

DATA PROTECTION ESSENTIAL PRINCIPLES

Data protection roles

Data processing actors

1 Data subject

Technical term for the person to whom particular personal data relates.

A **natural person** (i.e. an **individual**) whose **personal data** is processed, who can be **identified, directly or indirectly**, by reference to this data.

E.g.: traditionally affected populations and employees.

2 Data controller

Designates the organization which, alone or jointly with others, determines **the purposes and means of personal data processing** (ICRC).

A data controller decides how and why to collect and use data.



2 Data controller

Here are **6 best practices (from the French supervisory authority, the CNIL)** when a data controller works with a subcontracting organization, such as a local partner:

- **Define precise roles and responsibilities** in data processing
- **Formalize them** in a **clear subcontracting agreement**
- Ensure that **data processing activities are recorded and documented (into the register)** by the subcontracting organization
- **Check that the subcontracting organization respects data protection** (including data security), or support it in doing so
- **Ensure that the subcontracting organization enables** data subjects to **exercise their rights**

Data processing actors

2 Data controller

These are the **tasks** of the data controller:

- **deciding** on the purpose of the personal data use, and the means used to process the data
- **if the processing (in part or in full) of data is "delegated" to a local partner**, your organization ensures that there are "**sufficient guarantees**" to implement the use of the data (for example, checking the specialized skills on data protection and the reliability of the person/organization)
- **monitor data processing** activities via the **data processing register tool**

2 Data controller

- **set up systems enabling people** whose personal data is collected to **exercise their rights** (e.g., right of opposition or modification, via feedback or complaint mechanisms)
- **inform the supervisory authority** ([link to find the supervisory authority in another EU country/](#) in the UK it's the ICO) in the event of a **breach of personal data protection** (within 72 hours)
- **set a retention time** for personal data, depending on the uses required to complete the project and the stages involved (collection, project deployment, reporting, auditing)

Data processing actors

3 Data processor

This term refers to the person or organization that **processes personal data on behalf of the data controller** (ICRC).

A **processor** is a separate person or organization (not an employee) who processes data on behalf of and in accordance with the instructions of the controller.

A person or organization that **processes and adds value to raw data**, for example by cleaning it, loading it into a searchable database or combining it with data from other sources (OCHA).

Advice on choosing subcontractors, (source RGPD memento – France générosités):

- Give preference to an organization **established in the EU/in a territory where the RGPD applies**.
- Define the subcontracting partner's advisory and **warning role**
- Check **where the personal data** you entrust to it **transits**

Data processing actors

3 Data processor

Data processors have some **direct legal obligations**, but these are more limited than those of the data controller.

- Be familiar with **data protection rules** and have the capacity to implement the processing operations requested by the data controller.
- **Alert and inform** the data controller **if their requests are unlawful or unclear** / if a person wishes to exercise their rights (e.g. to modify or withdraw data).
- Keep and monitor **records of personal data** processing activities
- Ensure **data security**: have a working method based on **confidentiality**, be **transparent** in the event of a data leak, and **return and destroy all data at the end of the assignment**.
- Designate a DPO to **receive advice and assistance** on data protection compliance.

Data processing actors

4 Joint data controller

If two or more data controllers **jointly determine the purposes and means of processing the same personal data**, they are joint controllers.

In this case, it may be appropriate to define the roles of each organization in a **responsibility agreement**.

NB : this situation may arise in consortium programs. Or, more simply, between an international NGO and its local partner.



5 Third-party data processor

A person or organization **hired in its own name by a subcontractor in charge of data processing for** a partner.

E.g.: the contracting of consultants by an NGO to work on a project.

Data processing actors

6 Data Protection Officer (DPO)

Their role is **to steer the compliance** of data protection practices. The position can be either external or internal to the organization.

The DPO **must remain independent**, be an **expert in data protection**, have **sufficient resources** and report to the highest level of management.

In addition to his mandate at the level of his organization's head office, vis-à-vis the field operations of international solidarity NGOs, **their missions** can be summarized as follows:

- To have an **advisory and information role** in relation to data protection within the organization and with related organizations.
- To **monitor the application of the GDPR** and national data protection law.

To fulfill their role in the field, the DPO needs a network of relays: it is recommended to have focal points.



6 Data Protection Officer (DPO)

The designation of a DPO is **compulsory for organizations** whose basic activities lead them **to process "sensitive" data on a large scale**, or for organizations whose basic activities lead them to carry out regular and systematic monitoring of individuals on a large scale.

It is therefore rare for NGOs from the international solidarity sector of a certain size not to be concerned by the obligation to appoint a DPO.

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