If you are a reader of CPW, you have probably heard of the the General Data Protection Regulation (“GDPR”). The GDPR applies to companies outside the European Union (including, that is right, United States companies) because it is extra-territorial in scope. Which means, to overly generalize, if you collect any personal data of people in the EU and meet certain criteria, you are required to comply with the GDPR. Even if you are based in the United States.

This fall, the European Data Protection Board (“EDPB”) the EDPB published the draft “Guidelines 07/2020 on the concepts of controller and processor in the GDPR.” CPW will be re-reposting a fantastic, four part series addressing the key concepts and issues covered. As Part 1 explains, “One of the baseline issues that must be considered when assessing the obligations and potential liabilities of an
organization that is subject to the GDPR when it collects and processes personal
data is whether the organization should be classified as a data controller or a data
processor, as defined in the GDPR. This is not a new issue, since these terms were
originally introduced in the 1995 EU General Data Protection Directive and the
definitions were not changed significantly by the GDPR. Determining whether an
organization is acting as a controller or processor is often not straightforward as the
dividing line between these concepts is not always clear.”

Part 1 of the must read series, available here, provides an overview of the updated
guidance on the concept of data processor. Subsequent posts will deal with the
concepts of data controller and joint controllers.

© Copyright 2021 Squire Patton Boggs (US) LLP

National Law Review, Volume X, Number 338

Source URL: https://www.natlawreview.com/article/update-what-should-us-companies-know-about-new-draft-gdpr-guidelines-part-1