

DORA COMPLIANCE CHECKLIST FOR ICT THIRD-PARTY SERVICE PROVIDER CONTRACTS

Name of firm performing the assessment (the “Firm”):	[INSERT NAME OF FIRM PERFORMING THE ASSESSMENT]
Third-party service provider being assessed (the “Provider”):	[INSERT NAME OF THIRD-PARTY SERVICE PROVIDER BEING ASSESSED]
Contractual arrangement (the “Contract”):	[INSERT DESCRIPTION OF THE EXISTING OR PROPOSED CONTRACTUAL ARRANGEMENT WITH THE PROVIDER]
Reviewer:	[INSERT NAME OF INDIVIDUAL AT THE FIRM WHO IS PERFORMING THE ASSESSMENT]
Assessment date:	[INSERT DATE OF THE ASSESSMENT]

This checklist is intended to document how the Contract between the Firm and the Provider complies with the provisions contained in Section I of Chapter V (Managing of ICT Third-Party Risk) of the Digital Operational Resilience Act (EU Regulation 2022/2554) (“DORA”)¹.

This checklist comprises the following sections:

1. General Principles (Article 28 of DORA);
2. Preliminary Assessment of ICT Concentration Risk at Entity Level (Article 29 of DORA); and
3. Key Contractual Provisions (Article 30 of DORA).

[This document is a preview only. To purchase the full template, please visit: <https://fsreg.com/ict-contracts-checklist-dora/>]

¹ Digital Operational Resilience Act (DORA) - Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector.

SECTION 1 – GENERAL PRINCIPLES

	Question/Answer
1.	Please confirm that the Contract has been entered into the register of information maintained by the Firm in relation to all contractual arrangements on the use of ICT services provided by third-party service providers.²
	[YES/NO]
2.	Please confirm whether the Contract concerns the provision of ICT services supporting critical or important functions. Please provide an explanation of your response.³
	[FIRM TO INSERT ANSWER]
3.	Please confirm that any applicable supervisory conditions for contracting with the Provider are met. Please provide an explanation of your response.⁴
	[FIRM TO INSERT ANSWER. SUPERVISORY CONDITIONS ARE THE CONDITIONS (IF ANY) THAT APPLY TO THE FIRM UNDER THE RULES AND REGULATIONS ISSUED BY ITS NATIONAL SUPERVISORY AUTHORITY]
4.	Please confirm that the Firm has identified and assessed all relevant risks in relation to the Contract.⁵
	[YES/NO]
5.	Please provide an overview of all relevant risks identified, including information regarding their severity, likelihood of occurrence and steps taken to mitigate the probability of their occurrence or their consequences.⁶
	[FIRM TO INSERT ANSWER]
6.	Please confirm whether the Contract may contribute to reinforcing ICT concentration risk as referred to in Article 29 of DORA. Please provide an explanation of your response.⁷
	[FIRM TO INSERT ANSWER]
7.	Please confirm that the Firm has undertaken all due diligence on the Provider and has ensured throughout the selection and assessment processes that the Provider is suitable. Please provide an explanation of your response.⁸
	[FIRM TO INSERT ANSWER]

² Article 28(3) of DORA.

³ Article 28(3) of DORA.

⁴ Article 28(4) of DORA.

⁵ Article 28(4) of DORA.

⁶ Article 28(4) of DORA.

⁷ Article 28(4) of DORA.

⁸ Article 28(4) of DORA.

8.	Please identify any conflicts of interest that the Contract may cause and provide an assessment of such conflicts of interest, including a description of steps taken by the Firm to mitigate such conflicts. ⁹
	[FIRM TO INSERT ANSWER]
9.	Please confirm that the Firm has verified that the Provider complies with appropriate information security standards. Please provide an explanation of your response. ¹⁰
	[FIRM TO INSERT ANSWER]
10.	[Please confirm that the Firm, prior to concluding the Contract, has taken due consideration of the use by the Provider of the most up-to-date and highest quality information security standards. Please provide details. – ONLY APPLICABLE IF THE CONTRACT RELATES TO ICT SERVICES SUPPORTING CRITICAL OR IMPORTANT FUNCTIONS]
	[FIRM TO INSERT ANSWER]
11.	Please confirm that, in exercising access, inspection and audit rights over the Provider, the Firm has, on the basis of a risk-based approach, pre-determined the frequency of audits and inspections as well as the areas to be audited through adhering to commonly accepted audit standards in line with any supervisory instruction on the use and incorporation of such audit standards. Please provide details. ¹¹
	[FIRM TO INSERT ANSWER]
12.	[Please confirm that the Firm has verified that its auditors, whether internal or external, possess appropriate skills and knowledge to effectively perform the relevant audits and assessments over the Provider. ¹² – ONLY APPLICABLE IF THE CONTRACT CONCERNS ICT SERVICES THAT ARE HIGHLY COMPLEX FROM A TECHNOLOGICAL PERSPECTIVE]
	[FIRM TO INSERT ANSWER]

⁹ Article 28(4) of DORA.

¹⁰ Article 28(5) of DORA.

¹¹ Article 28(6) of DORA.

¹² Article 28(6) of DORA.