

GDPR - Data Protection Officer checklist

Appointing a DPO

- ☐ We are a public authority and have appointed a DPO
- ☐ We have appointed a DPO based on their professional qualities and expert knowledge of data protection law and practices.

Position of the DPO

- ☐ Our DPO reports directly to our highest level of management and is given the required independence to perform their tasks.
- ☐ We involve our DPO, in a timely manner, in all issues relating to the protection of personal data.
- ☐ Our DPO is sufficiently well resourced to be able to perform their tasks.
- ☐ We do not penalise the DPO for performing their duties.
- ☐ We ensure that any other tasks or duties we assign our DPO do not result in a conflict of interests with their role as a DPO.

Tasks of the DPO

- ☐ Our DPO is tasked with monitoring compliance with the GDPR and other data protection laws, our data protection policies, awareness-raising, training, and audits.
- ☐ We will take account of our DPO's advice and the information they provide on our data protection obligations.
- ☐ When carrying out a DPIA (information audit), we seek the advice of our DPO who also monitors the process.
- ☐ Our DPO acts as a contact point for the ICO. They co-operate with the ICO, including during prior consultations under Article 36, and will consult on any other matter.
- ☐ When performing their tasks, our DPO has due regard to the risk associated with processing operations, and takes into account the nature, scope, context and purposes of processing.

Accessibility of the DPO

- ☐ Our DPO is easily accessible as a point of contact for our employees, individuals and the ICO.
- ☐ We have published the contact details of the DPO and communicated them to the ICO.

What professional qualities should the DPO have?

- The GDPR says that you should appoint a DPO on the basis of their professional qualities, and in particular, experience and expert knowledge of data protection law.
- It doesn't specify the precise credentials they are expected to have, but it does say that this should be proportionate to the type of processing you carry out, taking into consideration the level of protection the personal data requires.
- So, where the processing of personal data is particularly complex or risky, the knowledge and abilities of the DPO should be correspondingly advanced enough to provide effective oversight.
- It would be an advantage for your DPO to also have a good knowledge of your industry or sector, as well as your data protection needs and processing activities.

What are the tasks of the DPO?

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

- to inform and advise you and your employees about your obligations to comply with the GDPR and other data protection laws;
- to monitor compliance with the GDPR and other data protection laws, and with your data protection policies, including managing internal data protection activities; raising awareness of data protection issues, training staff and conducting internal audits;
- to advise on, and to monitor, [data protection impact assessments](#);
- to cooperate with the supervisory authority; and
- to be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, customers etc).

It's important to remember that the DPO's tasks cover all personal data processing activities, not just those that require their appointment under Article 37(1).

- When carrying out their tasks the DPO is required to take into account the risk associated with the processing you are undertaking. They must have regard to the nature, scope, context and purposes of the processing.
- The DPO should prioritise and focus on the more risky activities, for example where special category data is being processed, or where the potential impact on individuals could be damaging. Therefore, DPOs should provide risk-based advice to your organisation.
- If you decide not to follow the advice given by your DPO, you should document your reasons to help demonstrate your accountability.

Information from the ICO website

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-officers/>