



RIVERBED'S PROVISION OF PRODUCTS AND SERVICES: INTERNATIONAL TRANSFERS OF EU PERSONAL DATA

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This document provides information about the data transfer mechanisms used by Riverbed to transfer personal data out of the EU in light of the July 16, 2020 decision of the European Court of Justice ("ECJ"). The ECJ invalidated the EU-U.S. Privacy Shield framework ("Privacy Shield") but upheld the validity of the European Commission's Standard Contractual Clauses ("SCCs") ("*Schrems 2.0*"). As a result of *Schrems 2.0*, companies may no longer rely on Privacy Shield to transfer EU personal data to the U.S. Riverbed's customers, however, may continue to use Riverbed products and services by relying on the SCCs, which are already included in Riverbed's [Data Processing Addendum](#).

BACKGROUND

Under the EU General Data Protection Regulation ("GDPR"), a transfer of personal data out of the EU may take place only if the third country ensures an adequate level of data protection. In the absence of an adequacy decision by the European Commission, such data transfers may proceed only if appropriate safeguards are put in place to provide the level of protection required by the GDPR. Privacy activist Max Schrems filed a complaint challenging the validity of the SCCs as a lawful transfer mechanism and the scope of the case was expanded to consider the validity of Privacy Shield as well. The ECJ's decision in *Schrems 2.0* confirmed the validity of the SCCs as capable of ensuring adequate protection but found Privacy Shield not compliant with requirements arising from the GDPR.

IMPACT TO RIVERBED CUSTOMERS

The ECJ's *Schrems 2.0* decision should not impact Riverbed customers' ability to continue to use Riverbed products and services. EU personal data may still be transferred pursuant to the European Commission's SCCs, which are already incorporated by reference into Riverbed's [Data Processing Addendum](#). If a customer is unsure whether it has a Data Processing Addendum in place with Riverbed, please contact contracts@riverbed.com. In any event, Riverbed encourages customers to sign and return Riverbed latest [Data Processing Addendum](#). Customers may also visit Riverbed's [Privacy Resource Center](#) for additional resources.