**Legal statement and work plan – Instructure GDPR**

**In addition to complying with current applicable EU and national data privacy and protection laws, Instructure has robust plans to comply with the European Commission’s replacement law for the Data Protection Directive 95/46/EC, the General Data Protection Regulation (“GDPR”), by the enforcement date (25 May 2018). To aid in complying with this, Instructure has established hosting facilities within the EU for Instructure products.  Due to the nature of Instructure’s  global platform and support model, personal data may be accessed by authorized Instructure personnel   outside of the EU for a limited set of use cases.**

**In light of the October 2015 invalidation of the U.S.-EU Safe Harbor Framework, Instructure currently utilises the European Commission’s Standard Contractual Clauses (also known as “model clauses”) as an alternative lawful method to transfer personal data outside the EU. By incorporating these model clauses into Instructure’s  Data Processing Addendum (“DPA”), both data controllers (Instructure’s EU-based customers) and data processors (Instructure) are contractually obligated to certain technical and organisational safeguards relating to the privacy and fundamental rights of data subjects (Instructure’s EU-based customers’ end users).**

**Furthermore, Instructure is actively pursuing a Privacy Shield certification  as a replacement framework for Instructure’s  original Safe Harbor certification.  Instructure will notify customers once Instructure has completed the Privacy Shield certification.**

**Plan for Compliance with GDPR**

**Instructure has robust plans to comply with the European Commission’s replacement law for the Data Protection Directive 95/46/EC, the General Data Protection Regulation (“GDPR”), by the enforcement date (25 May 2018).**

**The following items are included on Instructure’s plan to help ensure compliance with GPDR by the enforcement date:**

* **Educating the organisation as to GPDR and its requirements.**
* **Engaged a reputable 3rd party privacy organisation to conduct a GPDR gap analysis**
* **Documenting what personal data Instructure holds, where it came from and who Instructure may share it with.**
* **Review current privacy notices and making any necessary changes in time for GDPR implementation.**
* **Ensuring procedures cover all the rights individuals have under GDPR, including deleting personal data.**
* **Identifying basis for processing activity in the GDPR, documenting it and updating privacy notice to explain it.**
* **Reviewing how Instructure seeks, records and manages consent.**
* **Reviewing and updating contracts with 3rd parties to ensure privacy obligations are up to date.**
* **Ensuring the right procedures in place to detect, report and investigate a personal data breach.**
* **Creating processes for Privacy Impact Assessments.**
* **Reviewing and appointing a Data Protection Officer.**