

# Privacy Shield & International Transfers FAQ

Commonly asked questions about ServiceNow's international transfers of personal data following the invalidation of Privacy Shield on 16 July 2020.

ServiceNow is closely monitoring developments regarding the invalidation of Privacy Shield by the European Court of Justice (ECJ) and continues to make all necessary assessments regarding safeguards for international data transfers). Our customers can remain assured that they can continue to use ServiceNow in compliance with European Law.

Although Privacy Shield certified, ServiceNow did not exclusively rely on Privacy Shield for the transfer of personal data from Europe to the US. ServiceNow has an intra-group Data Transfer and Processing Agreement in place which incorporates the Standard Contractual Clauses (which the ECJ [confirmed remain valid](#)), combined with the fundamental data protection obligations in our customer contracts. ServiceNow products, services and operational procedures are designed to incorporate robust data protection safeguards throughout the entire product lifecycle and system architecture. For these reasons, the invalidation of Privacy Shield does not have any impact on our day to day operations or to data transfers to our international sub-processing entities.

Customers can continue to use ServiceNow in confidence that they are compliant with European law, including in respect of the high standard of protection the General Data Protection Regulation guarantees.

## **Do ServiceNow's template customer contracts need to be updated?**

No. As detailed above ServiceNow uses the Standard Contractual Clauses to govern our transfer of personal data to our United States entity, so no updates are required in that regard: however, we will be updating our public and customer facing documents to remove references to the now invalidated Privacy Shield going forward.

## **Do we need to remove the sections of our existing contract that refer to Privacy Shield?**

No, ServiceNow does not exclusively rely on Privacy Shield for the international transfer of personal data, and our commitment to adhering to the Standard Contractual Clauses is already built into our approach and system architecture. ServiceNow has an intra-group Data Transfer and Processing Agreement in place which incorporates the Standard Contractual Clauses, along with the fundamental data protection obligations in our customer contracts.

## **Do we need to update our contract to include the Standard Contractual Clauses?**



No, as stated above ServiceNow has directly incorporated the Standard Contractual Clauses into our data transfer mechanisms and this has been reflected in our agreements as standard. ServiceNow also continues to make all necessary assessments regarding safeguards for international data transfers (and will be assessing any updated Standard Contractual Clauses should the EU Commission make such available).

**How does ServiceNow handle potential access to customer data from third parties or governments?**

ServiceNow is committed to the security and privacy of the data our customers store in our enterprise cloud services. ServiceNow believes that our customers should control their data. When government, law enforcement or other third-parties make a lawful request for customer data from ServiceNow, it is our practice to redirect such requests to the customer where practical and legally permitted. If we are not able to redirect to the customer, ServiceNow will limit such disclosure to the data specified in the request. We will also notify our customers of any government, law enforcement or third-party request for customer data to the extent legally permitted.

**How is ServiceNow approaching assessing certain countries in respect of whether such countries offer adequate data protection?**

ServiceNow continuously monitors developments in each applicable country in which it processes data. This includes carrying out privacy impact assessments in respect of transfers of data to specific countries to ensure that adequate safeguards are in place and that we continue to adhere to all relevant contractual obligations and that we remain compliant with all applicable laws.

**How does ServiceNow store and process customer data?**

ServiceNow does not process customer data except where necessary, such as for the purposes of providing technical support, and always strictly in accordance with our agreements with customers. Additionally, ServiceNow only hosts customer data in the region the customer has specified, and all processing of customer data is always in strict accordance with our Data Security Guide. Access to customer data occurs on a case-by-case basis and is strictly controlled, with activity being logged and monitored.

**Can the access to customer data be limited to certain territories or countries?**

ServiceNow has a range of options that customers can use (including a suite of encryption options and the [ServiceNow Access Control plugin](#)) to limit or restrict ServiceNow access to customer data to customer-specified locations. Additionally, when it comes to tasks like upgrades, patching, and backup restoration, automation is extensively leveraged, with no human intervention, using our intra-group global network of ServiceNow sub-processing entities.

**Are ServiceNow's international transfers safe and secure?**

Yes, ServiceNow's international transfer safe and secure. ServiceNow has a range of legal, organisational and technical measures ('additional safeguards') in place to ensure that even after the invalidation of the Privacy Shield on 16 July 2020, ServiceNow can continue to rely on Standard Contractual Clauses. These additional safeguards include, but are not limited to,



analysing destination countries for their level of data protection, handling potential access requests from third parties or governments according to internal process, and robust technological safeguards – amongst these sophisticated encryption, access restrictions and data hosting in Europe. Due to the limited manner in which ServiceNow Customer and Technical Support, provided by ServiceNow Affiliates, process Customer Data, customers can continue to use ServiceNow in confidence. For more information on our technical safeguards, please see our whitepaper on [Security](#) and [Encryption](#).

**Where can customers find more information?** The following resources can be used to find more information:

- [ServiceNow Trust FAQ](#)
- [Data Security Guide](#)
- [ServiceNow Assurance Pack](#)
- [Securing the Now Platform eBook](#)
- [Cloud Security, Trust and Compliance Center](#)
- [Trust Site](#)
- [ServiceNow legal schedules](#)
- [Product Documentation](#)
- [www.servicenow.com](http://www.servicenow.com)
- [ServiceNow CORE](#)
- [ServiceNow Services Privacy Statement](#)
- [European Data Protection Board FAQ on Schrems II Judgement](#)