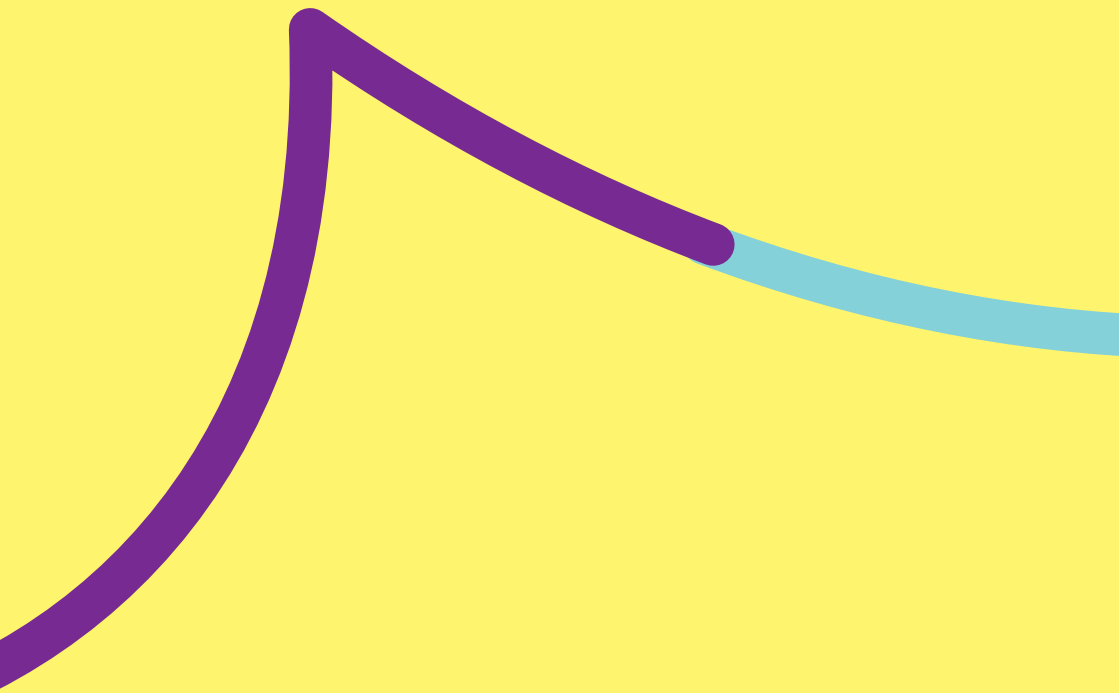


Bird & Bird
Privacy Solutions

Data Protection Officer Services



The GDPR and/or the UK GDPR may mean that your organisation has to, or decides to, appoint a Data Protection Officer (DPO). While it is possible to designate someone internally, there are benefits of outsourcing the DPO function. Bird & Bird offers outsourced DPO services through its dedicated service line, Bird & Bird Privacy Solutions.

Do you need to appoint a DPO?

You must appoint a DPO if:



You are a public authority (for instance a city council, a hospital governmental body); or



You carry out certain types of processing activities requiring regular and systematic monitoring of individuals on a large scale (for example, credit scoring, location tracking on mobile apps); or



Your core activities consist of processing special categories of data on a large scale (for instance, health data, racial or ethnic origins, political opinions, religious beliefs) or information in relation to criminal convictions.



In certain European jurisdictions, it is a formal requirement to appoint a DPO. For instance, German data protection law requires businesses employing a certain amount of staff to appoint a DPO, regardless of the nature of processing activities carried out.



More generally, even if you do not need to appoint a DPO, you may choose to do so anyway, as a matter of best practice.

The role of the DPO

Your DPO oversees the monitoring of compliance with data protection regulations. They are an advisor independent from the business and must be preserved from situations of conflict of interest. This is why the DPO should not be involved in making decisions about personal data processing activities. The DPO can advise you on data protection matters, and ensure your employees are aware of how personal data should be processed on a day-to-day basis. The DPO should be involved in all data protection related matters from the outset. The DPO role can be outsourced (DPO as a Service).

How can we help?

Outsourced DPO services

Bird & Bird Privacy Solutions offers outsourced DPO services through a dedicated entity, separate from Bird & Bird's existing legal data protection team.

You can appoint Bird & Bird Privacy Solutions as your DPO, to manage most of the engagement with your organisation, supported by Bird & Bird's lawyers.

We proactively carry out our tasks following a risk-based approach, prioritising our activities and focusing our efforts on issues that present higher data protection risks, without neglecting lower risk processing activities.

In addition to performing our DPO tasks, we regularly monitor regulatory changes to ensure your organisation remains well informed of any such regulatory changes affecting your industry.

Interim DPO Services

We recognise you may wish to recruit an in-house DPO, which can be a lengthy process. In this context, you may need to cover the DPO function on an interim basis.

Bird & Bird Privacy Solutions can help in this context by offering appropriate DPO interim cover in line with the GDPR and/or the UK GDPR requirements.

A dedicated point of contact

We will ensure that there is a dedicated point of contact for your teams and key stakeholders. This point of contact will be a qualified data protection lawyer or advisor, experienced in data protection matters and based in one of the countries where Bird & Bird has presence, depending on your requirements.

The dedicated point of contact can draw on a team with a wide skillset, including legal expertise, information technology, cybersecurity, business and project management.



*“The FIA has been using Bird & Bird’s
DPO services for two years. We are
fully satisfied with their competence,
availability, and speed”*

Federation Internationale de L'Automobile

Benefit of outsourcing your DPO

Benefit	Outsourced DPO	In-House DPO
<p>Independence & conflict of interest requirements</p>	<p>By appointing an outsourced DPO, you increase your chances of maintaining their independence as it is easier to separate them from the management teams. You are also less likely to place your DPO in a situation of conflict of interests.</p>	<p>Appointing an existing member of staff as the DPO may be difficult to implement internally, because of the independence and conflict of interest requirements.</p> <p>Organisations often rely on their in-house DPOs, which leads them to make decisions in lieu of the business. This situation tends to impact upon the independence of the DPO and may place them in a situation of conflict of interest.</p>
<p>Cost</p>	<p>Outsourcing your DPO can be more cost efficient than hiring an individual in a full-time role. It is easier to manage the budget allocated to the DPO function by ensuring it strictly covers the tasks which should be undertaken by the DPO. Not only can your business save on the actual salary, but you will also save on overall budget allocated to the DPO function, taking into account money spent on training the DPO, or attending events and conferences.</p>	<p>Finding the right candidate can be expensive, may incur recruitment fees, and an annual salary which can be very costly.</p>

Benefit

Outsourced DPO

In-House DPO

Experience & team structure

Working in a team, our DPO service combines the relevant knowledge, experience and skills necessary to perform such an important role.

As we act as a DPO for many organisations across industries, we are able to leverage our knowledge to help you benchmark your organisations against market best practice standards.

Our DPO teams are composed of data protection experts, including some of Bird & Bird's top ranked data protection lawyers.

Individuals are less likely to have a broad range of skills of expertise across multiple facets of data privacy, which can lead to dedicating more budget to outside consultant or counsel fees.

Geographical reach

Our DPO service is backed by some of Europe's best data protection lawyers, covering most European languages.

Our DPO team is available across all geographical regions and time zones.

Our teams have extensive experience working with and responding to Data Protection Authorities, which provides us with a good understanding of their approach to the GDPR and/or the UK GDPR compliance.

An in-house DPO is geographically restricted, and it is unlikely that they will have the language skills to cover many European languages. It is also unlikely that they will have a sufficient level of knowledge of local Data Protection Authorities' approach to the GDPR and/or the UK GDPR compliance.

In addition, if you are a group with global outreach and need to appoint DPOs locally, it may be difficult to have an in-house DPO effectively cover all local requirements.

Where is Bird & Bird Privacy Solutions based?

Bird & Bird Privacy Solutions is based in Brussels; however, we can operate out of most European countries.

Going further: additional Bird & Bird support

Your point of contact at Bird & Bird Privacy Solutions will be able to provide your organisation with DPO support and assistance. However, there may be instances where the key point of contact needs wider support– for example, if special local requirements of a member state need to be considered. Where appropriate and where you agree, we can provide additional support via legal services provided under our usual engagement terms.

Your DPO Dashboard

Our DPO services can be offered via an online client services portal, the DPO Dashboard.

- Benefits to you in using the DPO Dashboard include:
- Oversight of all ongoing advice (unless confidential), DPIAs, and your DPO contacts.
- Transparency on DPO service management, including financial reporting and project planning.
- Records of processing activities module.
- Data protection impact assessment module.
- Data subject request tracking.
- Year on year reporting and statistics for work handled and data protection compliance.
- Access to regulatory updates and guidelines.
- Reducing the need for email using a collaborative platform.

Our DPO Activities

Annual Planning

This is to plan the year ahead and prepare our report to the highest level of management of your organisation


Planning for the year and reporting	<p>We can arrange a kick-off meeting with your relevant stakeholders, to obtain a high-level understanding of your approach to data protection compliance.</p> <p>We can hold an annual review to plan the following reporting period.</p> <p>We can produce an annual report to the highest level of management, which can include a heat map and privacy KPIs. The report can also confirm the work carried out in the year and outline any change to the level of compliance.</p>
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Ongoing Support

This is to cover all activities falling within the remit of the DPO under the GDPR and/or the UK GDPR.

Managing the engagement	<p>We can organise and attend regular meetings with relevant stakeholders.</p>
Monitoring compliance with the GDPR and/or the UK GDPR, with other data protection laws and with your data protection policies, including health-checks	<p>We can undertake GDPR and UK GDPR health checks and provide recommendations to close the gaps in compliance.</p> <p>We can advise on new data protection initiatives.</p> <p>We can help you address more complex queries and complaints from data subjects or supervisory authorities and review the approach of your in-house data protection teams who would address lower risk-queries and complaints.</p> <p>We can work with you to schedule periodic reviews with your departments to confirm their approach to compliance.</p> <p>We can hold an annual horizon-scanning meeting with you to identify any recent or upcoming legal developments which may affect your organisation.</p>

<p>Supporting you with your record of processing activities</p>	<p>We can support you building your record of processing activities and keeping up to date.</p>
<p>Advising on data protection impact assessments (DPIAs)</p>	<p>We can advise on issues relating to the DPIA, including whether to carry one out, what methodology to follow, and how to comply with GDPR and/or UK GDPR requirements.</p>
<p>Advising on data breaches</p>	<p>We can help you assess whether an information security incident qualifies as a data breach under the GDPR. If this is the case, we can help assess the severity of potential breaches and advise on whether it should be reported to supervisory authorities and the data subject.</p>
<p>Cooperating with supervisory authorities and acting as a contact point</p>	<p>We can liaise with supervisory authorities and act as your contact point for queries from authorities.</p>
<p>Cooperating with data subjects</p>	<p>We can respond to data subjects using a dedicated DPO email address.</p>
<p>Training and raising the awareness</p>	<p>We can identify how to implement relevant training and awareness sessions to your teams, considering their level of exposure to the data protection risk.</p> <p>We can help find solutions to identify areas of lack of awareness per business functions.</p> <p>We can arrange and deliver training workshops to employees.</p>
<p>Helping you with data sharing of personal data</p>	<p>We can help you in your discussions with third parties, to obtain the assurance of their compliance with data protection regulations.</p> <p>Where appropriate, we can also help you assess how to structure and manage international data transfers (internally and externally).</p>



“We use the services of Bird & Bird’s Privacy Solutions (external DPO) across Europe. The advice they provide is very consistent in all EU markets which is very attractive to us.”

Legal 500 UK

Our DPO Services

DPO Qualifications & Experience

Professional qualities, expert knowledge of the law and practices and the ability to fulfil tasks required

Article 37(5) GDPR/UK GDPR

Bird & Bird Privacy Solutions is a team of privacy professionals and qualified lawyers.

Bird & Bird's data protection team is top ranked in legal directories.

You will have a consistent point of contact for your teams, who would be a data protection specialist.

You will also have access to other specialists to provide cover where needed.

DPO bound by secrecy or confidentiality

Article 38(5) GDPR/UK GDPR

This is provided directly by the GDPR and/or the UK GDPR and is confirmed in our terms of engagement. Bird & Bird Privacy Solutions is led by a qualified lawyer, used to respecting such obligations due to professional secrecy rules.

Independent Advice

DPOs must not receive instructions regarding the exercise of the tasks & may not be dismissed or penalised for performing tasks

Article 38(3) GDPR/UK GDPR

Your engagement letter will confirm that we have discretion in performing the DPO services. It will also specify the period of appointment and that termination cannot be because of our performance of the tasks of the DPO.

If the DPO has other tasks or duties, there must not be a conflict of interests

Article 38(6) GDPR/UK GDPR

Appointing an external DPO avoids a conflict of interest, as suitable internal resources are likely to be involved in decision making about personal data processing

We are used to identifying and dealing with conflicts of interest.

We will conflict check any advice and we will conflict check the overall relationship annually to ensure that our work for you is free of conflict.

Why Bird & Bird Privacy Solutions?

Bird & Bird Privacy Solutions was created by Bird & Bird which have been active in the field of data protection for over 20 years, longer than most other legal firms. We are able to draw on practical experience of the ways in which organisations approach data protection compliance to add value to our clients' businesses. Not a day goes by when we are not advising clients on multi-country data protection matters.

The approach of data protection authorities will be key in how they approach enforcement and in the areas where they have yet to issue guidance. A number of our lawyers are former regulators, and we maintain close links with regulatory authorities.

Bird & Bird are top ranked in data protection in the leading directories, including Chambers UK, Chambers Europe and the Legal 500. Each of our offices has dedicated privacy & data protection lawyers who can help your business in various ways.

Our advice is always practical and business focused. We take a hands-on approach to all issues, advising not just on the letter of the law, but also making practical and risk-aware suggestions for clients to consider.

Our firm in numbers

>120

We have advised clients from over 120 countries within the last year

36


Over a third of the top 100 companies listed in this year's Fortune 500 are our clients

17

Our clients include 17 of the world's most innovative companies, according to Forbes

90%

Of our Top 100 Clients have been with us for over five years



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Get in touch

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