

### **Collaborative Discussion 3 – Peer Response 2 – Michael Geiger**

Thank you Ying for your well researched and argued post.

With regard to the information security manager, which you addressed in your recommendation, it should be noted that according to Art.37.1 of the GDPR, a data protection officer must be appointed if the processing is carried out by a public body, involves extensive and systematic monitoring of data subjects, or it concerns the extensive processing of data of special categories (GDPR (a), 2022).

According to Art. 9.1, the processing of special categories of personal data includes "Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation" (GDPR (b), 2022). Processing of those data is generally prohibited, but this does not apply to the social media app "Snapchat" because it processes personal data that the person has made public and thus fulfills Art. 9.2.e.

As a result, Snapchat must appoint a data protection officer, one of whose tasks is to instruct and advise the client and employees with regard to their obligations under the GDPR regulation and the data protection regulations of the respective country (Art. 39.1.a) and is responsible for monitoring compliance (Art. 39.1.b). The Data Protection Officer is accountable for the fulfillment of these duties under Art.39.2 and can therefore be held responsible for insufficient data breach prevention (GDPR (c), 2022).

It can be concluded that an information security manager, should this person be a data protection officer, can hold oneself responsible for a breach of data protection and must justify oneself in this regard. A person who fulfills the role should be aware of this.

#### **References:**

GDPR (a) (2022) Designation of the data protection officer. Available from: <https://gdpr-info.eu/art-37-gdpr/> [Accessed: 27.01.2022]

GDPR (b) (2022) Processing of special categories of personal data. Available from: <https://gdpr-info.eu/art-9-gdpr/> [Accessed: 27.01.2022]

GDPR (c) (2022) Tasks of the data protection officer. Available from: <https://gdpr-info.eu/art-39-gdpr/> [Accessed: 27.01.2022]