



Data Processing Agreement for Oracle Services Statement of Changes



Effective date: January 1, 2023

OVERVIEW

This statement of changes describes the changes made to the Data Processing Agreement for Oracle Services dated January 1, 2023 ("DPA").

KEY CHANGES

- The European DPA Addendum has been integrated into the main body of the DPA;
- A new CCPA provision has been added;
- The cross-border data transfer section has been updated to reference the new EU Standard Contractual Clauses and the UK International Data Transfer Addendum;
- The notice period for subprocessor changes has been expanded from 14 to 30 days; The data breach notification section has been expanded to 'Your Content' (as such term is defined in the applicable Services Agreement).

1. Scope and Applicability

- Section 1.2 is removed, given that the European DPA Addendum has been integrated into the main body of the DPA.

2. Responsibility for Processing of Personal Information and Description of Processing Activities

- Sections 2.3 to 2.5 (Description of Processing Activities) have been carried over from the European DPA Addendum.
- Section 2.6 has been aligned with the Oracle Cloud Services Agreement.
- A new Section 2.8 has been added to address compliance with the California Consumer Privacy Act as amended (CCPA), to the extent the CCPA applies to Oracle's Processing of customer Personal Information of natural persons who are residents of California, as part of the performance of the Services.

3. Your Instructions

- Section 3.1 has been modified to add a notification requirement with regard to customer instructions that is carried over from the European DPA Addendum. The scope of this notification requirement has been expanded to instructions under applicable data protection laws globally.
- Section 3.4 has been moved up to Section 2.6 above.

4. Privacy Inquiries and Requests from Individuals

- Section 4.1 has been modified to add a provision regarding rights of individuals that is carried over from the European DPA Addendum. It has also been clarified where customers can locate additional information about relevant self-service functionality in connection with these rights.
- Section 4.2 has been modified to clarify that Oracle will provide additional assistance if such self-service functionality is not available or otherwise not responsive to the request.

5. Oracle Affiliates and Third Party Subprocessors

- Sections 5.1 to 5.4 (general authorization, notification and the right to object to subprocessors) have been carried over from the European DPA Addendum.
- Section 5.4 has been modified to expand the timeframe for customers to raise an objection from 14 to 30 calendar days. During this timeframe, Oracle will not onboard a subprocessor to have access to customer Personal Information.

6. Cross-border data transfers

- Section 6.1 has been modified to clarify that Oracle will provision the customer's services environment (and any Personal Information stored therein) in the data center region specified in the applicable order (e.g. for SaaS services) or in the data region selected by the customer when first activating its production instance (e.g. for OCI services).
- Section 6.2 has been modified to add examples of global processing activities which have been carried over from the European DPA Addendum.

- Section 6.3 has been modified to add a reference to the terms of Module 2 (Controller to Processor) of the new EU Standard Contractual Clauses 2021/914. The terms of these Clauses will apply in addition to Oracle's Binding Corporate Rules for Processors (Oracle Processor Code), which have been [approved by the relevant EU Regulators](#).
- A new Section 6.4 has been added to incorporate the UK International Data Transfer Addendum to the EU Standard Contractual Clauses, and to add a placeholder for Oracle's UK Binding Corporate Rules for Processors, which are pending for approval with the UK ICO.
- A new Section 6.5 has been added to address the Schrems II ruling and the EDPB recommendations on supplementary measures. For additional information on Oracle's response to the Schrems II ruling and EDPB recommendations, please refer to the [FAQs on Data Flows and Oracle Services](#).

7. Security and Confidentiality

- Section 7.1 has been modified to add a reference to Oracle's Corporate Security Practices, which apply in addition to Oracle's Service-specific security practices.

8. Audit Rights and Assistance with Data Protection Impact Assessments

- Section 8.1 has been modified to carry over a provision from the European DPA Addendum which clarifies that customers can also conduct on-site inspections.
- Section 8.3 has been modified to clarify that Oracle will work with the customer to agree on a final audit plan within a reasonable timeframe.
- Sections 8.8 and 8.9 have been carried over from the European DPA Addendum.

9. Incident Management and Breach Notification

- Section 9 has been modified to expand Oracle's data breach requirements for all Services under the Data Processing Agreement to 'Your Content' (as such term is defined in the applicable Services Agreement).

10. Return and Deletion of Personal Information

- Section 10.1 has been modified to clarify that Oracle will delete customer Personal Information after the applicable data retrieval period.

11. Legal Requirements

- Section 11.2 has been modified to add that Oracle will also use reasonable efforts to redirect the authority that made the request to the customer.
- A new Section 11.3 has been added which provides additional safeguards with regard to legal access requests.

12. Data Protection Officer

- Section 12.1 has been modified to update the reference to Oracle's Chief Privacy Officer.

13. Definitions

- The definition of Applicable Data Protection Law has been updated to add a reference to the CCPA.
- The definition of Applicable European Data Protection Law has been updated to remove the reference to the UK Data Protection Act, and a new definition of Applicable UK Data Protection Law has been added.
- The definition of Europe no longer includes the UK (which is now governed separately under the DPA).
- New definitions of CCPA terms such as Service Provider and Sell have been added.
- A reference to the UK Binding Corporate Rules (subject to ICO approval) has been added to the definition of Binding Corporate Rules.
- The definition of Personal Information Breach has been renamed and expanded to Information Breach.

European DPA Addendum [removed]

- The European DPA Addendum has been integrated into the main body of the DPA.