



Schrems II and Citrix Services

At Citrix, we understand the uncertainty caused by the recent decisions of the Court of Justice of the European Union in *Schrems II* and the Swiss Federal Data Protection and Information Commission (FDPIC) prohibiting the use of the US-EU Privacy Shield as a valid legal basis for international transfers and raising questions about the use of the Standard Contractual Clauses. Citrix has a robust global data protection program, and we take the privacy and security of our customers' data very seriously. For general information about the privacy and security controls Citrix implements to protect the data of our customers, please consult the [Citrix Trust Center](#).

As you may be aware, several European Data Protection Authorities have responded to the CJEU's decision by emphasizing the need to review its practical implications. In addition, the European Commissioner for Justice and the U.S. Secretary of Commerce have issued a [joint statement in response to the decision on August 10, 2020](#). In that statement, Messrs. Reynders and Ross confirm that they have initiated discussions related to an enhanced EU-US Privacy Shield framework designed to comply with the *Schrems II* decision. If successful, this enhanced framework would likely also address the CJEU's and the FDPIC's issues related to reliance on the Standard Contractual Clauses for international transfers from Europe to the United States. More recently, [a white paper](#) issued by the U.S. Departments of Justice and Commerce in conjunction with the Office of the Director of National Intelligence emphasizes as one of its key points that "most U.S. companies do not deal in data that is of any interest to U.S. intelligence agencies...."

With respect to the issues raised in the CJEU and FDPIC decisions and their impact on Citrix, we are in the process of investigating the issue of whether 50 U.S.C. § 1881a (FISA 702) and EO 12.333 apply to Citrix. Citrix does not provide electronic communication services to the public. Rather, Citrix uses external ISP providers and providers of electronic communications services to conduct its business. More importantly, the majority of the information we receive is not a communication as defined under FISA (i.e. not information sent to or from an email or phone number). To date we have received very few government requests for information of any kind. Furthermore, Citrix cloud services encrypt data in transit based on industry leading practices. We are evaluating the laws of other countries, but this process will take some time.

Again, we take privacy and security very seriously at Citrix, and we hope this helps you perform your data protection analyses in light of *Schrems II* and applicable regulatory guidance.

The Citrix Privacy Team

Last Updated: October 19, 2020

This information is not intended as and shall not be construed as legal advice. Citrix does not provide legal, accounting, or auditing advice or represent or warrant that its services or products will ensure that customers or channel partners are in compliance with any law or regulation.