

GDPR CHEAT SHEET

Step One: Is UD activity independently targeting people in EEA?

Identify and evaluate the specific activity in which UD will be engaging with respect to people located in the EEA to determine if:

- (i) The activities will generate personal data about individuals located in the EEA,
AND
- (ii) The activities either:
 - (a) Intentionally market UD’s products or services to people located in the EEA,
or
 - (b) Intentionally monitor the behavior of people while they are located in the EEA.



STOP if both conditions (i) and (ii) are not satisfied. The GDPR does not apply to UD with respect to this activity.¹

Step Two: Is UD engaging a third-party vendor to assist with an activity determined in Step One to be subject to the GDPR?

SCCs are required based if (i) Step One determined the UD activities to be subject to the GDPR, or (ii) the third-party vendor has a location in the EEA (and regardless of whether the EEA-location will be performing the services for UD).

	UD activities are subject to the GDPR (Step One is satisfied)	UD activities are <u>not</u> subject to the GDPR (Step One is <u>not</u> satisfied)
Vendor does have a location in the EEA	STOP. SCCs are <u>not</u> required. Both UD and the Vendor are already independently subject to the GDPR with respect to personal data about people in the EEA. SCCs would be superfluous.	The vendor remains subject to the GDPR because of its location in EEA. It <i>may</i> request UD to execute its SCCs (processor to controller).
Vendor does <u>not</u> have a location in the EEA	UD must require the vendor to execute UD’s SCCs (controller to processor).	STOP. SCCs are <u>not</u> required. Neither party is subject to the GDPR in this situation.

¹ However, if the third-party vendor is independently subject to the GDPR, UD could have indirect GDPR obligations. If you think this is the case, contact OGC to discuss next steps.