

The Role of the Data Protection Officer

Thursday 14th June 2018

SCHOOLS

NORTHEAST

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- » Why you need a DPO
- » The DPO's tasks
- » Who can be the DPO
- » Sharing a DPO
- » Supporting the DPO
- » Independence
- » Liability/accountability



- » General Data Protection Regulation 2016
- » Data Protection Act 2018
- » First major DP legislation for 20 years
- » Evolution v revolution
- » Personal data



- » Section 69 DPA
- » Article 37 GDPR
- » Public authority
- » Good governance
- » Common sense!



- » Section 71, DPA/Article 39, GDPR
- » Inform and advise
- » Monitor compliance with GDPR and policies
- » Provide advice on DPIAs
- » Co-operate with the ICO
- » Act as point of contact for the ICO
- » Receive SARs and complaints
- » Record keeping



- » Expert knowledge of DP law and practice
- » Professional qualities
- » Ability to perform the tasks described above
- » Expertise should be commensurate with the sensitivity, complexity and volume of data the organisation processes
- » In-depth understanding of GDPR
- » Good understanding of the processing operations
- » Good understanding of the information systems, data security and DP needs of the organisation
- » Sound knowledge of the administrative rules and procedures of the organisation
- » Can an external DPO achieve all of this?



- » Expressly permitted by GDPR and DPA
- » Must be easily accessible for each establishment – internal and external
- » Must be able to efficiently communicate with staff, data subjects and co-operate with the ICO
- » The Controllers must assure themselves of the capability of the DPO, whether an individual or an organisation
- » SLA
- » Must still fulfil all requirements for a DPO, e.g. no conflicts
- » No unfair termination of an SLA



- » Section 70, DPA/Article 38, GDPR
- » Must ensure the DPO is involved, properly and in a timely manner, in all issues which relate to the protection of personal data
- » Must provide the DPO with the necessary resources and access to personal data and processing operations to enable the DPO to perform the tasks and maintain expert knowledge
- » The DPO must report to the highest management level of the Controller
- » Early involvement in DPIAs
- » Invite DPO to regular management meetings
- » DPO should always attend when DP issues are being discussed
- » Give due weight to DPO's opinion
- » Consult DPO promptly when a breach or other incident occurs
- » Finance and training



- » The organisation must not instruct the DPO how to deal with a matter
- » The DPO must have no decision-making power
- » Cannot be dismissed or penalised for performing the DPO's tasks
- » No conflict



- » The Controller is liable for compliance with GDPR/DPA
- » But there is no express exemption for DPOs
- » Article 29 Working Party Guidance – DPOs are not personally liable for non-compliance
- » Employment contract/SLA will set out the job description or specification, so performance measured against that





Tim Care

Partner | Public Sector

E: tim.care@wardhadaway.com

T: 0191 204 4224

