

Documenting and Reporting Obligations in the New SCCs

August 2021

Documenting obligations

	Module One (C2C)	Module Two (C2P)	Module Three (P2P)	Module Four (P2C)
Instructions to the importer		8.1(a)	8.1(b)	
Document personal data breaches	8.5(g)			
Regular checks to ensure security measures are appropriate		8.6	8.5(a)	
Apply specific restrictions and/or additional safeguards when transferring “sensitive data”.	8.6	8.7	8.7	
Demonstrate compliance	8.9(a); 8.9(a)	8.9(b); 8.9(b)	8.9(b); 8.9(b)	8.3(a); 8.3(a)
Keep documentation of processing activities	8.9(a)	8.9(b)	8.9(b)	
List of subprocessors		9(a); 9(a)	9(a); 9(a)	
Written agreement with sub-processors		9(b)	9(b)	
Third party beneficiary clause with sub-processors		9(e)	9(e)	
Local law assessment	14(d); 14(d)	14(d); 14(d)	14(d); 14(d)	14(d); 14(d)*
Document best efforts to obtain a waiver for gag orders	15.1(b)	15.1(b)	15.1(b)	15.1(b)*
Document legal analysis of government access requests	15.2	15.2	15.2	15.2*

Importer

Exporter

* Only where the EU processor combines the data received from the controller with data collected by the processor in the EU.

Reporting obligations

	Module One (C2C)	Module Two (C2P)	Module Three (P2P)	Module Four (P2C)
Instructions from the controller to the importer			8.1(a)	
Communicate instructions from the controller			8.1(b)	
Inform exporter if unable to follow instructions		8.1(b)	8.1(c)	8.1(b)
Information on contact details, processing activities and rights	8.2(a)			
Provide a copy of the SCCs to the data subject	8.2(c); 8.2(c)	8.3	8.2	
Provide reasons for redaction of the SCCs to the data subject	8.2(c); 8.2(c)	8.3; 8.3	8.2; 8.2	
Provide information that personal data is inaccurate or outdated to exporter	8.3(b); 8.3(b)	8.4	8.3	
Breach notification to exporter	8.5(e)	8.6(c)	8.5(c)	
Breach notification to importer				8.2(b)
Breach notification to SA	8.5(e)			
Breach notification to data subjects	8.5(f)			
Inform the exporter (and controller) in case of onward transfer based on consent	8.7(vi)			
Certify deletion to the exporter	16(d)	8.5; 16(d)	8.4;16(d)	8.1(d); 16(d)
Respond to enquiries from the exporter (and controller where applicable)		8.9 (a)	8.9(a)	
Provide information to demonstrate compliance with the SCCs to the exporter (and controller)		8.9 (c)	8.9(c); 8.9(c)	
Provide information to demonstrate compliance with the SCCs to the importer				8.3(b)
Provide information to demonstrate compliance with the SCCs to SA		8.9(e); 8.9(e)	8.9(g); 8.9(g)	
Authorisation for subprocessors (new / changes)		9(a)	9(a)	

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Reporting obligations

	Module One (C2C)	Module Two (C2P)	Module Three (P2P)	Module Four (P2C)
Provide a copy of the subprocessing agreement		9(c)	9(c)	
Failures by subprocessors to meet the subprocessing agreement		9(d)	9(d)	
Meet data subject rights requests	10(b); 10(g)			
Inform data subjects about soleley automated decision making	10(d); 10(d)			
Inform exporter regarding data subject requests		10(a)	10(a)	
Inform data subjects about contact point for complaints [optional: and independent dispute resolution body]	11(a)	11(a)	11(a)	11(a)
Information and updates on disputes with data subjects	11(b); 11(b)	11(b); 11(b)	11(b); 11(b)	
Respond to enquiries from competent supervisory authority	13(b)	13(b)	13(b)	13(b)
Inform the exporter (and controller) about laws that prevent compliance with the SCCs	14(e)	14(e)	14(e); 14(e)	14(e)*
Inform the exporter about government access requests	15.1(a)	15.1(a)	15.1(a)	15.1(a)*
Inform the data subjects about government access requests	15.1(a); 15.1(a)	15.1(a); 15.1(a)	15.1(a); 15.1(a)	15.1(a); 15.1(a)*
Demonstrate best efforts to obtain a waiver for gag orders and legal analysis of request to exporter	15.1(b); 15.2(b)	15.1(b); 15.2(b)	15.1(b); 15.2(b); 15.2(b)	15.1(b); 15.2(b)*
Provide information on government access	15.1(c)	15.1(c)	15.1(c) ; 15.1(c)	15.1(c)
Provide a copy of the subprocessing agreement		9(c)	9(c)	
Failures by subprocessors to meet the subprocessing agreement		9(d)	9(d)	
Inform exporter of inability to comply with SCCs	16(a)	16(a)	16(a)	16(a)
Inform supervisory authority (and for Module Three controller) about termination of the SCCs	16(c)	16(c)	16(c)	16(c)

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