

**ABBREVIATED**

**DIFC SCCs TEMPLATE**

**Commissioner of Data Protection**

Abbreviated SCCs with Pre-filled Annexes

*DRAFTING NOTE:* In order to minimise the amount of documentation to be attached to a contract that requires appending the Article 27 standard contractual clauses, the following introductory language (or similar) should be considered and added if necessary, and the relevant Annex information *must* be added as a Schedule or Appendix to the relevant agreement. The footnotes in this template contain guidance for how to use and complete these clauses. Please remove these footnotes in the final, applied document.

This template is in editable format for convenience. However, only the Annexes can be edited, and they must be completed. The SCCs (DIFC, UK, EU or otherwise) are links to PDFs that generally should not be edited, but if permitted by applicable law, revised language that does not alter the materiality of the corresponding SCC clause, if any, can be inserted in the relevant Annex. Please refer to the [guidance](https://www.difc.ae/business/operating/data-protection/guidance/#s16) on Article 24 Clauses and Abbreviated SCCs for further information about applying the Abbreviated SCCs and a flow chart to assist with decision-making about application of the SCCs. For general export and data sharing information and guidance please check the [DIFC Export & Sharing Handbook](https://www.difc.ae/business/operating/data-protection/guidance/#s17).

***Standard Contractual Clauses for Compliance with [****choose****: Article 27 / 45 for the EU / 46 for the UK ] of the [ Data Protection Law, DIFC Law No 5 of 2020 / General Data Protection Regulation (EU) 2016/679 / Retained Regulation (EU) 2016/679 (UK GDPR) and the Data Protection Act 2018 (DPA 2018)***[[1]](#footnote-1) ][[2]](#footnote-2)

[As set out in Clause [ X ] of the [ general framework agreement ][[3]](#footnote-3) regarding transfers of Personal Data to a Third Country that is not yet considered adequate by the [ DIFC Commissioner of Data Protection or relevant supervisory authority [ in the EU or UK ] ], the standard contractual clauses (SCCs) available at the link selected below are deemed to be appended to the general framework agreement and binding on the Parties in order to comply with [*choose:* Article 27 / 45 for the EU / 46 for the UK ] of the [ Data Protection Law, DIFC Law No 5 of 2020 / General Data Protection Regulation (EU) 2016/679 / Retained Regulation (EU) 2016/679 (UK GDPR) and the Data Protection Act 2018 (DPA 2018) ]

[ ]  [DIFC SCCs](https://www.difc.ae/application/files/5416/8551/5145/DIFC_A_27_SCCs_-_DIFC_Exporter_transferring_to_Importer_CLAUSES_link.pdf)

 For the purposes of Clause 9(1)(a), the Parties agree to Option 1 [ ]  Option 2 [ ]

For the purposes of Clause 9(2)(a), the Parties agree to Option 1 [ ]  Option 2 [ ]

[ ]  [EU SCCs](https://commission.europa.eu/publications/standard-contractual-clauses-international-transfers_en)

 Selected modules to be agreed by the Parties in a separate Annex

[ ]  [UK SCCs](https://ico.org.uk/media/for-organisations/documents/4019538/international-data-transfer-agreement.pdf) / Addendum

 Appropriate selections and / or UK addendum for EU transfers to be completed in a separate Annex

[ ]  OTHER SCCs (To be provided by Exporter or Importer)

**On behalf of the Data Exporter:**

Name (written out in full): Click or tap here to enter text.

Position: Click or tap here to enter text.

Address: Click or tap here to enter text.

Other information necessary in order for the contract to be binding (if any):

Signature……*[ may be e-signed ]*………………………………….

**On behalf of the Data Importer(s):**

Name (written out in full): Click or tap here to enter text.

Position: Click or tap here to enter text.

Address: Click or tap here to enter text.

Other information necessary in order for the contract to be binding (if any):

Signature……*[ may be e-signed ]*………………………………….

ANNEX 1 to the STANDARD CONTRACTUAL Clauses (SCC) FOR PROCESSING PERSONAL DATA

This Annex forms part of the SCCs and must be completed by the Parties.

***Parties Processing Personal Data***

**Data Exporter**

Role (Controller/Processor)[[4]](#footnote-4): [ ]  Controller [ ]  Processor

Please specify briefly your activities relevant to the transfer:

………*[ Scope of the Agreement or MOU ]*……

**Data Importer**

Role (Controller/Processor)[[5]](#footnote-5): [ ]  Controller [ ]  Processor

Please briefly specify your activities relevant to the transfer): …

………*[ Scope of the Agreement or MOU ]*……

***Personal Data Being Processed***

**Data Subjects**

The Personal Data transferred concerns the following categories of Data Subjects (please specify):

[ ]  Employees [ ]  Clients / Customers [ ]  Suppliers

[ ]  Other Third Parties / Stakeholders

…………*[ If “Other”, please provide details as necessary ]* ………………………

**Categories of data**

The Personal Data transferred concerns the following categories (please specify):

[x]  Accounts

[ ]  Administrative

[ ]  Advertising / Marketing

[ ]  Benefits, Grants, Loans

[ ]  Credit References

[ ]  Human Resources

[ ]  Law Enforcement / /Govt

[ ]  Legal Services

[ ]  Insurance Administration

[ ]  Pensions Administration

[ ]  Research and Development

[ ]  Other

…………*[ If “Other”, please provide details as necessary ]* ………………………

**Special categories of data (if any)**

***Special categories of data*** *transferred (if applicable) and applied restrictions or safeguards that fully take into consideration the nature of the data and the risks involved, such as for instance strict purpose limitation, access restrictions (including access only for staff having followed specialised training), keeping a record of access to the data, restrictions for Onward Transfers or additional security measures.*

The Personal Data transferred concern the following Special categories (please specify):

[ ]  Racial or ethnic origin

[ ]  Communal origin

[ ]  Political affiliations or opinions

[ ]  Religious or philosophical beliefs

[ ]  Criminal record

[ ]  Trade-union membership

[ ]  Health or sex life

[ ]  Genetic data and biometric data where it is used for the purpose of uniquely identifying a natural person

***Processing operations***

***Frequency*** *of the transfer (e.g., whether the data is transferred on a one-off or continuous basis).*

Please describe the frequency of the transfer(s)

……………On-going as per scope of processing activities[[6]](#footnote-6)……………

***Nature*** *of the processing*

The Personal Data transferred will be subject to the following basic processing activities (please specify):

[ ]  Automated

[ ]  Semi-automated

[ ]  Fully integrated processing

[ ]  Manual

…………*[ Please provide details as necessary ]* ………………………

***Purpose(s)*** *of the data transfer and further processing*

…………*[ Please specify ]* ………………………

***Retention period*** *for which the Personal Data will be processed, if any, and the criteria used to determine that period*

[ ]  Per Importer policy

[ ]  Per Exporter policy

[ ]  Per applicable laws and regulations

[ ]  Other

…………*[ If “Other”, please provide details as necessary ]* ………………………

*For transfers to* ***(Sub-) Processors****, also specify* ***subject matter, nature and duration*** *of such further processing*

…………*[ Please provide details as necessary ]* ………………………

*Identify whether* ***any other competent supervisory authority/ies****[[7]](#footnote-7) may have jurisdiction in accordance with clause 13 of the SCCs*

[ ]  EU [ insert Member State ]

[ ]  UK

[ ]  Other

…………*[ If “Other”, please provide details as necessary ]* ………………………

ANNEX 2 to the SCCs – TECHNICAL AND ORGANISATIONAL MEASURES

This Annex forms part of the SCCs and must be completed by the Parties.

**Description of the technical and organisational security measures implemented by the Data Importer in accordance with these Clauses (or document/legislation attached):**

*Description of the technical and organisational measures implemented by the Data Importer(s) (including any relevant certifications) to ensure an appropriate level of security, taking into account the nature, scope, context and purpose of the processing, and the risks for the rights and freedoms of natural persons.*

***Examples of possible measures:***

* *Measures of pseudonymisation and encryption of Personal Data*
* *Measures for ensuring ongoing confidentiality, integrity, availability and resilience of processing systems and services*
* *Measures for ensuring the ability to restore the availability and access to Personal Data in a timely manner in the event of a physical or technical incident*
* *Processes for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures in order to ensure the security of the processing*
* *Measures for user identification and authorisation*
* *Measures for the protection of data during transmission*
* *Measures for the protection of data during storage*
* *Measures for ensuring physical security of locations at which Personal Data are processed*
* *Measures for ensuring events logging*
* *Measures for ensuring system configuration, including default configuration*
* *Measures for internal IT and IT security governance and management*
* *Measures for certification/assurance of processes and products*
* *Measures for ensuring data minimisation*
* *Measures for ensuring data quality*
* *Measures for ensuring limited data retention*
* *Measures for ensuring accountability*
* *Measures for allowing data portability and ensuring erasure*
* *Review of DIFC* [*EDMRI*](https://www.difc.ae/business/operating/data-protection/data-export-and-sharing/#s6) *and completion of* [*EDMRI+ due diligence tool*](https://survey.alchemer.com/s3/6932685/DIFC-EDMRI-plus) *regarding importer compliance risk*

*For transfers to* ***(Sub-)Processors****, also* *describe the* ***specific technical and organisational measures to be taken by the (Sub-)Processor*** *to be able to provide assistance to the Controller and, for transfers from a Processor to a Sub-processor, to the Data Exporter*

…*[ TO BE COMPLETED BY IMPORTER RE: PROCESSORS / SUB-PROCESSORS ]*……………………

ANNEX 3: List of Processors or Sub-processors

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| --- |
| Where applicable, please list Processors or Sub-processors that the Controller / Exporter has authorised for processing operations set out in Appendices 2 and 3 above.**[IMPORTING COMPANY NAME] Record of Processing / Sub-Processing Activities**  |
|  |  |  |  |  |  |  |  |
| Name and contact details of the Processor its appointed DPO, where applicable, and Sub-processors, if known | Purpose(s) of the Processing | Description of the categories of Data Subjects | Description of the categories of Personal Data | Categories of recipients to whom the Personal Data has been or will be disclosed, including recipients in Third Countries and International Organisations | Identification of the Third Country or International Organisation that the Personal Data has or will be transferred to and, in the case of transfers under Article 27, the documentation of suitable safeguards (where applicable) | Time limits for erasure of the different categories of Personal Data (where applicable) | General description of the technical and organisational security measures referred to in Article 14(2)  |
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1. *Please note that the UK has proposed new legislation to replace the retained GDPR and DPA 2018. Please watch for updates and adjust this text accordingly.* [↑](#footnote-ref-1)
2. *Suggested introductory text.* [↑](#footnote-ref-2)
3. *If applicable. Rename document to appropriate reference as needed.*  [↑](#footnote-ref-3)
4. *Could be both – please clarify whether the exporter will also receive any Personal Data as a co-Controller or to be further processed. If neither, it will only be an Exporter for these purposes.* [↑](#footnote-ref-4)
5. *Could be both – please clarify whether the exporter will also receive any Personal Data as a co-Controller or to be further processed. If neither, it will only be an Importer for these purposes.* [↑](#footnote-ref-5)
6. *Suggested text, please adjust accordingly to provide more details, information, etc.*  [↑](#footnote-ref-6)
7. *For example, in addition to the DIFC Data Protection Commissioner, this could be a DP supervisory authority in an EU Member State, the UK or elsewhere.* [↑](#footnote-ref-7)