



PCPD Guidance on Recommended Model Contractual Clauses for Cross-border Transfers of Personal Data

In May 2022, the Privacy Commissioner for Personal Data (PCPD) in Hong Kong published the [Guidance on Recommended Model Contractual Clauses for Cross-border Transfers of Personal Data](#). The guidance published by the PCPD is not a legal requirement. However, Google Cloud has created the mapping of recommended model contractual clauses to the [Data Processing and Security Terms \(Customer\)](#) (DPST) to aid customers in evaluating Google Cloud for their needs.

Hong Kong PCPD Recommended Model Contractual Clauses for Data Transfers from Data Users to Data Processors	Google Cloud Commentary
3.1 only process the Personal Data Transferred for the Purposes of Transfer	Section 5.2 of the DPST specifies the Scope of Processing for Customer Data.
3.2 ensure that the Personal Data Transferred be adequate but not excessive in relation to the Purposes of Transfer	Google Cloud acts as a processor of Customer Data based on Customer's instructions as described in Section 5.2. of the DPST . Section 5.2 of the DPST specifies the Scope of Processing for Customer Data.
3.3 process, hold and transmit the Personal Data Transferred using the security measures set out in the Data Transfer Schedule	Section 7 of the DPST specifies Google Cloud's security measures, controls, and assistance.
3.4 not retain the Personal Data Transferred for longer than is necessary for the processing instructed by the Transferor and, in any event, not longer than any applicable Retention Period	Section 6 of the DPST describes how Google Cloud enables Customer to delete Customer Data.
3.5 take all practicable steps to erase the Personal Data Transferred: (i) once it is no longer required to be retained in accordance with Clause 3.4; or (ii) as instructed by the Transferor	Section 6 of the DPST describes how Google Cloud enables Customer to delete Customer Data.
3.6 take all practicable steps to ensure that the Personal Data Transferred be accurate, having regard to the Purposes of Transfer	Google Cloud acts as a processor of Customer Data based on Customer's instructions as described in Section 5.2. of the DPST . Customers have access to Customer Data and are responsible for the accuracy of their data. Section 9 of the DPST describes how Google Cloud



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	enables customers to rectify and restrict processing of Customer Data.
3.7 take all practicable steps to ensure that any inaccurate Personal Data Transferred (i) should not be processed unless it is rectified or (ii) should be erased	Section 9 of the DPST describes how Google Cloud enables customers to rectify and restrict processing of Customer Data.
3.8 not transfer the Personal Data Transferred to or permit access to the Personal Data Transferred by any person unless it is: (i) permitted under the Data Transfer Schedule; or (ii) made with the Transferor's prior written consent in each case (each, a "Sub-processor")	<p>Google Cloud acts as a processor of Customer Data based on Customer's instructions as described in Section 5.2. of the DPST. Section 5.2 of the DPST specifies the Scope of Processing for Customer Data.</p> <p>Section 11.2 of the DPST provides information about Subprocessors, including their functions and locations here.</p>
3.9 ensure that each Sub-processor should enter into a binding written contract with the Transferee which imposes the same or substantially similar data protection obligations as contained in these Clauses	Section 11.3 of the DPST describes the restrictions imposed on subprocessors through a written contract with Google Cloud.
3.10 not (i) process or hold the Personal Data Transferred; or (ii) permit any Sub-processor to process or hold the Personal Data Transferred, in either case, in a place outside Hong Kong other than the Permitted Jurisdictions, without the Transferor's prior written consent	<p>Section 10 of the DPST describes data transfers. Section 10.7 of the DPST provides customers with more information about Google Cloud's data centers.</p> <p>Section 11.2 of the DPST provides information about Subprocessors, including their functions and locations here.</p> <p>Section 11.3 of the DPST describes the restrictions imposed on subprocessors through a written contract with Google Cloud.</p>