



## The Role of Data Protection Officer

Date of Annual Review	Notes and comments	Change Description	Minutes Number
3 August 2022	Content Correct	New Template only	4740
2 August 2023	Content Correct	Annual Review	5030

- **What does a Data Protection Officer do?**

- The GDPR sets out in detail the minimum responsibilities of the Data Protection Officer (“DPO”) role. GDPR specifies that DPOs “should assist the controller or the processor to monitor internal compliance with this Regulation”.
- A DPO’s duties include:
  - informing and advising the council and its staff of their obligations in the GDPR and other data protection laws;
  - monitoring compliance of the council, both its practices and policies, with the GDPR and other data protection laws;
  - raising awareness of staff of data protection law; providing relevant training to staff and councillors;
  - carrying out data protection-related audits;
  - providing advice to the council, where requested, in relation to the carrying out of data protection impact assessments (‘DPIAs’) and the council’s wider obligations with regard to DPIAs; and
  - acting as a contact point for the Information Commissioner’s Office.
- As part of these duties to monitor compliance, DPOs may, in particular:
  - collect information to identify processing activities;

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- analyse and check the compliance of processing activities; and
  - inform, advise and issue recommendations to the controller or the processor
- Monitoring of compliance does not mean that it is the DPO is personally responsible where there is an instance of non-compliance. The GDPR makes it clear that it is the controller, not the DPO, who is required to 'implement appropriate technical and organisational measures to ensure and to be able to demonstrate that processing is performed in accordance with this Regulation.'
  - The appointed DPO must at all times have regard to 'the risk associated with the processing operations, taking into account the nature, scope, context and purposes of processing.' This is an overarching obligation which means that the role of the DPO will vary in proportion to the risks to the rights of individuals affected by the council's processing of personal data.
  - The DPO should 'cooperate with the supervisory authority'(in the UK, this is the Information Commissioners Office ("ICO")) and 'act as a contact point for the supervisory authority on issues relating to processing, and to consult, where appropriate, with regard to any other matter'.
  - It is the controller or the processor, not the DPO, who is required to 'maintain a record of processing operations under its responsibility' or 'maintain a record of all categories of processing activities carried out on behalf of a controller'.