

Our Continued Commitment to Meet and Exceed EU Data Privacy Laws

Microsoft Statement
November 25, 2022

Today, the German Datenschutzkonferenz (DSK) published concerns about how Microsoft 365 (M365) complies with German and EU data privacy laws. We respectfully disagree with the DSK position as we ensure that our M365 products not only meet, but often exceed, the strong data privacy laws in the European Union. Our customers in Germany and across the EU can confidently use the M365 products in a legally compliant way to empower them to do more with less.

The concerns raised by the DSK do not appropriately reflect the changes we have already undertaken and are based on several misunderstandings regarding how our services operate and measures we already have in place. We also believe that the DSK's report fails to reflect important legal changes that will provide greater privacy protections for data flows between the EU and U.S. [A more detailed response to some of the issues raised is available here \(in German\)](#). For greater transparency, we would welcome the publication of the detailed DSK report, with appropriate redaction, alongside the detailed responses Microsoft had provided the DSK.

Throughout the review process, we worked closely with the DSK and responded to concerns raised by implementing several significant changes. Examples include an improved notification process for subprocessor changes and further clarifications relative to Microsoft's use of personal data for business operations incident to providing services to our customers. Microsoft fully cooperated with the DSK, and while we disagree with the DSK's report, we are committed to addressing remaining concerns.

We take to heart the DSK's push for greater transparency, and while our documentation and transparency practices exceed those of most others in our space, we commit to doing even better. Specifically, as part of our EU Data Boundary commitments, we will provide additional transparency documentation on customer data flows and the purposes of processing. We will also provide more transparency documentation on the processing and location by subprocessors and Microsoft employees outside of the EU.

When it comes to privacy, our efforts to protect our customers' data are market leading, and we have a variety of tools and solutions to empower our global customers with more control over their data, for example:

- Microsoft 365 Advanced Data Residency is a solution designed for customers who want more granular controls over the location of their M365 data, extending our commitments for customer data storage at rest.
- The coming EU Data Boundary expands on existing local storage and processing commitments, exceeding what is required by law and greatly reducing data flows out of the EU. This will further enable public sector and commercial customers in the EU and the European Free Trade Association to process and store customer data in the region.

- Microsoft Cloud for Sovereignty is built on the Microsoft public cloud to create a customized experience for public sector customers while adhering to government data residency requirements.

Microsoft is also supportive of the EU-U.S. Data Privacy Framework, which will provide important legal certainty for our customers and greater clarity on the privacy protections available as personal data is transferred across the Atlantic. Underlying the framework, the United States has changed its laws around signals surveillance and made important new privacy commitments along with the creation of a redress mechanism. We look forward to the new framework becoming the basis for a positive European Commission adequacy decision under the GDPR in 2023.

We encourage commercial customers of Microsoft 365 with questions about the DSK's report to reach out to our customer team in Germany.