



CHECKLIST – AM I A CONTROLLER, JOINT-CONTROLLER OR PROCESSOR?

This checklist is provided for illustrative and general guidance purposes only. It does not constitute legal advice and should not be relied upon as a definitive statement of your organisation's obligations under the Data Protection (Jersey) Law 2018 (**DPJL 2018**).

Determining whether you are acting as a controller, processor, or joint controller must be assessed on a case-by-case basis, considering the specific circumstances of each processing activity.

For full guidance, please refer to our guidance note.

If you are unsure about your status or responsibilities, you can contact us for advice

		YES	NO	DON'T KNOW
1.	Does your organisation decide why the personal data is processed (i.e., the purpose of data processing)?			
2.	Does your organisation decide how the personal data is processed (i.e., the means of processing)?			
3.	Does your organisation decide which categories of personal data to collect and process?			
4.	Does your organisation decide whose personal data is to be collected (which data-subjects)?			
5.	Does your organisation decide to whom the personal data may be shared with (third parties, recipients)?			
6.	Does your organisation provide/publish the privacy information/notice provided to data subjects about the processing?			
7.	Does your organisation decide the retention period or criteria for erasure of the personal data? (i.e. how long the information is kept for)			
8.	Does your organisation decide the lawful basis for processing the personal data (under Schedule 2 of the DPJL 2018)?			
9.	Is your organisation only processing personal data on behalf of another entity, following their documented instructions?			
9.	Does your organisation have no meaningful say (or very limited say) in the decisions about purpose/means, but merely do what another entity instructs you to do?			

If you answered **Yes** to most of questions 1-8, then your organisation is very likely acting as a **controller** under the DPJL 2018.

If you answered **Yes** to question 9 and 10 (and **No** to many of 1-8), your organisation is likely acting as a processor.

If you answered **Yes** to a mix (i.e., you make some decisions about purpose/means and you process on behalf of another), you may be a **joint-controller** (sharing decisions) or you may be both a controller and a processor in different contexts.