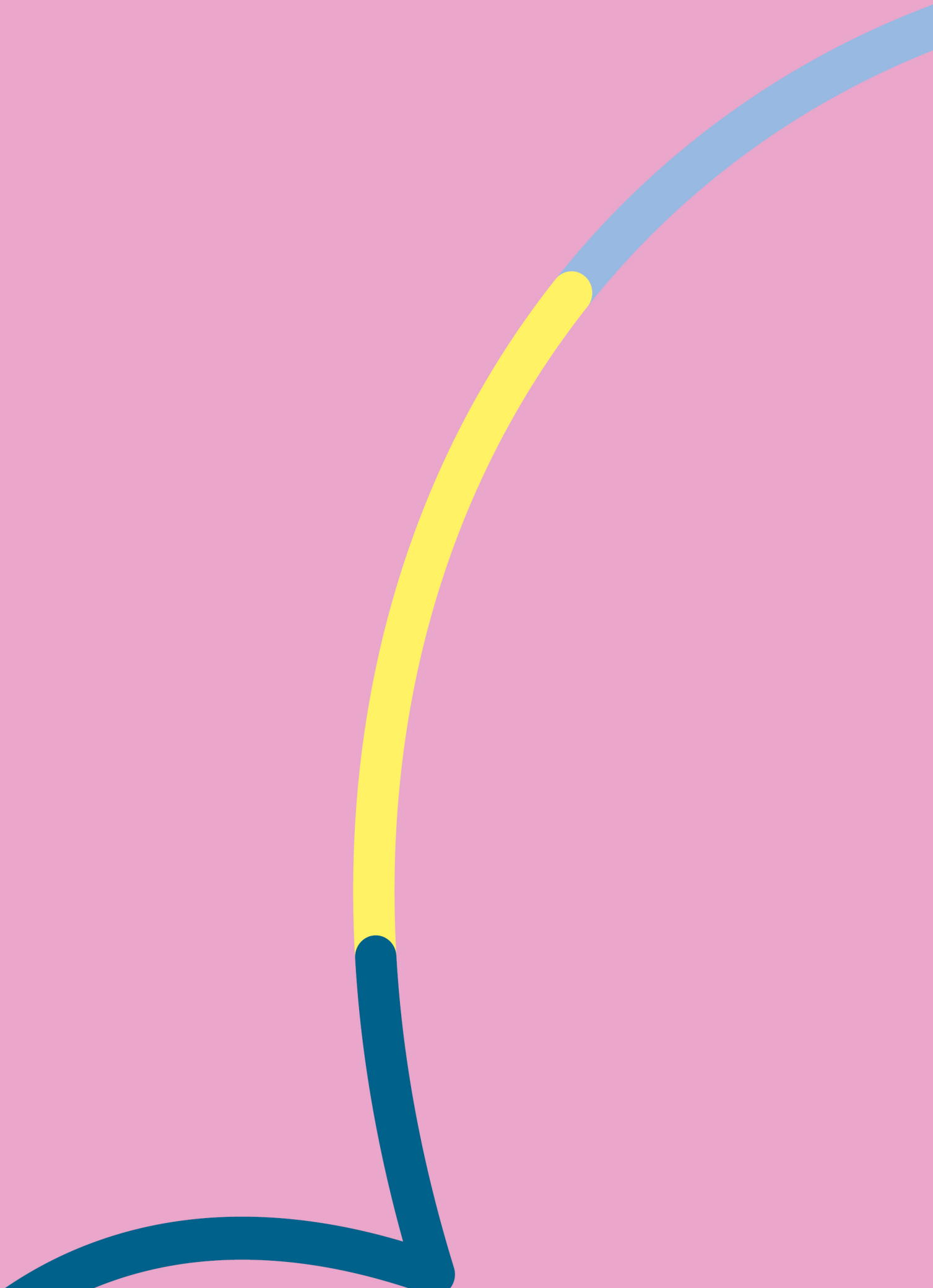




Bird & Bird

Bird & Bird *Privacy Solutions*

Your GDPR
Representative



Do you need to appoint a GDPR and/or UK GDPR representative?

If your organisation is established outside the EEA¹ but is doing business with the EEA, then according to the GDPR you need a representative in the European Union to be legally allowed to do so. This applies:

- if it is apparent that you intend to offer goods and/or services to individuals in the EEA; or
- if you monitor the behaviour of individuals located in the EEA.

Similarly, under the UK GDPR, organisations with no business presence in the UK, (i) offering goods or services to individuals located in the UK, or (ii) monitoring the behaviour of individuals located in the UK may need to appoint a representative in the UK.

In certain situations, and as a consequence of Brexit, organisations may have to appoint a representative in both the EEA and the UK.

The role of the GDPR representative in the EEA and/or the UK

The representative acts on your behalf as a local **point of contact** for data subjects and data protection authorities in the EEA and/or the UK. They also help you maintain your **record of processing activities (ROPA)**. The representative must keep an up-to-date version of the ROPA and make it available to supervisory authorities upon request.

GDPR and UK GDPR representatives must meet all the relevant GDPR or UK GDPR requirements.

How can we help?

We can offer a representative service that is more than just a mailbox.

We will dedicate time with your teams to understand what personal data you process and get an understanding of your approach to data protection compliance.

Our team of consultants and lawyers can support you in compiling and/or maintaining your ROPA and

will help you review this document on a regular basis to keep it up to date.

A designated lead contact from Bird & Bird Privacy Solutions will act as a named point of contact on your behalf, for all interactions with data subjects and data protection supervisory authorities in the EEA or the ICO in the UK, when they prefer to interact with the GDPR representative.

Our wide European footprint allows us to bring local data protection knowledge as well as local language comprehension to our interactions with regulators and data subjects.

Where should you appoint your representative?

Your GDPR representative should be located in one of the EEA member-states where the individuals whose data is processed are located. Similarly, your UK GDPR representative should be based in the UK for the same reason. We can help you assess where your representative(s) should be located.

More than a representative

Bird & Bird is 'one' firm, characterised by interdependence, within which Bird & Bird Privacy Solutions, although a separate entity, exists. If needed, Bird & Bird Privacy Solutions team of consultants can be supported by Bird & Bird highly regarded data protection legal team. You would have direct access to experienced data protection lawyers across the globe, who can make the best use of the representative's understanding of your organisation to provide business-orientated data protection and privacy advice.

If required, we can deliver rapid legal guidance to help you respond effectively to queries by supervisory authorities or more difficult interactions with data subjects.

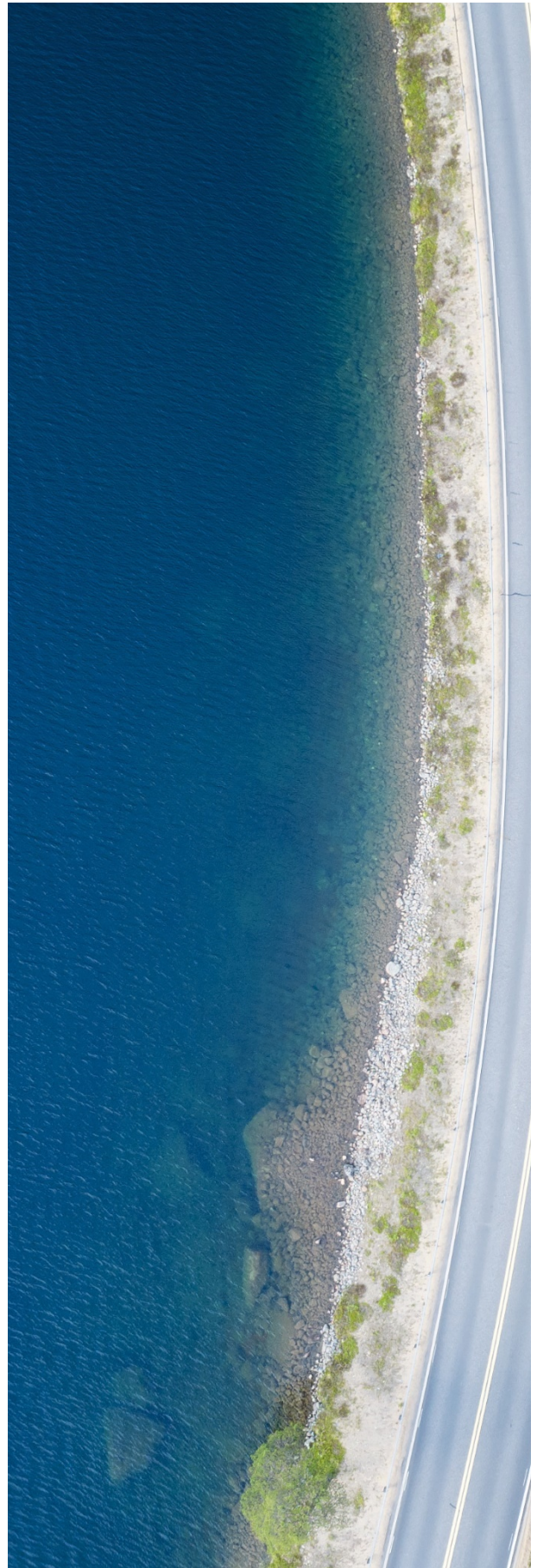
Our representative service team can also rely on consultants who specialise in management consultancy, change management and digital transformation when needed. We can also recommend cybersecurity experts and tools to help in your compliance journey.

¹ The EEA is made of the following countries: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lichtenstein,

Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden. If your organisation is not established in one of these countries, you may need a GDPR Representative

Going further: additional Bird & Bird Support

Bird & Bird Privacy Solutions will endeavour to provide any additional support to your business via your key point of contact. Where appropriate, and where you agree, we can provide additional support via traditional legal services provided under dedicated engagement terms.



How we can help

Understanding Your Approach to GDPR Compliance (EEA & UK)

Because they represent a controller or a processor, the representative should understand their client's processing activities, and remain up to date with respect to any processing activity falling in the scope of application of the GDPR and/or the UK GDPR.

Onboarding

Time dedicated to (i) obtaining a high-level understanding your approach to compliance; (ii) updating your privacy notices and policies to include the representative contact details alongside setting up your dedicated email address; and (iii) the review of your key documentation.

Engagement Management

Time dedicated to managing the engagement (meetings and reporting bi-annually)

Record of Processing Requirements

Pursuant to Article 30 of the GDPR and/or UK GDPR, the controller or processor's representative should maintain a ROPA falling under its responsibility and make it available to the regulator upon request.

Option 1 Assistance in assembling a record of processing activities

Service dedicated to organisations that have not yet assembled a ROPA to comply with Article 30 of the GDPR and/or UK GDPR. We can support in assembling a ROPA for the processing activities falling within the scope of the GDPR and/or UK GDPR.

Option 2 Assistance in updating a record of processing activities

Service dedicated to organisations that already have a ROPA in place. We can support in updating the ROPA every year, for the processing activities falling within the scope of the GDPR and/or the UK GDPR. We can also suggest processes to put in place procedures to keep the ROPA up to date.

Point of Contact

The representative should cooperate with the competent supervisory authorities with regard to any action taken to ensure compliance with the GDPR and/or the UK GDPR. In addition, the representative must facilitate communication between data subjects and the controller or processor they represent.

Point of contact for regulators and data subjects

Being the point of contact for relevant supervisory authorities and handling correspondence, complaints, and investigations – where required in conjunction with your legal counsels.

Receiving and processing requests from individuals in the EEA and/or the UK. We will work in conjunction with your in-house data protection team to obtain the information we need to address the individuals' queries.

For more complex data subject requests, we can provide expert legal guidance.

Assessment of Your State of Compliance

The representative can leverage both their data protection expertise and their knowledge of your approach to compliance to conduct regular high-level data protection health checks (EEA or UK GDPR).

Annual data protection health check

Review of the state of compliance within the organisation, based on a scope we agree at the beginning of the review. It includes the review of processes and policies in place. This health check aims at providing a high-level overview of risks and recommendations to become compliant.

Benefits of our offering

Experience & team structure

Bird & Bird Privacy Solutions is a team of privacy professionals and qualified lawyers.

Bird & Bird's data protection team is top ranked in legal directories.

Our GDPR and/or UK GDPR representative service is backed by a team of data protection experts, including some of Bird & Bird's top ranked data protection lawyers.

Geographical reach

Our GDPR and/or UK GDPR representative can mobilise teams across our wide European footprint, covering most European languages.

Our teams have extensive experience working with and responding to most European data protection authorities, including the ICO in the UK.

Why Bird & Bird Privacy Solutions

Bird & Bird Privacy Solutions was created by Bird & Bird which have been active in the field of data protection for over 20 years, longer than most other legal firms. We are able to draw on practical experience of the ways in which organisations approach data protection compliance to add value to our clients' businesses. Not a week goes by when we are not advising clients on multi-country data protection matters.

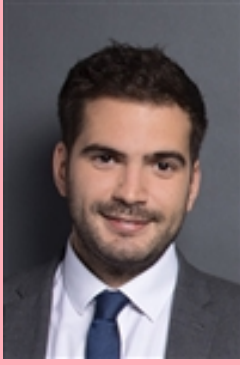
The approach of data protection authorities will be key in how they approach GDPR and/or UK GDPR enforcement in the EEA and the UK, and in the areas where they have yet to issue guidance. A number of our lawyers are former regulators who maintain close links with regulatory authorities.

Bird & Bird are top ranked in data protection in the leading directories, including Chambers UK, Chambers Europe and the Legal 500. Each of our offices has dedicated privacy & data protection lawyers who can help your business in various ways.

Our advice is always practical and business focused. We take a hands-on approach to all issues, advising not just on the letter of the law, but also making practical and risk-aware suggestions for clients to consider.



Get in touch



Vincent Rezzouk-Hammachi

Managing Director
Bird & Bird Privacy Solutions

vincent.rezzouk@twobirds.com
+44(0)20 7415 6055

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Bird & Bird Privacy Solutions is the trading name of Bird & Bird GDPR Representative Services SRL, which provides GDPR representative services, and also of Bird & Bird DPO Services SRL, which provides external data protection officer services, and in each case to clients of Bird & Bird, which is an international legal practice comprising Bird & Bird LLP and its affiliated and associated businesses, having offices in the locations listed.

Bird & Bird GDPR Representative Services SRL, incorporated in Belgium, is a subsidiary of Bird & Bird LLP and has registered in the United Kingdom under the alternative name Bird & Bird GDPR Representative Services UK as an establishment at the above address with company number FC036488 and establishment number BRO21576 and has a representative office in Ireland.

Bird & Bird GDPR Representative Services SRL is not, and is not required to be, authorised or regulated in Belgium, the United Kingdom or Ireland in respect of the provision of legal services.