Data Processing Agreement

This **Data Processing Agreement** ("***Agreement***" hereinafter) has been signed by and between the Parties below;

Data Controller ("Controller")

Data Processor ("Processor")

WHEREAS, the Controller is the data controller, as defined under applicable data protection laws and regulations;

WHEREAS, the Processor provides certain services to the Controller under the Principle Service Agreement ("***Principle Agreement***") between the parties, that involve the processing of personal data ("***Personal Data***") on behalf of the Controller;

WHEREAS, the Parties wish to implement a data processing agreement to ensure compliance with applicable data protection laws and regulations, including but not limited to the General Data Protection Regulation ("***GDPR***") and any other relevant data protection laws of any other country;

NOW, THEREFORE, the Parties agrees on the right and obligations defined below;

1. Scope of Processing

Within the scope of this Agreement, the Processor shall process Personal Data that is transferred pursuant to or in connection with the Principal Agreement on behalf of the Controller. While processing, the Processor shall comply with all applicabledata protection laws and not process Personal Data other than on the relevant Company's documented instructions.

Personal data that obtained and/or learned by the Processor without connection with the Principle Agreement cannot be evaluated within the scope of this Agreement.

Jotform Automatically create polished, fillable and signable documents Clone the document for free!

2. Obligations of the Processor

The Processor shall process Personal Data only on documented instructions from the Controller, and is responsible for taking all technical and organizational measures to ensure a level of security appropriate to prevent data breaches.

While processing Personal Data, the Processor shall notify Controller without delay upon Processor becoming aware of a data breach affecting Personal Data, providing Controller with sufficient information to allow the Controller to meet any obligations to report or inform data subjects of the data breach under the data protection laws.

The Processor shall notify the Controller without undue delay after becoming aware of a data breach, providing sufficient information to allow the Controller to meet any obligations to report or inform data subjects of the data breach under applicable data protection laws.

The Processor shall take reasonable measures to ensure the reliability of any employee, agent or contractor who may have access to the Personal Data, ensuring in each case that access is strictly limited to those individuals who need to access the Personal Data, as strictly necessary for the purposes of the Principal Agreement, and to comply with applicable laws. The Processor is responsible to ensure that all such individuals are subject to binding confidentiality obligations, by law or by contract.

Processor shall not appoint or disclose any Personal Data to any subprocessor unless required or authorized by the Controller. In the case of general written authorization, the Processor shall inform the Controller of any intended changes concerning the addition or replacement of other processors, thereby giving the Controller the opportunity to object to such changes.

The Processor shall provide the Controller with all information necessary to demonstrate compliance with the obligations laid down in this Agreement and shall allow for and contribute to audits, including inspections, conducted by the Controller or another auditor mandated by the Controller.

3. Data Subject Rights

Taking into account the nature of the Processing, Processor shall assist the Company by implementing appropriate technical and organisational measures, insofar as this is possible, for the fulfilment of the Company obligations, as reasonably understood by Company, to respond to requests to exercise Data Subject rights under the Data Protection Laws.

Jotform Automatically create polished, fillable and signable documents Clone the document for free!

The Processor shall promptly notify the Controller if it receives a request from a data subject to exercise their rights under applicable data protection laws, and shall assist the Controller in responding to such requests.

4. Personal Data Breach

In the event of a personal data breach, the Processor shall notify the Controller without undue delay after becoming aware of the breach. The notification shall include a description of the nature of the breach, including the categories and approximate number of data subjects and the records affected. The notification shall also include estimated consequences of the breach and the measures taken or proposed to be taken by the Processor to mitigate possible adverse effects. The Processor shall provide ongoing updates to the Controller as new information becomes available and cooperate with the Data Controller in investigating and mitigating the breach.

The Processor shall provide reasonable assistance to the Controller in fulfilling its obligations under applicable data protection laws and regulations with respect to the data breach. This may include, but is not limited to, providing information, documentation, and other assistance necessary to conduct a thorough investigation, assess the impact of the breach, and notify data subjects and relevant supervisory authorities, as required by law.

5. Deletion and Return of Personal Data

Upon the termination or expiration of the Principle Agreement, or upon the written request of the Controller, the Processor shall promptly and securely delete or destroy all personal data processed on behalf of the Controller, unless retention of such data is required by applicable law. The Processor shall ensure that the deletion or destruction of personal data is conducted in a manner that prevents unauthorized access, disclosure, alteration, or loss of the data.

At the option of the Controller, the Processor shall, within a reasonable timeframe and upon written request, return to the Data Controller all Personal Data processed on behalf of the Data Controller, including any copies or duplicates thereof, in a commonly used electronic format. The Processor shall ensure that any personal data returned to the Controller is securely transferred and that no copies of the data are retained by the Processor, except as required by applicable law.

5. General Terms

- This Agreement shall be governed by and construed in accordance with the laws of _____. Any dispute arising in connection with this Agreement, which the Parties will not be able to resolve amicably, shall be submitted to the exclusive jurisdiction of the courts of _____.

Jotform Automatically create polished, fillable and signable documents Clone the document for free!

- All notices and communications under this Agreement must be in writing and will be delivered personally, sent by post or sent by email to the address or email address set out in the first page of this Agreement.

- No amendment to this Agreement shall be effective unless it is in writing and signed by both Parties.

- If any provision of this Agreement is held to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not be affected or impaired thereby.

IN WITNESS WHEREOF, this Agreement is entered into with effect from the date of the last signature below.

Data Controller

Name

Date

Signature

Data Processor

Name

Date

Signature

Jotform
Automatically create polished, fillable and signable documents
Clone the document for free!

Jotform

This document is a PDF copy of **Data Processing Agreement** template. You can edit it with **Jotform Sign** and convert to an eSign document with **Jotform Sign**.

Edit PDF

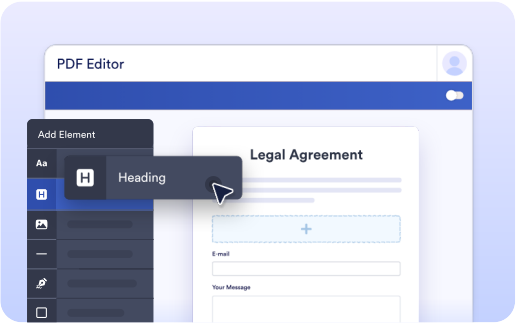
Learn More About Jotform PDF Products

Jotform offers powerful PDF solutions. Check them out below.

Jotform PDF Editor

Turn form submissions into PDFs automatically ready to download or save for your records.

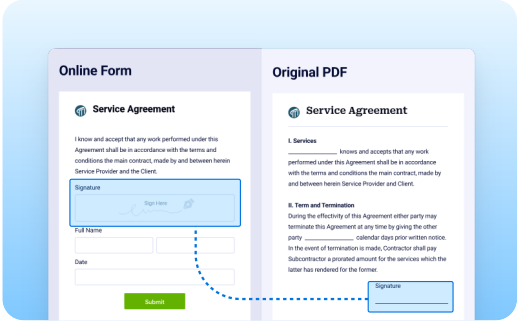
jotform.com/products/pdf-editor/



Smart PDF Forms

Convert your PDF files into online forms that are easy to fill out on any device.

jotform.com/products/smart-pdf-forms/



Jotform Sign

Collect e-signatures with Jotform Sign to automate your signing process.

jotform.com/products/sign/



These templates are suggested forms only. If you're using a form as a contract, or to gather personal (or personal health) info, or for some other purpose with legal implications, we recommend that you do your homework to ensure you are complying with applicable laws and that you consult an attorney before relying on any particular form.