

## **Update on negotiations between Dutch central government and Microsoft on GDPR compliance**

Several large IT suppliers, including Microsoft, Oracle and SAP, have a single point of contact within central government. The point of contact for Microsoft is Strategic Vendor Management Microsoft Dutch Government (SLM Microsoft Rijk), which is based at the Ministry of Justice and Security, and falls under the responsibility of Deputy Secretary-General Ronald Barendse.

In line with the General Data Protection Regulation (GDPR) SLM Microsoft Rijk commissioned a Data Protection Impact Assessment (DPIA) for the products and services provided by Microsoft. The assessment, carried out by the Ministry of Justice and Security, revealed that data provided by and about users was being gathered through Windows 10 Enterprise and Microsoft Office and stored in a database in the US in a way that posed major risks to users' privacy.

On the basis of these findings, SLM Microsoft Rijk entered into discussions with Microsoft. On 26 October 2018 agreement was reached on an improvement plan in which Microsoft undertook to adapt its products for use by the Dutch government in compliance with the GDPR and other applicable legislation. Microsoft has committed to submitting these changes for verification in April 2019. SLM Microsoft Rijk will then assess the new versions of the products. In the meantime, central government organisations will need to take additional measures to block dataflows to Microsoft as much as possible. This will allow Microsoft services to be used while still complying with the GDPR.

Microsoft has agreed to report regularly on its progress. If progress is deemed insufficient or if the improvements offered are unsatisfactory, SLM Microsoft Rijk will reconsider its position and may ask the Data Protection Authority to carry out a prior consultation and to impose enforcement measures.