

LAW AND DIGITAL TECHNOLOGIES
INTERNET PRIVACY AND EU DATA
PROTECTION

The Data Protection Officer

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what is a data protection officer?

- someone (m/f) in the organization of a controller or processor
- who informs and advises that controller or processor on data protection compliance, and particularly on DPIA's
- and who monitors compliance with applicable DP-law
- and cooperates with DPA's and acts as contact-point

not a committee or commission, but an individual

could be an employee, could be from an external organization

not part of management(!)

not a whistleblower(!)

who should appoint a data protection officer?

- public authority or body (but not courts)
- core activities consist of processing operations that require systematic large-scale monitoring of data subjects
- core activities consist of large-scale processing of special data and criminal data

determined under national law... universities, bar associations?

'primary activities, i.e. not relating ancillary activities'

key operations to achieve the controller's or processor's goals

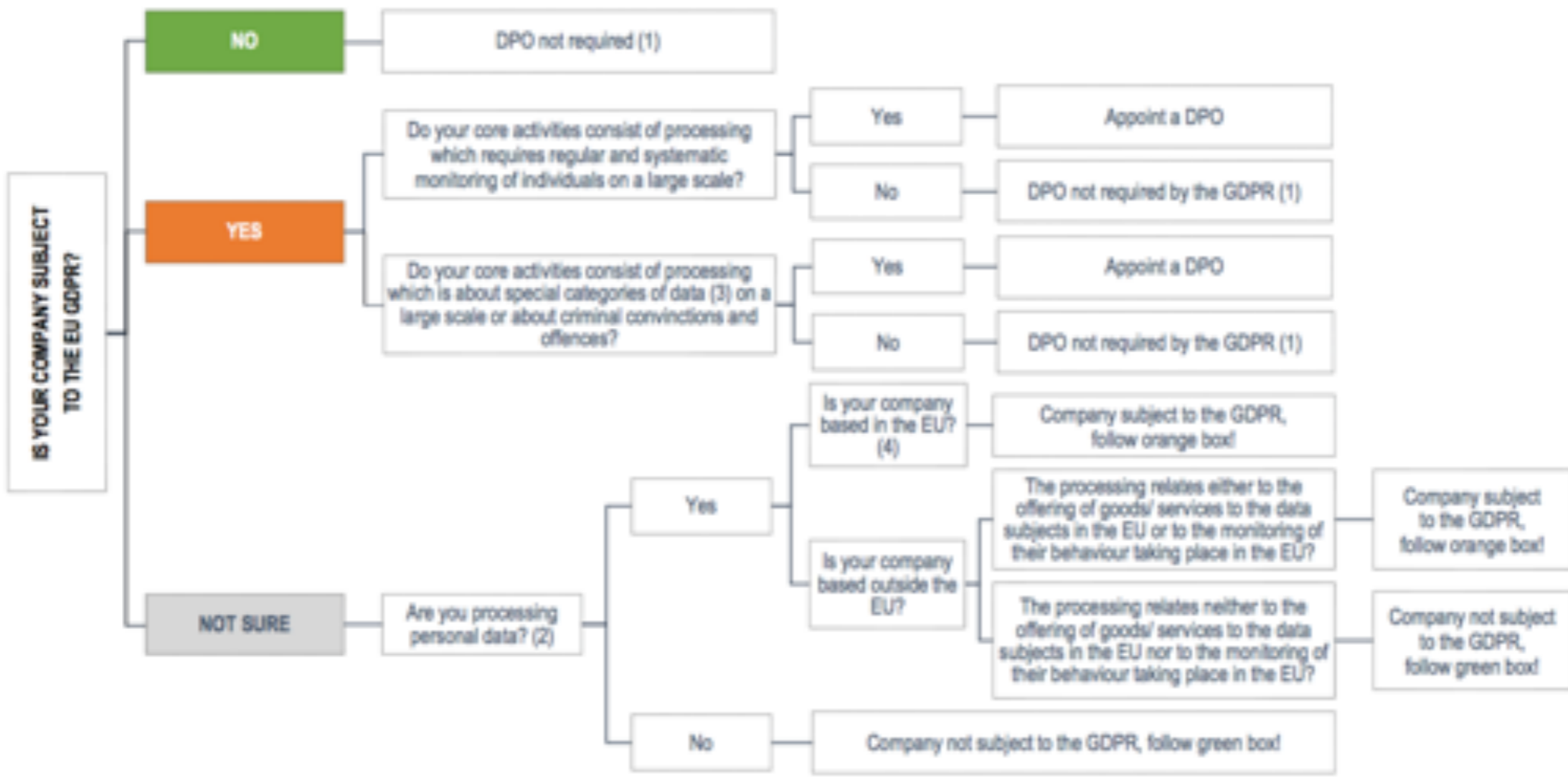
Therefore, not salary administration, unless that is the core-activity of a processor (e.g. Workday)

hospitals, public transport, fastfood delivery, search engines, telco's, banks etc.

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

- *volume of data and/or the range of different data items being processed*
- *duration, or permanence, of the data processing activity*
- *geographical extent of the processing activity*

SHOULD YOUR COMPANY APPOINT A DATA PROTECTION OFFICER (DPO) UNDER THE EU GDPR?

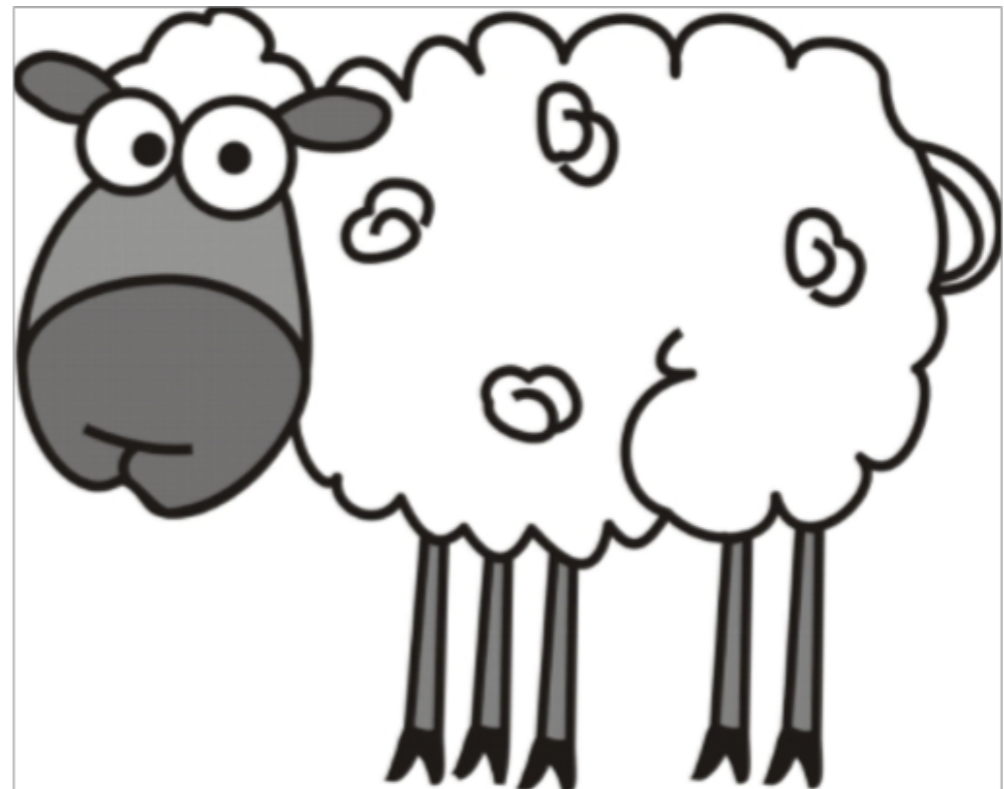


(1) EU Member States may have / introduce other laws which require appointment of DPOs. Organizations may also opt to appoint DPOs even if there is no legal requirement at EU or Member State level. (2) For a definition of personal data, consult Article 4(1) of the EU GDPR. (3) For a definition of special categories of personal data, consult Article 9(2) of the EU GDPR. (4) See [here](#) list of EU Member States. This document has been prepared for informational purposes only. The content of this document does not constitute legal advice and should not be relied upon as such. Consult your legal counsel when in any doubt about understanding your rights and obligations in order to comply with the law and regulations.



what are the tasks of a data protection officer?

- informing and advising a controller or processor on data protection compliance, and particularly on DPIA's
- monitoring compliance with applicable DP-law
- and cooperation with DPA's and acting as contact-point



what are the requirements for a DPO?



- expertise and professional qualities, and the ability to fulfill his or her tasks
- independent

on DP-law, on the organization of the controller or processor, on data flows, ICT, etc.

all of the above, and well-positioned in the organization of the controller or processor

exclude or provide for solutions in case of conflicts of interest

QUESTIONS

could a private practice lawyer be a DPO?
is a controller allowed to designate the Data Governance Officer as DPO?



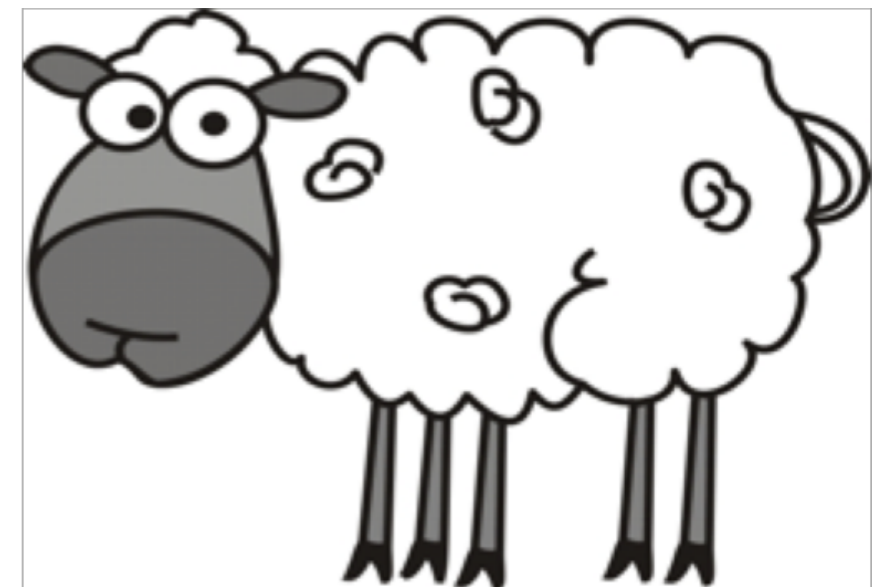


*DPO must be in a position to efficiently communicate with data subjects and cooperate with the supervisory authorities. This also means that this communication must take place in the **language or languages used** by the supervisory authorities and the data subjects concerned.*

*should have **expertise** in national and European data protection laws and practices and an in-depth understanding of the GDPR*

*knowledge of the business sector and of the organisation of the controller is **useful**.*

*should also have **sufficient understanding** of the processing operations carried out, as well as the information systems, and data security and data protection needs of the controller.*



TODAY'S
SPECIALS



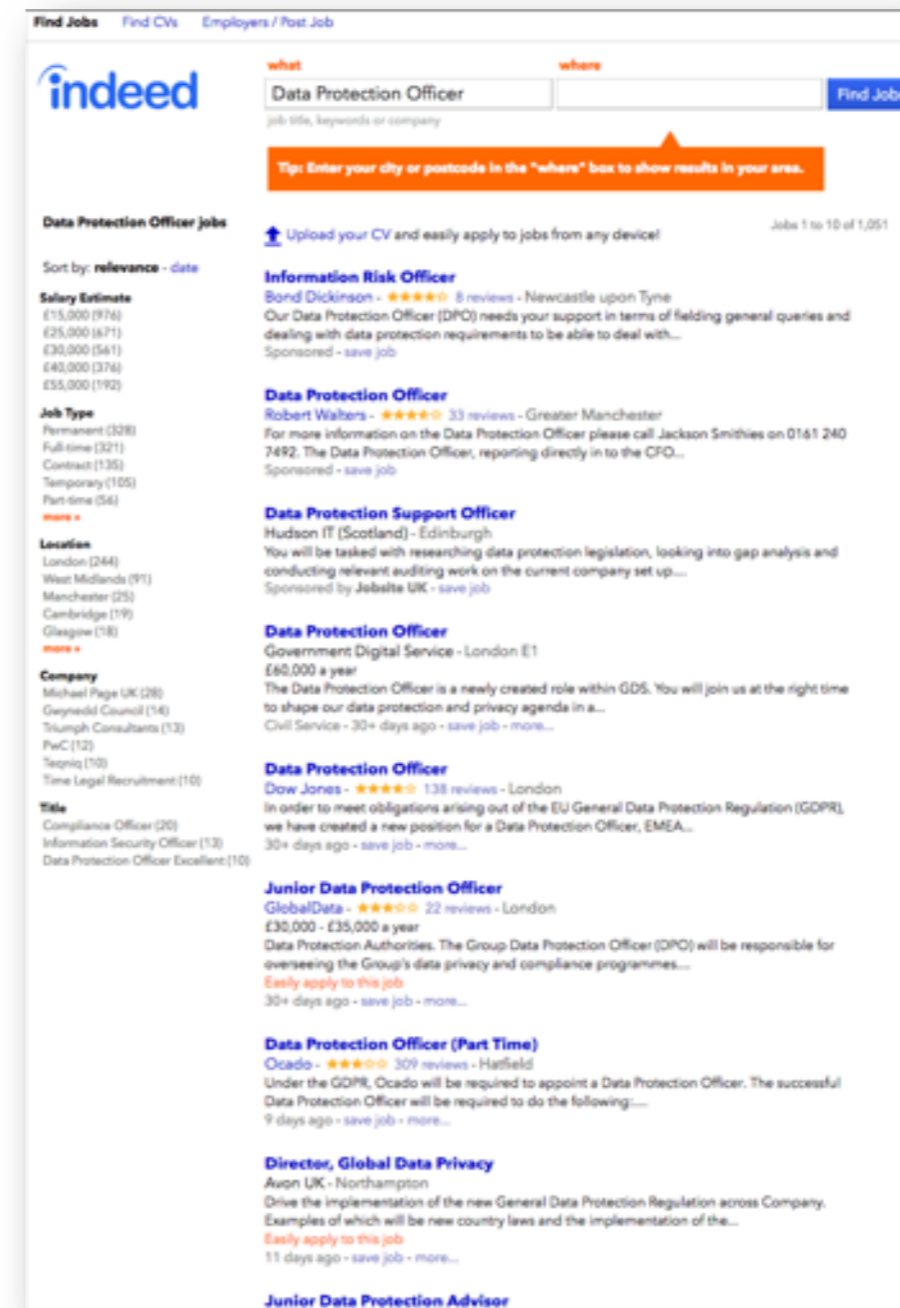
Buy one fish
sandwich for the
price of two and
receive a second
fish sandwich
ABSOLUTELY
FREE!!



why a data protection officer?

because of

- DPO-obligation (art. 37(1) GDPR)
- accountability-obligation (art. 5(2) GDPR)
- DPA's expectations
- data subjects' expectations
- customers' expectations
- suppliers' expectations
- ...



The screenshot shows the Indeed job search interface. The search bar contains 'Data Protection Officer' and the location is set to 'where'. Below the search bar, there are several job listings for Data Protection Officer roles. The listings include the company name, location, salary estimate, and a brief description of the role. The jobs are sorted by relevance and date. The listings include roles from Bond Dickinson, Robert Walters, Hudson IT, Government Digital Service, Dow Jones, GlobalData, Ocado, and Avon UK.

questions?

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