



Appointing a DPO

Need help deciding whether or not you need a DPO? Unsure what a DPO does and the benefits of appointing a DPO? Read our quick guide for more information.

Do you need a DPO?

Under the UK GDPR, you are required by law to appoint a DPO if:

- ▶ You are a public authority or body (except for courts acting in their judicial capacity); or
- ▶ Your core activities require large scale, regular and systematic monitoring of individuals (for example, online behaviour tracking); or
- ▶ Your core activities consist of large-scale processing of special categories of data or data relating to criminal convictions and offences.

However, even if you are not legally required to appoint a DPO, there are several commercial and operational benefits to having this key support role within your organisation.

The role of the DPO

The DPO can be a vital role within an organisation that processes personal data. The primary responsibility of the DPO is to inform, advise and monitor compliance with your organisation's data protection obligations. For this reason, they must have "expert knowledge in data protection law" and be given autonomy to conduct their duties independently.

In many cases, having a DPO manage your data protection compliance helps strengthen your relationship with your customers, employees and stakeholders by demonstrating commitment to compliance and accountability with your data protection obligations. The role of a DPO is not mandatory for all organisations but organisations that are not mandated to have a DPO should consider the broader benefit of a DPO within their organisation to help them with their data protection obligations.

The benefits of appointing a DPO

- ▶ Understand and fully comply with your legal obligations under UK GDPR.
- ▶ Easily implement processes to support individuals in exercising their data protection rights.
- ▶ Maintain records of data processing activities.
- ▶ Embeds a data protection compliance framework bespoke to your processes, risk tolerance, and resources.
- ▶ Builds trust with your customers and ensures you maintain your market reputation in a data aware world.

Should we have a DPO?

If you fall into the mandatory categories explained on the previous page, the answer is simply yes.

For those that do not, while it might not be essential to appoint a DPO, it should be understood that all organisations that process personal data must still comply with the requirements of UK data protection law. Organisations without a DPO should carefully consider whether they can manage compliance without the expertise that a DPO ought to bring. Consider the following:

Does your organisation have someone sufficiently knowledgeable to assist with data protection compliance?

Are you confident your organisation is complying with the data protection principles?

Do you have time to manage the compliance of your organisation's data protection obligations and monitor this going forward?

Do you have a process for handling data protection requests from individuals?

Do you know how you would respond to a data breach?

Do you have access to appropriate training for staff?

Would you be prepared for a visit from the Information Commissioner's Office?

Are your customers content to work with you without you having a DPO?

If the answer to any of these questions is no, consider appointing a DPO. This can be an internal or external appointment and could be a full or part time role. If your needs necessitate only part-time support, a good solution is to rely on **an outsourced DPO**.

Benefits of an Outsourced DPO



A cost-effective solution at a fixed monthly cost.



No employer liabilities such as pension, benefits, etc.



Access to specialist DPO expertise and knowledge.



No conflict of interest with your other business activities.

Get in touch

If you are interested in engaging an outsourced DPO, we would be delighted to discuss our outsourced DPO service with you. Please visit thorntons-law.co.uk/dataprotection for more information or contact our data protection experts:



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