

## Esri UK and Esri Ireland Personal Data – Transfer Outside of European Economic Area (EEA) Policy

### Introduction: our commitment

We are committed to ensuring that all personal data is handled, stored, processed and used (“processed”) responsibly, fairly and in compliance with all applicable personal data protection laws, including the Data Protection Act(s), the UK and/or EU General Data Protection Regulation (“GDPR”) (“Data Protection Laws”), which includes the transfer of personal data outside of the UK or EEA.

### What is personal data?

Personal data means any information relating to an identifiable living person (“Data Subject”) who can be directly or indirectly identified in particular by reference to an identifier. See our Privacy Notice (separate document) for examples and further explanation.

### Scope

This policy applies to you, as a Data Subject, in relation to any of your personal data which is processed by us where we are the ‘Controller’. Where we are the ‘Processor’ we will be subject to the instructions of the applicable ‘Controller’ and will assist you in referring your request to the relevant ‘Controller’.

### Data Transfer – Adequate Protections

We only share your data with third parties or transfer your data outside of the UK or EEA where we need to, and provided we have a lawful basis to do so. In such circumstances we will comply with all of our legal obligations and we ensure that there are adequate protections in place to ensure your data is processed in accordance with the law. Key examples of adequate protections are detailed below.

#### Adequacy decision

Transfers on the basis of an ‘adequacy decision’ apply to countries, territories or even specified sectors or international organisations which have received an adequacy decision from the UK or European Commission. Such adequacy decisions are based on certain factors, including the rule of law, respect for human rights and fundamental freedoms, the existence of independent supervisory authorities and international commitments. Examples include: Canada for organisations subject to PIPEDA law; Guernsey; the Isle of Man; Jersey; Switzerland and so on.

#### Appropriate safeguards

For personal data transfers to countries, territories, specified sectors or international organisations which do not benefit from an adequacy decision (see above) we will only transfer your personal data if one or more of the following ‘appropriate safeguards’ listed below are in place. In addition, we will ensure that enforceable rights and effective legal remedies are available to you as a Data Subject.

The appropriate safeguards include:

- binding corporate rules (this is not relevant to us)
- standard data protection clauses (the Model Clauses) adopted by the UK or European Commission

- standard data protection clauses (the DPA Clauses) adopted by the supervisory authority and approved by the UK or European Commission
- compliance with an approved Code of Conduct (this is not relevant to us)
- certification under an approved certification mechanism (this is not relevant to us)
- specific contractual clauses approved by the supervisory authority (this is not relevant to us)

### **Exemptions**

Where there is no adequacy decision or appropriate safeguard, personal data transfers to a third country or international organisation are permitted only if one of the following applies:

- you explicitly consent to the transfer (provided we have informed you of the possible risks arising due to the absence of an adequacy decision or appropriate safeguards)
- the transfer is necessary for the performance of a contract between you and us or for the implementation of pre-contractual measures that are taken at your request
- the transfer is necessary for the conclusion or performance of a contract, where it is in the interests of the Data Subject
- the transfer is necessary for the establishment, exercise or defence of legal claims
- the transfer is necessary in order to protect the Data Subject's vital interests or the vital interests of other persons, where the Data Subject is physically or legally incapable of giving consent