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| **Text  Description automatically generated**  **ADISA Member Operating as a Sub-Processor Form v1.0** |
| **This is to be used by the ADISA Member when operating as a sub-processor as per requirements below.**   |  | | --- | | **2.10.1** | | Where ITAD operates as a sub-processor they shall record how they inform the data processor of the obligations under Article 28(4) that the data processor must put in place the same data protection obligations with the sub-processor as set out in their own engagement with their customer. |  |  |  | | --- | --- | | Name of ADISA Member |  | | Name of Data Processor\* |  | | Brief note on relationship between Data Processor and ADISA Member\*\* | | |  | | |

\*Data Processor would be the channel partner.

\*\* This should include details of whether the channel partner white labels the service OR whether they introduce the ITAD to their customers. Who issues the reports and to whom they are sent?

We confirm that the data processor wishes to engage with ADISA Member to provide data sanitisation services on behalf of one or more data controllers. Data Processor is aware that under Article 28 of the General Data Protection Regulation 2018 and UK GDPR, that there is a need for a contract to be in place between both parties and that the terms of that contract should be equivalent to the terms entered with the data controller.

Signed on behalf of Data Processor

Sign \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed on behalf of ADISA member

Sign \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# **Appendix A – UK GDPR Requirements for Data Processor**

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| **UK GDPR Article 28 (4) states:** |
| Where a processor engages another processor for carrying out specific processing activities on behalf of the controller, the same data protection obligations as set out in the contract or other legal act between the controller and the processor as referred to in (Article 28) paragraph 3 shall be imposed on that other processor by way of a contract or other legal act under Union or Member State law, in particular providing sufficient guarantees to implement appropriate technical and organisations measures in such a manner that the processing will meet the requirements of this Regulation. Where that other processor fails to fulfil its data protection obligations, the initial processor shall remain full liable to the controller for the performance of that other processor's obligations. |

# **Appendix B – Requirements for members when operating as a sub-processor**

When a certified company works for a data processor or another sub-processor, they are unable to be responsible for the inputs as required by the data controller. What follows is the expectation on the sub-processor (Certified company) when working as a sub-processor.

Requirement 1 – Evidence of contractual relationship being put in place.

The sub-processor is required to evidence that they have informed the data processor of the requirements under Article 28(4). In this regard the completion of this document provides ADISA with that evidence.

Requirement 2 – Service Delivery.

For each sub-processor activity, the ADISA member would be expected to still meet ALL REQUIREMENTS of the ADISA Asset Recovery Standard with the exception of logistics in situations when the data processor is delivering assets into the sub-processor themselves.

Requirement 3 – Data Impact Assurance Level.

For each sub-processor activity, the ADISA member would be expected to explain to data processor the DIAL concept such that they can request the DIAL from their customers. The ADISA member is required to request the DIAL reference for all customers when operating as a sub-processor.