



CIO Rijk, CIO Beraad, CIO Raad, CTO Raad, CTO
Overleg, participants SLM Microsoft Rijk, Surf, VNG and
interested third parties

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Projectnaam
Audit on Microsoft

Ons kenmerk
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memo

Audit on Microsoft

On July 1st, 2019, a commitment was made that the Strategic Vendor Management Rijk Team (hereinafter: SVM Rijk) would monitor Microsoft's compliance with regard to processing of personal data through the contractually enforced audit right. This commitment has been fulfilled. In addition, SVM Rijk's audit is also useful for Surf and VNG, as SVM Rijk also represents these organizations in privacy audits on Microsoft.

On March 17, the external auditor Ernst & Young (hereinafter EY), commissioned by SVM Rijk, delivered its findings in the report "Assurance report on profiling restrictions with regard to Microsoft's Office 365 ProPlus", during the period from July 1 to September 30 of last year. The investigation focused on the extent to which Microsoft is complying with contractually agreed restrictions regarding profiling. The results were agreed with Microsoft according to the adversarial principle.

A specific control framework served as the basis for the findings. This control framework contains the operational measures required to manage the risk of unlawful profiling. For the sake of completeness, a list of operational measures required on the part of the State Department is also included. However, this list was not part of the study. However, it would be prudent for State Departments to take note of these measures and implement them where deemed relevant.

The conclusion of the audit is that the operational measures at Microsoft are adequately described, adequately designed and working adequately working. This means that Microsoft's internal processes are in place with respect to the contractual prohibition of profiling.

It is important to note that this finding does not *guarantee* that unlawful profiling will not occur. For this reason, SVM Rijk considers it necessary to exercise its control over Microsoft's compliance from multiple angles, with respect to all aspects of the processing of personal data. In addition to examining operational measures, SVM Rijk will regularly conduct technical verification examinations, looking specifically at data flows. The results of these investigations are then tested against the contractual agreements. A technical verification investigation is currently taking place on a number of Microsoft applications. This verification will

be completed in the course of this year. SVM Rijk will publish further details upon completion.

Additionally, SVM Rijk will perform legal checks. For example, SVM Rijk is currently in discussions with Microsoft regarding the sub-processor contracts, where SVM Rijk is investigating whether the instructions given to Microsoft are correctly passed on by Microsoft to its sub-processors. Through these various control measures, SVM Rijk expects to maintain sufficient control over Microsoft's processing activities.

Finally: the full report of EY is published on the SVM Rijk website and can be found [here](#).

Best regards,
Team Strategic Vendor Management

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