



Data Privacy Officer Concept in Germany

National Personal Data Protection Conference, Warsaw

23.11.2015

Dr. Sebastian Kraska | Rechtsanwalt, Dipl.-Kfm. | Externer Datenschutzbeauftragter
Telefon: 089 1891 7360 | Internet: www.iitr.us | E-Mail: email@iitr.de

About Dr. Sebastian Kraska

- Founder of IITR GmbH: specialized in providing privacy services
- As an attorney in IT law, Dr. Kraska himself works as an external data privacy officer and assists companies and public authorities
- Together with our regional partners, we assist more than 150 companies nationwide as external data privacy officers



Data Privacy Officer Concept in Germany

- Concept of Internal Self Governance vs. Approval by the Data Protection Authority

- Companies with more than nine employees processing personal data with automated system have to appoint a Data Privacy Officer

- “The data privacy officer shall work to ensure compliance with (...) [the German Federal Data Protection] Act and with other data protection provisions.” (Sec. 4g (1) 1 FDPA)

- “The obligation to notify shall not apply if the controller has appointed a data privacy officer.” (Sec. 4d (2) FDPA)

External or internal Data Privacy Officer?

- Aspects of Liability (limited liability of internal Data Privacy Officer)
- Limitations to terminate an internal Data Privacy Officer
- Regular training obligations
- Complexity of privacy regulations
- Privacy Back Office

Typical Duties of the Data Privacy Officer

- Training of employees
- Privacy Impact Assessments
- Responsible for privacy policies within the company
- Support of the company with regard to privacy regulations
- Internal and external audits
- Privacy Certification
- Counterpart for privacy authorities, customers and employees

How to start with a new client?

- Setting the goals right

- Possible scenarios:
 - Meet the audit requirement of a privacy authority?

 - Privacy as part of a global compliance strategy?

 - Improving IT security?

 - Is privacy of strategic relevance for the company?

 - Do you want to support your sales team with privacy knowhow?

Topics in Focus of a Data Privacy Officer

- Privacy Trainings of employees
- Become part of internal decision making process with regard to new systems
- Outsourcing of data processing to external vendors (and corresponding audits)
- Transparency with regard to internal data flows
- Meet standard IT security requirements (preferred with external audits)

Summary/Outlook

- Data Privacy Officer supports the company in all aspects of privacy compliance
- Almost all processes within a company are based on personal data: so privacy compliance becomes more and more relevant
- Appointment requirements might change with the new General Data Protection Regulation
- With privacy regulations becoming more complex companies have an increased interest in privacy consulting



Questions?

Website: www.iitr.us

Contact: Dr. Sebastian Kraska

IITR GmbH | Marienplatz 2 | 80331 Munich, Germany

Tel.: +49-89-18917360 | Internet: www.iitr.us | Email: email@iitr.de