s Data Processing Addendum.

Since Salesforce offers BCRs as a primary transfer mechanism, customers currently relying on the BCRs can continue to do so and there is no legal requirement for them to update their existing agreements.

Following the recent publication of the final version of the new SCCs, we are in the process of updating our online data processing addendum to include the new SCCs for new customers. We will also make available an amendment agreement that existing customers can download and countersign to update their current agreement with Salesforce if they wish. We will make the updated data processing addendum as well as the amendment agreement available [here](#).

If you are unsure if you have a Data Processing Addendum in place with Salesforce, please reach out to your Account Executive.
Where is my data located?

For more information about where your data is located, please see our Trust and Compliance Documentation, specifically the ‘Infrastructure and Subprocessors Documentation’ document linked to the specific services used by your organization. Information about the location of Salesforce data centers is available here.

How does Salesforce help its customers?

To assist our customers in performing diligence regarding compliance with EU data protection laws, Salesforce’s Privacy website provides resources to help our customers in conducting such assessments, including our Data Protection Impact Assessment and Salesforce’s Principles for Government Requests for Customer Data.