

Data Processing Agreement - Users

Agreement Last Updated: May 2, 2018

In order to provide the Services to its Users, Wix processes data of customers of the Users' services (herein: "User Customers"). The processing of such data by Wix is hereinafter referred to as "Processing" (and as such term is further defined in the GDPR). The following Data Processing Agreement ("DPA") sets forth the terms of such Processing by Wix.

This Agreement is in addition to the general [Wix Terms of Use](#) and its [Privacy Policy](#) (herein, "Terms of Use", "Privacy Policy" and collectively the "Wix Policies"). The terms of the Wix Policies shall apply to this Agreement as applicable. In event of contradiction between this DPA and any of Wix Policies, the provisions of the DPA shall govern. Any capitalized term that is not defined herein, shall have the meaning as ascribed to such term in the Wix Policies.

To the extent the User Customer Data which is Processed by Wix on behalf of the User is subject to the General Data Protection Regulation (Regulation (EU) 2016/679; the "GDPR"), the Users acknowledge and agree that for purposes of the provision of the Services by Wix, each User is the Data Controller in respect of such Personal Data, and by using the Wix Services, the User has instructed Wix to process such Personal Data on his/her/its behalf pursuant to this DPA.

Definitions

For the purposes of this DPA, the following terms have the following meaning:

- The terms "Controller", "Data Subject", "Personal Data", "Personal Data Breach", "Processing", and "Processor" as used in these DPA have the meanings given in the GDPR.
- User Customer Data means the Personal Data of User Customers as Processed by Wix on behalf of the Users.

Terms of Personal Data Processing by Wix:

1. Wix shall:
 - 1.1 Only process User Customer Data for the provision of the Services to Wix Users and according to the Wix Policies.
 - 1.2 Ensure that anyone acting on its behalf, will Process User Customer Data according to the provisions of the Privacy Policy and all applicable data protection regulations.
 - 1.3 Implement appropriate technical, organizational and security measures to secure User Customer Data.

2. Users shall:
 - 2.1 Process Personal Data in accordance with any and all applicable data protection laws and regulations, including without limitation the GDPR.
 - 2.2 Have sole responsibility for the accuracy, quality, and legality of User Customer Data and the means by which it was obtained.
 - 2.3 Ensure the appropriate level of security when using Wix Services, taking into consideration the risk in respect of the User Customer Data; Any storage and/or transfer of User Customer Data by User to any third-party or platform other than the Wix systems shall be at the sole risk and responsibility of the User.

3. Each User hereby grants Wix general authorization to engage sub-processors without obtaining any further written, specific authorization from the User. In the event the User objects to any sub-processing on behalf of Wix such User shall immediately discontinue the use of Services. Wix shall execute an agreement with each sub-processor ensuring compliance by such sub-processor with at least the provisions of this DPA and the Wix Policies.

4. By using any of Wix's Services, the User agrees to the adequacy of the organizational, technical and security measures implemented by Wix to protect the Personal Data. Some of those measures can be seen [here](#).

5. If Wix becomes aware of any Personal Data Breach, Wix will, without undue delay, provide notification of such, to the Users. Notifications provided by Wix to Users regarding such Personal Data Breach (initial notification or subsequent ones), shall include details of the nature of such breach and number of records affected, the category and estimated number of affected data subjects, anticipated consequences and any actual or proposed measures to be taken by Wix (or on its behalf) in order to mitigate the potential negative effects of such breach. Wix's notification of a Personal Data Breach will not be deemed as an acknowledgement by Wix of any fault or liability

with respect to such incident. In event of a Personal Data Breach, the User shall be obligated to take measures, as required under applicable laws in relation to Personal Data of its User Customers.

6. Upon reasonable written request, Wix will make available for review by User:
 - 6.1 Any certification regarding compliance by Wix with its obligations under this DPA and the applicable laws; and/or
 - 6.2 External audit reports or other industry standard audit, as Wix has conducted according to its discretion.
7. Wix shall assist its Users, within reasonable timetables, by the appropriate measures, as reasonably possible (considering the nature of the Processing), to enable such Users to comply with data subject rights and all other relevant obligations under data privacy regulations, including the GDPR.
8. If the Processing of the User Customer Data involves transfer of such data outside of the European Economic Area (EEA) and the European data protection regulations apply to the transfers of such data, these transfers will be conducted in compliance with all applicable data protection regulations.
9. This DPA shall be in effect in relation to each User, for as long and such User, uses any of the Wix Services, provided however, that that in event in which Wix is obligated, according to the terms of this DPA or any Wix Policies, to keep Personal Data of a User following the termination of the Services, this DPA shall continue to be in effect for as long as Wix holds such Personal Data.
10. Upon termination of the use by the User of the Services, and unless Wix is required to retain such User Customer Data under Wix Policies, any agreement or applicable laws, Wix shall, including upon written request by the User, delete the User's Personal Data as soon as reasonably practicable and according to Wix Policies and applicable laws.
11. Wix shall have the right to amend and/or adjust any of the terms of this DPA as may be required from time-to-time, in order to comply with any applicable laws or regulations.
12. Any questions regarding this DPA or requests from Users to exercise Data Subject Rights as described herein or in the GDPR, should be addressed to the Wix Data Protection Officer at privacy@wix.com. Wix will attempt to resolve any complaints regarding the use of your User Customer Data in accordance with this DPA and Wix Policies.