

**CONTROLLERS
vs
PROCESSORS**

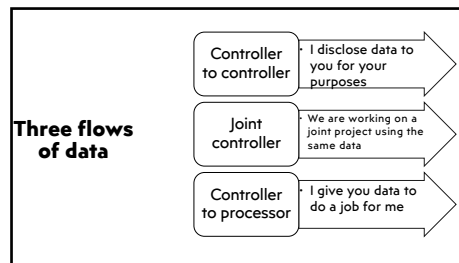
Tim Turner
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**Controller /
processor is a
functional concept**

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**UK GDPR
Definitions**



'controller' means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.

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Definitions

Purposes - why

Means - how

EDPB identifies 'essential means'

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Essential means




WHAT DATA IS GATHERED ABOUT WHICH PEOPLE




WHO DATA IS SHARED WITH HOW LONG IT IS KEPT FOR

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UK GDPR Definitions

 'controller' means the natural or legal person, public authority, agency or other body which alone or jointly with others, determines the purposes and means of the processing of personal data.

 'processor' means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

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Definitely a processor

They carry out simple tasks

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They follow clear instructions


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They have no autonomy

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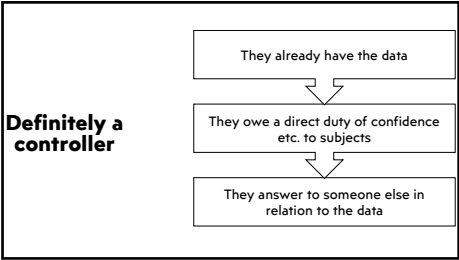
Not decisive

 WHO GATHERS DATA

 WHO DISPOSES OF DATA

 WHO ACCESSES DATA

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Example

A bank contracts a market-research company to carry out some research. The bank's brief specifies its budget and that it requires a satisfaction survey of its main retail services based on the views of a sample of its customers across the UK. The bank leaves it to the research company to determine sample sizes, interview methods and presentation of results.

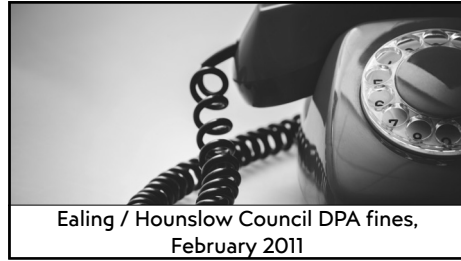
The research company is processing personal data on the bank's behalf, but it is also determining the information that is collected (what to ask the bank's customers) and the manner in which the processing (the survey) will be carried out. It has the freedom to decide such matters as which customers to select for interview, what form the interview should take, what information to collect from customers and how to present the results. This means the market-research company is a joint controller with the bank regarding the processing of personal data to carry out the survey, even though the bank retains overall control of the data because it commissions the research and determines the purpose the data will be used for.

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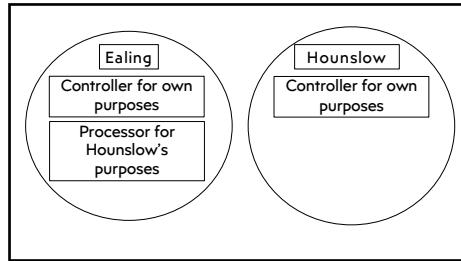
Can you be both a controller and a processor of personal data?

Yes. If you are a processor that provides services to other controllers, you are very likely to be a controller for some personal data and a processor for other personal data. For example, you will have your own employees so you will be a controller regarding your employees' personal data. However, you cannot be both a controller and a processor for the same processing activity.

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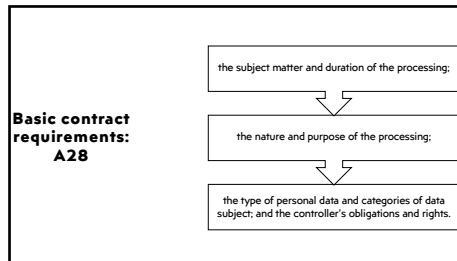
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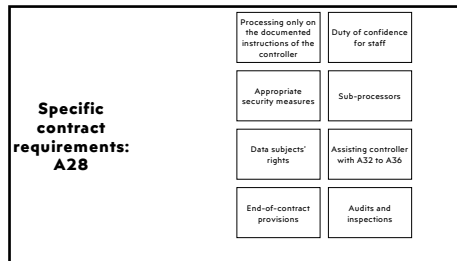
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A28: the controller shall use only processors providing sufficient guarantees to implement appropriate technical and organisational measures in such a manner that processing will meet the requirements of this Regulation and ensure the protection of the rights of the data subject.

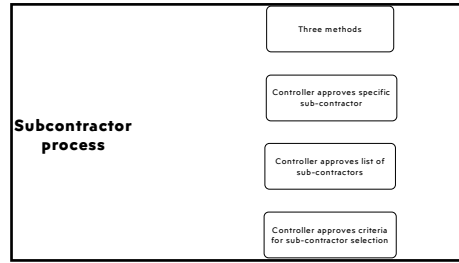
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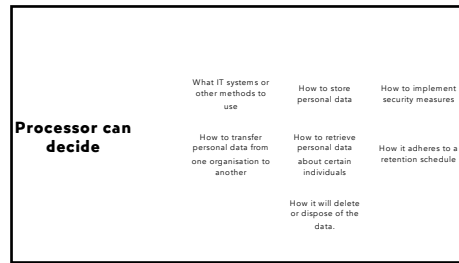
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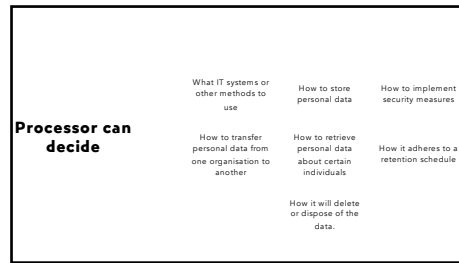
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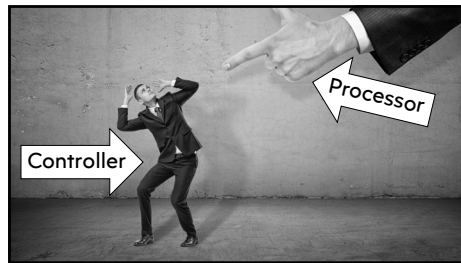
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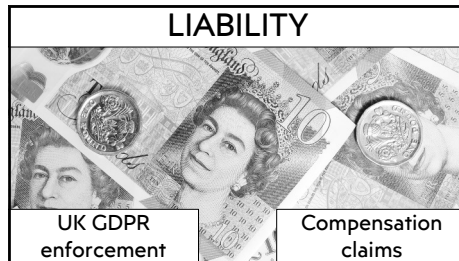
Example

A hospital is sending envelopes containing patient data to another health provider and contracts a delivery service to deliver them.

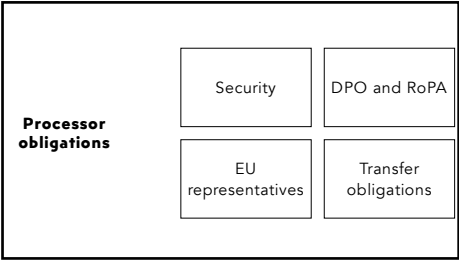
The delivery service is not processing the personal data contained in those envelopes. Although it is in physical possession of the envelopes, it has no idea what the envelopes contain and may not open them to access the content. For data protection purposes, the delivery service does not 'process' any personal data contained within those envelopes.

The hospital that chooses to use the delivery service is the controller responsible for the data contained in the envelopes. If the delivery service loses or misdirects an envelope containing highly sensitive personal data, for data protection purposes the controller that sent it is responsible for that loss. So the sender should think carefully about the type of service that is most appropriate in the circumstances.

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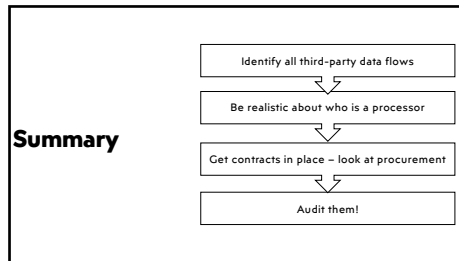
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A29: The processor and any person acting under the authority of the controller or of the processor, who has access to personal data, shall not process those data except on instructions from the controller, unless required to do so by domestic law

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THANK YOU!

Tim Turner
tim@2040training.co.uk
www.2040training.co.uk

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