

# SWISS ADDENDUM TO DATA PROCESSING AGREEMENT

August 20, 2023

This Swiss Addendum (this “**Swiss Addendum**”) supplements the Data Processing Agreement available at <https://www.teamup.com/dpa/>, or other any agreement between Customer and Teamup governing the processing of Customer Data (the “**DPA**”). This Swiss Addendum applies when the Swiss Federal Act on Data Protection (the “**FADP**”) applies to Customer’s use of the Services to process Swiss Customer Data. Unless otherwise defined in this Swiss Addendum, all capitalized terms used in this Swiss Addendum will have the meanings given to them in the DPA.

## 1. Definitions

The following capitalized terms used in this Swiss Addendum have the meaning given to them below:

“**FADP**” means the Swiss Federal Act on Data Protection including its implementing ordinances (Bundesgesetz über den Datenschutz), or any succeeding Swiss data protection law.

“**EEA**” means the European Economic Area. For purposes of this Swiss Addendum, the EEA also includes Switzerland.

“**Swiss Customer Data**” means the “personal data” (as defined in the FADP) that is uploaded to the Services under Customer’s Teamup accounts.

“**Swiss Third Country**” means a country outside Switzerland not recognized under the FADP as providing an adequate level of protection for personal data.”

## 2. Applicability

Except as otherwise set out in this Swiss Addendum, the terms of the DPA will apply to Customer’s use of the Services to process Swiss Customer Data and all references to (i) “GDPR” will be replaced by “FADP”, (ii) “Third Country” will be replaced by “Swiss Third Country”, and (iii) “Customer Data” will be replaced with “Swiss Customer Data”.

## 3. Transfers of Swiss Customer Data

When this Swiss Addendum applies, Sections 9.2 (“Application of Standard Contractual Clauses”) of the DPA will not apply, and the following Sections will apply:

### 9.2 Application of Standard Contractual Clauses

The Standard Contractual Clauses will only apply to Swiss Customer Data that is transferred, either directly or via onward transfer, to any Swiss Third Country, (each a “**Swiss Data Transfer**”).

9.2.1 The following is deemed added to Annex IV (Additional Clauses) of the Standard Contractual Clauses in case of a Swiss Data Transfer:

(i) Where the Clauses refer to Member States, they shall be read to refer to Switzerland.

(ii) Where the Clauses refer to applicable data protection law or the GDPR, they shall be read to refer to the FADP.

(iii) The reference to the courts of the Member State in Clause 18 (c) shall be read to refer to the Swiss courts for the place where the data subject has his/her habitual residence.

(iv) In accordance with Clause 13, the reference to the competent supervisory authority in Annex I.C. shall be read to refer to the Swiss Federal Data Protection and Information Commissioner.

#### **4. Entire Agreement; Conflict**

Except as supplemented by this Swiss Addendum, the DPA (if applicable) and the Agreement will remain in full force and effect. Where both this Swiss Addendum and the DPA apply to a processing activity, both will apply concurrently. This Swiss Addendum, together with the DPA and the Agreement: (a) is intended by the parties as a final, complete and exclusive expression of the terms of their agreement, and (b) supersedes all prior agreements and understandings between the parties with respect to the subject matter hereof.