

Marketo Customer Data Processing Addendum FAQ

Below, you'll find answers to common questions you may have regarding Marketo's Data Processing Addendum (DPA).

1. What is the GDPR?

The GDPR refers to the European Union's General Data Protection Regulation, which came into effect May 25, 2018. Marketo's customer-facing GDPR page, which has general information about this regulation, can be found at <https://www.marketo.com/company/trust/gdpr/>.

2. What is the purpose of the Data Processing Addendum (DPA)?

The GDPR requires customers that are subject to the GDPR to have contracts with their Processors (i.e., Marketo) containing certain terms and information, so Marketo has created a Data Processing Addendum (DPA) for our customer contracts that includes all of the required GDPR terms.

3. Do I need to execute the DPA?

In general, customers should execute the addendum if their organization:

- I. Has an establishment in the European Union, European Economic Area, or Switzerland (see [here](#) for list of EU/EEA countries), regardless of whether or not the processing takes place in the EU/EEA, or;
- II. Offers goods or services, irrespective of whether payment is required, to data subjects in the EU/EEA/Switzerland, or;
- III. Monitors the behavior of data subjects that takes place within the EU/EEA/Switzerland.

A customer does not need to execute the DPA if it does not process any personal data from Europe in its Marketo instance. For any question involving the interpretation or applicability of the GDPR, you should consult with your legal counsel.

4. What does the DPA contain? How does it work?

The DPA is an addition to, and once executed is incorporated into, your customer contract. It contains all contractual terms and commitments between Marketo customers (serving as Controllers or Processors) and Marketo (serving as Processor or Sub-processor) required under the GDPR. Marketo's DPA also contains Standard Contractual Clauses, one of a few mechanisms approved by the European Commission to govern transfers of personal data outside of the EU/EEA. A customer who intends to transfer data outside of the EU/EEA to a country not designated as possessing an adequate level of data protection by the European Commission (see [here](#) for information on Adequacy Decisions) can execute Standard Contractual Clauses as a safeguard for this transfer of data, if you have not done so already. Marketo is certified under the EU-US and Swiss-US Privacy Shield Frameworks, which is another approved mechanism for transfers, but only applies to transfers between the EU/EEA/Switzerland and the United States.

5. Who has the authority to execute these documents?

Whoever has authority to execute legal documents per your company's policy. You should consult with your company's legal counsel if you have questions about this or the GDPR in general.

6. My company is relying on [Privacy Shield/Binding Corporate Rules/location in the EEA/location in a jurisdiction that has received an Adequacy Decision]; is there a version of the DPA that does not contain Standard Contractual Clauses?

If your Company will transfer data from the EU/EEA/Switzerland to the United States or vice versa and is certified under the EU-US and/or Swiss-US Privacy Shield Framework as applicable, you are not required to execute the DPA containing Standard Contractual Clauses, but may do so if you choose; it is never a bad idea to have multiple safeguards in place. If your Company does process personal data from Europe in its Marketo instance, but does not require a mechanism governing international transfers of data, they may contact privacyofficer@marketo.com to request a copy of Marketo's GDPR Addendum, which is comprised of the DPA without Standard Contractual Clauses.

7. Does signing the DPA mean that my Marketo instance is GDPR-compliant?

No, not by itself. The DPA will make your contract with Marketo GDPR compliant, but all Marketo customers should consult with their legal counsel to ensure they are using Marketo in a GDPR-compliant manner. You can refer to "[The GDPR and the Marketer: A Practical Guide for the Marketo Customer](#)" ebook for best practices and information on aspects of Marketo's services that are particularly relevant to GDPR compliance.

8. Where can I go for more information about GDPR?

For more information on Marketo's GDPR compliance program and the GDPR in general, visit Marketo's GDPR page at <https://www.marketo.com/company/trust/>. For best practices and information on aspects of Marketo relevant to GDPR compliance, download the ebook, "[The GDPR and the Marketer: A Practical Guide for the Marketo Customer](#)."