Adopters guidance

Step 3: Determine if you are a data processor or controller

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This is required guidance

It is legally required and it is an essential activity.

This Guide covers:

- England

From:

- Health Research Authority (HRA)

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Controllers and processors are both responsible for complying with the UK GDPR. However, your obligations will vary in respect of each of the processing activities you carry out depending on whether you determine you are a controller or a processor for each processing purpose.

You must be able to demonstrate compliance with the data protection principles applicable to your role and take appropriate technical and organisational measures to make sure your processing is carried out in line with the UK GDPR.

You will be classed as a data controller for a processing activity if you:

- make decisions about what personal data is to be processed
- make decisions about how and why personal data is processed

If another party makes those decisions, they in turn will be a controller, and you will be their processor when you process personal data on their behalf. Data processors must select appropriate methods that meet the data controller's standards for data processing, as well as the standards defining what data is to be collected, why, and by which lawful basis under UK GDPR, the Data Protection Act, and Common law duty of confidentiality.

It is possible to be both a controller for one processing purpose, and a processor for a different purpose, within a single project. It depends on the facts, which you will need to assess. See examples in ICO's guidance on controllers and processors.

You may also determine that you and another organisation also both act as controllers of a processing activity (as joint controllers); for example, when you are processing personal data for a shared purpose.

Decision tool:

Use ICO's controllers and processors checklists to help determine whether you are a data controller or a data processor and describing the obligations under each role. Also see HRA's guidance on the role of research sponsors as controllers.

In the context of technology adoption, the relevant NHS or social care organisation in England and Wales would act as controller.

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