

ANNEX to SCHEDULE 'A' GDPR - The General Data Protection Regulation

Joint Data Controller

The Contractor shall, in addition to complying with Schedule A and their own duties as Data Processor under the GDPR, comply with this Annex which shall serve as evidence of the requisite arrangement and agree that it describes the relationship the Joint Data Controllers have established to conform with Article 26 of the GDPR.

Article 26 Joint controllers

“Where two or more controllers jointly determine the purposes and means of processing, they shall be joint controllers they shall in a transparent manner determine their respective responsibilities for compliance with the obligations under this Regulation, in particular as regards the exercising of the rights of the data subject and their respective duties to provide the information referred to in Articles 13 and 14, by means of an arrangement between them....”.

The arrangement shall duly reflect the respective roles and relationships of the joint controllers vis-à-vis the data subjects.

DATA CONTROLLERSHIP ACTIVITIES OF THE COMMISSIONER (BCP Council)

1. Data Controller activities are as described within Schedule A.
2. To the extent that these are not so described sufficiently, or this section is separated from Schedule A, then this may be described here under paragraph 3 below.
3. *[Insert here as specific as possible the contact point for data subjects, nature and purposes of controlling the data, type(s) of personal data and categories of data subject].*

DATA CONTROLLERSHIP ACTIVITIES OF THE CONTRACTOR

- A. Contact Point for data subjects and where can this Arrangement be made available to data subjects**

[Insert here as specific as possible the contact details of the Contractor too include name, address, telephone number and e-mail address.]

- B. Nature and purposes of controlling the data**

[Insert here as specific as possible, but make sure that you cover all intended purposes. The purpose might include: employment processing, statutory obligation, recruitment assessment etc].

The nature of the processing means any operation such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of data (whether or not by automated means) etc. The purpose might include: employment processing, statutory obligation, recruitment assessment etc].

C. Type(s) of Personal Data

[Insert here examples too include: name, address, date of birth, NI number, telephone number, pay, images, biometric data etc]. Especially pay attention to the data the contractor will hold up and above that is required for them to hold by us in accordance with Schedule A.]

D. Categories of Data Subject

[Insert here examples that may include: Staff (including volunteers, agents, and temporary workers), Councils/ clients, suppliers, patients, students / pupils, members of the public, users of a particular website etc].

E. Notices to be provided to data subjects

Pursuant to Article 13 - Information to be provided where personal data are collected from the data subject

1. Where personal data relating to a data subject are collected from the data subject, the controller shall, at the time when personal data are obtained, provide the data subject with all of the following information:
 - a. the identity and the contact details of the controller and, where applicable, of the controller's representative;
 - b. the contact details of the data protection officer, where applicable;
 - c. the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;
 - d. where the processing is based on point (f) of [Article 6\(1\)](#), the legitimate interests pursued by the controller or by a third party;
 - e. the recipients or categories of recipients of the personal data, if any;
 - f. where applicable, the fact that the controller intends to transfer personal data to a third country or international organisation and the existence or absence of an adequacy decision by the Commission, or in the case of transfers referred to in [Article 46](#) or [47](#), or the second subparagraph of [Article 49\(1\)](#), reference to the appropriate or suitable safeguards and the means by which to obtain a copy of them or where they have been made available.
2. In addition to the information referred to in paragraph 1, the controller shall, at the time when personal data are obtained, provide the data subject with the following further information necessary to ensure fair and transparent processing:
 - a. the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period;

- b. the existence of the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject or to object to processing as well as the right to data portability;
 - c. where the processing is based on point (a) of [Article 6\(1\)](#) or point (a) of [Article 9\(2\)](#), the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;
 - d. the right to lodge a complaint with a supervisory authority;
 - e. whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the data subject is obliged to provide the personal data and of the possible consequences of failure to provide such data;
 - f. the existence of automated decision-making, including profiling, referred to in [Article 22\(1\)](#) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
3. Where the controller intends to further process the personal data for a purpose other than that for which the personal data were collected, the controller shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in paragraph 2.
4. Paragraphs 1, 2 and 3 shall not apply where and insofar as the data subject already has the information.

Pursuant to Article 14 - Information to be provided where personal data have not been obtained from the data subject

1. Where personal data have not been obtained from the data subject, the controller shall provide the data subject with the following information:
- a. the identity and the contact details of the controller and, where applicable, of the controller's representative;
 - b. the contact details of the data protection officer, where applicable;
 - c. the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;
 - d. the categories of personal data concerned;
 - e. the recipients or categories of recipients of the personal data, if any;
 - f. where applicable, that the controller intends to transfer personal data to a recipient in a third country or international organisation and the existence or absence of an adequacy decision by the Commission, or in the case of transfers referred to in [Article 46](#) or [47](#), or the second subparagraph of [Article 49\(1\)](#), reference to the appropriate or suitable safeguards and the means to obtain a copy of them or where they have been made available.

2. In addition to the information referred to in paragraph 1, the controller shall provide the data subject with the following information necessary to ensure fair and transparent processing in respect of the data subject:
 - a. the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period;
 - b. where the processing is based on point (f) of [Article 6](#)(1), the legitimate interests pursued by the controller or by a third party;
 - c. the existence of the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject and to object to processing as well as the right to data portability;
 - d. where processing is based on point (a) of [Article 6](#)(1) or point (a) of [Article 9](#)(2), the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;
 - e. the right to lodge a complaint with a supervisory authority;
 - f. from which source the personal data originate, and if applicable, whether it came from publicly accessible sources;
 - g. the existence of automated decision-making, including profiling, referred to in [Article 22](#)(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
3. The controller shall provide the information referred to in paragraphs 1 and 2:
 - a. within a reasonable period after obtaining the personal data, but at the latest within one month, having regard to the specific circumstances in which the personal data are processed;
 - b. if the personal data are to be used for communication with the data subject, at the latest at the time of the first communication to that data subject; or
 - c. if a disclosure to another recipient is envisaged, at the latest when the personal data are first disclosed.
4. Where the controller intends to further process the personal data for a purpose other than that for which the personal data were obtained, the controller shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in paragraph 2.
5. Paragraphs 1 to 4 shall not apply where and insofar as:
 - a. the data subject already has the information;
 - b. the provision of such information proves impossible or would involve a disproportionate effort, in particular for processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes,

subject to the conditions and safeguards referred to in [Article 89](#)(1) or in so far as the obligation referred to in paragraph 1 of this Article is likely to render impossible or seriously impair the achievement of the objectives of that processing. In such cases the controller shall take appropriate measures to protect the data subject's rights and freedoms and legitimate interests, including making the information publicly available;

- c. obtaining or disclosure is expressly laid down by Union or Member State law to which the controller is subject and which provides appropriate measures to protect the data subject's legitimate interests; or
- d. where the personal data must remain confidential subject to an obligation of professional secrecy regulated by Union or Member State law, including a statutory obligation of secrecy.

F. Termination Provision

Plan for return and destruction of the data once the processing is complete UNLESS there is a requirement under EU or member state law to preserve that type of data or at the written direction of the Council, the Contractor shall delete or return Personal Data and copies thereof to the Council on termination of the agreement unless required by Applicable Law to store the Personal Data

[Describe how long the data will be retained for, how it be returned or destroyed].