



International Data Transfers FAQ

Commonly asked questions about ServiceNow's international transfers of personal data.

What are 'international transfers' of EU personal data?

The General Data Protection Regulation ("GDPR") requires that when personal data is transferred outside the European Union ("EU") or European Economic Area ("EEA"), it must be granted an essentially equivalent level of protection in the country its transferred to. Such 'international transfers' are protected by a number of legal mechanisms.

How does ServiceNow protect customer data transferred outside of the EEA?

ServiceNow relies on EU Commission [adequacy decisions](#) and Standard Contractual Clauses ("SCC's") for transfers of customer data to its non-EU sub-processing affiliates ("Affiliates"), together with a variety of legal, technical and operational safeguards, and based on a comprehensive transfer impact assessment ("TIA") (details of which are available in [ServiceNow CORE](#)) carried out, in line with the requirements of EU law and the [EDPB Recommendations](#).

Is ServiceNow using the Standard Contractual Clauses issued in June 2021?

Yes. ServiceNow welcomes the [new SCCs](#) issued by the European Commission in June 2021, as they cover a broader range of scenarios and enhance the data protection obligations on both data controllers and data processors. They also improve the protections for individual data subjects. ServiceNow is making all necessary arrangements regarding the implementation of these new SCCs within the permitted transition period and, where applicable, will be proactively incorporating them into all relevant intra-group, customer, vendor and partner contracts).

What is ServiceNow's position on the EDPB Recommendations on supplementary measures?

Our TIA fully considers all aspects of the [EDPB Recommendations](#), based on the circumstances of the international transfers carried out. Detailed information on this is set out in our Whitepaper on Additional Safeguards (available in [ServiceNow CORE](#)).

Who are ServiceNow's Sub-Processors?

ServiceNow currently carries out international transfers to its Affiliates (details of which are set out in our [standard DPA](#)) for the purposes of providing our follow-the-sun 24/7 support. ServiceNow does not transfer customer data to any non-ServiceNow entities or third party sub-processors.

Are ServiceNow's Sub-Processors bound by the Standard Contractual Clauses?

Yes. ServiceNow has an intra-group Data Transfer and Processing Agreement in place, to which all relevant non-EU Affiliates are a party, which incorporates the protections of the SCCs. ServiceNow also enters into SCCs directly with customers, vendors and partners, where required.



Does ServiceNow have Binding Corporate Rules in place?

As of July 2021 ServiceNow is in the final stages of its application for Binding Corporate Rules (a mechanism for transferring data internationally within the ServiceNow group) with the relevant EU Supervisory Authorities, and expects the successful conclusion of that process in 2021.

Does ServiceNow offer an option for Customers who prefer to have their instance data limited to a particular region?

Yes. ServiceNow hosts customers' data in co-location data centre pairs around the world and customers have the option to specify in which region they wish their data to be hosted, including the option of a dedicated EU data centre pair.

Additionally, ServiceNow will be launching its [EU-centric service delivery model](#) ("EU Cloud"), an EU, cloud-based digital workflow solution, in early 2022. This means customers that are based in our EU data centres will have the option for their data (including personal data) within their instances to be solely handled within the EU.

Has the invalidation of Privacy Shield affected ServiceNow?

No. In July 2020, the Court of Justice of the European Union held that the [Privacy Shield](#), a mechanism used to validate transfers to the United States, could no longer be used to validate the transfer of personal data from the EEA to the US. However the Court also confirmed that alternative transfer mechanisms, such as the SCCs relied upon by ServiceNow, continue to be valid. While ServiceNow is Privacy Shield certified, it does not rely on the Privacy Shield Framework for the transfer of personal data from Europe to the US.

How does ServiceNow handle requests from public authorities for access to customer data?

As set out in our [standard DPA](#), ServiceNow will never provide customer data in response to public authority requests, unless we reasonably believe we are legally required to do so. Due to the nature of our services, it is actually unlikely that we would receive such requests, but in that unusual scenario, our approach is always that we would always first redirect such requests to the customer and notify the customer, where legally permitted to do so. More specific information on how ServiceNow handles requests from public authorities, can be found in ServiceNow CORE.

Has Brexit adversely impacted ServiceNow's international data transfers?

No. UK customers can choose to be hosted in our UK data centre pair. The UK has now been granted an adequacy decision, so any transfers of EEA customer data into the UK are permitted by this. Post Brexit and prior to the adequacy decision, ServiceNow relied on SCCs (plus additional safeguards) for such transfers into the UK. Transfers of data out of the UK to our Affiliates, are also considered under our TIA and given the continued substantial similarity between UK and EU data protection law and data transfer mechanisms, our legal analysis and additional safeguards etc. apply equally in this scenario. We are monitoring the developments in the UK in relation to potential new UK SCCs and will implement those (if approved) with our UK customers in due course if/when necessary, in relation to transfers of data out of the UK.



Where can I find more information?

The following resources can be used to find more information:

- [ServiceNow Trust FAQ](#)
- [Data Security Guide](#)
- [ServiceNow Assurance Pack](#)
- [Securing the Now Platform eBook](#)
- [Cloud Security, Trust and Compliance Center](#)
- [ServiceNow Trust and Compliance](#)
- [ServiceNow Legal Schedules](#)
- [Product Documentation](#)
- [ServiceNow CORE](#)
- [ServiceNow Services Privacy Statement](#)
- [New Standard Contractual Clauses](#)
- [ServiceNow Blog](#)
- [EDPB Guidelines on supplement tools for international transfers of data](#)

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