

Does this sentence: "the Data Processor complies with its obligations under this Data Processor Agreement and the Instruction; and" satisfy this rule: "R25 - The processor shall make available to the controller information necessary to demonstrate compliance with the obligations Article 28 in GDPR. (Art. 28(3h))" ?

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The sentence "the Data Processor complies with its obligations under this Data Processor Agreement and the Instruction" seems to be a declaration or assertion of compliance, rather than a provision to make information available. Let's analyze this in the context of Rule R25 and Article 28(3h) of GDPR:

1. **Article 28(3h) of GDPR**: This article requires data processors to make available to the data controller all information necessary to demonstrate compliance with the obligations laid out in the GDPR. This typically involves providing evidence, documentation, or other forms of verification that show the processor is adhering to GDPR requirements.
2. **The Sentence in Question**: The sentence is a straightforward statement of compliance. It declares that the Data Processor is adhering to its obligations under the Data Processor Agreement and any instructions given. However, it does not explicitly mention providing information or evidence to demonstrate this compliance.
3. **Satisfying Rule R25**: For the sentence to satisfy Rule R25, it would need to explicitly state or imply that the Data Processor is willing or obligated to provide the necessary information to the Data Controller to demonstrate compliance. This could be in the form of reports, audits, documentation, or access to data processing facilities.

In conclusion, while the sentence asserts compliance, it does not directly address the requirement of making information available as stipulated in Rule R25 and Article 28(3h) of GDPR. Therefore, it does not fully satisfy the rule as it stands. Additional language or clauses might be needed to explicitly cover the aspect of providing information to demonstrate compliance.



does the sentence: "the Data Processor complies with its obligations under this Data Processor Agreement and the Instruction; and" in this paragraph: "Documentation of compliance The Data Processor shall after the Data Controller’s written request hereof provide documentation substantiating that: the Data Processor complies with its obligations under this Data Processor Agreement and the Instruction; and the Data Processor complies with the Applicable Law in respect of the processing of the Data Controller’s Personal Data." satisfy this rule:"R25 - The processor shall make available to the controller information necessary to demonstrate compliance with the obligations Article 28 in GDPR. (Art. 28(3h))" ?

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In the context of the provided paragraph, the sentence "the Data Processor complies with its obligations under this Data Processor Agreement and the Instruction; and" appears to be part of a larger commitment to provide documentation of compliance upon the Data Controller’s request. This context changes the interpretation significantly:

1. **Paragraph Context**: The paragraph begins with "Documentation of compliance," indicating a focus on providing proof or evidence of compliance. It states that the Data Processor shall, upon the Data Controller's written request, provide documentation proving compliance with both the Data Processor Agreement and the Instruction, as well as compliance with Applicable Law regarding the processing of Personal Data.
2. **Relation to Rule R25 and Article 28(3h) of GDPR**: Rule R25, reflecting Article 28(3h) of GDPR, requires data processors to make available to data controllers all information necessary to demonstrate compliance with GDPR obligations. This includes any information that would verify the processor's adherence to GDPR standards and practices.
3. **Compliance with Rule R25**: In this context, the paragraph does seem to satisfy Rule R25. It commits the Data Processor to provide documentation (which is a form of "information necessary") to demonstrate compliance upon request. This aligns with the requirement to make available to the controller information demonstrating compliance with GDPR obligations.

Therefore, within the full context of the paragraph, the sentence contributes to satisfying Rule R25. It is part of a commitment by the Data Processor to provide necessary documentation, which is essential for demonstrating compliance with GDPR obligations as required by Article 28(3h).