

# Obligations of processors under UK GDPR

## Processors (individuals/organisations who process data on behalf of controllers) have specific legislative obligations under UK GDPR.

### Design

Processors need to have regard to the concepts of accountability, privacy by design and risk assessment when designing and offering their services.

### Data Protection Officers

There are a couple of questions you need to ask when considering appointing a Data Protection Officer: 1. Are we a public Authority? 2. Do our 'core activities' involve large scale, regular and systematic monitoring of individuals or large scale processing of special categories of data? If the answer is yes to either then you are required to appoint a Data Protection Officer whether you are a controller or processor. If not, you may still want to appoint a data protection lead anyway.

### Security

Direct security obligations are imposed on processors which include a requirement to inform controllers of serious security breaches.

### Contracts

Processors need to have a written contract with controllers for whom they process data. Clauses required as a minimum in the written contract should cover:

- Subject matter and duration of processing.
- Type of personal data and categories of data subject.
- Nature and purpose of the processing.
- Obligations and rights of the controller.
- Confirmation that the processor only processes on documented instructions from the controller.
- An obligation on the processor to ensure that anyone authorised to process data under the contract is committed to a confidentiality obligation.
- Reference to compliance with security measures senior management team.
- Confirmation that the processor cannot appoint a sub-processor without consent and that obligations will flow down into sub-processor contracts (and a clause confirming that the processors will provide supporting information to demonstrate compliance).

- Confirmation that the processor will assist the controller (i.e. with data subject rights).
- Details of what happens to the data at the end of the contract.
- Confirmation that the processor.

### Records

Processors must maintain records of their processing activity.

### Overseas transfers

The requirements for data transfer overseas will apply directly to processors.

### Cooperation

Processors must cooperate on request with supervisory authorities (for example the ICO).

### Data subjects

Data subjects can complain directly to the ICO about processors and the ICO can fine processors for breach of processor obligations. Data subjects can also bring court claims against processors.

**For further information call or email Alex or Alison on:**



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