Data Protection Officer (DPO): Why an External Appointment is Preferable

With the entry into force of the **European Regulation 2016/679** , better known as **GDPR , the figure of the Data Protection Officer (DPO**) was introduced . This key role aims to ensure that organizations comply with the regulations on the protection of personal data .

What are the Responsibilities of the DPO?

The **Data Protection Officer** has a number of duties outlined in Article 39 of the GDPR, which include:

- Provide advice to the data controller and data processor.
- Monitor the application of the provisions of the GDPR.
- Monitor the implementation of internal procedures.
- Provide advice on and monitor the implementation of Data Protection Impact Assessments (**DPIAs).**
- Act as a liaison with the supervisory authority (the **Data Protection Authority** in Italy).

When is it Mandatory to Appoint a Data Protection Officer?

The **appointment of a DPO** is mandatory in some specific cases provided for by the GDPR, including:

- Public bodies (excluding judicial authorities).
- Systematic and large-scale monitoring of data subjects.
- Processing of sensitive data or data relating to criminal convictions and offences.

What are the Penalties for Failure to Appoint a Data Protection Officer?

Penalties in the event that this professional figure is not appointed, where required, can reach up to **€ 10,000,000** or **2% of the annual worldwide turnover** . Although not mandatory, the appointment of a DPO is still a strategic move, since this professional can significantly reduce the risks related to the protection of



What are the Benefits of an External Data Protection Officer?

Companies can appoint an internal or external DPO, but there are several reasons why an **external DPO** may be the best choice:

1. **Independence** : An external DPO, being independent from the business context, can act without constraints, as required by recital 97 of the GDPR.
2. **Experience** : External DPOs, working with different companies, have up-to-date skills and a greater ability to adapt than an internal individual.
3. **Flexibility** : An external DPO can bring new perspectives and solutions, especially in complex situations.

Conclusion

Although the GDPR allows you to choose between an **internal or external Data Protection Officer** , opting for an external professional offers numerous advantages in terms of **independence** , **experience** and **flexibility** . Appointing an external DPO often proves to be the most effective choice to ensure proper management of data protection within a company.