



Zerto – Compliance with the EU GDPR

Background on the GDPR

Introduction. In April 2016, the European Parliament passed into law new European General Data Protection Regulation (the “GDPR”) constituting sweeping reform in the areas of data protection and data privacy. The GDPR will become effective May 25, 2018 as national law in each of the 28 EU member states.

The GDPR replaces the European Data Protection Directive enacted in the EU in 1995. The GDPR imposes significant obligations on companies and organizations pertaining to virtually every aspect of collecting, processing, handling and storing personal data. At the same time, the GDPR enhances the rights given to data subjects to control personal data collected about them and to seek remedies.

The dramatic nature of the GDPR warrants compliance review for both European and non-European companies and organizations.

Zerto has developed this document to outline examples of GDPR requirements and how Zerto aims to comply with them.

Applicability. The GDPR applies to businesses established in the EU. It can also apply to businesses established outside the EU which offer their products and/or services to their EU business customers. These EU business customers are subject to the GDPR and are required to flow-down their GDPR obligations onto their non-EU providers.

Because Zerto operates business in the EU, and because Zerto offers products and services to EU business customers, we have determined that the GDPR applies to Zerto.

Zerto is working diligently in its preparations for the GDPR. It is assisted by advisors guiding the company in its GDPR compliance efforts toward May 25, 2018 and beyond. These efforts include technological, organizational, procedural and legal steps.

Data Stream Mapping

Zerto is canvassing the various personal data streams and data sources flowing through the company and identifying and documenting the use cases for such data. This serves both as a basis for GDPR preparedness and as a basis for compliance with the GDPR’s requirement of maintaining documented records of data processing activities.

Transparency

Under the GDPR’s principle of ‘transparency’, organizations are required to take appropriate measures to provide information relating to processing of a data subject in a concise, transparent, intelligible and easily accessible form. The GDPR encourages the provision of such information in writing, including, where appropriate, by electronic means.

Zerto’s privacy policy will serve as the main mechanism for compliance with the GDPR’s transparency obligations, it will describe Zerto’s practices with respect to personal data and to explain how Zerto facilitates data subjects’ exercise of their rights under the GDPR.

Zerto is in the final stages of updating its privacy policy with the aim of ensuring that it corresponds to the GDPR’s requirements on transparency and other key provisions.

Data Security

The GDPR requires organizations handling personal data to implement appropriate technical and organizational measures to secure personal data, including encryption and security tests.

Zerto takes measures to protect against unauthorized access to or unauthorized alteration, disclosure or destruction of personal data. These may include encryption, data masking, audit logs, vulnerability scanning, physical security controls and backups.

Engaging subcontractors

The GDPR legitimizes the use of subcontractors for data processing activities, subject to several conditions.

For example, as required by the GDPR, Zerto will perform due diligence of its subcontractors' data protection practices to confirm that the subcontractor provides sufficient guarantees that its processing will meet GDPR requirements. Zerto will also, where relevant, enter into a data processing agreement with the subcontractor that is consistent with GDPR requirements for such engagements.

Cross-border data transfers

The GDPR restricts cross-border transfer of personal data to jurisdictions outside the European Economic Area (EEA). As a general rule, personal data may only be transferred to jurisdictions recognized by the EU Commission as having an adequate level of data protection, or otherwise transferred under appropriate safeguards.

Zerto and its subcontractors involved in personal data processing will process personal data in member states of the European Economic Area, in territories or territorial sectors (e.g., Privacy Shield) recognized by an adequacy decision of the European Commission as providing an adequate level of protection for personal data or through recipients subject to adequate safeguards under the GDPR (e.g., Model Clauses).

This document is intended for informative purposes only. It does not constitute legal advice regarding the GDPR or any other matter, and may not be used or relied on for such purposes.