SCOPE EUROPE

Verification of Declaration of Adherence

Declaring Company: T-Systems International GmbH

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Date of Approval	December 2022
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Table of Contents

1 Verification against v2.11 of the EU Cloud CoC

This Declaration of Adherence was against the *European Data Protection Code of Conduct for Cloud Service Providers* (**'EU Cloud CoC'**)[1] in its version 2.11 (**'v2.11'**)[2] as of December 2020.

Originally being drafted by the Cloud Select Industry Group[3] (**'C-SIG'**) the EU Cloud CoC – at that time being called C-SIG Code of Conduct on data protection for Cloud Service Providers – was developed against Directive 95/46/EC[4] and incorporates feedback by the European Commission as well as Working Party 29. Following an extensive revision of earlier versions of Code and further developing the substance of the Code (v2.11) and its provisions has been aligned to the European General Data Protection Regulation (**'GDPR'**)[5].

2 List of declared services

2.1 Open Telekom Cloud[6]

Open Telekom Cloud is an Infrastructure-as-a-Service based on the OpenSource solution OpenStack. The public cloud is configured via a self-service portal (console) or via programmable interfaces (API). 100 percent European from twin-core data centres in Germany, Netherlands and Switzerland. Besides others, the Open Telekom Cloud is available for customers who are holders of professional secrets within the meaning of Section 203 of the German Criminal Code (§ 203 StGB) for the storage and processing of information requiring special protection. For this purpose, Deutsche Telekom provides professional groups such as lawyers, auditors, or doctors with a standardized agreement for the protection of secrets addressing § 203 StGB.[7]

- Bare Metal Server
- Dedicated Host
- Elastic Cloud Server
- Cloud Backup & Recovery
- Cloud Server Backup Service
- Elastic Volume Service
- Mobile Storage Solution
- Object Storage Service
- Scalable File Service
- Storage Disaster Recovery Service
- Volume Backup Service
- Web Application Firewall

[1] https://eucoc.cloud
[2] https://eucoc.cloud/get-the-code
[3] https://ec.europa.eu/digital-single-market/en/cloud-select-industry-group-code-conduct
[4] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31995L0046
[5] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679
[6] https://open-telekom-cloud.com/en/products-services/core-services
[7] **NOTE**: The content for the service description has been provided by the CSP and does not reflect any opinion of or assessment by the Monitoring Body.

- Cloud Container Engine
- Document Database Service
- Distributed Cache Service
- Relational Database Service
- Cloud Search Service
- Data Ingestion Service
- Data Warehouse Service
- MapReduce Service
- ModelArts
- Hybrid Cloud
- Identity and Access Management
- Log Tank Service

3 Verification Process - Background

V2.11 of the EU Cloud CoC has been developed against GDPR and hence provides mechanisms as required by Articles 40 and 41 GDPR[8].

3.1 Approval of the Code and Accreditation of the Monitoring Body

The services concerned passed the verification process by the Monitoring Body of the EU Cloud CoC, i.e., SCOPE Europe sprl/bvba[9].

The Code has been officially approved May 2021[10]. SCOPE Europe has been officially accredited as Monitoring Body May 2021[11]. The robust and complex procedures and mechanisms can be reviewed by any third party in detail at the website of the EU Cloud CoC alongside a short summary thereof.[12]

3.2 Principles of the Verification Process

Notwithstanding the powers of and requirements set-out by the supervisory authority pursuant Article 41 GDPR, the Monitoring Body will assess whether a Cloud Service, that has been declared adherent to the Code, is compliant with the requirements of the Code - especially as laid down in the Controls Catalogue. Unless otherwise provided by the Code, the Monitoring Body's assessment process will be based on an evidence-based conformity assessment, based on interviews and document reviews; pro-actively performed by the Monitoring Body.

To the extent the Monitoring Body is not satisfied with the evidence provided by a CSP with regards to the Cloud Service to be declared adherent to the Code, the Monitoring Body will request additional

[8] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679
[9] https://scope-europe.eu
[10] https://www.gegevensbeschermingsautoriteit.be/publications/decision-n05-2021-of-20-may-2021.pdf
[11] https://www.gegevensbeschermingsautoriteit.be/publications/decision-n-06-2021-of-20-may-2021.pdf
[12] https://eucoc.cloud/en/public-register/assessment-procedure/

information. Where the information provided by the CSP appears to be inconsistent or false, the Monitoring Body will - as necessary - request substantiation by independent reports.

3.3 Multiple Safeguards of Compliance

Compliance of adherent services is safeguarded by the interaction of several mechanisms, i.e., continuous, rigorous, and independent monitoring, an independent complaints' handling process, and finally any CSP declaring services adherent is subject to substantial remedies and penalties in case of any infringement.

3.4 Process in Detail

It is expected that, prior to any assessment of the Monitoring Body, each CSP assesses its compliance internally. When declaring its service(s) adherent to the EU Cloud CoC, each CSP must elaborate its compliance with each of the Controls as provided by the Code considering the Control Guidance, as provided by the Control's Catalogue, to the Monitoring Body.

The CSP may do so either by referencing existing third-party audits or certifications and their respective reports or by free text. Additionally, the CSP will have to provide a general overview on the functionalities, technical and organizational and contractual frameworks of the service(s) declared adherent.

With regards to internationally recognized standards, the Monitoring Body will consider the mapping as provided by the Controls Catalogue. However, the Monitoring Body will verify whether (a) any third-party certification or audit provided by the CSP applies to the Cloud Service concerned, (b) such third party certification or audit provided by the CSP is valid, (c) such third-party certification or audit has assessed and sufficiently reported compliance with the mapped controls of the third-party certification or audit concerned. Provided that the aforementioned criteria are met, the Monitoring Body may consider such third-party certifications or audits as sufficient evidence for the compliance with the Code.

Within Initial Assessments, the Monitoring Body selects an appropriate share of Controls that will undergo in-depth scrutiny, e.g., by sample-taking and request for further, detailed information including potentially confidential information. Within any other Recurring Assessment, the Monitoring Body will select an appropriate share of Controls provided that over a due period every Control will be subject to scrutiny by the Monitoring Body. Where applicable, aspects of current attention at the time of assessment shall be covered, too, e.g., where such aspects were indicated in media reports, publications or actions of supervisory authorities.

If the responses of the CSP satisfy the Monitoring Body, especially if responses are consistent and of appropriate quality and level of detail, reflecting the requirements of the Controls and indications for appropriate implementation by the Control Guidance, then the Monitoring Body verifies the service(s) declared adhered as compliant and thereupon makes them subject to continuous monitoring.

3.4.1 Levels of Compliance

V2.11 of the Code provides three different levels of Compliance. The different levels of compliance relate only to the levels of evidence that are submitted to the Monitoring Body. There is however no difference in terms of which parts of the Code are covered since adherent Cloud Services have to comply with all provisions of the Code and their respective Controls.

3.4.1.1 First Level of Compliance

The CSP has performed an internal review and documented its implemented measures proving compliance with the requirements of the Code with regard to the declared Cloud Service and confirms that the Cloud Service fully complies with the requirements set out in this Code and further specified in the Controls Catalogue. The Monitoring Body verifies that the Cloud Service complies with the Code by information originating from the CSP.

3.4.1.2 Second Level of Compliance

Additional to the "First Level of Compliance", Compliance with the Code is partially supported by independent third-party certificates and audits, which the CSP has undergone with specific relevance to the Cloud Service declared adherent and which were based upon internationally recognised standards procedures. Any such third-party certificates and audits that covered controls similar to this Code, but not less protective, are considered in the verification process of the Monitoring Body. Each third-party certificates and audits that were considered in the verification process by the Monitoring Body shall be referred in the Monitoring Body's report of verification, provided that the findings of such certificates were sufficiently and convincingly reported and documented towards the Monitoring Body and only to the extent such certificates and audits are in line with the Code. The CSP must notify the Monitoring Body if there are any changes to the provided certificates or audits.

The Controls Catalogue may give guidance on third-party certificates and audits that are equivalent to certain Controls in terms of providing evidence of complying with the Code.

However, to those Controls that the CSP has not provided any equivalent third-party certificate or audit, the Monitoring Body verifies that the Cloud Service complies with the Code by information originating from the CSP.

The Monitoring Body may refuse application of Second Level of Compliance if third party certificates and audit reports, that are recognized by the Monitoring Body in the verification process concerned, are not covering an adequate share of Controls of this Code; such adequate share shall be subject to the discretion of the Monitoring Body, considering e.g., the share related to the overall amount of Controls of the Code or whether a full Section or topic is being covered.

3.4.1.3 Third Level of Compliance

Identical to the "Second Level of Compliance" but Compliance is fully supported by independent third-party certificates and audits, which the CSP has undergone with regard to the Cloud Service declared adherent and which were based upon internationally recognized standards.

To the extent a CSP refers to individual reports, such as ISAE-3000 reports, the CSP shall ensure that such reports provide sufficient and assessable information and details on the actual measures implemented by the CSP regarding the Cloud Service concerned. The Monitoring Body shall, if considered necessary, in consultation with the Steering Board, define further requirements on such individual reports, such as accreditation and training for auditors against the provisions and requirements of this Code.

3.4.2 Final decision on the applicable Level of Compliance

When declaring its Cloud Service adherent, the CSP indicates the Level of Compliance it is seeking to achieve. Any final decision, whether a CSP is meeting the requirements of a specific Level of Compliance is up to the sole discretion of the Monitoring Body.

3.5 Transparency about adherence

Each service adherent to the EU Cloud CoC must transparently communicate its adherence by both using the appropriate Compliance Mark[13] and refer to the Public Register of the EU Cloud CoC[14] to enable Customers to verify the validity of adherence.

4 Assessment of declared services by T-Systems (see 2.)

4.1 Fact Finding

Following the declaration of adherence of T-Systems International GmbH ('**T-Systems**'), the Monitoring Body provided T-Systems with a template, requesting T-Systems to detail its compliance with each of

[13] https://eucoc.cloud/en/public-register/levels-of-compliance/
[14] https://eucoc.cloud/en/public-register/

the Controls of the EU Cloud CoC. Additionally, the Monitoring Body requested an overview and reasoned response on the actual structure of the services declared adherent and why declared services are to be considered a "service family". A service family requires that all services rely on the same core infrastructure, with regard to hardware and software, and are embedded in the same contractual framework.

4.2 Selection of Controls for in-depth assessment

Following the provisions of the Code and the Assessment Procedure applicable to the EU Cloud CoC[15], the Monitoring Body analysed the responses and information provided by T-Systems.

The declared Cloud Services have been extensively externally certified and audited. T-Systems currently certificates of the ISO 27k family, SOC and C5 reports. The Declaration of Adherence referred to the respective ISO 27001 certification within its responses to Section 6 of the Code (IT Security). As provided by the Code, the Monitoring Body may consider third party certifications and audits, during its assessment. Accordingly, the Monitoring Body did verify the certification and references.

4.3 Examined Controls and related findings by the Monitoring Body

4.3.1 Examined Controls

The Monitoring Body reviewed the initial submission from T-Systems which outlined how all the requirements of the Code were met by T-Systems implemented measures. In line with the Monitoring Body's process outlined in Section 3.4, the Monitoring Body selected a subset of controls from the Code for in-depth scrutiny. In-depth scrutiny reflects sample taking and follow-up questions, whilst the latter may address requests for clarifications or more detailed information. The controls selected for this level of review were: 5.1*[16], 5.2.*5.3.A to 5.3.E, 5.4.A, 5.5.C to 5.5.F, 5.6.A, 5.7.*, 5.10.*, 5.11.*, 5.12.A to 5.12.F, 5.13*, 5.14.B to 5.14.F, 6.1.C, 6.2.I and 6.2.P.

Note: The broad coverage of reviews is a result of an unintended misunderstanding of the provided template, which could be resolved immediately. Following, Controls selected for further review pursuant the process outlined in Section 3.4, were: 5.1.C, 5.1.F, 5.2.A, 5.2.D, 5.5.D, 5.5.E, 5.5.F, 5.6.A, 5.12.A to 5.12.D, 5.14.B and 5.14.E.

[15] https://eucoc.cloud/en/about/about-eu-cloud-coc/applicable-procedures/
[16] A "*" highlights that all Controls of the respective section were subject to reviews.

4.3.2 Findings by the Monitoring Body

The Monitoring Body evaluated the provided information whether declared Cloud Services share a common framework allowing to conclude a Cloud Service Family. T-Systems refers to the same contractual framework and builds the Cloud Services upon the same cloud stack. T-Systems highlighted the specifics in the context of building the declared Cloud Services upon open-source technologies and related interlinks and pre-determinations of the underlying framework.

T-Systems has referred to a sophisticated and overarching framework covering corporate policies and procedures, by which the implementation necessary aspects – which are also covered by the Code – shall be safeguarded.

Subprocessors shall be managed accordingly. Subprocessors, as well as personnel, will be subject to confidentiality obligations. T-Systems explicitly incorporates professional secrecies and references to the German Criminal Code to such confidentiality obligations. Changes of subprocessors will be communicated to Customers, allowing Customers to effectively object any such change, if deemed necessary.

Related to third-country transfers of Customer Personal Data, T-Systems provided information which indicates that no such transfers take place. If such transfer will take place, T-Systems will have the required authorization by Customers and implement adequate safeguards as required by Chapter V GDPR.

To the extent cooperation with Customers is concerned, T-Systems provides several communication channels. Customers may request assistance, whilst T-Systems will – following determined procedures and guidelines – provide such assistance according to the contractual framework. Such assistance also includes possibilities of performing a Customer Audit subject to pre-determined conditions and additional costs which are to be agreed upon reflecting the individual needs. There have been no indications at all that the individual determination of such costs will be excessive or prohibitive.

Likewise to the general assistance, T-Systems submitted information regarding implemented procedures to support Customers in case of data subject rights requests and requests by supervisory authorities.

Customers are enabled to retrieve their Customer Personal Data at any time and at the end of the term of the Cloud Service Agreement. T-Systems will delete Customer Personal Data subject to industry standards. T-Systems also provides support in exceptional cases, where necessary and requested, subject to additional fees.

5 Conclusion

The information provided by T-Systems were consistent. Where necessary T-Systems gave additional information or clarified their given information appropriately.

The Monitoring Body therefore verifies the services as compliant with the EU Cloud CoC based on the performed assessment as prescribed in 1. The service(s) will be listed in the Public Register of the EU Cloud CoC[17] alongside this report.

In accordance with sections 3.4.1.2and 3.4.2 and given the type of information provided by T-Systems to support the compliance of its service, the Monitoring Body grants T-Systems with a Second Level of Compliance.

6 Validity

This verification is valid for one year. The full report consists of 10 pages in total, whereof this is the last page closing with the Verification-ID. Please refer to the table of contents at the top of this report to verify, that the copy you are reading is complete, if you have not received the copy of this report via the Public Register of the EU Cloud CoC[18].

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[17] https://eucoc.cloud/en/public-register/
[18] https://eucoc.cloud/en/public-register/