
Is a DPO required?

And if so, what is his/her role?

22 November 2017



do you need
a DPO



a short survey.

Definitions

def·i·ni·tion

\dē-fə'-nī-shən\
meaning of a word;
can be subjective

- **Data Protection Officer:** There is no definition of data protection officer ('DPO') in the GDPR.
- **Data Controller:** A natural or legal person, public authority, agency or any other body which, alone or jointly with others, determines the purposes and means of the processing of personal data (Article 4(7) of the GDPR).
- **Data Processor:** A natural or legal person, public authority, agency or any other body which processes personal data on behalf of the controller (Article 4(8) of the GDPR).



When required according to GDPR

Art 37 (and recital 97)

1. Public authority or body, (except courts for judicial capacity)
2. Core of activities of controller or processor
 - a. require regular or systematic monitoring; or
 - b. consists of processing on a large scale of special categories of data (Art 9) and data relating to criminal convictions and offences (Art 10).



© Can Stock Photo

In addition, a DPO shall be appointed out of the abovementioned cases when required by Union of Member State law (Article 37(4) of the GDPR).

Art 29 WP encourages appointing DPOs' on voluntary basis.



When required according to GDPR

What is Regular & Systematic Monitoring



Monitoring:

- all forms of tracking and profiling



Regular:

- Ongoing or occurring at particular intervals for a particular period
- Recurring or repeated at fixed times
- Constantly or periodically taking place



Systematic

- Occurring according to a system
- Pre-arranged, organised or methodical ▪
- Taking place as part of a general plan for data collection ▪
- Carried out as part of a strategy



When required according to GDPR

What is Large Scale



The number of data subjects concerned – either as a specific number or as a proportion of the relevant population



The volume of data and/or the range of different data items being processed



The duration, or permanence, of the data processing activity



The geographical extent of the processing activity



What tasks










Art 39

1. Inform and advise
2. Monitor compliance, including:
 - a. Assignment of responsibilities
 - b. Awareness raising
 - c. Training
 - d. Audits
3. Identification of risks and recommended controls
4. Cooperate with authority and act as contact point for issues and consultation



What requirements

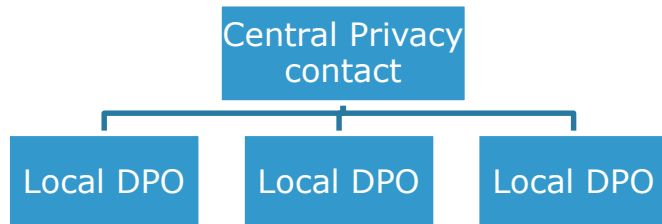
Art 42.2.h

-  Can be internal staff or external service
-  Professional Qualifications
(some countries like Spain and Poland might require certifications)
-  Independent
-  Reporting to highest management
-  Able to contain confidentiality
-  Able to perform risk assessments
-  Notified to the authorities
-  Easy accessibility for data subjects
-  Supported by management and timely involved

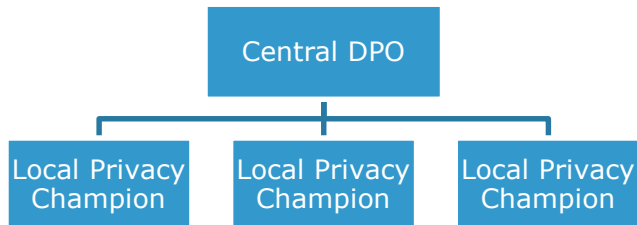


3 models to organize

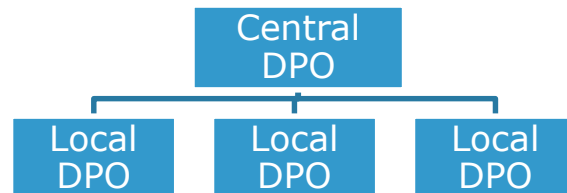
Only Local DPO's



Central DPO, local champions



Centrals and Local DPO's



Governance model options

Model	Pros	Cons	Conclusion
Central single DPO	Clear hierarchy One stop shop Less capacity needed	No oversight Limited interaction with local management Not clear if accepted by DPAs	Might work for very centralized organization with uniform processes/systems or organization in 1 country Challenge to organize easily accessibility from each establishment
Local DPOs	Local responsibility	Alignment Finding resources	Might work for very decentralized organization, but probably will not be considered effective
Combination of Central DPO and Local DPOs	Both local and central ownership Local responsibility, only one stop shop if cross border	Finding resources Keep aligned Local entities that don't need DPO	Most likely best model for multinational with local branches with certain independence.



How to appoint a DPO formally

?



and after this
Session



what do you think.