

**GDPR:
QUESTIONS AND ANSWERS**

Question ***What personal data does Klaviyo process?***

Response Klaviyo’s customers may utilize certain types of personal data in their usage of our services, at their sole option and control. That personal data typically includes information such as names, email addresses, phone numbers, IP addresses and cookies data. Our customers manage and control any data they use on our platform. Klaviyo can only access and process that data to the extent required for us to provide our services and in, the case of personal data, in accordance with the terms of our [Data Processing Agreement \(DPA\)](#).

Question ***Does Klaviyo transfer customer data to the US?***

Response Yes, we do. Like many other US based SAAS providers, we host our data on servers in the US, specifically in AWS – US East.

Question ***Are those data transfers permitted under EU law?***

Response Yes. Under the EU’s GDPR (General Data Protection Regulation) legislation, the US is considered a “third country”. Transferring data to third countries is permitted in certain circumstances, such as where there are appropriate safeguards in place. Our DPA includes the latest Standard Contractual Clauses (SCCs), which are a set of contractual terms published by the European Commission that companies transferring personal data to third countries can rely on, as a legal basis for that transfer. More information is available in our [International Data Transfer FAQs](#).

Question ***If that’s the case, why the talk of issues with Klaviyo and GDPR violations?***

Response Companies that transfer data to the US are currently facing increased scrutiny even where those transfers have a valid legal basis, such as the SCCs. A lot of that scrutiny stems from a conflict between EU data

protection laws and US surveillance laws. The two main issues are; 1) the extent of US surveillance powers, and 2) the lack of legal protections available to EU citizens in response to those surveillance powers.

Question *Does it look like this scrutiny is going to continue?*

Response Although the scrutiny is currently heightened, the US has recently issued an Executive Order implementing a new EU-US (Trans-Atlantic) Data Privacy Framework. This framework is designed to address the specific concerns around data transfers to the US by; (1) limiting how US intelligence agencies can collect intelligence data from EU citizens, and (2) providing a legal redress mechanism for those citizens. Importantly, within the next 6 months, the EU is expected to formally approve an adequacy decision recognizing the US framework as “essentially equivalent” to the protections under the GDPR. This will provide the much-needed legal certainty around transatlantic data transfers.

Question *If this is potentially a challenge for all US companies, why is there extra scrutiny around Klaviyo specifically?*

Response With over 130,000 customers globally, Klaviyo is one of the leading email marketing platforms so it is no surprise that we are under the spotlight a bit more. However, it is important to note the facts which are:

- In relying on SCCs, Klaviyo’s data transfers to the US constitute a lawful transfer of data under the GDPR;
- Klaviyo has to date never been subject to any government requests to disclose customer data, nor do we think it is likely that we would receive such requests, given the type of services we provide;
- Klaviyo has not been subject to any legal challenges regarding the lawfulness of our data transfers, and
- Klaviyo is not aware of any of our customers having received cease and desist letters in respect of their usage of our platform.

In addition to this, Klaviyo maintains a range of security measures to safeguard any personal data we may process and has also implemented additional supplementary measures to further protect such data. These measures are outlined in Schedules 2 and 4 of our DPA.

Question

Are there any extra steps that customers can take?

Response

Klaviyo encourages all customers to make their own privacy determinations. These FAQs and the resources linked in it will help with that. If you have any further queries, please reach out to your Klaviyo contact.

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