



Centre for
Information
Policy
Leadership
Hunton Andrews Kurth LLP

Centre for Information Policy Leadership

DPO Roundtable

4 October 2018, Paris

Agenda

- ❖ 13:30 **Registration**
- ❖ 14:00 **Opening Remarks**
- ❖ 14 :10 **Open discussion**
- ❖ 16:30 **End of Roundtable**



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Opening Remarks

Bojana Bellamy, President, CIPL

CIPL work on the DPO

- **WP29 DPO Comments** - [Comments by the Centre for Information Policy Leadership on the Article 29 Data Protection Working Party's "Guidelines on Data Protection Officers \(DPOs\)" adopted on 13 December 2016](#)
January 24, 2017
- **DPO Paper** - [Ensuring the Effectiveness and Strategic Role of the Data Protection Officer under the General Data Protection Regulation](#)
November 17, 2016
- **CIPL Paris GDPR Implementation Workshop** - The Role of the Data Protection Officer (DPO) and Risk and High Risk under the GDPR - [Workshop Report](#)
September 19, 2016
- **Webinar: The Role of the DPO Under the GDPR** - [Webinar PowerPoint](#)
June 22, 2016

All materials available at informationpolicycentre.com

Topics for Open Discussion

- **DPO appointment and registration** with DPAs
- **Profile, training and certification** of the DPO
- **Independence** of the DPO and **conflict of interest** avoidance
- **Position** of the DPO in the organization and **reporting line**
- **Team and resources** of the DPO
- **Tasks** and daily life of the DPO
- **Ecosystem** of the DPO
- **Rights and duties** of the DPO
- **Liability** of the DPO
- **Interaction** with data subjects and with DPAs

Key GDPR provisions on the DPO

Article 37

Designation of the data protection officer

1. The controller and the processor shall designate a data protection officer in any case where:
 - (a) the processing is carried out by a public authority or body, except for courts acting in their judicial capacity;
 - (b) the core activities of the controller or the processor consist of processing operations which, by virtue of their nature, their scope and/or their purposes, require regular and systematic monitoring of data subjects on a large scale; or
 - (c) the core activities of the controller or the processor consist of processing on a large scale of special categories of data pursuant to Article 9 and personal data relating to criminal convictions and offences referred to in Article 10.
2. A group of undertakings may appoint a single data protection officer provided that a data protection officer is easily accessible from each establishment.
3. Where the controller or the processor is a public authority or body, a single data protection officer may be designated for several such authorities or bodies, taking account of their organisational structure and size.
4. In cases other than those referred to in paragraph 1, the controller or processor or associations and other bodies representing categories of controllers or processors may or, where required by Union or Member State law shall, designate a data protection officer. The data protection officer may act for such associations and other bodies representing controllers or processors.
5. The data protection officer shall 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 referred to in Article 39.
6. The data protection officer may be a staff member of the controller or processor, or fulfil the tasks on the basis of a service contract.
7. The controller or the processor shall publish the contact details of the data protection officer and communicate them to the supervisory authority.

Key GDPR provisions on the DPO

Article 38

Position of the data protection officer

1. The controller and the processor shall ensure that the data protection officer is involved, properly and in a timely manner, in all issues which relate to the protection of personal data.
2. The controller and processor shall support the data protection officer in performing the tasks referred to in Article 39 by providing resources necessary to carry out those tasks and access to personal data and processing operations, and to maintain his or her expert knowledge.
3. The controller and processor shall ensure that the data protection officer does not receive any instructions regarding the exercise of those tasks. He or she shall not be dismissed or penalised by the controller or the processor for performing his tasks. The data protection officer shall directly report to the highest management level of the controller or the processor.
4. Data subjects may contact the data protection officer with regard to all issues related to processing of their personal data and to the exercise of their rights under this Regulation.
5. The data protection officer shall be bound by secrecy or confidentiality concerning the performance of his or her tasks, in accordance with Union or Member State law.
6. The data protection officer may fulfil other tasks and duties. The controller or processor shall ensure that any such tasks and duties do not result in a conflict of interests.

Key GDPR provisions on the DPO

Article 39

Tasks of the data protection officer

1. The data protection officer shall have at least the following tasks:
 - (a) to inform and advise the controller or the processor and the employees who carry out processing of their obligations pursuant to this Regulation and to other Union or Member State data protection provisions;
 - (b) to monitor compliance with this Regulation, with other Union or Member State data protection provisions and with the policies of the controller or processor in relation to the protection of personal data, including the assignment of responsibilities, awareness-raising and training of staff involved in processing operations, and the related audits;
 - (c) to provide advice where requested as regards the data protection impact assessment and monitor its performance pursuant to Article 35;
 - (d) to cooperate with the supervisory authority;
 - (e) to act as the contact point for the supervisory authority on issues relating to processing, including the prior consultation referred to in Article 36, and to consult, where appropriate, with regard to any other matter.
2. The data protection officer shall in the performance of his or her tasks have due regard to the risk associated with processing operations, taking into account the nature, scope, context and purposes of processing.

DPO Guidelines at one glance

WP 243 – April 5th 2017

- Role of DPO is to “**facilitate compliance**”
- DPO is the **cornerstone** of accountability
- DPO acts as an **intermediary** between the relevant stakeholders (DPA, data subjects, business units)
- DPO **is not personally responsible** in case of non-compliance with GDPR
- DPO must be provided with sufficient **autonomy and resources** to carry out its tasks effectively
- DPO is a **key player** in the new data governance system
- DPO can be **mandatory or voluntary** and is designated for **all processing operations**
- DPO plays a **key role** in fostering a data protection culture
- DPO **helps to implement** essential elements of GDPR
- **Opinion of the DPO must be given due weight**; document the reason for not following the DPO’s advice

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