

Data Controller versus Data Processor

Data protection legislation has two main types of organisations that process personal data: data controllers and data processors. This guidance is intended to help you know the difference between the two and what is required. First some definitions.

Data Controller

A data controller determines the purpose for using the personal data. This is an organisation, not an individual unless that individual is a sole trader. For most of the data processed at the School, the School is the data controller. This is not the Director, the Data Protection Officer or any individual staff member or student, but the School as an organisation.

Data Processor

A data processor processes data on behalf of a data controller. This means that the data processor should do as the data controller says. Data processors can also be organisations or individuals. Employees of the School are not data processors as whatever personal data a staff member processes is done on behalf of the School which is the data controller.

Joint Data Controllers

This situation occurs when two data controllers equally decide the purpose of processing personal data.

How do I know when I am either data controller, data processor, etc?

Are you:

- Determining what personal data should be processed on behalf of the School? E.g. determining what data you need for research or providing a service. THEN DATA CONTROLLER APPLIES.
- Processing personal data on behalf of someone else? E.g. conducting research on behalf of another organisation. THEN DATA PROCESSOR APPLIES
- Working with another organisation on a project that involves sharing personal data? THEN JOINT DATA CONTROLLER APPLIES

What do data controllers need to do

If your activity means the School is data controller, you need to:

- Ensure that you have identified a lawful basis for processing.
- Draft a privacy notice or identify which School privacy notice applies for direct collection of data or let people know where you got their data from, if from another source.
- If using a data processor, make them sign a contract which sets out how they should handle the data and keep it secure.
- Record what personal data is being processed.
- Destroy/delete personal data no longer needed.

What do data processors need to do

If your activity means the School is a data processor, you need to:

- Check that you can meet the requirements set by the data controller
- Keep to the data controller's requirements for processing.

What do joint data controllers need to do

If your activity means the School is a joint data controller, you need to:

- Conduct the same activities as a normal data controller, but record this in a contract with the other data controller.

If you are still unsure

If you are unsure which category you fit into, please contact the Data Protection Officer Rachael Maguire via glpd.info.rights@lse.ac.uk.

Review schedule

Review interval	Next review due by	Next review start
3 years	31/10/27	1/10/27

Version history

Version	Date	Approved by	Notes
1	05/10/2018	Legal Team	
1.1	05/10/2021	IGMB	Minor changes
1.2	21/10/2024	IGMB	Minor changes

Contacts

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Communications and Training

Will this document be publicised through Internal Communications?	No
Will training needs arise from this policy	No
If Yes, please give details	