

The role of the Processor within GDPR

.I Definition

The processor is in charge of **processing operations on behalf of the controller**. The processor can be “*the natural or legal person, public authority, agency or other body* “.The controller can be a processor too.

The processor is considered as controller when the processor infringes this Regulation by determining the purposes and the means of processing

.II Duties

1. Involvement

- Who?**
- Controller(s)
 - Processor(s)
- When?**
- By contract between controller and processor
 - By other legal act under member states law
- What?**
- Provide guarantee to implement appropriate technical and organisational measures
 - **Subcontracting** : prior specific or general written **authorisation** of the controller in case of engagement of another processor :
 - ➔ Same duties as the initial processor
 - ➔ The initial processor is responsible in case of failure of the second processor
 - Adherence to approved code of conducts or certification mechanisms

2. Contractual duties

- What?**
- Before execution
 - ➔ Nature of processing , personal data, operations (= contract object)
 - ➔ Purposes
 - ➔ Types of personal data : only on documented instruction from the controller including transfer to third parties
 - ➔ Categories of data subjects
 - ➔ Persons authorised to make processing (e.g. **confidentiality clause in staff member contractual issues**).
 - During execution
 - ➔ Execute security measures decided by controller(s)
 - ➔ Assist and support controller(s) in ensuring compliance with security measures and safeguards (e.g. **communicate if possible infringement**)
 - ➔ Obligations and rights of controller
 - After execution
 - ➔ Delete or returns all personal data to controller(s) at the end of provisions of services

Summary sheet: GDPR / the Processor

→ Delete existing copies unless a storage is required by law and/or member state

Who?

- Controller(s) and or processor(s)
- Commission may lay down **standard contractual clauses**
- Supervising authority may adopt standard contractual clause