Instructions for using the AVV checklist

Version 1.0, June 30, 2022

General information

Standards without stating the law are those of the General Data Protection Regulation

(GDPR).

The checklist has been created to the best of our knowledge and belief, but does not collect any data

Claim for completeness and correctness. It gives the agreed legal opinion

of the supervisory authorities participating in the joint examination at the time of the

creating the document again. This legal opinion can change

in particular through the provisions of the European Data Protection Board or

court decisions.

References are marked with →, for example to a different checklist number.

Content Notes

The subject of the examination is the AVV. If the AVV refers to other documents - for example to

Specification of order processing - these are also subject of the audit. Here can

the problem arises that the legal form of the AVV is further

document is not complied with. Anyhow if the further document legal

contains mandatory content of the AVV, a formal defect leads to the further document

Lack of form of the AVV in its entirety. The same applies if a general (possibly additional)

Reference is made to documents that are not in the correct form, such as general terms and conditions or liability clauses

of the main contract, because the general/supplementary reference also includes these

become part of the AVV.

Completion instructions

The checklist is structured as follows:

No.

standard keyword

Reference in AVV

Fulfills

Not fulfilled

The respective standard is specified under "Standard", the fulfillment of which is to be checked. As

"Keyword" is that aspect of the standard that is specifically checked in this line

becomes.

For better comprehension of the test result, the respective source should

be noted in the AVV in the column "Location in AVV". Are there individual defects?

different places, it is advisable to also check the individual defects

to name the reference in the AVV.

Typical cases are provided for ticking or entries under "fulfilled".

to be carried out if the legal requirements of the AVV with regard to the

specific aspect of the test are met, under "Failed" if not met

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are. It may happen that some permissible regulations are included in the AVV

(column "Meet"), but also some impermissible regulations (column "Not met"). Is

Even putting a cross under "Not fulfilled" does not correspond to the entire regulation

the legal requirements. Exception: If the column "Meets" an exceptional case

for the general case in the column "Not fulfilled" (e.g. "Not fulfilled": previous

Registration required; "Fulfilled": prior registration required, except where mentioned

conditions are met). In such an exceptional case, the general case in the

Column "Not Fulfilled" superseded by the more specific case in column "Satisfied" and should not

be ticked.

The typical cases provided for ticking will not be the case in most cases

verbatim in the AVV. The analogous content of the regulation is relevant; about the

"Location in AVV" the defect can be understood in detail based on the wording.

Under certain circumstances, the AVV only contains a regulation similar to the typical case.

It is then advisable to make the necessary changes to the pre-printed text by hand

instead of writing your own text in the free text fields. That's how it will be

The systematics of the defects are clearer and the check is clearer, and it is also getting tighter

space saved.

Special abbreviations used

Inc

client. In the present context, the person responsible i.S.v.

Art. 4 No. 7 GDPR.

Contractor. In the present context, the processor

i.S.v. Art. 4 No. 8 DSGVO, i.e. the service provider.

Supervisory authority within the meaning of Article 4 No. 21 GDPR.

Order Processing Agreement. Processing Agreement

personal data in the order. Includes both a contract

as well as any other legal instrument under Union law or

the law of the Member States as provided for by Article 28(3).

(current) Standard Contractual Clauses

for order processing contracts in accordance with the implementing decision

(EU) 2021/915 of the Commission of June 4, 2021

Standard contractual clauses between controllers and

Processors according to Article 28 Paragraph 7 of the Regulation (EU)

2016/679 of the European Parliament and of the Council and

Article 29 paragraph 7 of Regulation (EU) 2018/1725 of

European Parliament and of the Council, C/2021/3701, OJ L 199

from June 7th, 2021, pp. 18-30

Binding Corporate Rules = binding internal ones

Data protection regulations within the meaning of Article 47 GDPR.

Law of the European Union or one of its member states.

AT

ASB

GCU

AVV-SCC

BCR

EU/MS law

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Export-SCC-2021

MS

pbD

SCC

SCC-2001

SCC-2002

SCC-2010

TOM

underAN

VVT

(current) Standard Contractual Clauses

for data exports to third countries in accordance with the implementing decision (EU)

2021/914 of the Commission of June 4, 2021

Standard Contractual Clauses for Transfers of Personal

Data to third countries in accordance with Regulation (EU) 2016/679 des

European Parliament and of the Council, C/2021/3972, OJ L 199

from June 7th, 2021, pp. 31-61.

Member State (of the European Union).

personal data according to Art. 4 No. 1 GDPR.

Standard Contractual Clauses.

(old) Standard Contractual Clauses = standard contractual clauses for

Data exports to third countries in accordance with Decision 2001/497/EC

Commission of June 15, 2001 on Standard Contractual Clauses

for the transfer of personal data to third countries

of Directive 95/46/EC (notified under file number

C(2001) 1539), OJ L 181 of 4.7.2001, pp. 19-31.

(old) Standard Contractual Clauses = standard contractual clauses for

Data exports to processors in third countries in accordance with

Commission Decision 2002/16/EC of December 27, 2001

regarding standard contractual clauses for transfer

personal data to processors in third countries

according to Directive 95/46/EC (announced under file number

C(2001) 4540), OJ L 6, 10.1.2002, pp. 52-62.

(old) Standard Contractual Clauses = standard contractual clauses for

Data exports to processors in third countries in accordance with the decision

2010/87/EU of the Commission of February 5, 2010

Standard Contractual Clauses for Transfers of Personal

Data to processors in third countries under the Directive

95/46/EC of the European Parliament and of the Council (Notified

given under file number C(2010) 593), OJ L 39 of 12.2.2010,

pp. 5-18.

technical and organizational measures, for example

Security measures according to Art. 32 GDPR.

subcontractor. Here sub-processors or others

Processor (→ AN).

List of processing activities in accordance with Art. 30 GDPR.

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