

The Role of the DPO

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Designation of the DPO

Article 37(1) of the GDPR requires the designation of a DPO in three specific cases:

1. where the **core activities** of the controller **or** the processor consist of processing operations, which require regular and systematic monitoring of data subjects on a **large scale**;
2. where the **core activities** of the controller **or** the processor consist of processing on a **large scale** of special categories of data or personal data relating to criminal convictions and offences; or
3. where the processing is carried out by a **public authority** or **public body**.

Expertise & Skills of the DPO

Article 37(5) provides that the DPO be designated on the basis of **professional qualities** and, in particular, **expert knowledge** of data protection law and practices and the **ability to fulfil the tasks** set out in Article 39:

Publication of DPO's contact details

Article 37(7) requires the Controller or Processor **to publish** the contact details of the DPO, and **to communicate** the contact details to the ICO

Position of the DPO

Article 38 provides that the Controller and Processor shall ensure that the DPO be **involved, properly** and in a **timely manner**, in all issues which relate to the protection of personal data.

Tasks of the DPO

The DPO's tasks are defined in Article 39 as:

- to inform and advise;
- to monitor compliance;
- to advise on data protection impact assessments;
- to cooperate with the supervisory authority; and
- to be the first point of contact.

Tools to do the job

- Necessary resources (Article 38(2))
- Autonomy and Independence (Article 38(3))
- No fear of dismissal (Article 38(3))
- No conflicts of interest (Article 38(6))

DP considerations as PAs?

Maybes Aye...

- Manual *unstructured* data (DPA 2018, P2, Ch3, S21(2));

Maybes Naw...

- Consent (Recital 43);
- Legitimate interests (Recital 47)

Keep in touch

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