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*Esch-sur-Alzette, March 6th, 2015*

**Ref :** "AWS DATA PROCESSING ADDENDUM"

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Dear Mr Dubois,

Thank you for the proposed new version of the "AWS DATA PROCESSING ADDENDUM" sent on 8<sup>th</sup> January 2015 and 23<sup>rd</sup> February 2015.

In line with the Working Paper 226\*, the EU Data Protection Authorities, with the Luxembourg DPA, acting as Lead DPA, have analysed the arrangement proposed by Amazon Web Services Inc to frame cross-border data transfers. This arrangement is set out in (i) the AWS "Data processing Addendum" and (ii) its annex 2 "Standard Contractual Clauses (processors)" which incorporates Commission Decision 2010/87/EU.

The aim of the review by the DPA is to evaluate whether these documents strictly meet the requirements on international data transfers contained in the Standard Contractual Clauses 2010/87/EU (the so-called "controller-to-processor" clauses).

The DPA have concluded that the revised Data processing Addendum (for situations where its annex 2 is also applicable) is in line with Standard Contractual Clause 2010/87/EU, and should therefore not be considered as "ad hoc" clauses. In practice, this will reduce the number of national authorizations required to allow the international transfer of data (depending on the national legislation).

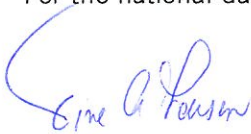
The positive outcome of this limited analysis should not be taken as a finding that Amazon's contractual arrangements are compliant as a whole with all EU data protection requirements or as an endorsement that, in practice, AWS complies with EU data protection rules generally. It merely acknowledges that, by using the "Data processing Addendum" together with its annexes, AWS will make sufficient contractual commitments to provide a legal framework to its international data flows, in accordance with Article 26 of Directive 95/46/EC.

Furthermore, the analysis covers the arrangements reflected in the model clauses 2010/87/EU but does not include its Appendixes (ie the description of the transfers of data and of the technical and organizational security measures implemented by the data importer). According to the usual implementation of the model clauses, these Appendixes will need to be completed by AWS and its clients when signing the contract and may be analyzed separately by the Data Protection Authorities.

The Luxembourg DPA thanks AWS for the constructive collaboration that has led to these positive conclusions.

Yours sincerely,

For the national data protection commission,



Tine A. Larsen  
Chairwoman

\*Working Document Setting Forth a Co-Operation Procedure for Issuing Common Opinions on « Contractual clauses » Considered as compliant with the EC Model Clauses, adopted on 26 November 2014 by the Working Party set up under Article 29 of Directive 95/46/EC.