

## Self-Certification Under the EU-US and Swiss-US Privacy Shield Frameworks

### Demonstration of GDPR Compliance

As stated in Sparta Systems, Inc. (“Sparta”) published Privacy Policy<sup>1</sup>, Sparta has chosen to self-certify its compliance with the EU-US and Swiss-US Privacy Shield Framework:

Sparta complies with the EU-US and Swiss-US Privacy Shield Frameworks as set forth by the US Department of Commerce regarding the collection, use, and retention of personal information from European Union member countries and from Switzerland. Sparta has certified that it adheres to the Privacy Shield Principles of Notice, Choice, Accountability for Onward Transfer, Security, Data Integrity and Purpose Limitation, Access, and Recourse, Enforcement and Liability. Sparta is committed to applying those Principles to any and all personal data received from the EU and Switzerland. If there is any conflict between this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification page, please visit [www.privacyshield.gov](http://www.privacyshield.gov).

With respect to personal data received or transferred pursuant to the Privacy Shield Framework, Sparta is subject to the investigatory and enforcement powers of the U.S. Federal Trade Commission.

As you are aware the General Data Protection Regulation (GDPR) (EU) 2016/679<sup>2</sup> requires controllers and processors of the personal data of individuals to “implement appropriate and effective measures” to protect personal data “and be able to demonstrate the compliance of processing activities with this Regulation”. As stated in Recital 74 of the GDPR:

(74) The responsibility and liability of the controller for any processing of personal data carried out by the controller or on the controller's behalf should be established. In particular, the controller should be obliged to implement appropriate and effective measures and be able to demonstrate the compliance of processing activities with this Regulation, including the effectiveness of the measures. Those measures should take into account the nature, scope, context and purposes of the processing and the risk to the rights and freedoms of natural persons.

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<sup>1</sup> See, <https://www.spartasystems.com/legal/privacy-policy>.

<sup>2</sup> See, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R0679>.

Sparta's self-certification under the Privacy Shield Framework was undertaken with the specific intent to demonstrate the compliance of Sparta's processing activities with the GDPR.

As recognized in Recitals 77 the GDPR, "[g]uidance on the implementation of appropriate measures and on the demonstration of compliance by the controller or the processor" can be demonstrated by adherence to "approved codes of conduct" or "approved certifications".

In addition, Recital 81 of the GDPR states "[t]he adherence of the processor to an approved code of conduct or an approved certification mechanism may be used as an element to demonstrate compliance with the obligations of the controller."

Self-certification under the EU-US and Swiss-US Privacy Shield Frameworks is widely recognized as an approved certification that Privacy Shield certified entities like Sparta will adhere to an approved code of conduct which is compliant with the requirements of the GDPR. As such, Sparta's representation that it has self-certified its compliance with the EU-US and Swiss-US Privacy Frameworks, satisfies its obligation to demonstrate compliance as a data processor under the GDPR.