



In House
with you

An in-house lawyer's guide to outsourced Data Protection Officer (“DPO”) services

The landscape

There is a need for an outsourced offering on data protection to in-house lawyers. This is mainly due to data protection crises, such as data breaches and data subject access requests – both of which can be extremely time-consuming. Often, it's not even just the crises, sometimes it's the day-to-day contract management and maintenance of compliance too.

HCR Law offers “Outsourced DPO (Data Protection Officer) Services, and can act as your company's dedicated data protection officer on a contract basis, providing expert advice and support on all aspects of data privacy compliance, including policy development, data breach response, subject access requests, and interaction with regulatory bodies, without the need to hire a full-time DPO within your organization; essentially giving you access to their legal expertise in data protection matters on a consultancy basis.

Helping you manage crises

Our strength is in the availability of our team. With our expertise we can advise on how to manage a breach and whether it should be reported to the ICO. If it's a reportable breach, we can ensure a thorough report is provided within the 72-hour timeframe on your behalf.

There are often other urgent internal practicalities that in-house legal teams need to be present for, and we have plenty of experience to draw on to get your report ready and to the ICO ensuring it includes the key information and sufficient detail.

Where Data Subject Access Requests (“DSARs”) are concerned, we can help by managing large volumes of search results and providing a redaction service, while also managing the correspondence with the requesting data subject. We can make sure your business and staff remain protected and no further data breaches arise through inadvertent disclosures in the course of providing a reply to the data subject access request.

Where appropriate, we can challenge the validity of the request, agree more realistic parameters and ensure that your business is not held hostage by repeat or nuisance data subject access requests. You remain in control, but we can provide an extra pair of experienced hands to get on with the job.

Managing day-to-day transactions that involve personal data using a DPO

An outsourced DPO service is not just about compliance; it's about providing a holistic approach to data protection. Good management of data protection in all businesses includes monitoring the sharing of personal data with other entities. These include IT providers who have access to live systems and shared databases for the purposes of related medical research projects.

Transactions that involve personal data transfers or sub-contracting of services should be documented and may need to include international agreements or risk assessments, depending on the location of the data recipient and their capacity.



Data processing when launching new products or obtaining investment or loans

There are so many launches of new products or services that are involved in data processing and require data protection legal support.

If the products or services include a personal data element, there should be an impact assessment carried out before proceeding; where will personal data be collected from or stored, is it all UK or EEA-based, or is there personal data from further afield?

Do different data-protection regimes apply? If the product or service is going to be provided internationally, will it need to satisfy conflicting regime requirements?

It is very common that businesses need to provide a “privacy notice” alongside their new product or service, setting out how these will collect and process personal data. We have worked on some extremely complex and sensitive services and products to develop appropriate privacy notices, at times also working closely with the ICO to ensure the processing is acceptable.



Regulatory compliance with data protection legislation

Data protection legislation applies to most businesses and the law is enforced by the ICO in the first instance, as the regulator. The ICO can impose fines or require the business to evidence their processes and policies. They may do so if there are complaints about how your business processes personal data or if an individual data subject raises a complaint or reports a breach. It's good to be prepared and have evidence of the compliance your business has in place, even if there may be one or two loopholes.

Compliance with data protection legislation looks quite different depending on the nature of the business, its size and its key activities. Nonetheless, most businesses will need to consider their management of personal data beyond just having some provision for their staff and a privacy policy on their website.

Outsourced DPO services from HCR Law

We have put in place compliance projects across both large and small businesses and are able to provide you with efficient support following an initial call to explore how your business processes personal data.

Our team can also provide you with in-person or online training to your customer services or senior management team. This gives staff the opportunity to have a “question and answer” session and enables them to bring their real-life problems with systems or customers to the table. We can find ways that work to solve these, while your in-house legal team carries on supporting the business.



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