

### 1 Introduction

Based on Guidance from the ICO

- 1.1 The GDPR introduces a duty to appoint a data protection officer (DPO) if you are a public authority, or if you carry out certain types of processing activities.
- 1.2 DPOs assist you to monitor internal compliance, inform and advise on your data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs) and act as a contact point for data subjects and the supervisory authority.
- 1.3 The DPO must be independent, an expert in data protection, adequately resourced, and report to the highest management level.
- 1.4 A DPO can be an existing employee or externally appointed.
- 1.5 In some cases several organisations can appoint a single DPO between them.
- 1.6 DPOs can help you demonstrate compliance and are part of the enhanced focus on accountability.

### 2 Obligations of the Data Protection Officer

- 2.1 The Data Protection Officer's details must be made available publicly and the supervisory authority should be notified.
- 2.2 The organisation must involve the Data Protection Officer timely in relation to all issues relation to the protection of personal data and Data Subject issues; proper and adequate resources must be supplied to the Data Protection Officer by the organisation in order that they can undertake their tasks.
- 2.3 DPOs assist you to monitor internal compliance, inform and advise on your data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs) and act as a contact point for data subjects and the supervisory authority.
- 2.4 The DPO must be independent, an expert in data protection, adequately resourced, and report to the highest management level.
- 2.5 A DPO can be an existing employee or externally appointed.
- 2.6 DPOs can help you demonstrate compliance and are part of the enhanced focus on accountability.
- 2.7 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.
- 2.8 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.
- 2.9 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.

2.10 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.

### 3 What are the tasks of the DPO?

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

3.2 to inform and advise you and your employees about your obligations to comply with the GDPR and other data protection laws;

3.3 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;

3.4 to advise on, and to monitor, data protection impact assessments;

3.5 to cooperate with the supervisory authority; and

3.6 to be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, customers etc).

3.7 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).

3.8 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.

3.9 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.

3.10 If you decide not to follow the advice given by your DPO, you should document your reasons to help demonstrate your accountability.

### 4 Independence and Reporting

4.1 Article 38(3) (Position of the Data Protection Officer) of the GDPR states that: '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 [the] tasks. The Data Protection Officer shall directly report to the highest management level of the controller or the processor.'

### 5 What do we have to do support the DPO?

5.1 .The OPCC must ensure that:

- 5.2 the DPO is involved, closely and in a timely manner, in all data protection matters;
- 5.3 the DPO reports to the highest management level of your organisation, ie board level;
- 5.4 the DPO operates independently and is not dismissed or penalised for performing their tasks;
- 5.5 you provide adequate resources (sufficient time, financial, infrastructure, and, where appropriate, staff) to enable the DPO to meet their GDPR obligations, and to maintain their expert level of knowledge;
- 5.6 you give the DPO appropriate access to personal data and processing activities;
- 5.7 you give the DPO appropriate access to other services within your organisation so that they can receive essential support, input or information;
- 5.8 you seek the advice of your DPO when carrying out a DPIA; and
- 5.9 you record the details of your DPO as part of your records of processing activities. This shows the importance of the DPO to your organisation and that you must provide sufficient support so they can carry out their role independently. Part of this is the requirement for your DPO to report to the highest level of management. This doesn't mean the DPO has to be line managed at this level but they must have direct access to give advice to senior managers who are making decisions about personal data processing.

## 6 Supporting Documents

- 6.1 The Article 29 Working Party includes representatives from the data protection authorities of each EU member state. It adopts guidelines for complying with the requirements of the GDPR:
  - [http://ec.europa.eu/newsroom/document.cfm?doc\\_id=44100](http://ec.europa.eu/newsroom/document.cfm?doc_id=44100)
- 6.2 Information Commissioner's Office Guidance:
  - <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-officers/>
  - <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/>

## 7 Data Protection Officer

- 7.1 The Data Protection Officer is responsible for ensuring compliance and can investigate breaches or failures of legal compliance. The DPO does not determine how data is managed or the purpose for which it is used. If you wish to contact the DPO you can do so, by contacting The Data Protection Officer, Commissioner's Office, Block 9, Weston Road, Stafford, Staffordshire, ST18 0YY:  
The DPO can also be emailed at [dpo@staffordshire-pfcc.pnn.gov.uk](mailto:dpo@staffordshire-pfcc.pnn.gov.uk)

## Appendix A Checklist for Compliance (COMPLIANT)

### Appointing a DPO

Yes  No  Not Applicable

We are a public authority and have appointed a DPO (except if we are a court acting in our judicial capacity).

Yes  No  Not Applicable

We are not a public authority, but we know whether the nature of our processing activities requires the appointment of a DPO.

Yes  No  Not Applicable

We have appointed a DPO based on their professional qualities and expert knowledge of data protection law and practices.

Yes  No  Not Applicable

We aren't required to appoint a DPO under the GDPR but we have decided to do so voluntarily. We understand that the same duties and responsibilities apply had we been required to appoint a DPO. We support our DPO to the same standards.

### Position of the DPO

Yes  No  Not Applicable

Our DPO reports directly to our highest level of management and is given the required independence to perform their tasks.

Yes  No  Not Applicable

We involve our DPO, in a timely manner, in all issues relating to the protection of personal data.

Yes  No  Not Applicable

Our DPO is sufficiently well resourced to be able to perform their tasks.

Yes  No  Not Applicable

We do not penalise the DPO for performing their duties.

Yes  No  Not Applicable

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

Yes  No  Not Applicable

Our DPO is tasked with monitoring compliance with the GDPR and other data protection laws, our data protection policies, awareness-raising, training, and audits.

Yes  No  Not Applicable

We will take account of our DPO's advice and the information they provide on our data protection obligations.

Yes  No  Not Applicable

When carrying out a DPIA, we seek the advice of our DPO who also monitors the process.

Yes  No  Not Applicable

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.

Yes  No  Not Applicable

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**

Yes  No  Not Applicable

Our DPO is easily accessible as a point of contact for our employees, individuals and the ICO.

Yes  No  Not Applicable

We have published the contact details of the DPO and communicated them to the ICO.

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**Document Owner**

Staffordshire Commissioner's Office for Police, Fire and Rescue, and Crime

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1.1 Update	5/9/2018	David Morris	Update	Change of details from OPCC to PFCC
1.0 Policy	10/4/2018	David Morris	Policy	Role of DPO
0.1 Draft	3/4/2018	David Morris	Initial Draft	Role of DPO