

Verification of Declaration of Adherence

Declaring Company: Cloudflare, Inc.



EU
CLOUD
COC

Verification-ID 2023LVL02SCOPE4316

Date of Approval March 2023

Valid until March 2024

Table of Contents

Verification of Declaration of Adherence	1
1 Verification against v2.11 of the EU Cloud CoC	3
2 List of declared services	3
2.1 Cloudflare Services	3
3 Verification Process - Background	4
3.1 Approval of the Code and Accreditation of the Monitoring Body	4
3.2 Principles of the Verification Process	4
3.3 Multiple Safeguards of Compliance	5
3.4 Process in Detail	5
3.4.1 Levels of Compliance	6
3.4.2 Final decision on the applicable Level of Compliance	7
3.5 Transparency about adherence	8
4 Assessment of declared services by Cloudflare (see 2.)	8
4.1 Fact Finding	8
4.2 Selection of Controls for in-depth assessment	8
4.3 Examined Controls and related findings by the Monitoring Body	9
4.3.1 Examined Controls	9
4.3.2 Findings by the Monitoring Body	9
5 Conclusion	11
6 Validity	11

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 drafted by the Cloud Select Industry Group³ (**'C-SIG'**) the EU Cloud CoC – at that time called C-SIG Code of Conduct on data protection for Cloud Service Providers – was developed against Directive 95/46/EC⁴ and incorporated 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 Cloudflare Services⁶

Cloudflare offers a global cloud platform that delivers a broad range of network services to businesses of all sizes and in all geographies. The global cloud platform makes network, web & application, zero trust, and developer platform services more secure, enhances the performance of business-critical applications, and eliminates the cost and complexity of managing individual network hardware. Cloudflare's platform serves as a scalable unified control plane to deliver security, performance, and reliability across on-premise, hybrid, cloud, and software-as-a-service (SaaS) applications.⁷

In scope of the Assessment has been Cloudflare Cloud Services including:

- API Gateway
- Argo Smart Routing
- Bot Management
- Browser Isolation
- CASB (Cloud Access Security Broker)
- CDN
- Cloudflare Access
- Cloudflare Analytics
- Cloudflare Durable Objects
- Cloudflare for SaaS
- Cloudflare Gateway
- Cloudflare Logs
- Cloudflare One
- Cloudflare Pages
- Cloudflare Security Center
- Cloudflare Spectrum (TCP/UDP)
- Cloudflare Stream
- Cloudflare Tunnel
- Cloudflare Turnstile
- Cloudflare Workers

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://developers.cloudflare.com/products>

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.

- Cloudflare Workers KV
- Cloudflare Zero Trust
- Customer Metadata Boundary
- Data Localization Suite
- Data Loss Prevention (DLP)
- DDoS Protection
- DNS
- Email Routing
- Geo Key Manager
- Keyless SSL Services
- Load Balancing
- Magic Firewall
- Magic Transit
- Magic WAN
- Network Interconnect
- Page Shield
- Rate Limiting
- Regional Services
- SSL/TLS
- SSL/TLS for SaaS
- Video Stream Delivery
- Waiting Room
- Web Analytics
- Web Application Firewall (WAF)
- Web3 Gateways
- Website Optimization Services
- Zaraz (3rd Party Tool Manager)

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 GDPR⁸.

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/bvba⁹.

The Code has been officially approved in May 2021¹⁰. SCOPE Europe has been officially accredited as Monitoring Body in May 2021¹¹. 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 to 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

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://euococ.cloud/en/public-register/assessment-procedure/>

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; proactively 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 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 Controls Catalogue, to the Monitoring Body.

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

With regards to internationally recognised 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 requesting 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 indicating 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 recognised 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 recognised 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 at 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 Mark¹³ and referring to the Public Register of the EU Cloud CoC¹⁴ to enable Customers to verify the validity of adherence.

4 Assessment of declared services by Cloudflare (see 2.)

4.1 Fact Finding

Following the declaration of adherence of Cloudflare, Inc. (**Cloudflare**), the Monitoring Body provided Cloudflare with a template, requesting Cloudflare to detail its compliance with each of 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 (i.e., technical framework), and are embedded in the same organisational and contractual framework.

Cloudflare promptly responded to the templates. Information provided consisted of references and list of actual measures meeting the requirements of each Control, a free text answer describing their measures, and a reference to third party audits and certifications, where applicable. Cloudflare provided information illustrating the actual structure of the services declared adherent and describing the technical, organisational and 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 CoC¹⁵, the Monitoring Body analysed the responses and information provided by Cloudflare.

Cloudflare’s declared services have been externally certified and audited. Cloudflare holds ISO 27001, ISO 27018, and ISO 27701 certificates, which are valid for the duration of the Declaration of Adherence, and the scope of registration includes all the declared services. The declaration of adherence referred to the relevant ISO certifications within the responses to Section 6 of the Code (IT Security). As provided by the Code, the Monitoring Body may consider third-party certifications and

¹³ <https://eucoc.cloud/en/public-register/levels-of-compliance/>

¹⁴ <https://eucoc.cloud/en/public-register/>

¹⁵ <https://eucoc.cloud/en/about/about-eu-cloud-coc/applicable-procedures/>

audits. Accordingly, the Monitoring Body verified the certification and references. Further in-depth checks were not performed, as provided third-party certifications adequately indicated compliance.

4.3 Examined Controls and related findings by the Monitoring Body

4.3.1 Examined Controls

The Monitoring Body reviewed the submission from Cloudflare which outlined how all the requirements of the Code were met by Cloudflare's 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: 5.2.D, 5.2.E, 5.3.G, 5.4.E, 5.5.D, 5.5.E5.8.A, 5.9.A, 5.11.A,5.11.B, 5.11.C, 5.12.A, 5.12.B, 5.12.E.

4.3.2 Findings by the Monitoring Body

During the process of verification, Cloudflare consistently prepared the Declaration of Adherence well and thoroughly. Cloudflare's responses were detailed and never created any impression of intentional non-transparency. Requests for clarification, additional and supporting information, as well as relevant samples were promptly dealt with and always met the deadlines set by the Monitoring Body.

Monitoring Body verified that declared Cloud Services qualify both as Cloud Service under the Code and as a Cloud Service Family. Related to the Monitoring Body's requests (see section 4.1), Cloudflare provided information outlining the structure of the services, contractual and supporting documents enabling the Monitoring Body to better understand Cloudflare's service offerings. Cloudflare provided explicit confirmation that all Cloud Services declared adherent belong to the same Cloud Service Family.

Cloudflare has provided information as to managing subprocessors and adequately communicating information about them to Customers. This includes a flow-down of no less protective than Cloudflare's Data Protection Obligations, and appropriate Technical and Organizational Measures throughout the processing chain.

In relation to cooperating with Customers, Cloudflare's responses indicated that self-service capabilities are being provided to Customers, supported by additional means of communication to assist Customers to comply with Article 28 of GDPR. In this context, the assessment focussed on the implementation of Customer Instructions. Cloudflare defines within its Customer Service Agreement the scope of Customer Instructions for the processing of Customer Personal Data. Provided information

also indicates that Cloudflare implemented internal measures, such as training, monitoring and enforcement, ensuring that Customer Instruction will be complied with accordingly.

Moreover, Cloudflare indicates procedures and guidelines for Customers to request additional assistance to comply with its obligations under GDPR or address data subject rights requests, taking into account the nature of the processing activity. In this context it shall be highlighted, that Cloudflare principally provides its Customers with self-service capabilities. In respect to data subject right requests, the nature of the processing activity results in technically required limitations, e.g., personal identifiable information can only be queried, if and to the extent existing and required identifiers (e.g., IP addresses) can be provided with sufficient accuracy.

Cloudflare has implemented a dedicated Data Protection Point of Contact, alongside the appointment of a Data Protection Officer pursuant Chapter V GDPR. The Data Protection Point of Contact can be reached by Customers as needed. The Data Protection Point of Contact and the Data Protection Officer were referred to in Cloudflare's responses and procedures, to ensure due processing of requests from Customers, supervisory authorities, or other relevant stakeholders.

The Monitoring Body assessed the capabilities of Customers to perform a Customer Audit. Cloudflare provides Customers with the possibility to request a Customer Audit, as covered by the Cloud Service Agreement and upon specific conditions previously agreed. To the extent additional costs will apply, Cloudflare's responses indicated that such costs will be determined by a pre-determined process, not indicating any excessive or prohibitive nature.

To the extent third-country transfers are concerned, Cloudflare indicated the implementation of relevant safeguards as to such transfers in accordance with Chapter V GDPR. Cloudflare has provided that in any case Standard Contractual Clauses are being implemented and executed with sub-processors and Customers, as a relevant safeguard to such transfers, allowing Cloudflare the oversight as required by the Code on the applicable safeguards per transfer.

Cloudflare referred to its training programme, which, besides others, covers data protection and related internal policies and procedures. Such training programme shall be reviewed regularly, given the responses by Cloudflare, and will be adapted – where necessary – to the role and job function of the individual employees.

5 Conclusion

The information provided by Cloudflare were consistent. Where necessary, Cloudflare 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 CoC¹⁶ alongside this report.

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

6 Validity

This verification is valid for one year. The full report consists of 11 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 CoC¹⁷.

Verification-date: March 2023

Valid until: March 2024

Verification-ID: 2023LVL02SCOPE4316

¹⁶ <https://eucooc.cloud/en/public-register/>

¹⁷ <https://eucooc.cloud/en/public-register/>