



Are You Required to Designate a Data Protection Officer?

Follow our three-question flowchart to answer the question: “Does GDPR Apply to You?” If “Yes” then you may be required to designate a Data Protection Officer (“DPO”) by May 25, 2018, when the GDPR applies.

Follow our five-step flowchart below to see if you need to designate a DPO:

Core activities are a company’s key operations to achieve its business goals. A hospital must designate a DPO because processing of special categories of personal data (health records) is a key operation of a hospital and may require regular systematic monitoring of individuals on a large-scale. But if a company collects personal data about its employees to process pay checks, then this activity alone may be an ancillary service (rather than a key operation), and would not alone trigger the requirement to designate a DPO.

Large scale is not defined in the GDPR, but factors to consider include the number of individuals concerned, volume of data and range of data items, duration and/or permanence of data processing, and geographic territory covered (e.g., regional, national, or international).

Special categories of data include personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, genetic data and biometric data used to uniquely identify a natural person, and data concerning health or a person’s sex life or sexual orientation.

✓ For all companies, document the review process used to determine whether or not a DPO should be appointed, and keep a record of the process.



Contact Us

Our [GDPR Compliance Task Force](#) is available to assist and advise clients in efficiently addressing GDPR-related issues. To learn more about the issues in this client alert, please contact [Ted Claypoole](#) at ted.claypoole@wbd-us.com or +1 404.879.2410, or [Amy Eames](#) at amy.eames@wbd-uk.com or +44 (0)238 020 8379.