

Verification of Declaration of Adherence

Declaring Company: Fabasoft AG



EU
CLOUD
COC

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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 “Fabasoft Cloud”⁶

Fabasoft Cloud offers Customers the option to save and manage data on the IT infrastructure operated by Fabasoft to use a software product that is integrated into the service. The Cloud Service Fabasoft Cloud is the technical platform for the solutions and products operated in it, such as Approve on Fabasoft PROCECO, Boards on Fabasoft PROCECO, Contracts on Fabasoft PROCECO, Talents on Fabasoft PROCECO and Xpublisher on Fabasoft PROCECO.⁷

As overarching service “Fabasoft Cloud” entails the following products and solutions which were made subject to this declaration of adherence.

- Fabasoft Cloud
- Fabasoft Cloud-based PROCECO Solutions
 - Approve on Fabasoft PROCECO
 - Boards on Fabasoft PROCECO
 - Contracts on Fabasoft PROCECO
 - Talents on Fabasoft PROCECO
 - Xpublisher on Fabasoft PROCECO

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://www.fabasoft.com>

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.

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 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

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/>

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 Fabasoft (see 2.)

4.1 Fact Finding

Following the declaration of adherence of Fabasoft AG (**Fabasoft**), the Monitoring Body provided Fabasoft with a template, requesting Fabasoft to detail its compliance with each of the Controls of the EU Cloud CoC.

While processing Renewals the Monitoring Body significantly builds upon its previous findings and ensures that the scope of any Renewal contributes to a continuous assessment plan. As this declaration is a Renewal¹⁵, the Monitoring Body requested from Fabasoft a confirmation that there has

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

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

¹⁵ You can access the Verification Report of previous year via the following link: [Fabasoft Verification Report \(2023\)](#).

been no material change to the applicable technical and organisational and contractual framework. The Monitoring Body also requested from Fabasoft a comparison of the declared Cloud Services of last year and this year as well as to explicitly indicate any Cloud Services that are no longer included in the Declaration of Adherence and, where applicable, provide the Monitoring Body with adequate reasons. To the extent the list of Cloud Services was extended, the Monitoring Body requested a confirmation, that any such additional Cloud Services are subject to the same technical, organisational and contractual framework as the original Cloud Services.

Fabasoft 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.

Given this declaration of adherence reflects a Renewal of a Third Level of Compliance verification, some specifics must be considered. In the context of a Third Level of Compliance, the Monitoring Body must ensure that all relevant findings are covered by an existing third-party attestation report, and that the reasons for such third-party assessor to conclude positively can be derived from such a third-party attestation report, mainly in Section 5. Consequently, the Third Level of Compliance is not incompatible with the Monitoring Body requesting additional information (see Section 4.3.1). The Monitoring Body will apply the process which is best suited to conclude on compliance with Code and the respective Level of Compliance.

4.2 Selection of Controls for in-depth assessment

Following the provisions of the Code and the Assessment Procedure applicable to the EU Cloud CoC¹⁶, the Monitoring Body analysed the responses and information provided by Fabasoft.

Fabasoft's declared services have been externally certified and audited. Fabasoft holds an ISO 27001:2022, 27018:2019 and ISO 20000-1:2018 certificate, which is 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 respective ISO certification 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 audits. Accordingly, the Monitoring Body verified the certification and references.

To this extent, further in-depth checks were not performed, as provided third-party certifications adequately indicated compliance. Additionally, as this was a Third Level of Compliance verification, the

¹⁶ <https://eucoc.cloud/en/about/about-eu-cloud-coc/applicable-procedures/>

Monitoring Body verified that every Control has been subject to a third-party assessment, either by recognized standards such as ISO or SOC, or a dedicated EU Cloud CoC related third-party attestation report. Alongside ISO and SOC statements, Fabasoft submitted a dedicated EU Cloud CoC related attestation report.

4.3 Examined Controls and related findings by the Monitoring Body

4.3.1 Examined Controls

The Monitoring Body reviewed the submission from Fabasoft which outlined how all the requirements of the Code were met by Fabasoft'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: [5.1.E-H], [5.2.B-G], [5.3.C-D], [5.5.A], [5.5.D], [5.7.A], [5.11.A-B], [5.12.C], [5.12.G].

4.3.2 Findings by the Monitoring Body

During the process of verification, Fabasoft consistently prepared the Declaration of Adherence well and thoroughly. Fabasoft'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.

While this is a Third Level of Compliance verification, responses to every Control were supported by third-party attestations, including a dedicated EU Cloud CoC related attestation report. The dedicated report was prepared thoroughly by the third-party auditors. Requests for clarification, additional and supporting information, as well as relevant samples were promptly dealt with by the third-party auditors. The Monitoring Body has no reason to doubt the appropriate performance of the relevant third-party attestation, neither from a formal perspective nor from a material perspective, e.g., that a significantly diverse understanding of the Code has been applied.

Related to the Monitoring Body's requests (see section 4.1), Fabasoft indicated that no relevant changes to the Cloud Service Family were applied in regards of the implemented technical, organisational and contractual framework. Where additional Cloud Services were added, Fabasoft provided explicit confirmation that such Cloud Services belong to the same Cloud Service Family.

The Monitoring Body assessed whether Fabasoft's adherence to the Code is adequately communicated as required by the Code and whether Fabasoft's personnel is aware of Fabasoft's adherence,

allowing the personnel to react appropriately if Customers reach out in this respect. The information provided by Fabasoft and confirmed by the third-party attestation allowed the Monitoring Body to conclude that relevant measures were implemented.

Considering the information submitted for assessment and as confirmed by the third-party attestation, regarding the assistance provided to the Customers, Fabasoft has in place various procedures to provide a support in respect of GDPR related aspects, including procedures addressing data subject rights requests. Fabasoft has established operational mechanisms allowing Customers to maintain data retention policies and schedules regarding Customer Personal Data. In this vein, Fabasoft provides self-service mechanisms to Customers. Additionally, Fabasoft provides support for Customers upon request, to the extent possible. In this vein, the Fabasoft's Cloud Service Agreement includes several information allowing Customers to determine relevant aspects and actions to process Customer Personal Data lawfully.

Another aspect of the assessment involved Fabasoft's subprocessors' management. Based on the information provided, Fabasoft implemented policies and procedures ensuring that Fabasoft only engages subprocessors that can provide sufficient guarantees of compliance with GDPR. Besides others, such policies and procedures indicated agreements, ensuring at a minimum a flow down of the same data protection obligations and appropriate technical and organisational measures as provided by Fabasoft to the Customer. The list of subprocessors is available to the Customers. A due mechanism to notify Customers of any change of subprocessors was indicated and confirmed by the third-party attestation report.

The Monitoring Body assessed the implementation of mechanisms safeguarding the due performance Customer's Right to Audit, including inspections. The Monitoring Body was provided with policies and procedures, accompanied by confirmations within the third-party attestation report, indicating compliance with the Code. Related to requests by supervisory authorities, internal policies and procedures have been confirmed to be implemented by Fabasoft to respond to requests by supervisory authorities in due time and appropriate details and quality. Such requests are monitored internally and undergo quality assurance review by relevant personnel, including privacy and legal experts. Additionally, Fabasoft's internal procedures indicate a specific timeline for such requests to be processed.

5 Conclusion

The information provided by Fabasoft were consistent. Where necessary, Fabasoft 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 CoC¹⁷ alongside this report.

In accordance with sections 3.4.1.3 and 3.4.2 and given the type of information provided by Fabasoft to support the compliance of its service, the Monitoring Body grants Fabasoft with a Third 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 CoC¹⁸.

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

¹⁸ <https://euococ.cloud/en/public-register/>