

Comparative table of GDPR texts about designation of a Data Protection Officer (Section 4, articles 35 to 37)				
Topics	The Commission's view on the topic (2012)	The Parliament's view on the topic (2014)	The Council's view on the topic (2015)	
Designation of the DPO	Who will appoint a DPO?	The controller and the processor shall designate a data protection officer in any case where: (a) the processing is carried out by a public authority or body; or (b) the processing is carried out by an enterprise employing 250 persons or more; or (c) the core activities of the controller or the processor consist of processing operations which, by virtue of their nature, their scope and/or their purposes, require regular and systematic monitoring of data subjects.	The controller and the processor shall designate a data protection officer in any case where: (a) the processing is carried out by a public authority or body; or (b) the processing is carried out by a legal person and relates to more than 5000 data subjects in any consecutive 12-month period; or (c) the core activities of the controller or the processor consist of processing operations which, by virtue of their nature, their scope and/or their purposes, require regular and systematic monitoring of data subjects; or (d) the core activities of the controller or the processor consist of processing special categories of data pursuant to Article 9(1), location data or data on children or employees in large scale filing systems.	The controller or the processor may, or where required by Union or Member State law shall designate a data protection officer.
		In cases other than those referred to above the controller or processor or associations and other bodies representing categories of controllers or processors may designate a data protection officer.	In cases other than those referred to above the controller or processor or associations and other bodies representing categories of controllers or processors may designate a data protection officer.	Deleted
	Possibility to appoint a single DPO for a group of entities	Where processing is carried out by an enterprise employing 250 persons or more; a group of undertakings may appoint a single data protection officer.	A group of undertakings may appoint a main responsible data protection officer, provided it is ensured that a data protection officer is easily accessible from each establishment.	A group of undertakings may appoint a single data protection officer.
		Where the controller or the processor is a public authority or body, the data protection officer may be designated for several of its entities, taking account of the organisational structure of the public authority or body.	Where the controller or the processor is a public authority or body, the data protection officer may be designated for several of its entities, taking account of the organisational structure of the public authority or body.	Where the controller or the processor is a public authority or body, a single data protection officer may be designated for several such authorities or bodies, taking account of their organisational structure and size.
Position of the DPO	Required DPO profile	The controller or processor shall designate the data protection officer on the basis of professional qualities and, in particular, expert knowledge of data protection law and practices and ability to fulfil the tasks referred to in Article 37. The necessary level of expert knowledge shall be determined in particular according to the data processing carried out and the protection required for the personal data processed by the controller or the processor.	The controller or processor shall designate the data protection officer on the basis of professional qualities and, in particular, expert knowledge of data protection law and practices and ability to fulfil the tasks referred to in Article 37. The necessary level of expert knowledge shall be determined in particular according to the data processing carried out and the protection required for the personal data processed by the controller or the processor.	The controller or processor shall be designated on the basis of professional qualities and, in particular, expert knowledge of data protection law and practices and ability to fulfil the tasks referred to in Article 37, particularly the absence of any conflict of interests.
	Other professional tasks of a DPO in an organization	The controller or the processor shall ensure that any other professional duties of the data protection officer are compatible with the person's tasks and duties as data protection officer and do not result in a conflict of interests.	The controller or the processor shall ensure that any other professional duties of the data protection officer are compatible with the person's tasks and duties as data protection officer and do not result in a conflict of interests.	The data protection officer may fulfil other tasks and duties. The controller or processor shall ensure that any such tasks and duties do not result in a conflict of interests.
	Duration of DPO assignment & termination	The controller or the processor shall designate a data protection officer for a period of at least two years. The data protection officer may be reappointed for further terms. During their term of office, the data protection officer may only be dismissed, if the data protection officer no longer fulfils the conditions required for the performance of their duties.	The controller or the processor shall designate a data protection officer for at least four years in case of an employee or two years in case of an external service contractor. The data protection officer may be reappointed for further terms. During his or her term of office, the data protection officer may only be dismissed, if he or she no longer fulfils the conditions required for the performance of his or her duties.	During their term of office, the data protection officer may, apart from serious grounds under the law of the Member State concerned which justify the dismissal of an employee or civil servant, be dismissed only if the data protection officer no longer fulfils the conditions required for the performance of his or her tasks pursuant to Article 37.
	Contractual status of a DPO	The data protection officer may be employed by the controller or processor, or fulfil his or her tasks on the basis of a service contract.	The data protection officer may be employed by the controller or processor, or fulfil his or her tasks on the basis of a service contract.	The data protection officer may be a staff member of the controller or processor, or fulfil the tasks on the basis of a service contract.
	Communicating DPO's identity externally	The controller or the processor shall communicate the name and contact details of the data protection officer to the supervisory authority and to the public.	The controller or the processor shall communicate the name and contact details of the data protection officer to the supervisory authority and to the public.	The controller or the processor shall publish the contact details of the data protection officer and communicate these to the supervisory authority.
	Data subjects' interaction with the DPO	Data subjects shall have the right to contact the data protection officer on all issues related to the processing of the data subject's data and to request exercising the rights under this Regulation.	Data subjects shall have the right to contact the data protection officer on all issues related to the processing of the data subject's data and to request exercising the rights under this Regulation.	Data subjects may contact the data protection officer on all issues related to the processing of the data subject's data and the exercise of their rights under this Regulation.
	Reporting line of a DPO in the organization	The controller or processor shall ensure that the data protection officer performs the duties and tasks independently and does not receive any instructions as regards the exercise of the function. The data protection officer shall directly report to the management of the controller or the processor.	The controller or processor shall ensure that the data protection officer performs the duties and tasks independently and does not receive any instructions as regards the exercise of the function. The data protection officer shall directly report to the executive management of the controller or the processor. The controller or processor shall for this purpose designate an executive management member who shall be responsible for the compliance with the provisions of this Regulation.	The controller or processor shall ensure that the data protection officer can act in an independent manner with respect to the performance of his or her tasks and does not receive any instructions regarding the exercise of these tasks. He or she shall not be penalised by the controller or the processor for performing his tasks. The data protection officer shall directly report to the highest management level of the controller or the processor.
	Company's duties towards the DPO	The controller or the processor shall support the data protection officer in performing the tasks and shall provide staff, premises, equipment and any other resources necessary to carry out the duties and tasks referred to in Article 37.	The controller or the processor shall support the data protection officer in performing the tasks and shall provide all means, including staff, premises, equipment and any other resources necessary to carry out the duties and tasks referred to in Article 37, and to maintain his or her professional knowledge.	The controller or the processor shall support the data protection officer in performing the tasks referred to in Article 37 by providing resources necessary to carry out these tasks as well as access to personal data and processing operations.
		The controller or the processor shall ensure that the data protection officer is properly and in a timely manner involved in all issues which relate to the protection of personal data.	The controller or the processor shall ensure that the data protection officer is properly and in a timely manner involved in all issues which relate to the protection of personal data	The controller or the processor shall ensure that the data protection officer is properly and in a timely manner involved in all issues which relate to the protection of personal data.
DPO's duty for secrecy		Data protection officers shall be bound by secrecy concerning the identity of data subjects and concerning circumstances enabling data subjects to be identified, unless they are released from that obligation by the data subject.		

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Topics		The Commission's view on the topic (2012)	The Parliament's view on the topic (2014)	The Council's view on the topic (2015)
Tasks of the DPO		The controller or the processor shall entrust the data protection officer at least with the following tasks:	The controller or the processor shall entrust the data protection officer at least with the following tasks:	The data protection officer shall have the following tasks:
		(a) to inform and advise the controller or the processor of their obligations pursuant to this Regulation and to document this activity and the responses received;	(a) to raise awareness, to inform and advise the controller or the processor of their obligations pursuant to this Regulation, in particular with regard to technical and organisational measures and procedures, and to document this activity and the responses received;	a) to inform and advise the controller or the processor and the employees who are processing personal data of their obligations pursuant to this Regulation and other Union or Member State data protection provisions.
		(b) to monitor the implementation and application of the policies of the controller or processor in relation to the protection of personal data, including the assignment of responsibilities, the training of staff involved in the processing operations, and the related audits;	(b) to monitor the implementation and application of the policies of the controller or processor in relation to the protection of personal data, including the assignment of responsibilities, the training of staff involved in the processing operations, and the related audits;	b) to monitor compliance with this Regulation, with other Union or Member State data protection provisions and with the policies of the controller or processor in relation to the protection of personal data, including the assignment of responsibilities, awareness-raising and training of staff involved in the processing operations, and the related audits;
		(c) to monitor the implementation and application of this Regulation, in particular as to the requirements related to data protection by design, data protection by default and data security and to the information of data subjects and their requests in exercising their rights under this Regulation;	(c) to monitor the implementation and application of this Regulation, in particular as to the requirements related to data protection by design, data protection by default and data security and to the information of data subjects and their requests in exercising their rights under this Regulation;	Commission text deleted
		(d) to ensure that the documentation referred to in Article 28 is maintained;	(d) to ensure that the documentation referred to in Article 28 is maintained;	Commission text deleted
		(e) to monitor the documentation, notification and communication of personal data breaches pursuant to Articles 31 and 32;	(e) to monitor the documentation, notification and communication of personal data breaches pursuant to Articles 31 and 32;	Commission text deleted
		(f) to monitor the performance of the data protection impact assessment by the controller or processor and the application for prior authorisation or prior consultation, if required pursuant Articles 33 and 34;	(f) to monitor the performance of the data protection impact assessment by the controller or processor and the application for prior consultation, if required pursuant to Articles 32a, 33 and 34;	f) to provide advice where requested as regards the data protection impact assessment and monitor its performance pursuant to Article 33;
		(g) to monitor the response to requests from the supervisory authority, and, within the sphere of the data protection officer's competence, co-operating with the supervisory authority at the latter's request or on the data protection officer's own initiative;	(g) to monitor the response to requests from the supervisory authority, and, within the sphere of the data protection officer's competence, co-operating with the supervisory authority at the latter's request or on the data protection officer's own initiative;	g) to monitor responses to requests from the supervisory authority and, within the sphere of the data protection officer's competence, to co-operate with the supervisory authority at the latter's request or on the data protection officer's own initiative;
		(h) to act as the contact point for the supervisory authority on issues related to the processing and consult with the supervisory authority, if appropriate, on his/her own initiative.	(h) to act as the contact point for the supervisory authority on issues related to the processing and consult with the supervisory authority, if appropriate, on his/her own initiative.	h) to act as the contact point for the supervisory authority on issues related to the processing of personal data, including the prior consultation referred to in Article 34, and consult, as appropriate, on any other matter.
			(i) to verify the compliance with this Regulation under the prior consultation mechanism laid out in Article 34;	
			(j) to inform the employee representatives on data processing of the employees.	
				The data protection officer shall in the performance his or her tasks have due regard to the risk associated with the processing operations, taking into account the nature, scope, context and purposes of the processing.