



Mr Per Meyerdierks  
Senior Privacy Counsel  
Google Ireland Limited  
Barrow Street  
Dublin 4

30 December 2016

**Re: Application for a common opinion regarding Google Apps (now G-Suite) utilisation of model contract clauses**

Dear Mr Meyerdierks

Thank you for the proposed new version of the Google Apps (now called G-Suite Terms sent on 7th September 2016.

In line with Working Paper (WP) 226 the EU Data Protection Authorities (DPAs), with the Irish DPA acting as Lead DPA and the Spanish and Hamburg DPAs acting as co-reviewers, have analysed the arrangement proposed by Google to frame cross border data transfers for these applications. This arrangement is set out in:

- (i) Google Apps for Work (now G-Suite) Agreement
  - (ii) Data Processing Amendment to Google Apps (now G-Suite) Agreement
- and
- (iii) Standard Contractual clauses which incorporate Commission Decision 2010/87/EU.

The aim of the review by the DPAs is to evaluate whether these documents strictly meet the requirements on international transfers contained in the Standard Contractual Clauses 2010/87/EU.

The DPA have concluded that the above documents (i) and (ii) are in line with Standard Contractual Clauses 2010/87/EU and should therefore not be considered 'ad hoc' clauses. In practice this will reduce the number of national authorisations 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 Google's contractual arrangements are compliant as a whole with all EU data protection requirements or as an endorsement that, in practice, Google complies with EU data protection rules generally. It merely acknowledges that by using,

Cuirfear fáilte roimh chomhfhreagras i nGaeilge

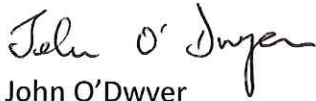
- (i) Google Apps for Work (now G-Suite) Agreement
- (ii) Data Processing Amendment to Google Apps (now G-Suite) Agreement together with,
- (iii) Standard Contractual clauses which incorporate Commission Decision 2010/87/EU

Google 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 Appendices (i.e. the description of the transfers of data and of the technical and organisational security measures implemented by the data importer). According to the usual implementation of the model clauses, these Appendices will need to be completed by Google and its clients when signing the contract and may be analysed separately by the Data Protection Authorities.

The Irish DPA thanks Google for their co-operation in this procedure which has led to these positive conclusions.

Your sincerely



John O'Dwyer  
Acting Data Protection Commissioner