**Data Protection Officer (DPO)**

Article 37(1) of the General Data Protection Regulation requires the designation of a DPO in three specific cases:

1. Where the processing is carried out by a public authority or body;
2. Where the core activities of the controller or the processor consist of processing operations, which require regular and systematic monitoring of data subjects on a large scale; or
3. Where the core activities of the controller or the processor consist of processing on a large scale of special categories of data or personal data relating to criminal convictions and offences.

The DPO may be a staff member of the controller or the processor (internal DPO) or fulfil the tasks on the basis of a service contract (external DPO).

It is noted that even if you are not required to appoint a DPO you can appoint a DPO on a voluntary basis. The DPO is the cornerstone of accountability and appointing a DPO can facilitate compliance and furthermore be a competitive advantage.

However, when an organisation designates a DPO on a voluntary basis, the requirements under Articles 37 to 39 will apply to their designation, position and tasks as if the designation had been mandatory.

The Data Protection Act notes that it is important to have someone within your firm with responsibility for Data Protection.

As an organisation, we recognise that it is important to allocate someone with responsibility for Data protection. However, based on the fact we are not required to appoint a DPO we have elected to appoint a Data Protection Champion.

We have appointed [Name of Director], to the role of Data Protection Champion. He has overall responsibility for the organisations approach to Data Security.

The Data Protection Champion or DPO is not personally responsible in case of non-compliance with the GDPR. The GDPR makes it clear that it is the controller or the processor who is required to ensure and to be able to demonstrate that the processing is performed in accordance with the GDPR’s provisions.

The person with responsibility for Data Protection within the organisation must have the resources necessary to be able to carry out their tasks including:-

* Active support of the role by senior management
* Sufficient time to fulfil their tasks
* Adequate support in terms of financial resources, infrastructure and staff
* Official communication of their role to all staff
* Access to other services within the firm so that they can receive essential support or input or information from those other services
* Continuous training.

Questions addressed in the decision making process:-

* Are we required to appoint a Data Protection Officer (DPO)?
* Have we appointed a Data Protection Officer (DPO) on a voluntary basis?
* Have we designated someone to take responsibility for data protection compliance?
* Where does this role sit within our organisation’s structure and governance arrangements?
* What is the title given to this role?

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-officers/>