

## DPA Schedule for European Union, European Economic Area, Switzerland, and United Kingdom of Great Britain and Northern Ireland

The parties hereby agree to comply with this DPA Schedule for the European Union, European Economic Area, Switzerland, and United Kingdom of Great Britain and Northern Ireland (including its exhibits and annexes, “**this Schedule**”) when Data Provider Data, Sightings Data, or Lotame Data is or includes Personal Data subject to the GDPR.

**1. Definitions.** Capitalized words used but not defined in this Schedule have the meanings given in the DPA or the Agreement.

“**DPA**” means the Data Processing Agreement currently posted at <https://www.lotame.com/privacy/dpas/dpa-idla/>.

“**GDPR Countries**” means the countries in the European Union and the European Economic Area that have implemented the EU GDPR, the United Kingdom of Great Britain and Northern Ireland, and Switzerland.

“**DPF**” means collectively the EU-U.S. DPF, the UK Extension to the EU-U.S. DPF, and the Swiss-U.S. DPF.

“**DPF Principles**” means collectively the EU-U.S. Data Privacy Framework Principles (available at <https://www.dataprivacyframework.gov/s/framework-text>) and the Swiss-U.S. Data Privacy Framework Principles (available at <https://www.dataprivacyframework.gov/s/framework-text?tabset-c1491=3>).

“**EU-U.S. DPF**” means collectively the EU-US Data Privacy Framework (available at <https://www.dataprivacyframework.gov/s/framework-text>) and the *Commission Implementing Decision of 10 July 2023 pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council on the adequate level of protection of personal data under the EU-US Data Privacy Framework*.

“**GDPR**” means (1) the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (“**EU GDPR**”) and (2) the EU GDPR as it forms part of the law of England and Wales, Scotland and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018 (“**UK GDPR**”), and Switzerland’s Federal Act of 25 September 2020 on Data Protection (“**FADP**”).

“**Non-Adequate Third Country**” means a country not recognized by the European Commission, the UK, or Switzerland as providing an adequate level of protection for personal data (as described in the GDPR).

“**Swiss-U.S. DPF**” means collectively the EU-U.S. Data Privacy Framework (available at <https://www.dataprivacyframework.gov/s/framework-text>), <sup>‡</sup> <https://www.dataprivacyframework.gov/s/framework-text>) and [Annex 1 of the Ordinance of 31 August 2022 on Data Protection \(Data Protection Ordinance, DPO\)](#).

“**UK**” means The United Kingdom of Great Britain and Northern Ireland.

“**UK Extension to the EU-U.S. DPF**” means collectively the EU-U.S. Data Privacy Framework (available at <https://www.dataprivacyframework.gov/s/framework-text>) and the *Data Protection (Adequacy) (United States of America) Regulations 2023* (SI 2023/1028).

**2. Scope.** This Schedule is incorporated by reference into the DPA and is applicable only when Data Provider Data, Sightings Data, or Lotame Data is or includes “personal data” (as defined by the GDPR) subject to the GDPR.

**3. Processing of Data Provider Data and Sightings Data by Lotame.**

**3.1. Roles of the Parties.** Data Provider is a “controller” that transfers Data Provider Data and Sightings Data to Lotame, and Lotame is a “controller” that receives Data Provider Data and Sightings Data for Processing. Each party will comply with their respective obligations in and will Process Data Provider Data and Sightings Data in accordance with this Section 3, Section 4 of the DPA, and the provisions of the GDPR applicable to their role specified in the previous sentence.

**3.2. Transfers of Data Provider Data and Sightings Data to the United States.** Data Provider acknowledges that Lotame will transfer Data Provider Data and Sightings Data to the United States. Lotame complies with the EU-U.S. DPF, the UK Extension to the EU-U.S. DPF, and the Swiss-U.S. DPF as set forth by the U.S. Department of Commerce. Lotame has certified to the U.S. Department of Commerce that it adheres to the DPF Principles with regard to the processing of Personal Data received from a GDPR Country in reliance on the applicable DPF.

<sup>‡</sup>As of April 19, 2024, Switzerland has not yet recognized adequacy for the Swiss-U.S. DPF and therefore, personal data cannot be received from Switzerland in reliance on the Swiss-U.S. DPF until the date of entry into force of Switzerland’s recognition of adequacy for the Swiss-U.S. DPF.

**3.3. Onward Transfers of Data Provider Data and Sightings Data.** Lotame participates in and has certified its compliance with the EU-U.S. DPF, the UK Extension to the EU-U.S. DPF, and the Swiss-U.S. DPF. In accordance with Lotame's obligation under the DPF, any transfers of Personal Data to a third-party controller will be accomplished in compliance with the GDPR and the DPF Principles.

**3.4. Consent Policy.** Data Provider and its Third Party Sources shall comply with Lotame's Consent Policy for the European Union, European Economic Area, Switzerland and United Kingdom of Great Britain and Northern Ireland available at <https://www.lotame.com/legal/policies/eu-consent-policy/>.

#### **4. Processing of Lotame Data by Data Provider.**

**3.5.4.1. Roles of the Parties.** Lotame is a "controller" that transfers Lotame Data to Data Provider, and Data Provider is a "controller" that receives (directly or indirectly) Lotame Data for Processing. Each party will comply with their respective obligations in and will Process Lotame Data in accordance with ~~the Agreement,~~this Section 4, Section 5 of the DPA, and the provisions of the GDPR applicable to their role specified in the previous sentence.

**4.2. Onward Transfers of Lotame Data by Data Provider.** Lotame participates in and has certified its compliance with the DPF and in accordance with Lotame's obligations under the DPF, Data Provider shall (i) only process the Lotame Data for limited and specified purposes consistent with the Agreement and (ii) provide the same level of protection for the Lotame Data as is required by the DPF Principles. Data Provider will notify Lotame and cease processing the Lotame Data (or take other reasonable and appropriate remedial steps) if the Data Provider determines that it cannot provide the same level of protection for the Lotame Data as is required by the DPF Principles.

**5. Processing of Lotame Data by Data Provider.** Lotame is a "controller" that transfers Lotame Data to Data Provider, and Data Provider is a "controller" that receives (directly or indirectly) Lotame Data for Processing. Each party will comply with their respective obligations in and will Process Lotame Data in accordance with the Agreement, the DPA, and the provisions of the GDPR applicable to their role specified in the previous sentence.

**4.6. IAB Europe's Transparency & Consent Framework.** Lotame participates in the IAB Europe's Transparency & Consent Framework (TCF) as a vendor and complies with its Policies and Specifications. Lotame's identification number within the TCF is 95. Data Provider and its Third Party Sources shall implement the latest specification of the TCF on all Properties, and shall add Lotame as a vendor.