

# LAW & DATA

## 2023/2024

*University of Padova*

20 December 2023



# GDPR | CONTROLLER

the natural or legal person, public authority, agency or other body which, alone or jointly with others, **determines the purposes and means of the processing of personal data**

## JOINT CONTROLLERS

# Obligations of the Controller

As a general rule, it is responsible and liable for any processing of personal data carried out by

- itself
- on its behalf

# Main obligations of the Controller

- Adoption of appropriate **TOMs** (technical & organizational measures)
- (+ protection policies)
- Record of processing activities
- Cooperation with Data Subjects
- Cooperation with Supervisory Authorities

# - DPMS - DATA PROTECTION MANAGEMENT SYSTEM

*risk-based internal compliance system*

typically consisting in an IT security concept that introduces and monitors technical and organisational conduct of data processing activities, and records/documents processing activities to achieve compliance with the GDPR

**Aim = achieve compliance with GDPR, by adopting appropriate TOMs**

# GDPR | PROCESSOR

a natural or legal person, public authority, agency or other body which **processes\*** **personal data** on behalf of the controller

## **\*PROCESSING OF PERSONAL DATA**

**ANY OPERATION OR SET OF OPERATIONS WHICH IS PERFORMED ON PERSONAL DATA OR ON SETS OF PERSONAL DATA, WHETHER OR NOT BY AUTOMATED MEANS SUCH AS COLLECTION, RECORDING, ORGANISATION, STRUCTURING, STORAGE, ADAPTATION OR ALTERATION, RETRIEVAL, CONSULTATION, USE, DISCLOSURE BY TRANSMISSION, DISSEMINATION OR OTHERWISE MAKING AVAILABLE, ALIGNMENT OR COMBINATION, RESTRICTION, ERASURE OR DESTRUCTION**

# Main obligations of the Processors

- Act upon instructions of the Controller
- Implement TOMs
- Appoint a Representative within the EU
- Maintain a record of processing activities
- Cooperate with Supervisory Authorities
- Designate a Data Protection Officer (where required)



# Contents of the RECORD

## CONTROLLER

Name and contact details of the (joint) controller(s), the representative(s) and DPO(s)

Purposes

Description of the categories of data subjects and categories of personal data

Categories of recipients to whom personal data are or will be disclosed (including outside EU and/or international organisations)

Transfer to third countries/international organisation and documentation of suitable safeguards

Envisaged time-limits for erasure of the different categories of data

General description of TOSMs

## PROCESSOR

Name and contact details of the processor(s) and (joint) controller(s), the representative(s) and DPO(s)

Categories of processing

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Transfer to third countries/international organisation and documentation of suitable safeguards

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General description of TOSMs