

ANNEX III - Data Protection Agreement (DPA)

Processing of personal data in the context of this contract shall comply with the legal framework on data protection, i.e.: **Regulation (EU) 2018/1725¹ ('the EDPR')** as concerns personal data processing by the selected contractor in execution of the contract with Cedefop.

The EDPR constitutes the specific data protection legal framework applicable to institutions, bodies, offices and agencies of the European Union, including Cedefop.

The EDPR mirrors Regulation (EU) 2016/679² (General Data Protection Regulation – 'the GDPR') applicable within the Union.

Cedefop is the **controller** under this Regulation and the prospective contractor is the **processor**. The processor shall act only under the instructions of Cedefop.

Agree	Data protection requirement
<input type="checkbox"/>	Personal data processing in execution of the contract between Cedefop and the selected contractors shall comply with Regulation (EU) 2018/1725 (the EDPR).
<input type="checkbox"/>	The processing of personal data shall happen in accordance with Article 29 of the EDPR.
<input type="checkbox"/>	to process the personal data only on documented instructions of Cedefop, in particular with regard to the purposes of the processing, the categories of data that may be processed, the recipients of the data and the means by which the data subject may exercise its rights;
<input type="checkbox"/>	to ensure that access to personal data is granted to the extent strictly necessary for the implementation of the contract and to ensure that persons authorised to process the personal data have committed themselves to confidentiality;
<input type="checkbox"/>	to implement appropriate technical and organisational measures to ensure a level of security appropriate to the risks, in particular the risk of accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to the personal data, processed or stored;

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295/39 21.11.2018

² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, OJ L 119, 4.5.2016, p. 1–88

<input type="checkbox"/>	not to engage another processor of personal data (i.e. by means of a subcontract), without prior written authorisation of Cedefop. Where another processor is engaged for carrying out specific processing activities on the personal data, the same data protection obligations as set out in the contract shall be imposed on the other processor;
<input type="checkbox"/>	to assist Cedefop in the fulfilment of the controller's obligation to respond to requests for exercising the data subject's rights laid down in Chapter III of the EDPR;
<input type="checkbox"/>	to assist Cedefop with its obligations with regard to security of processing, the notification obligations in case of a personal data breach, as well as where applicable cooperation in data protection impact assessments (DPIAs) and prior consultations with the European Data Protection Supervisor (the EDPS) ³ , outlined in Art. 33 to 40 of the EDPR;
<input type="checkbox"/>	to make available to Cedefop all information to demonstrate compliance with the obligations laid down in the EDPR and to allow for and to contribute to audits, including inspections, conducted by Cedefop or another auditor mandated by Cedefop;
Agree	Data protection requirement concerning localisation of and access to the personal data
<input type="checkbox"/>	the personal data shall only be processed and held in data centres within the territory of the European Union and the European Economic Area and will not leave that territory. This includes also any backup centres and location of backup data;
<input type="checkbox"/>	the contractor may not change the location of data processing without the prior written authorisation of Cedefop;
<input type="checkbox"/>	the contractor shall inform Cedefop in case of any need for transfer of personal data to third countries or international organisations and will perform such transfer only after written authorisation by Cedefop. Any transfer of personal data to third countries or international organisations shall fully comply with the requirements laid down in Chapter V of the EDPR;
<input type="checkbox"/>	the contractor shall notify Cedefop without delay of any legally binding request for disclosure of the personal data processed on behalf of Cedefop made to the contractor (or to any of its subcontractors) by any national public authority, including an authority from a third country. The contractor may not give such access without the prior written authorisation of Cedefop;
<input type="checkbox"/>	To contact the Data Protection Officer (DPO) of Cedefop, in charge of monitoring data protection compliance, with any questions arising or in case of need for assistance concerning personal data protection Data-Protection-Officer@cedefop.europa.eu

Date: __ / __ / __

Signed: _____

³ <http://www.edps.europa.eu>