

Microsoft Customer Agreement

Applicable DPA Amendment

This Applicable DPA Amendment (“Amendment”) is entered into between Customer and the Microsoft Affiliate who are parties to the Microsoft Customer Agreement (the “Agreement”), and the parties agree that this Amendment supplements the Agreement. All terms used but not defined will have the same meaning as provided in the Agreement.

The parties agree that the Agreement is amended as follows:

Notwithstanding anything in the Data Protection Terms section of the Online Services Terms or Data Protection Addendum applicable to Customer’s subscription(s), the parties agree that in the event of any conflict or inconsistency between those terms and the current version of the Data Protection Addendum (dated December 9, 2020) regarding the Standard Contractual Clauses (including Appendix 3 to the Standard Contractual Clauses), or data transfers, the current version of the Data Protection Addendum is binding on the parties and shall prevail.

Except for changes made by this Amendment, the Agreement remains unchanged and in full force and effect. If there is any conflict between any provision in this Amendment and any provision in the Agreement and any provision in the Online Services Terms, including the Microsoft Online Services Data Protection Addendum (“DPA”), this Amendment shall control.