

Summary

Commissioned Data Processing

Commissioned data processing refers to the outsourcing of this task, meaning the data is processed by a service provider (cloud provider, call center, etc.).

The principal remains responsible for ensuring compliance with the data privacy laws when outsourcing the processing of personal data.



Duties of the principal:

- to exercise due care in selecting the agent.
- to conclude a written contract that meets the legal requirements, i.e., the contract must set out the scope of the commission as well as the rights and obligations of the contractual parties, among others.
- to monitor contract fulfillment and completion.

Commissioned Data Processing

Summary of European Legal Requirements

The controller may only commission companies with processing orders (processors) that provide sufficient guarantees that they will implement appropriate technical and organizational measures to ensure data processing in compliance with the EU General Data Protection Regulation and to protect the rights of the data subjects.

Processing will be carried out on the basis of a written contract that stipulates that the **processor**...

- may only process personal data on documented instructions from the controller.
- will ensure that the persons authorized to process the data have committed themselves to confidentiality or are under an appropriate statutory obligation of confidentiality.

- will take measures to ensure data protection through technical design and default settings such as pseudonymisation.
- will only make use of the services of additional processors if the controller has approved of this and the same data protection obligations are imposed in the contract with the additional processor as are imposed in the contract with the original processor.
- will take appropriate technical and organizational measures to support the controller in responding to data subjects' requests regarding exercising their rights (such as the rights to access data, correction, and erasure).
- will support the controller in guaranteeing processing security as well as reporting personal data breaches to the regulatory authority and data subjects.
- will support the controller in making a data protection impact assessment and with the related prior consultation of the regulatory authority.
- will delete or return all personal data selected by the controller after the conclusion of the provision of the processing services.
- will make all information necessary for upholding the existing obligations available to the controller and enable and contribute to checks and inspections carried out by the controller or an inspector commissioned by the controller.