

## **FREQUENTLY ASKED QUESTIONS REGARDING GDPR.**

This FAQ is intended to provide information about Accellion’s compliance with the European Union (“EU”) General Data Protection Regulation (“GDPR”)

### **What is the GDPR?**

The GDPR is a data privacy law adopted by the EU Commission and effective May 25, 2018, replacing the Data Protection Directive (Europe Directive 95/46/EC). The GDPR regulates the use and processing of “personal data,” defined in the GDPR as is “any information relating to an identified or identifiable natural person, (‘data subject’).” For an in-depth guide to the GDPR, see the [guide](#) provided by UK Information Commissioner’s Office.

### **Who is subject to the GDPR?**

The GDPR applies to all organizations in the EU and to organizations, wherever located, that control or process the personal data of EU data subjects. Under the GDPR, a “controller” determines why and how personal data is processed while a “processor” processes personal data on behalf of the controller.

### **Who is a “controller” and who is a “processor”?**

The GDPR applies to Accellion to the extent customers store or share personal data of data subjects using Accellion’s hosted solutions. For those hosted solutions, the customer is the “controller” and Accellion is the “processor.” Accellion may also be a controller for a limited number of data types, such as customer contact information provided for support purposes.

### **What personal data is collected and processed via Accellion’s hosted solutions?**

Accellion’s servers and mobile applications solutions collect a limited amount of personal data, such as IP address of customers, mobile device identifiers, and general location data (not of a specific, exact location), but none of that information is associated with any personal information that can identify an individual. However, the majority of personal data used with Accellion’s hosted solutions is provided by customers, but Accellion doesn’t have access to that data.

### **Why does GDPR apply to Accellion if it doesn’t have access to a customer’s files?**

Accellion’s hosted solutions give the customer, not Accellion, control over access, additions, deletions, modifications and monitoring of personal data of data subjects, but since information is processed using Accellion’s hosted solutions, the GDPR can apply to Accellion in its role as a processor. However, since the core activities of Accellion do not involve any monitoring of data subjects, and since Accellion does not have actual knowledge of the types of personal data that a customer may use with Accellion’s hosted solutions, Accellion does not have to appoint a



data protection officer as referenced in Article 37 of the GDPR (“DPO”) or a representative in the EU pursuant to Article 27(2)(a) of the GDPR. Customers, as data controllers, bear the responsibility of appointing a DPO.

### **Where is the data held?**

Accellion utilizes data centers in the EU, Asia and the United States, with the customer selecting the location. Some of Accellion’s premium support programs leverage Accellion’s affiliated companies in other jurisdictions, so Accellion may provide customers with support from outside the EU. Transfers of personal data originating from other locations globally to Accellion affiliates are subject to the terms of intercompany agreements between Accellion entities which comply with applicable laws related to the transfer of data outside of the EU.

### **What safeguards does Accellion utilize?**

Accellion takes appropriate technical and organizational measures for its own systems to comply with data privacy in order to ensure a level of data protection appropriate to the risk resulting from the processing of personal data under the Agreement, taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing, as well as the severity and likelihood of realization of risks for the rights and freedoms of data subjects. In particular, Accellion offers versions of the Accellion Solution which are certified as FIPS 140 compliant and/or for which Accellion has received FedRAMP authorization. Accellion is in the process of registering with the EU-U.S. and Swiss-U.S. Privacy Shield Frameworks, as set forth by the U.S. Department of Commerce with respect to personal information that is transferred from the European Economic Area and Switzerland to the United States, and expects that to be completed prior to the date the GDPR becomes effective.

### **What tools does Accellion offer to assist with GDPR compliance?**

Accellion software includes tools controlled by the customers that allow for (i) collection, (ii) access, and (iii) deletion of personal data with a full, provable audit trail of all actions taken on the Accellion system including access by the data subject to his or her personal data.

Additionally, Accellion software also allows the customer to print audits of security settings and configurations to support our customers’ compliance with GDPR including Article 25, Data protection by design, and Article 7, Conditions for consent.

### **How does Accellion work with subprocessors?”**

Accellion’s hosted solutions are supported by Amazon Web Services (“AWS”) and Microsoft Azure (“Microsoft”). Accellion maintains necessary, GDPR-compliant subprocessor agreements with AWS and Microsoft. Both AWS and Microsoft have extensive GDPR compliance programs which you can learn about, respectively, at



<https://aws.amazon.com/compliance/eu-data-protection> and <https://www.microsoft.com/en-us/TrustCenter/Privacy/gdpr/default.aspx> .

**How do I update my current agreement with Accellion in light of GDPR?**

We have a new Data Processor Addendum that meets the requirements of the GDPR. Customers who need to incorporate GDPR provisions into their agreement can do so by contacting Accellion at [legal@accellion.com](mailto:legal@accellion.com).