

Regulation (EU) 2016/679 of the European Parliament and of the Council
of 27 April 2016 on the protection of natural persons with regard to the
processing of personal data and on the free movement of such data (United
Kingdom General Data Protection Regulation)(Text with EEA relevance)

CHAPTER IV

Controller and processor

Section 4

Data protection officer

Article 38

Position of the data protection officer

- 1 The controller and the processor shall ensure that the data protection officer is involved, properly and in a timely manner, in all issues which relate to the protection of personal data.
- 2 The controller and processor shall support the data protection officer in performing the tasks referred to in Article 39 by providing resources necessary to carry out those tasks and access to personal data and processing operations, and to maintain his or her expert knowledge.
- 3 The controller and processor shall ensure that the data protection officer does not receive any instructions regarding the exercise of those tasks. He or she shall not be dismissed or penalised by the controller or the processor for performing his tasks. The data protection officer shall directly report to the highest management level of the controller or the processor.
- 4 Data subjects may contact the data protection officer with regard to all issues related to processing of their personal data and to the exercise of their rights under this Regulation.
- 5 The data protection officer shall be bound by secrecy or confidentiality concerning the performance of his or her tasks, in accordance with ^{F1}domestic law].
- 6 The data protection officer may fulfil other tasks and duties. The controller or processor shall ensure that any such tasks and duties do not result in a conflict of interests.

Textual Amendments

- F1** Words in [Art. 38\(5\)](#) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), [Sch. 1 para. 32](#) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

Regulation (EU) 2016/679 of the European Parliament and of the Council, Article 38 is up to date with all changes known to be in force on or before 02 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Art. 17(1)(g) inserted by [2024 c. 21 s. 31\(2\)](#)
- Art. 17(4)(5) inserted by [2024 c. 21 s. 31\(3\)](#)