



# **Oracle's** New Data Processing Agreement for Cloud Services



What are we announcing?

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What changes can I expect to see to the DPA?

We want to help our customers address their privacy and security requirements under the [EU General Data Protection Regulation \(GDPR\)](#)

We have therefore updated the [Oracle Data Processing Agreement for Cloud Services](#) (DPA) for this purpose and to describe in greater detail how we handle customer personal data when we provide our broad range of Cloud services to our customers.

How can I leverage the new DPA?

What else is Oracle doing to address GDPR?



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We have created this document to make it easy for you to review these updates and learn how we have mapped these to specific GDPR information requirements for data processing agreements.

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TOPIC	GDPR DPA INFORMATION REQUIREMENT	ORACLE DPA
<b>Scope</b>	Document the subject matter and duration of the processing operations ( <i>Art. 28.3 GDPR</i> )	<b>Section 1</b> describes how our DPA applies throughout the entire services term of your order to any personal data you provide to us for the Cloud services you have ordered <sup>1</sup> .
<b>Description of processing</b>	Document the categories of personal data and data subjects handled by your cloud vendor ( <i>Art. 28.3</i> )	<b>Section 4</b> lists categories of personal data that customers may share with Oracle as part of our broad range of Cloud services.
<b>Purpose limitation</b>	Document the nature and purpose of the processing operations ( <i>Art. 28.3</i> )	<b>Sections 3, 5, and 13</b> describe how we handle your data to provide you with the Cloud services you have ordered.
<b>Data Transfers</b>	Establish an appropriate basis for transfers to third countries ( <i>Art. 28.3.a &amp; 46</i> ).	<b>Section 7</b> of the DPA establishes a framework to allow third country transfers to Oracle and its global affiliates and third party subprocessors.

<sup>1</sup> Exceptions may apply for selected service offerings for which specific privacy terms are specified in your agreement.



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## Data Protection Officer

Designation of a Data Protection Officer (*Art. 37.1*).

**Section 14** of the DPA provides contact information for Oracle's designated Data Protection Officer.

## Data controller rights and obligations

Describe the rights and obligations of the data controller (*Art. 28.3, 28.3.f, & 35 – 36*)

**Sections 3.1, 5.2 and 5.4** provide detail about how you remain in control of your data, whether it is to have your data returned to you or deleted following termination of the services, to audit what we are doing with your data, to be notified about personal data breaches, or to assist you with your DPIAs.

## Customer instructions

Ensure that your cloud vendor only acts on your written instructions (*Art. 28.3.a and 29*)

**Section 5** describes how we handle your data only per your instructions as reflected in our DPA, security policies and any additional instructions within the scope of services.

## Confidentiality

Ensure that your cloud vendor handles your data in a confidential manner (*Art. 28.3.b*)

**Section 9.3** describes how staff that may have access to your data are subject to a duty of confidentiality.



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## Security

Ensure that your cloud vendor has a good security posture (*Art. 32*) and can also assist you with meeting your own security-related GDPR obligations (*Art. 28.3.e and 32*).

In addition to the security commitments described in **Section 9** of our DPA, we make available for your review our [Hosting & Delivery Policies](#) and our [Cloud Services Specifications](#), which provide further detail on the security controls applicable to or available for your Cloud services.

## Subprocessors and Oracle Affiliates

See to it that your cloud vendor only engages subprocessors by providing you with prior notice and by giving you the opportunity to object (*Art. 28.3.d, 28.2 and 28.4*)

**Sections 8.1 to 8.3** describe our use of both Oracle affiliates and external service providers for some of our service offerings and your ability to sign up for prior notice of new affiliates and external providers as well as raise concerns you might have. **Sections 8.4 and 8.5** also describe our responsibilities for our affiliates and service providers and the downstream privacy and security terms we have in place with them.

## Assistance with data subject rights

Ensure that your cloud vendor can assist you with subject access and other data subject requests under GDPR, including by technical and organizational controls (*Art. 28.3.e*)

**Section 6** reminds you that, as the data controller, you have access to your Cloud services environment in order to make changes to your data records yourself (such as responding to a request to access, correct, delete, export or block end-user data records that are stored in your Cloud services environment).



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## Incident management and breach notification

Ensure that your cloud vendor has a personal data breach notification program and can also assist you with meeting your own personal data breach notification duties to regulators and individuals  
*(Art. 28.3.f and 33 – 34)*

**Section 11** informs you about the controls we have implemented to help detect and respond to security incidents involving personal data in your cloud environment. This section also informs you about the notice procedures to the extent an incident qualifies as a Personal Data Breach.

## Data retention and deletion

Have your cloud vendor delete or return your data at the end of the provision of the cloud services  
*(Art. 28.3.g)*

**Sections 12.1 and 12.2** describe how we will make your data available for retrieval upon termination of your Cloud services<sup>2</sup>, followed by a data deletion.

## Audit rights and information requests

Assist you with audits and inspections and provide you with any information necessary to demonstrate compliance with GDPR, including records of processing  
*(Art. 28.3.g, 30.2 and 31)*

**Sections 10.1 to 10.8** describe the process for auditing our compliance with the DPA and engaging our assistance for other compliance needs such as sharing our processor registers with you or providing you with independent third-party audit reports that may be available for the services you have ordered, such as SOC 1 Type 2, SOC 2 Type 2, ISO 27001 or PCI DSS.

<sup>2</sup> Exceptions may apply for selected service offerings for which specific privacy terms are specified in the Services Specifications.



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# How can I leverage the new DPA?

We are making our new DPA broadly available<sup>3</sup> through [www.oracle.com/contracts](http://www.oracle.com/contracts) > Oracle Cloud Services > Data Processing Agreement.

[www.oracle.com/contracts](http://www.oracle.com/contracts)



<sup>3</sup> Exceptions may apply for selected service offerings for which specific privacy terms are specified in your agreement.



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# What else is Oracle doing to address GDPR?

For more information on our GDPR initiatives, please feel free to visit our GDPR resource pages:



[GDPR for Oracle Applications](#)



[Oracle GDPR Security Resources Center](#)



[GDPR and Oracle Marketing Cloud](#)



[GDPR Resource Center \(Doc ID 111.2\) in MOS](#)





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If you have any further questions about the new DPA or if you are interested in hearing more about any of our service, product or security offerings, we invite you to reach out to your **Oracle Sales contact**.

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