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Dear Customer,

尊敬的客户,

## **CHINA CYBERSECURITY LAW, CHINA DATA SECURITY LAW AND PERSONAL INFORMATION PROTECTION LAW**

关于《网络安全法》, 《数据安全法》及《个人信息保护法》

The China Cybersecurity Law ("CCSL"), Data Security Law ("DSL"), and Personal Information Protection Law ("PIPL") (collectively, the "Laws") have come into force respectively since 2017. The Laws impose a wide range of compliance obligations on domestic Chinese and offshore companies with business operations involving China. At the same time, we have received various requests from customers to share our thoughts and experience regarding the Laws. We hope that you will find this letter useful.

《网络安全法》(以下简称“网安法”)、《数据安全法》(以下简称“数安法”)、及《个人信息保护法》(以下简称“个保法”)已自 2017 年起相继生效(以下统称“本法律”)。本法律给本地公司及在华运营的境外公司施加了一系列的合规义务。于此同时, SAP 收到来自客户的各类相关询问。我们将在此与您分享我们的想法及经验, 希望对您有所帮助。

### **SAP's Role as a Technology Provider**

SAP 作为技术提供方的角色

We have received many queries from customers asking how SAP's solutions and products support customer compliance with the Laws.

许多客户向我们发来询问, 希望了解 SAP 解决方案和产品与本法律的合规状态。

As a technology provider, SAP supports customers' compliance efforts by delivering technical features and functionalities that help customers to comply with applicable laws. The software and products developed by SAP reflect the concept of "privacy by design and default" under the EU GDPR. Depending on the specific product or solution, it may contain a variety of functions and features (such as consent management, data processing reports, data retention and deletion functionalities and others) that may support customers to comply with data protection and privacy laws and regulations (including the EU GDPR and the Laws). To learn more about SAP's security and data protection measures, please visit SAP's Trust Center at: <https://www.sap.cn/about/trust-center/data-privacy.html>.

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作为技术提供方，SAP 通过提供产品技术特性和功能来支持客户的合规工作，帮助客户遵守适用法律的相关要求。SAP 开发的软件和产品符合欧盟 GDPR 规定的“隐私纳入设计”及“设计由隐私出发”原则。不同的产品或解决方案依其性质，已包含各种相应的数据隐私保护功能（比如同意管理机制、数据处理活动报告功能、数据保留和数据清除功能等）。这些功能或可支持客户遵守包括欧盟 GDPR 及本法律在内的数据保护和隐私法律和法规的要求。如希望进一步了解 SAP 安全和数据保护措施，请访问 SAP 官方网站：<https://www.sap.cn/about/trust-center/data-privacy.html>。

In response to the CCSL, PIPL and the DSL, SAP has initiated a dedicated compliance program to review our “GDPR-ready” product standards, functions, and features against the requirements of the Laws. We are aware that the authorities in China have released a series of implementing regulations, government guidelines, and national standards for the Laws (particularly those relating to cross-border data transfer activities for personal data and important data). In response to this, SAP is focusing on developing and providing technical solutions, work processes, and functionalities that may support our customers to comply with such requirements.

为响应网安法、个保法和数安法，SAP 启动了一项专门性合规审查项目，该项目以本法律为依据，重新审查 SAP 目前基于“GDPR-ready”的产品标准、功能和特性能否覆盖本法律的要求。我们注意到自本法律颁布后，官方也陆续发布了更多相关的实施条例、政府指令、及国家标准（尤其是针对个人数据及重要数据出境的合规要求）。因此，我们正致力于开发和提供技术解决方案、工作流程和产品功能来支持客户实现相关的合规要求。

## **Data Localization and Cross-Border Data Transfer Conditions**

### **关于数据本地化和跨境数据传输条件**

We understand the Laws contain provisions relating to data localization and cross-border data transfer conditions relating to certain types of data. In this regard, the authorities in China have released several implementing regulations and rules, including the Security Assessment Measures for Cross-Border Transfer of Data (数据出境安全评估办法) on 7 July 2022, the Practice Guideline of Cybersecurity Standards-Specification for Security Certification of Cross-Border Transfers of Personal Information (个人信息跨境处理活动安全认证规范) on 16 December 2022, and the Standard Contract for Personal Information Cross-Border Transfer (个人信息出境标准合同办法) on 24 February 2023 (collectively, the “CBDT Measures”).

我们注意到本法律涵盖了与数据本地化，以及特定类型数据跨境传输条件有关的规定。在这方面，官方陆续发布了更多的实施办法和规范，其中包括于 2022 年 7 月 7 日发布的《数据跨境传输安全评估办法》，于 2022 年 12 月 16 日发布的《网络安全标准实践指南——个人信息跨境处理活动安全认证规范》以及于 2023 年 2 月 24 日发布的《个人信息出境标准合同》（以下统称“CBDT 办法”）。

We are aware that the CBDT Measures have presented various scenarios and conditions for cross-border data transfer for personal data and important data under the Laws for both Critical Information Infrastructure Operators (“CIIO”s) and non-CIIOs. Customers need to decide the most appropriate way to use SAP’s solutions and products given their specific circumstances, taking into account all factors, including regulatory compliance, types and volume of data processed, choice of data centers, business operations structures (e.g. closely or loosely coupled) and technical requirements (e.g. performance issues). The Laws are

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complex and may apply differently to different customers. We encourage customers to seek independent legal advice and pay particular attention to any notice or guidance from the Chinese regulators for customer's industry sector.

我们注意到 CBDT 办法为关键信息基础设施运营商（以下简称“CIIO”）和非 CIIO 的个人数据和重要数据跨境传输提出了各种适用场景和条件。客户须根据其自身具体情况，结合所有相关决策因素，包括合规要求、数据处理的种类和数量，数据中心的选择，业务运营结构（如紧耦合或松耦合）以及技术需求（如系统性能问题），来决定使用 SAP 解决方案和产品的最合适的模式。本法律较为复杂，且对不同的客户有不同的适用，因此我们鼓励客户寻求独立的法律意见，并密切关注中国监管机构对客户所在行业领域发布的相关通告及指导。

## **SAP's Compliance Program for the Laws**

### 关于 SAP 的数安法、个保法及数据跨境传输合规项目

SAP has formed a cross-functional compliance team to roll out a dedicated compliance program to respond to the Laws, including the CBDT Measures. SAP is committed to ensure our operations and internal processes comply with the Laws. Meanwhile, SAP also actively assists customers in cross-border data transfer assessment. Our goal is to provide customers with flexibility and choice in using their SAP solutions to meet their business and compliance objectives.

为响应包括 CBDT 办法在内的本法律的要求，SAP 已组建一支跨职能的合规专家团队来推进相应的合规项目。SAP 致力于确保我们的企业运营和内部流程符合法律规定。合规团队将密切关注以上法律及相关配套法规的发展，并与 SAP 全球产品开发和运营团队紧密合作，确保我们的产品、运营和服务符合所适用的法律要求。同时，SAP 也积极协助客户进行数据跨境传输相关评估工作。我们的宗旨是让客户灵活选择使用 SAP 方案以满足其业务和合规的需求。

This letter does not provide any legal or regulatory advice.

本函不提供任何法律或监管建议。

SAP will provide future updates on the direction of our compliance activities as they become available. In the meantime, our business operation in China continues as usual.

日后，SAP 将就其合规活动方向提供进一步更新。同时，我们在华的业务运营照常进行。

SAP (China) Co., Ltd.

思爱普（中国）有限公司

April 2023 二零二三年四月

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