

Who will be your DPO?

When the GDPR (General Data Protection Regulation) becomes effective on 25 May 2018, every state funded and private school, as well as nurseries and child care organisations, must name their data protection officer (DPO). This person may be a member of staff or someone from an outside organisation – there are no formal qualifications required for the role.

GDPR mandates the appointment of a DPO for all public bodies including all state-run schools. Private schools and nurseries must also appoint a DPO since their core activities involve ‘regular and systematic monitoring of data subjects on a large scale’.

DPO responsibilities and requirements

The DPO’s responsibilities include, but are not limited to:

- Educating the school and its staff on important compliance requirements;
- Training staff involved in data processing;
- Conducting audits to ensure compliance and address potential issues proactively;
- Serving as the point of contact between the school and GDPR Supervisory Authorities;
- Monitoring performance and providing advice on the impact of data protection efforts;
- Maintaining comprehensive records of all data processing activities;
- Interconnecting with data subjects or parents to inform them about:
 - how their data is being used;
 - their rights to have their, or their child’s personal data erased;
 - the measures in place to protect their, or their child’s, personal information.

Qualifications for DPOs

The GDPR does not specify the relevant qualifications that DPOs need, but it does require a DPO to have “expert knowledge of data protection law and practices.”

DPOs may be a staff member within school. Related organisations may use the same individual to oversee data protection collectively, provided all data protection activities are managed effectively. In this scenario, the DPO must be easily accessible by anyone from any of the related organisations whenever needed.

It is required that the DPO’s information is released publicly and provided to all regulatory oversight agencies.

Finding a DPO

Schools need to have their DPOs in place before the Regulation comes into effect on 25 May 2018.

The DPO needs to have expertise in data protection law and practices, as well as a complete understanding of your IT infrastructure, technology, and technical and organisational structure. You may designate an existing employee as your DPO, or you may bring in an external DPO. There must be no conflict of interests with their existing role.

Ideally, a DPO should have excellent management skills and the ability to work easily with internal staff at all levels as well as outside authorities. The best DPO will do everything possible to ensure internal compliance and yet alert the authorities of non-compliance if such an event occurs. They will have a clear understanding that the school may be subjected to hefty fines for non-compliance.

So, who will be your DPO?

Position	Pros	Cons
<i>Network manager, Head, Designated Safeguarding Person, or Business/MIS manager</i>	<p>CANNOT be a DPO as these duties lead to a conflict of interests of their own role.</p> <p>Article 38(6) allows DPOs to ‘fulfil other tasks and duties’. It requires, however, that the organisation ensure that ‘any such tasks and duties do not result in a conflict of interests’. The DPO cannot hold a position within the organisation that leads him or her to determine the purposes and the means of the processing of personal data. As a rule of thumb, conflicting positions may include senior management positions such as chief executive, chief operating, chief financial, chief medical officer, head of marketing department, head of human resources, or head of IT departments.</p>	
<i>Deputy head, other senior members of staff, or Governor</i>	<ul style="list-style-type: none"> • Provided they can manage, train and direct staff an internal person may be appointed • Will be known and respected by school staff • Can assign some work to an administration person such as SARs and completion of SAQs 	<ul style="list-style-type: none"> • Will need to be given sufficient time outside existing role, particularly until May 2018 • CANNOT be a DPO if these duties lead to a conflict of interests of their own role – see regulations • May not understand the technical infrastructure • May not understand data flows within the school • Will find communication with data subjects very time consuming • Need to drop everything in the event of a serious data breach • Will still require input from school staff
<i>External private professional DPO, or internal appointment for sole use in school</i>	<ul style="list-style-type: none"> • Wholly objective • Understands the regulations • Has technical knowledge • Will be available whenever required 	<ul style="list-style-type: none"> • Expensive • Will need time, thus cost, to understand the infrastructure in school • Will still require large input from school staff
<i>DPO role and shared with other schools or LA support services</i>	<ul style="list-style-type: none"> • Wholly objective • Understands the regulations • Has technical knowledge • Lower cost than private 	<ul style="list-style-type: none"> • Unknown cost • Will need time to understand the infrastructure in school • Shared person must be available if a breach or other incident occurs • Will still require input from school staff although that will improve over time