

SERVICE-related description

NetApp Fileservice

Version 1.1 (11.04.2024)

1. Designation and object of SERVICE

1.1 Object of Service:

The SERVICE relates to services in the area of „NetApp Fileservice“.

1.2 Purpose, Scope and Type of the Service:

The parties agree on the type and scope as well as the exclusive purposes of the commissioned data processing of the data by the contractor as follows:

The contractor operates a platform for file services as part of the NetApp Fileservice. Through defined interfaces, data can be stored and shared within the company using 'NFS' and/or 'CIFS'/'SMB'. The primary, but not exclusive, purpose of this is for home and group or departmental drives.

According to the service description, the data processing will be carried out by the contractor for the following purposes:

- Provision and operation of a NetApp file service in the contractor's data centre
- Provide assistance in case of questions and errors (2nd level support), insofar as the knowledge of personal data cannot be technically or organisationally excluded
- Data backup and recovery

1.3 Type of Data:

Commissioned Data Processing relates to the following types of data:

The types of data processed in the context of administration cannot be precisely defined in advance. The types of data depend on the client's requests, the types and purposes of the client's systems, the types of documents stored by the client in the NetApp File Service, and the personal data provided by the client in individual cases.

In any case, the following categories of personal data may be processed:

- Master data (e.g. last name, first name)
- IT usage data (e.g. time of login, log data, IP address, storage usage)
- Login data (username, password)
- User permissions

Special categories of data¹:

- ☐ The Commissioned Data Processing does not concern any special categories of data within the meaning of Art. 9 GDPR.
- ☒ The Commissioned Data Processing concerns the following special categories of data within the meaning of Art. 9 GDPR:

The special categories of data processed in the context of administration cannot be precisely defined in advance. The types of data depend on the client's requests, the types and purposes of the client's systems, the types of documents stored by the client in the NetApp File Service, and the personal data provided by the client in individual cases.

1.4 Categories of data subjects concerned by the commissioned data processing

The data concerns the data of the following categories of data subjects:

The categories of data subjects depend on the purpose for which the client's system is used and/or the content of the documents stored on the system. For example, it is possible, that personal data of the client's employees or customers may be processed.

2. Designation of subcontractors

- ☐ No subcontractors are used as part of the Commissioned Data Processing.
- ☒ In accordance with section 8 of the FRAMEWORK AGREEMENT on the Commissioned Data Processing, the subcontractors listed below are used as part of the Commissioned Data Processing.

The following subcontractors process the data on behalf of the contractor for partial SERVICES of the Commissioned Data Processing:

Designation of subcontractor	Address Subcontractor	Description of the Commissioned Data Processing
NetApp Deutschland GmbH	Karl-Hammerschmidt-Str. 1 85609 Aschheim	Manufacturer Support

¹ Special categories of personal data include: Data revealing the ethnic origin, political opinions, religious or philosophical beliefs or trade union membership as well as genetic data, biometric data, health data and data relating to sex life or sexual orientation.

3. List of permitted Commissioned Data Processing activities in third countries

- ☒ No data processing takes place within the scope of the Commissioned Data Processing in third countries.
- ☐ In accordance with Section 2 of the FRAMEWORK AGREEMENT, the Client consents to the Contractor and/or subcontractors in the third countries specified below to carry out parts of the Commissioned Data Processing:

Designation of subcontractor	Description of the Commissioned Data Processing provided in third countries	Third country designation
NetApp Deutschland GmbH	Manufacturer Support	USA

4. Additional arrangements on SERVICE-related technical and organisational measures

- ☐ As part of the provision of the services, the Contractor shall take the technical and organisational measures defined in ANNEX 2 of the FRAMEWORK AGREEMENT to ensure the security of the Commissioned Data Processing in accordance with Art. 32 GDPR.
- ☒ In addition to the technical and organisational measures defined in ANNEX 2 of the FRAMEWORK AGREEMENT, the contractor shall take the technical and organisational measures described below as part of the provision of the SERVICES to ensure the security of the Commissioned Data Processing in accordance with Art. 32 GDPR.

Description of SERVICE-related technical and organizational measures:

The SERVICE-related technical and organizational measures can be found in the service description.

- ☐ Instead of the technical and organisational measures defined in ANNEX 2 of the FRAMEWORK AGREEMENT, the contractor shall take the technical and organisational measures described below as part of the provision of the SERVICES to ensure the security of the Commissioned Data Processing in accordance with Art. 32 GDPR.

Description of SERVICE-related technical and organizational measures: