

the ict service.

Data Protection Officer (DPO) Job Description

Extracts taken from the UK GDPR – Articles 37 – 39

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Important note

Whilst The ICT Service, in its role as DPO for your school, helps and supports schools with information governance and Data Protection issues, ultimately the school remains 'responsible' for this from a legal perspective. Outsourcing the DPO role, does not exonerate the School/Trust of this legal responsibility.

Designation of the Data Protection Officer (UK GDPR Article 37)

1. *The controller and the processor shall designate a Data Protection Officer in any case where:*
 - (a) **the processing is carried out by a public authority or body, except for courts acting in their judicial capacity;**
 - (b) **the core activities of the controller or the processor consist of processing operations which, by virtue of their nature, their scope and/or their purposes, require regular and systematic monitoring of data subjects on a large scale; or**
 - (c) **the core activities of the controller or the processor consist of processing on a large scale of special categories of data pursuant to Article 9 or personal data relating to criminal convictions and offences referred to in Article 10.**
2. **Where the controller or the processor is a public authority or body, a single Data Protection Officer may be designated for several such authorities or bodies, taking account of their organisational structure and size.**
5. **The Data Protection Officer shall be designated on the basis of professional qualities and, in particular, expert knowledge of Data Protection law and practices and the ability to fulfil the tasks referred to in Article 39.**
7. **The controller or the processor shall publish the contact details of the Data Protection Officer and communicate them to the Commissioner.**

Position of the Data Protection Officer (UK GDPR Article 38)

1. **The controller and the processor shall ensure that the Data Protection Officer is involved, properly and in a timely manner, in all issues which relate to the protection of personal data.**
2. **The controller and processor shall support the Data Protection Officer in performing the tasks referred to in Article 39 by providing resources necessary to carry out those tasks and access to personal data and processing operations, and to maintain his or her expert knowledge.**
3. **The controller and processor shall ensure that the Data Protection Officer does not receive any instructions regarding the exercise of those tasks.** He or she shall not be dismissed or penalised by the controller or the processor for performing his tasks. **The Data Protection Officer shall directly report to the highest management level of the controller or the processor.**
4. Data subjects may contact the Data Protection Officer with regard to all issues related to processing of their personal data and to the exercise of their rights under this Regulation. *****(Please see additional note)***.
5. **The Data Protection Officer shall be bound by secrecy or confidentiality concerning the performance of his or her tasks, in accordance with domestic law.**
6. **The Data Protection Officer may fulfil other tasks and duties. The controller or processor shall ensure that any such tasks and duties do not result in a conflict of interests.**

Tasks of the Data Protection Officer (UK GDPR Article 39)

1. The Data Protection Officer shall have at least the following tasks:
 - (a) *to inform and advise the controller or the processor and the employees who carry out processing of their obligations pursuant to this Regulation and to other domestic law relating to Data Protection;*
 - (b) *to monitor compliance with this Regulation, with other domestic law relating to Data Protection and with the policies of the controller or processor in relation to the protection of personal data, including the assignment of responsibilities, awareness-raising and training of staff involved in processing operations, and the related audits;*
 - (c) *to provide advice where requested as regards the Data Protection impact assessment and monitor its performance pursuant to Article 35;*
 - (d) *to cooperate with the Commissioner;*
 - (e) *to act as the contact point for the Commissioner on issues relating to processing, including the prior consultation referred to in Article 36, and to consult, where appropriate, with regard to any other matter.*
2. *The Data Protection Officer shall in the performance of his or her tasks have due regard to the risk associated with processing operations, taking into account the nature, scope, context and purposes of processing.*

Essential skills and Experience

The ICT Service DPO Team:

- have **expert knowledge of working with public authorities.**
- are **suitably experienced** of working with organisations of varying size.
- have a **comprehensive knowledge of the risks involved with processing special categories data.**
- are suitably qualified and have **expert knowledge in current Data Protection law and associated UK GDPR legislation.**
- are **suitably qualified** to provide Data Protection training at both school and Trust level.
- **continue to develop our knowledge and skills** in Data Protection, to provide you with the continued excellent service you should expect.

Expectations in the role of DPO

The ICT Service DPO Team:

- encourage you to **update** your DPO details as part of your ICO registration (when you have moved from an alternative provider).
- expect that we will be communicated with **immediately** in the event of a complaint, data breach, subject access request or any other personal data related issue.
- will always report to the named / dedicated Data Protection representative in the school, when they are not available, we will report to the Headteacher or CEO.
- will only take complaints from data subjects when the school has informed us that they have requested that they contact us (as per privacy notice and Data Protection policy). We request that you please **do not** give out consultant's direct details unless you have received permission to do so.
- **will** support schools with the completion of their Data Protection Impact Assessments (DPIA's)

- **will** support schools with their annual audit of data processing (see associated documentation). We will provide full details of what is expected, timescales and feedback. This report will be made available to the ICO upon request.
- will **always** represent schools when there is a more complex complaint or personal data issue.

The DPO consultants at The ICT Service are available to answer all adhoc Data Protection enquiries.

Contact Channels

- Phone: 01223 752111 (Option 4)
- Email: DPO@theictservice.org.uk
- Support Portal: theictservice.myportallogin.co.uk

Contact Roles

- Data Protection Officer: Donna Flynn
- GDPR Practitioner and Learning Technology Consultant: Jo Puckering
- Head of Service: John Chapman - John.Chapman@theictservice.org.uk – 01223 752111
 - Compliments: compliments@theictservice.org.uk
 - Complaints: complaints@theictservice.org.uk

Support Hours

- Standard Support Hours: Monday to Friday, 8.00am – 5:00pm (4.30pm on Fridays) excluding UK public holidays.