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# DPO - Template appointment letter

## Appointment of data protection officer (DPO)

[CONTROLLER'S DETAILS]

hereinafter referred to as "Principal” or “Controller"

hereby designates

[NAME]

as Data Protection Officer pursuant to Art. 37 GDPR.

The appointment shall take effect on the date of signature of this appointment letter and last for an undefined period of time [*alternatively: specify the time limitation*].

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[*optional: only if the DPO is an employee*]

The employee’s appointment as DPO does not affect the underlying employment relationship with the Principal. Its duration is therefore subjected to the duration of the underlying employee’s employment relationship with the Principal. Notwithstanding the provisions set forth under paragraph “Duties of the Controller” below, should the relevant employment relationship be terminated, for whichever reason, by either party, the present appointment will immediately expire as a consequence of such termination.

[*optional: if the appointment is made on a voluntary basis*]

The parties acknowledge and accept that the Controller is not required to appoint a DPO by law and that this appointment is made on a voluntary basis.
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### Tasks

The DPO shall perform the tasks of a Data Protection Officer as defined in Art. 39 GDPR, including

* informing and advising the Controller, and its employees who carry out data processing operations, about their obligations under the GDPR and any applicable data protection law;
* monitoring compliance with the GDPR and any other applicable data protection provisions;
* monitoring the Controller’s strategies for the protection of personal data, including the allocation of responsibilities, awareness-raising, and training of staff involved in the processing operations, and related verifications;
* on request, advising in connection with the data protection impact assessment and implementations thereof, pursuant to Art. 35 GDPR;
* cooperating with the supervisory authority;
* acting as a contact point for the supervisory authority on issues related to data processing, including prior consultation on the data protection impact assessment pursuant to Article 36 GDPR and, where appropriate, advising on all other issues;
* acting as a contact point for the exercise of data subjects’ rights under articles 12-23 GDPR, and processing their inquiries related to data processing activities.

### Position of the DPO

In compliance with art. 38 GDPR, when exercising their tasks, the DPO shall

* always report directly to the highest management level of the Principal;
* not enjoy any power to represent the Principal;
* never perform any tasks as DPO in any conflict of interest.

In this regard, the DPO confirms by signing this letter that their appointment will not result in any conflict of interest. The DPO further commits to notify the Controller immediately and, in any case, without undue delay, in case a conflict of interest should arise in the future.

### Duties of the Controller

The Controller undertakes to:

* provide the DPO with all the necessary financial means, resources and personnel, in order to permit the duly performance of their tasks;
* promptly involve the DPO in all matters related to the protection of personal data:
* refrain from providing instructions about the way the DPO should perform their tasks;
* refrain from removing or penalizing the DPO as a result of the performance of their tasks;
* make sure that the DPO performs their tasks autonomously and independently;
* refrain from assigning the DPO tasks that may lead to, or result in, a conflict of interest for the latter.

The name and contact details of the DPO (*e.g*. postal address, telephone, e-mail) will be shared within the Principal's corporation and, where required, officially communicated to the competent Data Protection Authority.

Principal:

[place, date, signature]

DPO:

[place, date, signature]