

The Role of the Data Protection Officer

A Data Protection Officer (DPO) is typically the person who is in charge of ensuring a business and its operations are compliant with any laws and regulations relating to data protection.

Who Needs A DPO

The role has always existed, but with the General Data Protection Regulation (GDPR) it becomes mandatory for some organisations to appoint one

- The organisation carries out data processing operations that involve regular and systematic monitoring of data subjects on a large scale;
- The organisation carries out large-scale processing of special categories of data (i.e. sensitive data such as health, religion, race, sexual orientation, genetic and biometric data, etc.) and personal data relating to criminal convictions and offences
- The organisations is a public body (as defined for the purpose of the Freedom of Information Act)

DPO Responsibilities and Requirements

A DPO is the key to understanding the GDPR and helping ensure an organisation does not break the law. They will provide guidance and practical advice, explain necessary processes, and put safeguards in place to prevent companies falling foul of the Regulation. A DPO will also serve as the point of contact between the organisation and the Supervisory Authority (the Information Commissioner in the UK).

The DPO's responsibilities include, but are not limited to, the following:

- Awareness-raising and training of staff
- Provision of advice on all aspects of data protection, including advice on conducting data protection impact assessments (DPIAs) for proposed new systems or processes involving personal data collection – ***it is recommended that the DPO be routinely consulted on projects involving personal data.***
- Conducting audits to ensure compliance and address potential issues proactively
- Development and implementation of a Data Protection Policy
- Creation of 'best practice' guidance for personal data processing

- Serving as the point of contact between the organisation and the ICO (the UK Supervisory Authority)
- Monitoring the organisation's compliance with the Regulation
- Processing and responding to all requests for information by data subjects
- Maintaining comprehensive records of all data processing activities conducted by the organisation, including the purpose for processing
- Communicating with data subjects to inform them about how their data is being used, their rights to have their personal data corrected or erased, and what measures the organisation has put in place to protect their personal information

DPO Expertise

The GDPR does not include a specific list of DPO credentials, but Article 37 does require a data protection officer to have “*expert knowledge of data protection law and practices.*” The Regulation also specifies that the expertise of the DPO should align with the level of personal data the organisation processes. It would probably be helpful to have a good understanding of the industry or sector that the organisation is involved in.

A DPO can be appointed independently of the organisation, for example an external law firm. The role can be given to an existing member of staff, or a DPO can be shared between organisations, but must be easily accessible to each of the organisations. If the DPO is an existing member of staff with other responsibilities, the organisation needs to ensure that the other responsibilities don't result in a conflict of interests with the DPO's primary tasks. For example, an organisation's Head of Marketing should not be appointed DPO as they are likely to have a vested interest in the use of personal data that could potentially come into conflict with the organisation's data protection obligations.

The DPO's contact information must be published and provided to the Supervisory Authority.

Who is Authority's DPO?

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