

**DISCLOSURE ITEMS FOR AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY
STATE OF FLORIDA AGREEMENT TR229**

ETS DISCLOSURES	RTT RESPONSES
<p>The State of Florida contract for American Express Travel Related Services Company provides County-wide American Express Card acceptance.</p> <p>The State of Florida contract does not include the following applicable County standard IT security-related terms and conditions:</p> <ul style="list-style-type: none"> - Service Level Agreement (applicable for Cloud services); - Security and Access; - Data and Privacy; - Managed Services and Professional Services; - Remote Access; - System and Organization Controls (SOC) Report; - Software Installed in County's Network; - Equipment Leased or Purchased from Contractor; and - Payment Card industry (PCI) Compliance. 	<p>The Agreement for American Express Card Acceptance was negotiated by the State of Florida, Department of Financial Services. Additional changes cannot be made by agency or local government participants.</p> <p>Regarding the applicable County standard IT security-related terms and conditions, a request was made to American Express for any applicable compliance reports which could be made available to the County. The response was as follows:</p> <p><i>“American Express understands the importance of having a SOC1/ SSAE16 report and demonstrating the effectiveness of its controls. But at the same time, for an organization like ours it's a challenge to get a SOC1/ SSAE16 report for the whole of our enterprise given the magnitude and scale of our operations. So, we do not currently have a SOC1/ SSAE16 report.</i></p> <p><i>American Express Information Security policies and standards are based on the Federal Financial Institutions Examination Council (“FFIEC”) guidelines as well as by other relevant regulatory standards. Our Information Security policies further define the Company’s information security program, its objectives and domains in topical areas based on such industry references as ISO 27001/2 and BS7799.</i></p> <p><i>American Express employs and continues to employ best-of-breed products and services. Our technology strategy, includes long range plans and a continuous uplift program not just to address the needs of customer confidentiality and security but also is in alignment with industry best practices and satisfies our fiduciary and regulatory responsibilities as a public company and a financial institution.</i></p> <p><i>American Express is subject to supervision and examination by bank regulators and undergoes internal and external audits and reviews of IT controls, operations, implementations, and procedures, including pursuant to the Sarbanes-Oxley Act. American Express has engaged an independent registered public accounting firms [sic] that has issued</i></p>

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	<i>an audit report on its assessment of American Express' internal controls, which can be found in the annual report to shareholders."</i>
<p>The Vendor did not provide a System and Organization Controls 2 (SOC 2) Type II report as the County standard for Cloud services or the County's standard Vendor Security Questionnaire (VSQ).</p> <p>The SOC report provides independent, third party assurance to the implementation of proper security controls. The VSQ provides information regarding the vendor's security controls.</p> <p>County is unable to fully assess or attest to the vendor's adherence to standard County security policies and controls.</p>	Please see American Express' response above.

COUNTY ATTORNEY'S OFFICE DISCLOSURES	RTT RESPONSES
Section 1(b)(i) – Merchant Regulations are incorporated by reference into the contract, but they may be changed “at any time.”	As with other card brands, merchant regulations are changed periodically and often without advance notice. This is an industry standard over which merchants have no control. County agencies have a general working knowledge of merchant regulations and standard operating procedures related to card acceptance.
Section 4(b) states that the Department's liability in tort is limited by F.S. 768.28. Note: “claims for breach of contract or indemnity claims under our Data Security Operating Policy shall not be subject to” that limitation.	County understands there are data security responsibilities in conjunction with credit card acceptance and is working to attain countywide PCI compliance.
Section 5(b) – No indemnification (subject to the above).	The Agreement for American Express Card Acceptance was negotiated by the State of Florida, Department of Financial Services. Additional changes cannot be made by agency or local government participants.
Section 7(c) – Arbitration is mandatory at the request of either party.	The Agreement for American Express Card Acceptance was negotiated by the State of Florida, Department of Financial Services. Additional changes cannot be made by agency or local government participants.

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Section 7(c)(vii) – New York law governs.	The Agreement for American Express Card Acceptance was negotiated by the State of Florida, Department of Financial Services. Additional changes cannot be made by agency or local government participants.
Merchant Regulations – Section 8.6 purports to place indemnity obligations on the County. Note that Section 4(b) of the main agreement states that “claims for breach of contract or indemnity claims under our Data Security Operating Policy shall not be subject to the limitation of liability” provided in FS 768.28.	County understands there are data security responsibilities in conjunction with credit card acceptance and is working to attain countywide PCI compliance.
Section 8.9 disclaims Amex liability for failures of Amex’s data security measures.	County understands there are data security responsibilities in conjunction with credit card acceptance and is working to attain countywide PCI compliance.