



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

30 December 2016

Re: Application for a common opinion regarding Google Cloud Platform utilisation of model contract clauses

Dear Mr Meyerdierks

Thank you for the proposed new version of the Google Cloud Platform 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 services. This arrangement is set out in:

- (i) Data Processing and Security Terms
 - (ii) Google Cloud Platform License 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 DPAs 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) Data Processing and Security Terms
 - (ii) Google Cloud Platform License 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