Salesforce’s International Transfers of Data FAQs:

Binding Corporate Rules, Privacy Shield and EU Standard Contractual Clauses

At Salesforce, Trust is our #1 value. Nothing is more important than the success of our customers and the privacy of our customers’ data. We have a robust privacy program that meets the highest standards in the industry and, as part of that program, we offer three international transfer mechanisms: Binding Corporate Rules for processors (“BCRs”), certification under the EU-U.S. and Swiss-U.S. Privacy Shield frameworks (“Privacy Shield”), and the European Commission’s controller to processor standard contractual clauses (“EU Standard Contractual Clauses”) to legalize the transfer of personal data outside of the European Economic Area (“EEA”), Switzerland and the UK.

This document does not provide legal advice and the information we present may not take into account future changes in laws and regulations. We urge you to consult with your own legal counsel to familiarize yourself with the requirements that govern your specific situation.

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How does Salesforce legalize, and also help its customers legalize, the transfer of personal data outside of the EEA, Switzerland and the UK?

Salesforce has three transfer mechanisms incorporated into its data processing addendum (“DPA”). More information about each is available at the following links:

- The full text of Salesforce’s BCRs can be found here.
- Salesforce’s notice of certification to the EU-US and Swiss-US Privacy Shield frameworks can be found here.
- A copy of the controller to processor EU Standard Contractual Clauses can be found at Schedule 3 of our DPA, available here.

Why does Salesforce provide these transfer mechanisms?

Salesforce offers its services globally, and use of our services involves international transfers of data. For example, customers can log in to our services and manage their data from other places
in the world. Under European data protection law, companies that transfer personal data outside of the EEA must have a transfer mechanism in place to legally transfer personal data. Salesforce is in the unique position of being able to offer three transfer mechanisms to our customers, each of which is, by itself, sufficient to legalize transfers of personal data.

I. BCRs

What are BCRs?
BCRs are company-specific, group-wide data protection policies approved by European data protection authorities to facilitate international transfers of personal data from the EEA to other countries. Obtaining BCRs requires intensive consultation with European data protection authorities, who approve them based on strict privacy principles. Salesforce was the first top 10 software company in the world to achieve approval for its processor BCRs. BCRs are seen as the “gold standard” of transfer mechanisms given the rigorous approval process. Additional information about BCRs can be found on the European Commission’s website.

Salesforce has extended the protections offered by the BCRs to Switzerland. Customers established in Switzerland that process personal data in accordance with Swiss local laws, will benefit from the undertakings that Salesforce makes in the BCRs.

Who approved Salesforce's BCRs?
Salesforce received approval for its BCRs for processors from European data protection authorities in November 2015. The French data protection authority, known as the CNIL, served as Salesforce’s lead authority, and the Dutch and Bavarian data protection authorities served as co-lead authorities. In accordance with requirements established by EU data protection authorities as part of the former Article 29 Working Party (now the European Data Protection Board under the GDPR), EU data protection authorities as well as the data protection authorities of EEA member states of Iceland, Liechtenstein, and Norway, were part of the approval process.

To which services do the Salesforce BCRs apply?
The Salesforce BCRs apply to personal data submitted to Salesforce's services listed in Appendix A to the BCRs available here.
Have Salesforce’s BCRs been updated?
Salesforce has updated its BCRs twice since 2015.

In November 2018, Salesforce updated its BCRs to (i) bring them in line with the GDPR (the previous version was adopted under the EU Data Protection Directive) and (ii) expand the BCRs to new services. This GDPR update was required by November 2018 under Salesforce’s annual BCR reporting to the CNIL and did not need to be completed by May 2018, when the GDPR took effect.

In November 2019, Salesforce updated its BCRs to include additional new services. We also made updates to Sections 5 and 6 and Appendix A of the BCRs to make the BCRs more applicable to Salesforce’s services generally. Salesforce has notified CNIL of this further update under Salesforce’s annual BCR reporting to the CNIL.

In June 2020, Salesforce updated its BCRs to include additional new services. Salesforce has notified CNIL of this further update under Salesforce’s annual BCR reporting to the CNIL. No service previously covered by the BCRs was removed during these updates.

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Do I need to take any action to benefit from the updates to the Salesforce BCRs?
You will automatically benefit from the update to the Salesforce Processor BCRs if your organization is using services which are covered by the Salesforce Processor BCRs. You do not need to perform any technical changes or updates to benefit from the updates.

II. PRIVACY SHIELD

What is the Privacy Shield?
The EU-U.S. Privacy Shield framework was designed by the U.S. Department of Commerce and the European Commission to provide U.S companies with a mechanism to comply with European data protection requirements when receiving personal data from the EU. The framework was later adopted by the rest of the EEA, and the U.S. reached a similar agreement with Switzerland; as a result, the Privacy Shield framework now applies throughout the EEA and Switzerland. To certify, U.S. companies may submit certifications committing to comply with the EU-U.S. or the Swiss-U.S. Privacy Shield frameworks. Certified companies must undertake annual verification to demonstrate compliance, and
compliance is subject to oversight and enforcement by the U.S. Federal Trade Commission. Additional information on the Privacy Shield is available on the official Privacy Shield website.

To which services does the Privacy Shield apply?
The Privacy Shield applies to the services that are listed in Salesforce’s notice of certification available here.

Has Salesforce’s Privacy Shield certification been updated?
In November 2019 and June 2020, Salesforce updated its Privacy Shield certification to include additional new services. No service previously covered by the Privacy Shield certification was removed during this update.

Do I need to take any action to benefit from Salesforce’s updates to its Privacy Shield certification?
Salesforce has expanded the scope of services to which its Privacy Shield certification under the EU-U.S. and Swiss-EU Privacy Shield frameworks applies. While the Privacy Shield certification covered many of our services before, coverage now extends to most of our services, as listed in our updated Privacy Shield notice of certification, available here. This certification is binding upon Salesforce, and is intended to help our customers to comply with their obligations with respect to international transfers of personal data under the GDPR. Our certification legalizes data transfers from the EEA to the U.S., regardless of whether these services were specified as “EU-U.S. and Swiss-US Privacy Shield Services” in your current agreement with us. But if you wish to formalize this list of services contractually, you may execute and return our latest data processing addendum, available here, which is pre-signed by Salesforce and includes a reference to the updated list of services covered by our Privacy Shield certification.
III. EU STANDARD CONTRACTUAL CLAUSES

What are the controller to processor EU Standard Contractual Clauses?
The EU Standard Contractual Clauses are legal contracts entered into between contracting parties who are transferring personal data from the EEA to other countries located outside the EEA. The EU Standard Contractual Clauses were drafted and approved by the European Commission in 2010. You can find additional information on EU Standard Contractual Clauses on the official website of the European Commission.

To which services do the EU Standard Contractual Clauses apply?
The services to which the EU Standard Contractual Clauses apply can be found in Schedule 3 to our online DPA.

OTHER

Why does Schedule 1 to the DPA contain additional terms about the available transfer mechanisms?
Schedule 1 includes certain provisions to incorporate the BCRs into the DPA, and to make the provision of the BCRs enforceable between Salesforce and its customers. This procedure was endorsed by European data protection authorities during Salesforce’s BCR approval process. It also ensures that in the event of any conflict between the BCRs and the DPA, the BCRs will prevail.

Schedule 1 also incorporates the Privacy Shield framework into the DPA and imposes an obligation on Salesforce to ensure that Salesforce maintains its self-certifications to and compliance with the Privacy Shield frameworks.

Finally, Schedule 1 incorporates the EU Standard Contractual Clauses into the DPA and describes how the clauses’ requirements around use of sub-processors, audits, and data deletion certifications apply to Salesforce’s cloud services. Schedule 1 also stipulates that the EU Standard Contractual Clauses will prevail over the DPA in the event of a conflict with the DPA.

How has Salesforce prepared for Brexit (the UK’s departure from the European Union)?
At Salesforce, we are committed to the success of our customers. As part of this commitment, we have undertaken preparations to ensure that our customers can continue to transfer data
internationally, including following the UK’s departure from the European Union (“EU”), otherwise known as “Brexit”.

In summary, Salesforce’s services continue to operate as normal and you do not need to take any action with us now that the UK has formally left the EU on 31 January 2020, either during the Transition Period (31 January - 31 December 2020), or at the end of the Transition Period (subject to any agreement to the contrary being concluded between the EU and UK during the Transition Period).

Our DPA incorporates three different mechanisms to transfer personal data from the EU and the UK post-Brexit to countries that do not ensure an adequate level of data protection for the purposes of the GDPR:

• Salesforce’s BCRs;
• Privacy Shield; and
• the Standard Contractual Clauses

For more information regarding data flows as part of the services you receive from us, please visit our Brexit FAQs here.

What if I have additional questions?
Please reach out to your dedicated account executive who will be able to help with any follow up questions that you may have.