

Binding Corporate Rules – FAQ

1. What are Binding Corporate Rules (BCRs)?

BCRs are a type of internal rules and regulations used by EU (European Union) companies to govern the transfer of personal data out of the EU.

Because the Sopra HR Software group includes subsidiaries not only in the EU but also in Tunisia and Morocco, we have implemented BCRs to facilitate intra-group transfers of personal data.

BCRs must be strict and must be obeyed by all group entities and their employees, regardless of what country they are based in.

2. What are the different types of BCRs?

BCRs for data controllers

BCRs for data controllers apply to intra-group transfers of personal data out of the EU in cases where Sopra HR Software is the data controller. Under EU law, the data controller is the person or entity who collects and manages the data. Sopra HR Software is a data controller for employed personal data and customer's professional contact.

Our BCRs for data controllers were approved by France's data protection authority (CNIL) on 20 September 2012.

BCRs for data processors

BCRs for data processors apply to intra-group transfers of personal data out of the EU in cases where Sopra HR Software is the data processor (processing the data on behalf of another data controller). Sopra HR Software is data processor when it manages personal data entrusted to it by its customers (mainly employee data) .

Our BCRs for data processors were approved by France's data protection authority (CNIL) on 3 December 2013.

3. Why do we need BCRs?

BCRs are used to govern the **transfer of personal data to countries outside the European Union**. The word "transfer" in this case means the communication, copying or moving of data, either over a network (e.g. remote database access) or from one storage device to another, regardless of format (e.g. hard drive to server).

In general, transferring personal data out of the EU is prohibited UNLESS

- the transfer is to a country that the European Commission has recognized as providing an "adequate level" of data protection, such as Switzerland or Canada
- the parties to the transfer sign European Commission-approved "standard contractual clauses"
- the transfer is to a Safe Harbor-compliant US company

- one of the exceptions provided in article 69 of France's data privacy act (Loi informatique et Libertés) is invoked

IMPORTANT: Non-compliance with data transfer rules may result in criminal sanctions including fines of up to €300,000 for natural persons (€1.5 million for legal entities) and up to 5 years' imprisonment. The CNIL may also independently impose fines of up to €300,000 in the event of repeat violations.

BCRs provide an alternative to standard contractual clauses for ensuring an adequate level of protection when data is transferred out of the European Union. They are also an alternative to Safe Harbor for transfers to the United States.

4. What are the advantages of BCRs?

BCRs are an effective way to:

- comply with the EU Data Protection Directive 95/46/EC
- harmonise data privacy practices across the group
- mitigate the risks associated with transferring personal data to non-EU countries
- keep the number of intra-group transfer agreements down
- communicate the group's data privacy policy to clients, partners and employees, and provide them with adequate protection when transferring their personal data
- establish internal guidelines on how personal data should be managed

5. What are the implications of BCRs for Sopra HR Software employees?

Every Sopra HR Software employee will receive training in personal data protection, including instructions on how to comply with group BCRs.

Failure to comply with BCRs may result in disciplinary action.