



Workday comments on EDPB Guidelines on codes of conduct as tools for transfers

October 1, 2021

Workday appreciates the opportunity to comment on the European Data Protection Board (EDPB) [Guidelines 04/2021 on codes of conduct as tools for transfers](#) (“Guidelines”).

Workday is a leading provider of enterprise cloud applications for finance and human resources, helping customers adapt and thrive in a changing world. Workday applications for financial management, human resources, planning, spend management, and analytics have been adopted by thousands of organisations around the world and across industries—from medium-sized businesses to more than 50% of the *Fortune* 500. Headquartered in Pleasanton, California, Workday has more than 13,000 employees worldwide and over 2,800 employees in our 19 offices across Europe.

As a provider of cloud-based software-as-a-service applications, we recognize the incredible trust our customers place in us to safeguard their data, and we maintain the highest standards of privacy and data protection. Given our commitment to protecting personal data, as well as the global nature of our business that necessitates transferring data across borders, Workday supports the development of codes of conduct that assist organizations in demonstrating compliance with the General Data Protection Regulation (GDPR) and transferring personal data outside the European Union.

In August 2019, Workday [became](#) the first cloud service provider to demonstrate adherence to the EU Data Protection Code of Conduct for Cloud Service Providers (“EU Cloud Code of Conduct”) pursuant to GDPR Art. 40, which itself became the first Code of Conduct to receive official approval by data protection authorities following the EDPB’s positive opinion [issued](#) in May, 2021. We see initiatives like the EU Cloud Code of Conduct as important tools for transferring data in a manner that upholds strong EU data protection standards while enabling the practical provision of technologies like cloud services that contribute to innovation and economic growth in the EU and around the world. Indeed, the EU Cloud Code of Conduct has already gained traction in the market, with 22 adherent services as of September 2021. The EU Cloud Code of Conduct is currently [developing](#) an additional module that would provide adherents with a mechanism to transfer personal data to third countries pursuant to GDPR Art. 46. For this reason, the Guidelines are essential in ensuring this work continues to uphold the EU’s high standards of data protection while enabling the practical implementation of GDPR Arts. 40-3.

With respect to specific elements of the Guidelines, Workday supports the observation in Paragraph 7 that data exporters already subject to GDPR are not required to independently adhere to a code of conduct “provided that a commitment to comply with the obligations set forth by the code of conduct when processing the transferred data, including with regard to the rights of data subjects, is included in a binding instrument.” The Guidelines appropriately reflect the fact that codes of conduct intended for transfers act as independent, reliable, and trusted mechanisms for data transfers to third countries—rather than merely replicating existing transfer tools like standard contractual clauses or binding corporate rules.

In addition, Workday agrees with the conclusion in Paragraph 13 that existing codes of conduct may be amended in scope and content in order to be used for data transfers. This flexibility will avoid unnecessary waste with respect to code of conducts that are already in development but were not designed as transfer mechanisms at the outset. Further, allowing such amendments capitalizes on momentum generated from the progress of numerous organizations already developing codes of conduct, ultimately encouraging the creation of more trusted, independent data transfer mechanisms.

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Workday appreciates this opportunity to provide feedback to the EDPB on its “Guidelines on codes of conduct as tools for transfers.” If you have any questions or if we can provide further information, please do not hesitate to contact Jens-Henrik Jeppesen, Director of EMEA Public Policy, at jens.jeppesen@workday.com.