

DPO Training

Tim Turner
5th November 2021



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2 vital words for the DPO



WHY?

+

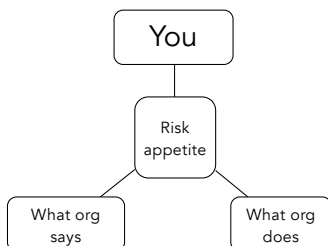


WHERE?

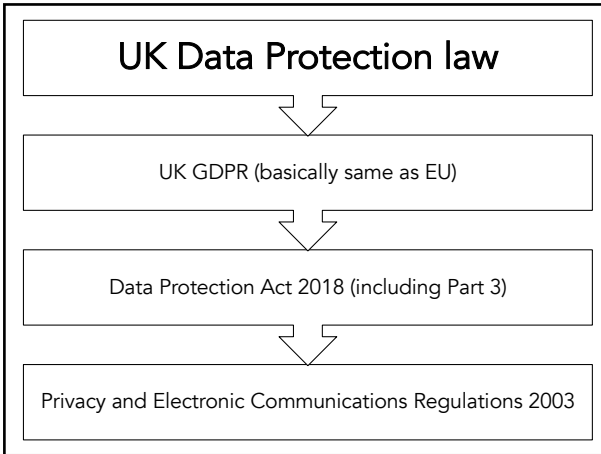
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Risk-based approach: A39(2)

Prioritise the highest risk activities



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The DPO role

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What does a DPO do?

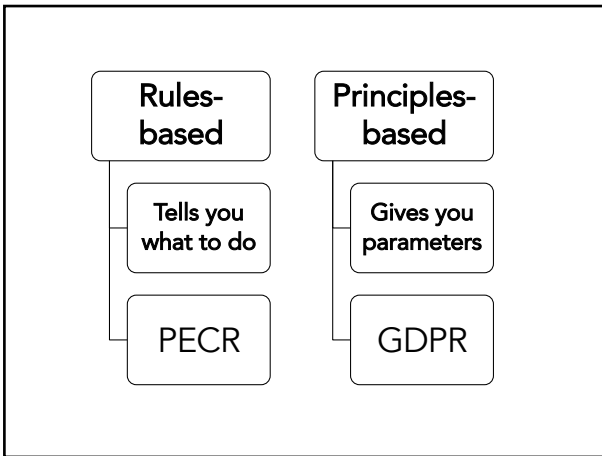
			
GIVES ADVICE – DOES NOT MAKE DECISIONS	MONITORS COMPLIANCE	RISK-BASED APPROACH	SELLS BENEFITS OF COMPLIANCE

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MYTHS ABOUT DPOs

			
They have personal liability	They can be 'certified'	They cannot be sacked	They have to blow the whistle on their employers to the ICO

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 **GDPR A37(5): DPO designated on basis of:**

 "professional qualities"

 "expert knowledge of data protection law and practice"

 "ability to fulfil tasks" set out in Article 39

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Professional qualities



PRECISE

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You cannot ask the requester to narrow the scope of their request, but you can ask them to provide additional details that will help you locate the requested information, such as the context in which their information may have been processed and the likely dates when processing occurred.

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Further info

- **Recital 63**
- Where the controller processes a large quantity of information concerning the data subject, the controller should be able to request that, before the information is delivered, the data subject specify the information or processing activities to which the request relates.

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Professional qualities



PRECISE



ETHICAL




METHODICAL




PERSUASIVE


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Explanations and photocopiers

 In the queue for the copier, a person asks if they can cut in

 May I cut in? **60% agree**

✓ May I cut in as I am in a rush? **94% agree**

 May I cut in as I need to make copies? **93% agree**

 **ALWAYS HAVE AN EXPLANATION**

 Ellen Langer (Professor of Psychology at Harvard), 1978

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Professional qualities







PRECISE ETHICAL METHODICAL PERSUASIVE



ENTHUSIASTIC





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Practicalities (EDPB)

-  Expertise in national and Euro DP laws and practices including in-depth understanding of GDPR
-  Understand org's processing
-  Knowledge of business sector
-  Understanding of IT and security


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Practicalities (Article 38)


-  Properly and in a timely manner involved in all matters related to protection of personal data (integral part of DP by Design)
-  "Earliest stage possible"
-  EDPB: "Present when decisions taken"
-  Think about


Policy & strategy formulation
Project initiation
Procurement
Service development / redesign

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 Recital 97: DPOs should be in a position to perform their duties and tasks in an independent manner

 A38(2): organisation should support DPO in their role

 A38(3) DPO should receive no instructions or be penalised for how they carry out tasks

 A38(6): Other tasks should not create a conflict of interest


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TASKS


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A39(1): TASKS


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 a) Advise the organisation and staff on obligations under GDPR

 b) Monitor compliance with GDPR, UK DP laws, org's own policies and procedures

 c) Provide advice on impact assessments and monitor performance

 d) Cooperate with ICO on GDPR issues

 e) Act as contact point with ICO

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a) Advise the organisation and staff on obligations under GDPR



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IT DEPENDS



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What have we got?

Why?

How long do we keep it for?

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WHAT DO I NEED?



Register with ICO



Records of processing activities



Information assets



Transparency



Procedures



Rights requests



DPIAs and DP by design



Breach reporting

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Methods of persuasion

- What motivates people?
 - Fear (for themselves / the business)
 - Fitting in
 - Good practice
 - Competitive advantage
- What motivates the person in front of you?

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Fear



Fines / enforcement / reputational damage may motivate some people



Creating fear without a solution creates paralysis or denial



ALWAYS OFFER A SOLUTION TO THE FEAR



See **Howard Leventhal's** research into getting students to have a tetanus shot

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How to win friends and influence people



GENERATE GOODWILL



Put yourself in their position before giving your advice



Involve them; consult them

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Never say no



Give the person options



It's their decision, not yours



Focus on where you agree




EMPOWER THE PERSON


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b) Monitor compliance with GDPR, UK DP laws, org's own policies and procedures




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 MONITORING COMPLIANCE

 Identify processing activities

 Analyse processing activities and check compliance with GDPR

 Inform, advise and make recommendations

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Actual success measures

 People proactively consult you

 People follow your advice


 DP by design culture


 Less incidents


 All hard to measure / prove

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Auditing aims

 Assess compliance with GDPR and DPA 2018

 To assess compliance with own DP policies and procedures, and any relevant sector specific standards and requirements

 Identify potential gaps and weaknesses in your data protection system





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c) Provide advice on impact assessments and monitor performance







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DPIA Process

-  Systematic description of project and purposes
-  Assess necessity and proportionality
-  Identify risks
-  This stage identifies treatments – prevention or mitigation – of those risks.

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Consultation


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d) Cooperate with ICO on
GDPR issues
+
e) Act as contact point
with ICO


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Liaise with ICO

 Register DPO + org with ICO

 Report personal data breaches






 Carry out prior disclosures where necessary

 Deal with complaints that ICO receives

 Possibly deal with audit (can be mandatory)




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Doorstep Dispensaree

-  £275,000 penalty *and* enforcement notice
-  First GDPR fine in December 2019
-  Refuse to engage
-  Force ICO to use information notice to obtain basic information (also confuse ICO with MHRA)
-  They appeal the notice, lose, and then don't comply




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SCL elections

-  **SCL Elections 4/5/18 ICO Enforcement Notice**
-  David Carroll makes SAR to one head of the CA / SCL hydra
-  They comply with the request*

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SCL elections

-  Then they claim the request isn't valid
-  Carroll is no more entitled to make a SAR than "a member of the Taliban sitting in a cave in the remotest corner of Afghanistan"
-  They "do not expect to be further harassed"

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**Additional task:
be accessible to the public**

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Liaise with public



'Contact details' should be published



Accessible for the public to raise concerns



Name available when individuals informed of a personal data breach

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CONCLUSION



The job is part expert knowledge, part people skills



ALWAYS know where your advice came from



Enjoy yourself

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Contact 2040 for advice and training

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