ROLES AND RESPONSIBILITIES OF DATA CONTROLLER AND DATA PROCESSOR UNDER THE GDPR

**DATA CONTROLLER**

**THE BRAIN**

- Determines purposes and means of the processing alone or jointly with other controllers.
- May decide to entrust one or more processing operations to a third party appointed for acting as data processor on behalf of the controller, by means of a written agreement where by detailed instructions must be given to the external processor.
- Ensures compliance with the law in force by conforming any processing activity to the fundamental principles laid down in the applicable legislation, with particular reference to data minimisation and privacy by design and by-default.
- Makes any processing transparent and lawful by properly informing data subjects prior to undertaking any kind of processing and ensuring that it is grounded on an appropriate legal basis (such as consent).

**DATA PROCESSOR**

**THE ARM**

- Acts only on behalf of the Controller and thus cannot pursue its own purposes by using data made available by the Controller.
- Has no decision-making power regarding data processing activities and is entitled to act only in accordance with the instructions provided in the data processing agreement.
- Is bound to a series of obligations directly provided for by the GDPR and which are therefore applicable even if not formally included in the data processing agreement, with particular regard to data security.

**WHAT'S UP AFTER THE AGREEMENT?**

- The Data Controller shall be exempt from any liability stemming from failure to fulfill instructions and abide by the applicable legal obligations by the Data Processor.
- The Data Processor may be asked by the Controller to implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk, taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing, as well as the risks concerning individual rights and freedoms.

**FOCUS CASE**

Data Controller

Data Processor

- Patients’ personal data
- Anonymised health data

Entrust the processor with one or more processing operations, such as anonymising or pseudonymising the controller’s data

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