

Joint controllership agreement

Parties:

Controller 1:

Name:

Contact:

Contact details (e-mail, phone):

Controller 2:

Name:

Contact:

Contact details (e-mail, phone):

Controller 3:

Name:

Contact:

Contact details (e-mail, phone):

....

General description:

The parties are involved in a collaboration project, in which they together determine how and why personal data is being processed. To comply with the General Data Processing Regulation (GDPR), this agreement defines how organize share and process personal data.

The name of the project is:

@@

The main goals and main activities in the project are:

@@

The **category** of data subjects / the group of people to whom the data relates is:

@@ (*customers, candidates, users, students, ...*)

The processing will start at. ... and will end at

Obligations

All parties are aware of the General Data Protection Regulation and will endeavor to meet all requirements of the GDPR.

Each party will make sure that data subjects receive the required information (as described in article 13 and 14 of the GDPR) when personal data is collected by that party. They will make sure that data subjects have the name of the controller, the data protection officer, the purposes of data processing, the legal basis for processing and who receives the data. This can for instance be done in a privacy statement.

Each party agrees to takes reasonable, appropriate technical and organizational measures to protect the personal data, so that the risk of data breaches in minimized.

Each party will inform all other parties immediately in the case of a serious information security incident. This way, each party can determine if the serious information security incident is a data breach that must

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be reported. Parties will keep each other informed whether they have reported the data breach as the controlling party, and if and how they have informed data subjects.

Each party will make sure that that data subjects can make a request to exercise their GDPR rights, including the right of access to data, rectification, erasure, restriction of processing and data portability if applicable.

Whenever a party receives a GDPR request from a data subject, it will inform all other parties of the request. All parties will then work together so that the request is fully and completely handled. The first party receiving the request will communicate with the data subject.

If one party is audited by their supervisory authority (e.g. the Autoriteit Persoonsgegevens) for a joint activity, the other parties will support the audited party, for instance by providing information that is requested by the supervisory authority.

Agreed and signed:

Controller 1: Name: Place, date:	Controller 2: Name: Place, date:	Controller 3: Name: Place, date:
Controller 4: Name: Place, date:	Controller 5: Name: Place, date:	Controller 6: Name: Place, date:

Background of template

Visit <https://ictinstitute.nl/free-templates/> for an overview of all templates.

This template has been created for collaboration between equal parties (for instance universities doing joint research). The template has been designed to meet the requirements of article 26 of the GDPR:

Article 26:

1. 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** unless, and in so far as, the respective responsibilities of the controllers are determined by Union or Member State law to which the controllers are subject. The arrangement may designate a contact point for data subjects.

This template, when filled in correctly, can act as the suitable arrangements between these parties. The template is provided as-is, without any guarantees that it works for your situation. You should consult a professional if you are in doubt.

Note that parties have a “joint controllership” when they together determine the purpose and means of processing. If one party determines the purpose and means, they have a controller-processor relation. In that case you need a “Data Processing Agreement” (DPA). Details can be found here:
<https://ictinstitute.nl/gdpr-template-data-processing-agreement/>

We used the following alternative agreement as inspiration:
<https://www.surf.nl/files/2019-11/model-joint-controllership-agreement.pdf>

The following information page was also helpful:
<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/controllers-and-processors/what-does-it-mean-if-you-are-joint-controllers/>

Our aim for this template was to design the shortest template that meets the GDPR requirements. To make it short, we did not repeat all GDPR requirements but focus on the essentials.

Just for reference, the following are requirements under the GDPR:

- *Maintain a register of processing activities and record this activity in the register of data processing activities for each organization.*
- *Make sure you have data processing agreements with suppliers that have access to personal data.*
- *Check whether a data processing impact assessment (DPIA) is needed for a new processing activity.*
- *Check whether you need an official “Data Protection Officer” (Dutch: Functionaris voor de Gegevensbescherming) See <https://softwarezaken.nl/2018/03/avg-template-voor-dpia/>*
- *Make sure you inform people about your processing and their rights in a privacy statement.*
- *Make sure that personal data is not exported outside the European Economic Region (EER) unless appropriate safeguards are in place.*