

DATA PROTECTION OFFICER

What is, and which organizations have to appoint a DPO?

A Data Protection Officer (DPO) is a person in charge of verifying the compliance of personal data processing with the applicable law. The DPO communicates information on processing personal data such as its: purposes, interconnections, types, categories of data subjects, length of retention and department(s) in charge of implementing processing. DPOs may be required by law or recommended. The European General Data Protection Regulation requires that data controllers and data processors designate a DPO in any case where:

- the processing of personal data is carried out by a public authority or body, except for courts acting in their judicial capacity;
- the core activities of the controller or the processor consist of processing operations which,

A DPO is not mandatory for every organization under the GDPR but is highly recommended. However, the local obligations under German Law still applies. **Germany has additional requirements as to when businesses must appoint DPOs.** Under German law, Data Protection Officers must always be appointed when a company processes information subject to a data impact assessment or, when personal data is

by virtue of their nature, their scope and/or their purposes, require regular and systematic monitoring of data subjects on a large scale; or

- the core activities of the controller or the processor consist of processing, on a large scale, special categories of data and personal data relating to criminal convictions and offences.



commercially processed for the purpose of transfer, anonymized transfer or market research. In addition, Germany requires businesses to designate a Data Protection Officer when there are consistently 20 or more employees who routinely process data through automated means. Note that DPOs have protected employment under the BDSG (i.e. DPOs can only be fired when there is evidence that would allow immediate termination for cause).

Last updated April 2021.

DISCLAIMER: The information contained in this document is for general information purposes only and is not intended to be a source for legal, tax, or any other professional advice and should not be relied upon as such. This information is not intended to create, and the receipt of it by the reader does not constitute, an attorney-client relationship. All legal or tax questions or concerns should be directed to your legal counsel or tax consultant. Laws and regulations may change and UKG Inc. ("UKG") cannot guarantee that all the information in this document is accurate, current or complete. UKG MAKES NO REPRESENTATION OR WARRANTIES WITH RESPECT TO THE ACCURACY OR COMPLETENESS OF THE DOCUMENT OR THE INFORMATION OR CONTENT CONTAINED HEREIN AND SPECIFICALLY DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES INCLUDING BUT NOT LIMITED TO ANY EXPRESS OR IMPLIED WARRANTIES OF MERCHANTABILITY, SUITABILITY, OR COMPLETENESS OF THIS INFORMATION. TO THE EXTENT PERMITTED UNDER APPLICABLE LAW, NEITHER UKG, NOR ITS AGENTS, OFFICERS, EMPLOYEES, SUBSIDIARIES, OR AFFILIATES, ARE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY, OR CONSEQUENTIAL DAMAGES (INCLUDING PROCUREMENT OF SUBSTITUTE GOODS OR SERVICES, LOSS OF USE OR PROFITS, OR BUSINESS INTERRUPTION), EVEN IF THE UKG HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, ON ANY THEORY OF LIABILITY, WHETHER IN CONTRACT, STRICT LIABILITY, OR TORT, ARISING IN ANY WAY OUT OF THE USE OF OR INABILITY TO USE THIS INFORMATION. This document and the content are proprietary and confidential information of UKG. No part of this document or its content may be reproduced in any form, or by any means, or distributed to any third party without the prior written consent of UKG © 2021 UKG Inc. All rights reserved.