

Information on Data Responsibility Model for Pensopay support services

Between:

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And:

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To be shared with:

The customers of pensopay

1. Introduction

- 1.1 Within the complex and comprehensive realm of the General Data Protection Regulation (GDPR), it is crucial to consider the role 'support' performs as a facet of processing activities, particularly in relation to Pensopay operating as a data controller.
- 1.2 The term 'processing', as defined by the GDPR, has broad implications, encapsulating all operations performed on personal data. The delivery of 'support' by an organization is intrinsically linked to these processing activities. As Pensopay provides support to its clientele, it inevitably necessitates interaction with personal data. This engagement may manifest in numerous forms, which may include but are not limited to, receiving, accessing, or backing up data, each of which aligns with 'processing' as delineated by the GDPR.

2. Data responsibility model

- 2.1 As part of Pensopay commitment to continued compliance and transparency, an internal review in connection with the partnership with BetterCompliance has led to a reevaluation of our data responsibility model with respect to our support services. This reevaluation was carried out in accordance with the guidelines set forth by the Danish Data Protection Agency¹, EDPB,² as well as in response to a constructive dialogue with the Agency itself.

¹ <https://www.datatilsynet.dk/Media/7/6/Dataansvarlige%20og%20databehandlere.pdf>

² https://edps.europa.eu/sites/edp/files/publication/flowcharts_and_checklists_on_data_protection_brochure_en_1.pdf

2.2 Following meticulous consideration, we have deduced that Pensopay, in its provision of support services, acts as the data controller for personal data processed in this context.

2.3 The underpinnings of this conclusion include:

- (A) The processing of support cases is carried out for our own purpose, primarily to fulfill contractual obligations with our esteemed customers.
- (B) We maintain a permanent record of support cases due to the necessity of an audit trail, which serves to document our compliance with customer contracts and agreed-upon service levels.
- (C) We do not engage in processing support cases or the contained data for any purpose on behalf of our customers.
- (D) Support services are a fusion of internal IT professionals and general assistance, underscoring the fact that processing does not occur on behalf of our customers, but rather to deliver superior service based on our own operational interests.

3. GDPR art. 28 (4)

3.1 In light of this decision, Pensopay will conduct an update of their website, specifically the section detailing our subprocessors. This action stems from the reevaluation of our processor used exclusively for support services, which is directly linked to our capacity as a data controller. To keep you informed and uphold our commitment to transparency, we will make the revised list of our utilized subprocessors accessible. The updated register of subprocessors can be accessed on the homepage that belongs to [Pensopay](#).

4. Concluding remarks

4.1 Guided by a more enlightened understanding of the legislation governing data responsibility, and aided by BetterCompliance, Pensopay has recalibrated its approach. The focus has been on refining our instructions, as opposed to broadening them. The adaptation of this strategy is not discretionary, as data responsibility is incontrovertibly determined by law.

4.2 Pensopay' enduring dedication to compliance with relevant laws, adapting practices to align with legal interpretations, and maintaining the highest standards of data protection underline our unwavering commitment as a responsible data controller.