



CHAMBER POLICY & SUPPORT

Chamber received a member request to obtain clarification from the ICO (Information Commissioners Office) as to how they operate and the duties/qualifications for a company's DPO (Data Protection Officer)

Below you will see the comprehensive reply received from the ICO

29 July 2025

Our reference: IC-408574-B3J3

Dear Shropshire Chamber (L Keirle)

Thank you for your enquiry of 22 July 2025 concerning Data Protection Officers.

I can confirm that although the Information Commissioner's Office (ICO) has the power to conduct [audits](#), it is not currently undertaking any regular, unannounced spot checks on Data Protection Officers.

We are aware that from time to time private organisations may suggest that we are investigating particular compliance issues in order to try and market their own services.

On our website, we have guidance on [Data Protection Officers](#) which your members may find useful. There is also a link to the [European Data Protection Board's \(EDPB\) guidance on DPOs](#); I should explain that EDPB guidelines are no longer directly relevant to the UK regime. However, they may still provide helpful guidance on certain issues, and so organisations may want to consult them, and take them into account.

Organisations should start by determining [whether they need to appoint a statutory data protection officer](#). It is likely that most small and medium sized organisations may not be required to do so. However, clearly, even if they don't meet the criteria, they would still need to put some arrangements in place to ensure that they comply with data protection legislation. We have [extensive resources for small and medium sized organisations](#) in order to assist them with this.

It worth noting that the EDPB guidance advises that:

'When an organisation designates a DPO on a voluntary basis, the requirements under Articles 37 to 39 will apply to his or her designation, position and tasks as if the designation had been mandatory.

Nothing prevents an organisation, which is not legally required to designate a DPO and does not wish to designate a DPO on a voluntary basis to nevertheless employ staff or outside consultants with tasks relating to the protection of personal data. In this case it is important to ensure that there is no



confusion regarding their title, status, position and tasks. Therefore, it should be made clear, in any communications within the company, as well as with data protection authorities, data subjects, and the public at large, that the title of this individual or consultant is not a data protection officer (DPO).’

With regard to the specific points you have raised in your email, I can confirm that [a DPO could be an existing employee](#), as long as there is no conflict of interest with their existing role. This issue is explored further in the EDPB guidance on page 24. Both the ICO and EDPB guidance also discuss the [professional qualities which a DPO should have](#).

It is our view that Data Protection Officers are not personally liable for their organisation’s data protection compliance. DPOs act as independent advisors or contact points that assist organisations, with a focus on data protection compliance. It’s the relevant controller or processor that have responsibility for ensuring they meet their own data protection obligations. However, it’s important to remember that individuals (such as DPOs) may still be liable for regulatory action should they have committed a criminal offence under the DPA18.

Organisations can potentially be fined for any infringement of data protection legislation though in the majority of cases, the ICO would look to provide compliance advice in the first instance, rather than pursuing formal enforcement action.

We note that you have contacted us by email. The most efficient way for organisations to ask for written advice on how to comply with the law, is to use our [Business Advice Contact us](#) form. This goes straight to our Business Advice Services department, with a case automatically being created.

If you would like to discuss this enquiry further, please contact me on my direct number 0330 4146534 (I work all day Monday and Tuesday, and Wednesday morning only). If you need advice on a new issue you can [contact us](#) via our Helpline on 0303 123 1113 or through our [live chat service](#). In addition, more information about the Information Commissioner’s Office and the legislation we oversee is available on our website at www.ico.org.uk. For information about what we do with personal data see our [privacy notice](#).

Yours sincerely

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