Factsheet Data Protection Officer

In 2016, a lot will change in terms of privacy and data processing for entrepreneurs and companies. The new European General Data Protection Regulation will enter into force and will replace the current national data protection laws in all Member State of the European Union. The Regulation contains stricter rules on the processing of personal data. For example, all public authorities and many enterprises will be required to designate a data protection officer (privacy officer). To prevent stricter supervision, administrative fines or court cases, it is recommended to prepare your organization for the changes in due time. Below, Considerati summarizes the most important facts about the data protection officer.

• **When do you have to designate a data protection officer:** All public authorities or bodies are obligated to designate a privacy officer. In the private sector, this obligation applies to enterprises employing 250 or more persons or whose core activities consist of processing data. A group of undertakings may appoint a single data protection officer.

• **Tasks of the data protection officer:** The data protection officer will be responsible for everything related to data protection within your company. For example, the data protection officer informs and advises you about the obligations pursuant to the Regulation, monitors the implementation and application of your data protection policies, assigns responsibilities to employees in your company, is responsible for the training of staff involved in the processing operations and handles requests of data subjects in exercising their rights to access to data and rectification. Besides, the data protection officers acts as the contact point for the supervisory authority.

• **Professional qualities:** You should designate the data protection officer on the basis of professional qualities and expertise knowledge of the law and practices of data protection. The necessary level of expert knowledge that is required for your organization depends on the type and the amount of data you process.

• **Independent:** The data protection officer performs his tasks independently and does not receive any instructions from your organization. However, the data protection officer reports directly to management of your organization about his tasks.

• **Your duties:** You should support the data protection officer in performing his tasks, for example by providing office space, staff, equipment and other necessary resources. You involve the data protection officer properly and in a timely manner in all issues related to data protection in your company.
• **Employment:** You may employ a data protection officer or let him fulfil his tasks on the basis of a service contract.

• **For what period should you designate a data protection officer:** You should designate the data protection officer for a period of at least two years. Thereafter, he may be reappointed for further terms. This period gives the data protection officer the opportunity to become well versed in its function. During the term of office, the data protection officer may only be dismissed if he no longer fulfils the condition required for the performance of his duties.

**What is my risk?**
When you violate the provisions of the Regulation, you risk hefty fines from the supervisory authority. The fines can amount to as much as €1 million or 2% of the annual worldwide turnover of your company per violation! Besides, personal data is linked to the trust customers have in your business. If becomes public that you fail to comply with the rules, severe reputational damage can be the result. A data protection officer can help you to indicate and address risks in an early stage.

**What can you do already?**
Via www.privacychecker.eu you can easily identify how compliant your organization already is with the upcoming Regulation. You can use the results as a starting point to determine a privacy compliance strategy for your organization. Via the Fine-O-Meter you can check the height of the fine that you’ll risk if you fail to comply with the rules of the Regulation.

Considerati provides data protection officers with expertise knowledge and experience in the field of data protection. Our data protection officers can operate in-house or externally. Considerati can also assist your own data protection officer and provide high quality and specialist advice.

Besides, Considerati delivers ready made solutions for privacy compliance. With our **Privacy Compliance and Governance programs, Privacy Policies, Privacy Impact Assessments** and **Privacy Maturity Scans**, we can support your data protection officer in the performance of his tasks.

For more information, questions or appointments, please contact our privacy expert:

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