

ARTICLE 29 Data Protection Working Party



Brussels, 2 April 2014

Ms Dorothee Belz
Associate General Counsel
Legal and Corporate Affairs
Microsoft EMEA

By email: Dorothee.Belz@Microsoft.com

Dear Ms Dorothee Belz,

The EU Data Protection Authorities have analyzed the reply of Microsoft (email sent by Jean Gonié on 6th February 2014) relating to a new version of the *Enterprise Enrollment Addendum Microsoft Online Services Data Processing Agreement* (hereinafter, “MS Agreement”) and its Annex 1 “*Standard Contractual Clauses (processors)*” (Commission Decision 2010/87/EU).

They concluded that the MS Agreement, as it will be modified by Microsoft, will be 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 analysis covers the engagements reflected in the model clauses 2010/87/EU but not its Appendixes (description of the transfers of data and of the technical and organizational security measures implemented by the data importer). According to usual implementation of the model clauses, these Appendixes need to be completed by Microsoft and its clients when signing the contract and may be analyzed separately by the Data Protection Authorities.

The Working Party thanks Microsoft for the constructive collaboration that leads to these positive conclusions.

A copy of this letter is sent to Ms Le Bail, Director General of the Justice DG as well as to Mr Robert Madelin, Director General of the Information Society and Media DG of the European Commission.

Yours sincerely,

On behalf of the Article 29 Working Party,

Isabelle FALQUE-PIERROTIN
Chairwoman

cc:

Ms Le Bail, Director General, DG Justice

Mr Robert Madelin, Director General, DG Information Society and Media

This Working Party was set up under Article 29 of Directive 95/46/EC. It is an independent European advisory body on data protection and privacy. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC.

The secretariat is provided by Directorate C (Fundamental Rights and Union Citizenship) of the European Commission, Directorate General Justice, B-1049 Brussels, Belgium, Office No MO-59 02/013.

Website: http://ec.europa.eu/justice/data-protection/index_en.htm