DATA PROCESSOR GDPR CHECKLIST

A major change with the GDPR is that data processors now have direct legal obligations under EU privacy law. This is a significant shift from the current EU Directive which only directly obligates the data controllers. Non-compliant data processors face significant fines of up to 4% of global annual turnover or 20,000,000 euros, whichever is higher, and may be directly liable to individuals for damages. **If the GDPR applies to you, review our checklist below summarizing the data processor's obligations:**

- ☐ Appoint a Data Protection Officer (See: Are You Required to Designate a Data Protection Officer?)
- ☐ Appoint a local representative (if not established in the EU)
- ☐ Implement appropriate technical and organizational measures to account for security risks and to assist controller in responding to requests of individuals
- ☐ Keep personal data confidential and obligate personnel to similar confidentiality obligations
- ☐ Keep meticulous written records and make records available to controller and regulators as required
- ☐ Notify controller of a data breach incident as soon as possible and provide support
- ☐ Only process personal data to the extent authorized by controller
- ☐ Obtain controller's written permission before engaging sub-processors
- ☐ Enter into contracts with sub-processors providing the same level of protection as the principal contract with controller
- ☐ Notify controller if controller's instructions infringe EU data protection laws
- ☐ Assist controller in Data Protection Impact Assessment
- ☐ Delete or return to controller (at controller's choice) all personal data when no longer providing services
- ☐ Ensure that GDPR-approved safeguards are in place before transferring personal data across borders (or confirm that the "receiving" country is on the EU Commission's list of approved countries)
- ☐ Assist controller in responding to an individual's exercise of their privacy rights
- ☐ Cooperate with requests of EU member state regulators
- ☐ Train employees on GDPR and create company policies on compliance and non-compliance
- ☐ Update company policies (e.g., online privacy policy and written information security policy)

Controller is the entity which determines the purposes and means of the processing of personal data.

Processor is the entity which processes personal data on behalf of the controller.

Processing is any set of operations performed on personal data, such as collection, storage, use and disclosure.

Personal Data means information relating to an identified or identifiable natural person. A person can be identified from information such as name, ID number, location data, online identifier or other factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

Contact Us

If you have any questions about the checklist above or for additional information on the GDPR, contact Orla O'Hannaidh at 919.484.2339 or OOHannaidh@wcsr.com or any member of our GDPR Compliance Task Force.

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