



## **Swiss Addendum to Data Processing Addendum for Sovos Software and Services**

This Swiss Addendum (the "Swiss Addendum") supplements the Data Processing Addendum for Sovos Software and Services (the "DPA"). This Swiss Addendum applies when the FDPA applies to Customer's use of the Products or Services to process Swiss personal data.

Unless otherwise defined in this Swiss Addendum, all capitalised terms used in this Swiss Addendum will have the meanings given to them in the DPA. In this Swiss Addendum, "FDPA" means the Swiss Federal Data Protection Act including its implementing ordinances (Bundesgesetz über den Datenschutz), or any succeeding Swiss data protection law. The term "personal data" is defined in the FDPA and "Swiss Third Country" means a country outside Switzerland not recognised under the FDPA as providing an adequate level of protection for personal data.

### **Applicability**

Except as otherwise set out in this Swiss Addendum, the terms of the DPA will apply to Customer's use of the Products and Services to process Swiss persona data and all references to "Data Protection Laws" will be replaced by "FDPA", and "Third Country" will be replaced by "Swiss Third Country".

### **Transfers of Swiss Customer Data**

When this Swiss Addendum applies, the Standard Contractual Clauses will only apply to Swiss personal data that is transferred, either directly or via onward transfer, to any Swiss Third Country, (each a "Swiss Data Transfer"). When Customer is acting as a controller, the Controller-to-Processor Clauses will apply to a Swiss Data Transfer. When Customer is acting as a processor, the Processor-to-Processor Clauses will apply to a Swiss Data Transfer.

The following is deemed added to Annex III (Additional Clauses) of the Standard Contractual Clauses in case of a Swiss Data Transfer: (i) Where the Clauses refer to Member States, they shall be read to refer to Switzerland. (ii) Where the Clauses refer to applicable data protection law or the GDPR, they shall be read to refer to the Swiss FDPA. (iii) The reference to the courts of the Member State in Clause 18 (c) of the Clauses shall be read to refer to the Swiss courts for the place where the data subject has his/her habitual residence. (iv) In accordance with Clause 13 of the Clauses, the reference to the competent supervisory authority in Annex I.C. shall be read to refer to the Swiss Federal Data Protection and Information Commissioner.

### **Entire agreement**

This Swiss Addendum, together with the DPA and the Agreement: (a) is intended by the parties as a final, complete and exclusive expression of the terms of their agreement, and (b) supersedes all prior agreements and understandings between the parties with respect to the subject matter hereof.