

Swiss Addendum to the EU Commission Standard Contractual Clauses

in force January 1st, 2023

This is a Swiss Addendum to the EU Standard Contractual Clauses set out in the Annex of Commission Implementing Decision (EU) 2021/914 of 4 June 2021, as displayed in <https://solutions.mckinsey.com/msd/service-providers/docs/Standard-Contractual-Clauses.pdf> and as applicable in each case (“EU SCCs”). This Swiss Addendum has been drafted in accordance with the Federal Protection and Information Commissioner guidelines on the transfer of personal data issued on August 27, 2021 and entered into force on September 27, 2021.

The Federal Data Protection and Information Commissioner (“**Swiss DPA**”) considers that the EU SCCs provides appropriate safeguards for international data transfers from Switzerland when it is entered into as a legally binding contract and, hence, they may be relied on to legitimize transfers of personal data from Switzerland to countries without an adequate level of data protection, provided that the necessary amendments and adaptations are made for use under Swiss data protection law.

Part 1: Parties to the Addendum:

Exporter:

Name: McKinsey & Company, Inc. United States acting on its own name and on behalf of its affiliates that may receive personal data

Address: 711 Third Avenue, 4th Floor, New York, NY 10017 (headquarter)

Contact person’s name, position and contact details:

Carlos Garcia-Mauriño, Global Privacy Officer, privacy@mckinsey.com

Signature:

DocuSigned by:

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Importer:

The data importer is the legal entity (along with its affiliates) to which the data exporter transfers personal data based on the relevant services agreement (“**the Agreement**”) which incorporates the EU Standard Contractual Clauses (“EU SCCs”) to which this Addendum is appended.

Signature and date: Signed by virtue of reference to and incorporation of the EU SCCs to which this Addendum is appended into the relevant vendor agreement and signature of the latter by the data exporter.

Part 2: Amendments to the EU SCCs.

1. Each Party agrees to be bound by the terms and conditions set out in this Swiss Addendum.
2. This Swiss Addendum and the EU SCCs that incorporates must always be interpreted in a manner that is consistent with all laws relating to data protection, personal data and/or electronic communications in force from time to time in Switzerland, including the Swiss Federal Act on Data Protection of 25 September 2020 (“**Swiss Data Protection Laws**”). If there is any inconsistency or conflict between Swiss Data Protection Laws and this Swiss Addendum or the EU SCCs that incorporates, Swiss Data Protection Laws applies.
3. Where this Swiss Addendum incorporates EU SCCs which have been entered into to protect transfers subject to the Regulation (EU) 2016/679 of 27 April 2016 (“**GDPR**”), the Parties acknowledge that nothing in this Swiss Addendum impacts those EU SCCs.
4. The respectively applicable set of EU SCC applies *mutatis mutandis* to international data transfers carried out by McKinsey to the Service Provider out of Switzerland.
5. The SCC shall be deemed to be amended as follows:
 - References to the “European Union”, “Union”, “EU”, “EU Member State”, “Member State” and “EU or Member State” in the EU SCCs shall be deemed to include Switzerland. This includes references to the court in a member state in Clause 18 c, that shall also include the Swiss courts as an alternative place of jurisdiction for data subjects residing in Switzerland.
 - References to “competent supervisory authority” and “supervisory authority” are to be considered the Swiss DPA when data is exclusively subject to the Swiss Data Protection Laws; and to both the Swiss DPA and the EU competent supervisory authority insofar as the data transfer is governed by both the Swiss Data Protection Laws and the GDPR. This include Clause 13(a) and Part C of Annex I of the EU SCCs.
 - References to “GDPR” “Regulation (EU) 2016/679”, “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 (General Data Protection Regulation)” and “that Regulation” are to include the “Swiss Data Protection Laws” as well. References to specific Article(s) of “Regulation (EU) 2016/679” are to include also the equivalent or more similar Article of Swiss Data Protection Laws.
 - References to the “Clauses” means this Swiss Addendum, incorporating the EU SCCs into it.
 - References to the “European Commission” shall include Swiss competent authorities as well.
 - Where an international data transfer of McKinsey controlled personal data is subject to a law that protects legal entities as data subjects, the EU SCCs will apply to legal entities as well.
 - This Swiss Addendum (including the EU SCCs) shall be governed by the laws of Switzerland and any dispute arising from it is resolved by the courts of Switzerland. To the extent the data transfer is exclusively subject to the Swiss Data Protection Laws, reference to the governing law in clause 17 of the EU SCCs shall be referred to the Swiss Data Protection Laws or the law of an EU country in accordance with the EU SCCs, provided that it allows and grants rights as a third-party beneficiary for contractual claims regarding data transfers.