EU Data Protection Compliance:
Google Cloud International Data Transfer Mechanisms

Cloud Whitepaper
Introduction

At Google Cloud, we work to earn the trust of our users every day. Protecting the privacy and security of our customers’ information is a top priority, and compliance is central to this mission. We continue to evolve our capabilities in accordance with the changing regulatory landscape and work with customers to help facilitate their compliance efforts.

Millions of our customers who operate in Europe are subject to laws implementing the European Union’s (EU) Data Protection Directive, an important piece of privacy legislation passed by the European Union (EU) in 1995. The Directive, as well as the upcoming EU General Data Protection Regulation (GDPR) that replaces it in 2018, includes provisions on international data transfer mechanisms that regulate the transfer of personal data from the EU to non-EU countries.

We’ve worked diligently over the last decade to offer our customers a range of options for the transfer of personal data from EU to non-EU countries when using G Suite and Google Cloud Platform. These efforts have been critical in our ongoing preparations for the implementation of the GDPR.

This whitepaper summarizes how our current data transfer safeguards address the requirements of the EU Data Protection Directive 95/46/EC. The decisions by the European Commission underlying those safeguards will continue to remain in force under the GDPR per Art. 45 (9) of the GDPR until amended, replaced or repealed.
Our Processing Operations That May Require a Data Transfer

Data storage in our data centers

We own and operate data centers around the world to keep our products running 24 hours a day, seven days a week.

Google designs the components of its platform to be highly redundant. This redundancy applies to our server design, how we store data, network and Internet connectivity, and the software services themselves.

This “redundancy of everything” includes the handling of errors by design and creates a solution that is not dependent on a single server, data center or network connection. Google's data centers are geographically distributed to minimize the effects of regional disruptions such as natural disasters and local outages. In the event of hardware, software or network failure, data is automatically shifted from one facility to another so that Google Cloud customers can continue working in most cases without interruption. Google's highly redundant infrastructure also helps protect our customers from data loss.

We make information about our data center locations publicly available. Find out more by visiting our data center website.

The utilization of international data transfer mechanisms that address the necessary legal requirements is particularly important in light of Google’s global network of data centers.

Our Safeguards for EU-to-Third-Countries Data Transfers

Data transfer using our approved EU Model Contract Clauses

Since 2012, Google has offered EU Model Contract Clauses as a means of meeting the adequacy and security requirements of European data privacy laws for its customers who operate within Europe.

European Union Data Protection Authorities have confirmed that Google Cloud’s EU Model Contract Clauses fully meet the requirements to legally frame transfers of data from the EU to the rest of the world, in accordance with EU Data Protection Directive 95/46/EC.
The review process was conducted in accordance with Working Paper (WP) 226 of the Article 29 Working Party. The Irish Data Protection Authority acted as the lead authority and the Spanish and Hamburg authorities as co-reviewers.

The authorities have concluded that Google’s agreements for international transfers of data for G Suite and Google Cloud Platform (GCP) Services are in line with the European Commission’s “model contract clauses” based on Commission Decision 2010/87/EU and should therefore not be considered “ad hoc” clauses. In practice, this compliance finding enables our customers in most EU countries to rely on Google Cloud EU Model Contract Clauses for the international transfer of data without further authorizations, and simplifies the processing of national authorizations in other countries, where required. It also helps to facilitate our customers’ data protection risk assessments.

Furthermore, with the GDPR, we will continue to offer EU Model Contract Clauses as a data transfer mechanism based on Commission Decision 2010/87/EU, which remains in force as per Art. 46 (5) of the GDPR until amended, replaced or repealed.

You can opt in to EU Model Contract Clauses via the Admin console for G Suite and Google Cloud Platform (GCP) Services.

Certification to the EU-U.S. and Swiss-U.S. Privacy Shield frameworks

Following the decision of the European Court of Justice to invalidate the EU-U.S. Safe Harbor framework in October 2015, the EU-U.S. Privacy Shield, adopted by the European Commission on July 12, 2016, is a new legal framework for transferring personal data from the EU to the United States. It replaces the Safe Harbor Framework.
The European Commission’s adequacy decision on the EU-U.S. Privacy Shield establishes that “the Principles issued by the U.S. Department of Commerce as a whole ensure a level of protection of personal data that is essentially equivalent to the one guaranteed by the basic principles laid down in Directive 95/46/EC.” This decision will continue to remain in force under the GDPR per Art. 45 (9) of the GDPR until amended, replaced or repealed.

As described in our Privacy Shield [certification](#) we [comply](#) with the EU-U.S. and Swiss-U.S. Privacy Shield Frameworks as set forth by the U.S. Department of Commerce regarding the collection, use and retention of personal information from European Union member countries and Switzerland, respectively. Google has certified that it adheres to the Privacy Shield Principles.

Google’s certificate for the EU-U.S. and Swiss-U.S. Privacy Shield Frameworks is available on the [Privacy Shield website](#).

**Conclusion**

Millions of organizations with users in Europe rely on our cloud services to run their businesses every day. We’re committed to helping them meet their regulatory requirements by maintaining a diverse set of compliance tools. We hope that this description of international data transfer mechanisms we provide to our customers addresses your questions.
FAQ

What should I do to benefit from Google's certification to the EU-U.S. and Swiss-U.S. Privacy Shield?

Google has certified to the EU-U.S. Privacy Shield since September 22, 2016, and to the Swiss-U.S. Privacy Shield since April 18, 2017. No action is required on our customers’ part to benefit from the protection of these frameworks. However, you may still be responsible for performing some local formalities in accordance with your local laws and regulations (see question below).

How can my organization opt in to EU Model Contract Clauses?

You can opt in to the EU Model Contract Clauses within the Admin consoles for G Suite and GCP.

What actions are required from customers regarding international data transfers made in Google Cloud services?

Customers should check the data protection formalities to be complied with in accordance with their local laws and regulations (such as notification to the data protection authority). Where necessary, customers should consult a lawyer to obtain legal advice specifically applicable to their business circumstances.