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Project name

Strategic Vendor Management

Our reference

Status Google

*Please quote date of letter
and our ref. when replying. Do
not raise more than one
subject per letter.*

Date 1 March 2021
Concerning Status Google

In August 2020, I informed you about the data protection impact assessment (hereinafter DPIA) on Google G Suite Enterprise, conducted on behalf of the Ministry of Justice and Security. The DPIA was carried out by the Strategic Vendor Management (hereinafter: SVM) department, which was instructed by the CTO Council to investigate Google Cloud and Amazon Web Services and which is the central point of contact for Google within the Dutch central government.

The DPIA from mid-2020 found that the relevant Google products and services do not meet the requirements of the General Data Protection Regulation (hereinafter: GDPR). The DPIA identifies 10 high data protection risks. SVM met with Google in July and August 2020 based on this DPIA to discuss mitigating the high risks. These discussions led to an agreement between SVM and Google on August 12, 2020 on:

- the 'key privacy principles', which will guide further contract negotiations;
- the drafting and agreement of an improvement plan to eliminate or mitigate the 10 high risks to 'low' status;
- timelines for (i) drafting and agreeing the improvement plan (early December 2020), (ii) implementing the improvement plan (from January 2021 - to the end of the second quarter of 2022) and (iii) negotiating contracts to purchase products and services from Google (as of the end of December 2020).

These agreements are set out in a letter dated August 12, 2020 from Google (from its headquarters in the US) to SVM.

Status as of February 2021.

From August 2020 through February 11, 2021, discussions were held with Google regarding measures and agreements that could lead to the elimination or reduction of the 10 identified high risks.

The discussions did not result in sufficient mitigation of the risks. After reassessment, 8 high risks remain in the DPIA.

SVM wants to enable a possible future use of Google Cloud within the Dutch central government in accordance with the GDPR. Therefore, in accordance with Art. 36 (1) GDPR, a prior consultation was submitted to the Data Protection

Authority on February 15, 2021. The Data Protection Authority responds in accordance with Art. 36 (2) GDPR. The standard term for the advice of the Data Protection Authority is eight weeks, this term can be extended by another six weeks for complex cases. Furthermore, this period may be increased by, for example, mandatory international harmonization.

Next steps

SVM recommends postponing the intended use of Google Cloud products and services until there is more clarity regarding the mitigation or removal of the high risks. In its acknowledgement of receipt of the prior consultation, the Data Protection Authority pointed out that processing operations using the Google platform cannot be initiated until the prior consultation process is complete.

I will keep you posted on developments in this case.

Yours sincerely,

Paul van den Berg
Strategic Vendor Manager

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