

# **Verint Systems – International Data Transfers**

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**VERINT.**



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## Introduction to international data transfers

As a consequence of Verint's global presence, its provision of services will sometimes involve international transfer of customer personal data (personal data provided to Verint by a customer in connection with the performance of the services) and in some instances this will be a 'restricted' transfer.

A restricted transfer of personal data refers to the transfer of personal data from one country or organisation to another country or organisation receiving the transfer that does not have 'adequate' data protection laws or safeguards in place. This means that the transfer is subject to additional restrictions or requirements to ensure that the personal data is adequately protected during the transfer process. The purpose is to ensure that the personal data remains secure and that the privacy rights of individuals are respected at all times.

Verint recognises the legal and practical requirements that its customers and partners as data controllers, have to consider where they engage with Verint's and as a consequence of doing so data is transferred (or accessed) across international borders. This is particularly relevant to customers based in the European Union (EU)<sup>1</sup>, European Economic Area (EEA)<sup>2</sup> and United Kingdom (UK) which operate the toughest data protection regulations in the world.

The purpose of this document is to describe the measures that Verint takes to ensure that customer data remains safeguarded and that restricted transfers are carried out in accordance with applicable data protection legislation.

## Verint's network of Internal Data Transfer and Processing Agreements (IDTPA)

Access to personal data constitutes a transfer for the purposes of data protection legislation, therefore in relation to Verint's operational activities conducted from the United States of America (USA), for example, securely connecting to a datacentre in the EU, is technically considered a transfer of personal data even though no data leaves the datacentre.

Where data is shared or transferred between Verint's group companies (affiliates), Verint follows a robust contracting process which includes entering into IDTPAs which:

- regulate the purposes for which each affiliate may process data in line with an approved business purpose whether acting as controller or processor (or in the case of an affiliate engaged on behalf of another affiliate, acting as a subprocessor);
- stipulate the relevant technical or organizational requirements and requires that data is stored/processed only for the duration of the agreed purpose; and
- ensure that where customer personal data is transferred to a territory that is not subject to adequacy regulations under data protection legislation, a valid and appropriate cross-border transfer mechanism is applied such as the EU Standard Contractual Clauses (EU SCCs)<sup>3</sup> or the UK International Data Transfer Agreement (UK IDTA)<sup>4</sup>. Verint will also take any steps necessary to meet the requirements of the Schrems II decision such as carrying out a

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<sup>1</sup> [https://european-union.europa.eu/principles-countries-history/country-profiles\\_en](https://european-union.europa.eu/principles-countries-history/country-profiles_en)

<sup>2</sup> <https://www.efta.int/eea>

<sup>3</sup> [https://commission.europa.eu/law/law-topic/data-protection/international-dimension-data-protection/standard-contractual-clauses-scc\\_en](https://commission.europa.eu/law/law-topic/data-protection/international-dimension-data-protection/standard-contractual-clauses-scc_en)

<sup>4</sup> <https://ico.org.uk/media/for-organisations/documents/4019538/international-data-transfer-agreement.pdf>

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Transfer Risk Assessment prior to undertaking the restricted transfer and implementing supplementary measures (in accordance with EDPB guidance)<sup>5</sup> where appropriate.

## Verint's Global Data Processing Addendum ('DPA')

Verint's global DPA outlines the terms and conditions under which personal data is processed on behalf of a customer (data controller) such as:

- Verint will only process personal data upon the instruction of the customer or otherwise in order to meet the requirements of applicable data protection legislation;
- Where a transfer occurs to a territory where no adequacy regulations exist, either as a consequence of customer transferring personal data to Verint for processing or due to an onward transfer of personal data from Verint to a third party vendor (subprocessor) that the relevant parties participate in an appropriate cross-transfer such as the EU SCCs in conjunction with the UK International Data Transfer Addendum ('the UK Addendum')<sup>6</sup> for data transfers from the UK. Verint will also take any steps necessary to meet the requirements of the Schrems II decision such as carrying out a Transfer Risk Assessment prior to undertaking the restricted transfer and implementing appropriate supplementary measures (in accordance with EDPB guidance).

## Transfers to the USA

The timeline of the development of cross-border transfer mechanisms that apply to the transfer of data to the United States has been influenced by legal developments, negotiations, and evolving data protection concerns.

In 2015 the European Court of Justice (ECJ) invalidated the EU-U.S. Safe Harbor Framework in the "Schrems I"<sup>7</sup> decision, following concerns about U.S. surveillance practices. The court ruled that the U.S. Safe Harbor Framework did not adequately protect European citizens' privacy rights.

Since Schrems I, where customer data was being transferred to the US, Verint has as a matter of standard practice, incorporated the either the EU SCCs (plus the UK Addendum for transfer from the UK) or the UK IDTA into both the IDTPA and the DPA and carried out relevant transfer impact assessments and implemented 'supplementary measures' (in accordance with EDPB guidance) where appropriate.

On 10<sup>th</sup> July 2023 in response to the Schrems II<sup>8</sup> decision of the ECJ in July 2020 (which invalidated the EU-US Privacy Shield, the successor of the Safe Harbor Framework) the European Commission adopted its adequacy decision on the EU-US Data Privacy Framework (the "DPF"), and the DPF entered into force with immediate effect. The DPF provides a mechanism for personal data to flow safely from the EU to US organisations participating (i.e. those that have self-certified) in the DPF, without having to put in place additional data protection safeguards. From 12 October 2023, the UK government approved the UK-US Data Bridge as an extension of the DPF, which means that participating UK and US businesses can also exchange personal data more easily.

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<sup>5</sup>[EPDB Guidance](#)

<sup>6</sup> <https://ico.org.uk/media/for-organisations/documents/4019539/international-data-transfer-addendum.pdf>

<sup>7</sup><https://curia.europa.eu/juris/document/document.jsf?text=&docid=169195&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=1246519>

<sup>8</sup><https://curia.europa.eu/juris/document/document.jsf?sessionId=CF8C3306269B9356ADF861B57785FDEE?text=&docid=228677&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=9812784>



Verint has self-certified under the DPF, the UK Extension to the DPF, and the Swiss-U.S. Data Privacy Framework (Swiss-U.S. DPF) as disclosed in its privacy notice which is published on the Verint [website](#). More information about DPF is available here: <https://www.dataprivacyframework.gov/s/program-overview>

Customers should note that even though Verint has successfully achieved certification to the DPF Verint will continue to follow the process of incorporating the EU SCCs (plus the UK Addendum for transfer from the UK), or UK IDTA into the IDTPA and the DPA as a backup. This approach will apply to both legacy and new agreements and is essentially a precautionary measure (alternative transfer mechanism) to give legal certainty to Verint's business operations and in the event that the DPF does not survive a further legal challenge.

## **Further information regarding the Verint approach to international transfers**

In addition to ensuring that where a restricted transfer occurs that the parties participate in an appropriate cross-border transfer mechanism, Verint continues to maintain industry standard information security accreditations for its cloud operations and as part of its technical and organizational measures deploys strictly managed encryption key technologies.

Verint has established cloud operations such that when customer data is located in a specific geo-location, no data leaves that geo-location without the express consent of a customer.

As an example, when established in Verint's cloud instances in Europe, no personal data leaves Europe although access is granted to Verint operating companies outside of Europe to maintain the cloud environments or to fix issues related to applications where a support request is raised by a customer. Verint operates access controls on a least privileged basis and data is encrypted at rest and in transit within Verint's hosted environments.

Encryption keys are controlled by Verint and not its hosting partners with encryption keys being held in the same geo-location as the cloud instance, falling within the same jurisdiction.



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## Summary of measures and data processing terms:

| Originating Country/Region/State         | Contractual Data Processing Terms and cross border transfer mechanism                                    | Primary cross border transfer mechanism for transfers to the US | Technical and Organisational Measures               |
|--|--|---|---|
| European Union including EEA             | IDTPA or <a href="#">Verint Standard Data Processing Terms</a> – EU SCCs                                 | EU-US DPF   | <a href="#">Verint's Information Security Terms</a> |
| Switzerland                              | IDTPA or <a href="#">Verint Standard Data Processing Terms</a> – EU SCCs                                 | Swiss-US DPF  | <a href="#">Verint's Information Security Terms</a> |
| United Kingdom                           | IDTPA or <a href="#">Verint Standard Data Processing Terms</a> – UK IDTA or EU SCCs plus the UK Addendum | UK-US DPF   | <a href="#">Verint's Information Security Terms</a> |
| Brazil                                   | IDTPA or <a href="#">Verint Standard Data Processing Terms</a> – Brazilian addendum                      | Not applicable  | <a href="#">Verint's Information Security Terms</a> |
| United States, California Privacy Rights | IDTPA or <a href="#">Verint Standard Data Processing Terms</a> – CCPA addendum                           | Not applicable  | <a href="#">Verint's Information Security Terms</a> |
| Other countries not listed               | IDTPA or <a href="#">Verint Standard Data Processing Terms</a>   | Not applicable  | <a href="#">Verint's Information Security Terms</a> |

## Vendors and cloud partners

As a requirement of the DPA, where Verint partners with leading hosting providers and other vendors. Vendor contracts contain, as appropriate, data processing terms including where relevant the EU SCCs, or the UK IDTA/UK Addendum.

## Monitoring

Verint will continue to monitor regulatory developments of international data transfers relevant to its data processing operations updating its guidance and contract terms as appropriate.

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