Swiss Addendum to the BCR-P

The Northern Trust BCRs create a binding corporate rules (BCR) framework which has been approved by the lead European Supervisory Authority as providing an adequate level of protection for Personal Data transferred to members of the Northern Trust Group outside the EEA and located in a Third Country. According to Article 16 paragraph 2 letter e of the Swiss Federal Act on Data Protection, this approval by the lead European Supervisory Authority also constitutes a guarantee of adequate data protection for transfers of Personal Data from Switzerland to countries without an adequate level of data protection according to Swiss data protection legislation.

In view of and within the scope of applicability of Swiss data protection laws, the BCRs are supplemented as follows:

i. References to the "Applicable Law" include, in particular, references to the Swiss Federal Act on Data Protection ("FADP") including a reference to the current Data Protection Ordinance ("DPO").

ii. References to the "EEA Data Privacy Laws" include references to the FADP including a reference to the DPO.

iii. References to the "EEA" and "EEA member states" are to be understood as including Switzerland.

iv. References to the "GDPR" are to be understood as references to the FADP including a reference to the DPO. In case of references to specific provisions in the GDPR, the references should be understood as references to the corresponding provision in the FADP and/or the DPO.

v. References to the "Privacy and Electronic Communications Law" are to be understood to include the Swiss Telecommunications Act ("TCA"), to the extent that the TCA is applicable and relevant in the specific context.

vi. References to the "Supervisory Authority" are to be understood as references to the Swiss Federal Data Protection and Information Commissioner.

vii. References to "Third Country" are to be understood to include any country that does not have an adequate level of data protection according to the Annex to the DPO.

viii. References to the "European Union" or "EU Member State" are to be understood to include Switzerland.

ix. The Reference to the EU Standard Contractual Clauses is to be understood to include the necessary adjustments to those clauses according to Swiss data protection law, which are the following:

    a. references to the GDPR are to be understood as references to the FADP,
    b. the Federal Data Protection and Information Commissioner shall be designated as the supervisory authority under Clause 13, insofar as the data transfer falls under the FADP; another competent supervisory authority is designated as the supervisory authority insofar as the data transfer falls under the GDPR (taking into account the criteria set out in Clause 13(a) for selecting the competent authority) or other data protection legislation; in the event that the data transfer falls under both the FADP and the GDPR and, where applicable, under other data protection laws, the parallel jurisdiction of the supervisory authorities is provided for.
    c. jurisdiction at the place of residence of individuals residing in Switzerland shall not be excluded.

x. The postal address in section 8.4.1 in Switzerland is: Northern Trust Global Services SE, Leudelange, Luxembourg, Zweigniederlassung Basel, Grosspeteranlage 29 (Grosspeter Tower) 4052 Basel.