APPOINTMENT OF EEA REPRESENTATIVE – FLOWCHART

Are you processing personal data via an establishment in the EEA?

An establishment means real and effective activity through stable arrangements such as a branch office.

YES → YOU DO NOT NEED TO APPOINT AN EEA REPRESENTATIVE

NO ↓

Do you monitor the behaviour of individuals located within the EEA?

Monitoring of behaviour relates to targeting and profiling individuals using activities such as cookies or online tracking using fingerprinting, behavioural advertisements, and geo-location tracking.

OR

Do you sell goods or provide services to individuals located within the EEA?

This only covers where the goods or services are sold/provided to individuals If you sell to companies but have contact details of individuals, this does not count. Payment is irrelevant.

NO → YOU DO NOT NEED TO APPOINT AN EEA REPRESENTATIVE

YES ↓

Is the processing only occasional, of low risk to the data protection rights of individuals, and does not involve the large-scale use of special category or criminal offence data?

"Occasional" means an activity which is not carried out regularly or during the course of regular business activity.

NO → YOU DO NOT NEED TO APPOINT AN EEA REPRESENTATIVE

YES ↓

APPOINT AN EEA REPRESENTATIVE

The representative should be present in a Member State where affected individuals are located. If you collect personal data from many EU member states, it's best to select the one in which you collect the most data or conduct the most extensive monitoring.

You must include the name of your representative in the information you provide to individuals, e.g. in a privacy notice.

If you are a public authority or body you do not need to appoint an EEA representative.

IM irwinmitchell