

GDPR

DATA CONTROLLER vs. DATA PROCESSOR

Understanding your company's role in relation to the personal data you are processing is crucial in ensuring compliance with the GDPR.

OBLIGATIONS UNDER THE GDPR

Vary depending on whether the Company is a **data controller**, **data processor**, or a **joint controller** or **independent controller**.

DATA CONTROLLER

Main collector of the data. The controller determines *why* and *how* to collect the data.

- Companies are *data controllers* for their business contact data, employee information, or email marketing data.

DATA PROCESSOR

An entity that stores, manages, or processes personal data *on behalf of* the controller.

- Customer Relationship Management (CRMs) are data processors - same with email marketing platforms, cloud storage, or accounting software.
- They have a lot of data - but they work with that data *on behalf of* another entity.

EXAMPLE

A simple example of this distinction is a **company** and its **online payroll processor**.

01 The Company is the *Controller*

- Sets the salaries, makes hiring decisions, and tells the payroll company when to pay its employees, when people are hired or fired, etc.

02 The Payroll Company is the *Data Processor*

- Provides a software platform and stores the employees' data.

Lots of companies can be controllers for some data and processors for other data (most companies are at minimum controllers for their employee information).

Why is this important? Controllers and processors have different obligations under the GDPR.