

Data Protection Officer Register - Frequently Asked Questions

All organisations that have appointed a Data Protection Officer ('DPO') pursuant to Article 37(1) GDPR are required to notify the contact details of their DPO to the Data Protection Commission ('DPC'). The DPC maintains these details in a Data Protection Officer Register. This note answers some of the most frequently asked questions related to the register.

What organisations are required to communicate their Data Protection Officer details with the Data Protection Commission?

Under the GDPR, certain organisations are required to appoint a designated DPO. Organisations are also required to publish the details of their DPO and provide these details to their national supervisory authority.

Pursuant to Article 37(1), an organisation is required to appoint a designated data protection officer where:

- the processing is carried out by a public authority or body;
- the core activities of the controller or the processor consist of processing operations, which require regular and systematic monitoring of data subjects on a large scale; or
- the core activities of the controller or the processor consist of processing on a large scale of special categories of data or personal data relating to criminal convictions and offences.

How should an organisation communicate their Data Protection Officer details with the Data Protection Commission as required under Article 37(7) GDPR?

In order to notify the DPC of your DPO's contact details, please complete and submit the following [form](#). Alternatively, you can register directly by emailing registeryourDPO@dataprotection.ie or by post to

Data Protection Commission
21 Fitzwilliam Square South
Dublin 2

including the following details:

- the name, email, phone number and postal address of your organisation,
- the name, email address, phone number of your DPO,
- the sector of your organisation: Public/Private/Not-for-Profit and the sub-sector of your organisation Health/Financial or other.

Will I receive notification that our DPO is on the register?

The DPC will issue a mail confirming receipt of the notification stating your DPO details have been recorded by the DPC, typically within 72 hours.

Our organisation notified the DPC of our DPO. Is there anything else we need to do?

Yes, Art 37(7) GDPR also requires your organisation to publish the contact details of your DPO. The contact details should include information which easily allows data subjects and supervisory authorities to reach the DPO (such as a postal address, a dedicated telephone number, and/or a dedicated e-mail address). Whilst it is not necessary to name the DPO, it may be good practice to do so. It is for the controller or the processor and the DPO to decide whether this is necessary or helpful in the particular circumstances.¹

Will I receive a registration number or a Certificate of Registration?

No. The DPC does not issue a registration number or a Certificate of Registration.

Is there a fee to register a DPO with the DPC?

There is no fee to notify the DPC of the details of an organisation's DPO.

Will the register be publically available on the DPC website, and will my details appear on the DPC website?

No. The DPO Register is not available on our website, and details are not publically available on the DPC website.

Our organisation has a group DPO for each legal entity within the organisation. Is it sufficient to register a DPO once for the group?

No. Whilst the GDPR allows for groups of undertakings to appoint a single DPO taking account of their organisational structure and size, they must make a DPO notification for each individual legal entity with the DPC.

Our organisation have out-sourced a DPO. Do we still need to register this DPO?

Yes.

¹ Article 29 Data Protection Working Party "Guidelines on Data Protection Officers ('DPOs')", April 2017, endorsed by the European Data Protection Board.

What should we do if our DPO contact details change? Do I need to notify the DPC of these changes?

Yes, you must notify the DPC of any changes to your DPO's contact details. To notify the DPC, [please complete and submit this form](#).

Our organisation wishes to cancel and remove our DPO registration. How can I do this?

You can email the DPC at registeryourDPO@dataprotection.ie stating that you wish to remove our DPO's details. Pursuant to Article 37 GDPR, certain organisations are required to have a DPO and to notify the DPC of the DPO's contact details. As a result, you will be required to provide an explanation as to why you want your DPO's contact details removed from the register.

Our organisation was previously registered with the DPC as a controller under the Data Protection Acts 1988-2003. Is this is the same as the Data Protection Register?

No. There was a requirement to register as a controller or processor with the DPC under the Data Protection Acts 1988-2003. No such obligation exists under the GDPR or the Data Protection Act 2018. This obligation (which is no longer required) is separate from the obligation to notify the DPC of a DPO under Article 37(7) GDPR.

Our organisation processes personal data within the EU, but does not have an establishment within the Union. Do I need to appoint an EU representative?

Pursuant to Article 27 GDPR, where a controller or a processor not established in the European Union is processing the personal data of data subjects in the EU in relation to the monitoring of their behaviour or is offering them goods or services, the controller or the processor must designate a representative. However, if the processing is occasional, does not include large scale processing of special categories of personal data or the processing of personal data relating to criminal convictions and offences, and is unlikely to result in a risk to the rights and freedoms of natural persons or a public body or authority, the designation of a representative is not required.

Where a significant proportion of data subjects whose personal data are processed are located in one particular Member State, it is recommended that the representative is established in that same Member State. However, the representative must remain easily accessible for data subjects in Member States where it is not established and

where the services or goods are being offered or where the behaviour is being monitored.²

Are we required to register our EU representative with the DPC?

No, while there is no requirement to register an Article 27 GDPR EU representative with the DPC, the EU representative is required to provide their identity and contact details to data subjects in accordance with Articles 13 and 14 GDPR. These should also be available to the relevant supervisory authorities.

Our organisation has already registered a DPO with another EU Supervisory Authority. Do we also need to register with the Irish DPC?

If your organisation has a “main establishment” pursuant to Article 4(16) GDPR, it should notify the Lead Supervisory Authority of your DPO’s contact details. However, subsidiary companies are still required to notify their local Supervisory Authority of the DPO’s contact details if they conduct activities which requires notification to a supervisory authority pursuant to Article 37(1) GDPR. If your organisation has an establishment in more than one or more Member States but doesn’t have a main establishment, it should notify all relevant supervisory authorities.

² European Data Protection Board, “Guidelines 3/2018 on the territorial scope of the GDPR (Article 3)”, 12 November 2019.