



GDPR Contractual Clarification for Hosted Platform V1.1

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Statement

Our relationship with you

- Under the terms of the GDPR, you are defined as a data controller, in that data belongs to you, and you have a legal responsibility to dictate to any data processor how that data is processed.
- Under the terms of GDPR Ilicomm are one of your data processors.

Your GDPR responsibilities

You need a written contract for each data processor you use. There are no standard clauses that can be used (yet), but guidance can be found here:

<https://ico.org.uk/media/about-the-ico/consultations/2014789/draft-gdpr-contracts-guidance-v1-for-consultation-september-2017.pdf>

Notwithstanding your responsibilities, and for the purposes of transparency, ilicomm have set out our responsibilities under GDPR.

In regard to processing your data Ilicomm will:

- only act upon your written instructions (Article 29);
- not use a sub-processor without your prior written authorisation of the controller
- co-operate with supervisory authorities (such as the ICO)
- ensure the security of its processing in accordance with Article 32 of the regulation
 - ilicomm will implement technological and organisational controls to secure data according to the risk as agreed in the contract. Where no current contract exists, ilicomm will implement a “baseline” level of security, until informed otherwise by the controller.
- keep records of its processing activities
- **notify any personal data breaches to the controller in accordance with Article 33;**
 - ilicomm can reasonably only report breaches that occur within the scope defined in the new contract. Until a contract exists, ilicomm will implement technological and organisational controls to secure data according to the risk, as agreed in the contract. Where no current contract exists, ilicomm will implement a “baseline” level of security, until informed otherwise by the controller.

None of the above release you from your obligation to have a contract in place that directly references data privacy. If you require any help from us in terms of meeting GDPR compliance, ilicomm have some of the best resources available to help, so do get in touch.

