



**EU Representatives - Art. 27 GDPR**

## EU Representatives

If your company is not established in the European Union (EU) but processes personal data of individuals in the EU in relation to the offering of goods and services or the monitoring of behaviour, Art. 27 General Data Protection Regulation (GDPR) requires you to nominate a Representative in the EU.

### Is it mandatory to appoint an EU Representative?

Yes, designation of an EU Representative under the GDPR is mandatory if you process personal data in any of the following cases:

- a) When offering goods or services in the EU, irrespective of whether it is free of charge or a payment is required.
- b) When monitoring the behaviour of data subjects as far as their behaviour takes place within the EU.

In order to establish an exemption the nature, context, scope and purpose of the processing must be taken into account. The appointment of an EU Representative is not required if:

- c) the processing is carried out by a public body, or
- b) processing is occasional and does not include special categories of personal data or data relating to criminal convictions and offences and is unlikely to result in a risk to the rights and freedoms of data subjects.

### What do the EU Representatives do?

Under the GDPR, EU Representatives are the direct point of contact for data subjects, they may be addressed by supervisory authorities, and are authorized to receive legal documents on behalf of the controller or the processor. Under Art. 27 GDPR, an EU Representative acts on behalf of the controller or the processor with regard to their obligations under the GDPR. The EU Representative is the addressee for supervisory authorities to receive applications, legal documents, data subject access requests, and official instructions as an authorised recipient of the controller. The EU Representative is working with the relevant supervisory authorities to ensure compliance with the GDPR by the controller or the processor: Inter alia, the EU Representative keeps documentation of data privacy breaches and provides evidence of lawful consent according to Art. 27 (4) GDPR. Pursuant to Art. 30 (1) to (3) GDPR, EU Representatives act for the controller or the processor in their duty to maintain a record of processing activities and data processing contracts and make these records available to the supervisory authorities upon request.

### EU Representative vs. Data Protection Officer

An EU Representative may not be confused with a Data Protection Officer within the meaning of Art. 37 GDPR. Both have different tasks and duties: A Data Protection Officer advises the company on data privacy issues and has to promote a compliance culture within the organisation. The EU Representative is merely a point of contact, subject to a mandate and instructions from the company. He is available to receive inquiries and complaints and can keep a record of the processing activities, but beyond that has no other active duties.

## Our services

The team of the OBSECOM GmbH supports your company in complying with data privacy requirements. We are a competent service provider for all questions around EU Representatives, the implementation of data privacy regulations, and the designation of external Data Protection Officers. We at the OBSECOM are a team of experienced Data Protection Officers with special expertise in international data transfer, supported by a network of experienced partners with profound knowledge in various industries.

Our services as EU Representatives are aimed at companies in French and English speaking countries such as Australia, Canada, Hong Kong, New Zealand, Singapore, Switzerland, United Kingdom, and the USA.

## Choose you service and order online

If you need to appoint an EU Representative under Art. 27 GDPR and you are interested in our services, please follow the link below to choose the service that suits you best and place your order online. The service will be ready, set up and operational within 24 hours after order confirmation:

<https://www.obsecom.eu/EU-Representative-Costs-and-Application>

## Prices

The basic annual program fee depends on your organisation's gross annual turnover.

Organisation's gross annual turnover	Annual program fee
\$0 to \$5 million	375 EUR
Over \$5 million to \$25 million	975 EUR
Over \$25 million to \$500 million	1.500 EUR
Over \$500 million to \$5 billion	3.750 EUR
Over \$5 billion	4.875 EUR

The contract duration for the provision of an EU Representative is one year. The contract is renewed for a further year if neither party terminates the contract at least three months before the contract expires. The annual program fee must be paid in advance at the beginning of the contract period.

## Services included in the annual program fee:

Appointment of an EU Representative	✓
Authorised recipient in civil proceedings.	✓
Addressee for supervisory authorities to receive instructions.	✓
Receiving inquiries and documents by data subjects and supervisory authorities: E-mail forwarding, scan in, providing documents as electronic files.	✓
Keeping documentation of data breaches*	✓
Keeping a copy of data processing agreements*	✓
→ Providing proof of consent	✓
Keeping a copy of the register of processing activities*	✓
Forward information at the direction of the supervisory authority	✓
Newsletter with information on EU data privacy law	✓
Single license to the OBSECOM Platform with personal document folder and message mailbox	✓
Annual activity report	✓

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\* Customers will have to compile documents themselves and upload them to the OBSECOM Platform. OBSECOM review those documents and will give feedback, as to what type of mandatory information should be included. However, as an EU Representative, OBSECOM will not advise on the lawfulness of the processing activities or whether the content is complete or plausible.

### **Additional services**

Assistance in handling data subject access requests: information and communication (≤30 minutes per request)	65 EUR
Assistance in creating a register of processing activities	Optional
Notification of data breaches to the supervisory authority	Optional
Legal assessments on data privacy issues	Optional
Legal support via cooperating lawyers	Optional
Data Privacy Audit	Optional
Translations of documents and correspondence	Optional
Templates for privacy notices	Optional
Additional license for the OBSECOM platform	Optional
Appointment of a Data Protection Officer	Optional

Optional services will be billed according to expenditure.