

MICROSOFT

Microsoft Customer Agreement

Confluent ISV Financial Services Amendment—EBA

Confluent EBA Initiative

Confluent has carried out a cross-functional stakeholder compliance initiative to evaluate its Confluent Cloud offering in the context of the European Banking Authority’s (EBA) Guidelines on Outsourcing Arrangements (“EBA Guidelines”). Confluent has prepared a suite of documentation which presents its positions with regard to the key requirements set out in the EBA Guidelines.

To further demonstrate its compliance with the EBA Guidelines for our customers, Confluent has entered into a Financial Services Industry ISV Amendment (“FSI ISV Amendment”) to its Microsoft Customer Agreement (“MCA”) which governs Confluent’s use of Microsoft’s Online Services.

The current version of the FSI ISV Amendment incorporates key terms drawn from the EBA Guidelines that took effect on September 30, 2019.

Microsoft’s EBA Compliance

Microsoft has incorporated the EBA Guidelines into the totality of its Microsoft Customer Agreement (“MCA”), including specifically in the Financial Services Industry (“FSI”) Amendment (entered into between Microsoft and Confluent) as well as the Data Protection Addendum (“DPA”) (explicitly incorporated into the MCA).

Audit. Customer audit rights as they relate to Microsoft sub-outsourced parties are laid out within the FSI ISV Amendment. Specifically, the Customer’s audit rights “may include, as necessary, audit[s] of subcontractors that perform and process operations of the relevant Online Service.”

Sub-Processors. For the avoidance of doubt, Microsoft obligations as they relate to Sub-processors that Microsoft may from time to time engage are laid out fully at the date of this Statement in the “Notice and Controls on Use of Sub-processors” portion of the Data Protection Addendum. This includes any obligations that Microsoft may have relating to notification of security incidents (as seen in Section 13.1, paragraph 78 of the EBA Guidelines) and any obligations Microsoft may have ensuring all Sub-processors comply with all applicable data protection law requirements (seen under Section 13.1, paragraphs 79 and 80 of the EBA Guidelines).

Customer FSI ISV Addendum Request

To the extent that you are a Confluent customer which qualifies as a financial institution within the scope of the European Banking Authority’s mandate and thus are subject to the EBA Outsourcing Guidelines, if you wish to obtain a copy of the ISV Amendment between Confluent and Microsoft, please contact your Confluent Account Executive.

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