



GDPR Article 28
Data Processing Agreement Checklist

Does my agreement cover the following?	Agreement Reference
Subject-matter of processing	
Duration of processing	
Nature and purpose of processing	
Type of personal data and categories of data subjects	
Contractual obligations and rights of the controller (e.g., indemnification, restrictions on data use and disclosure, etc.)	
Does my agreement stipulate the following?	
Processor will only process data on written instructions from the controller (unless otherwise required by law)	
Processor will only transfer personal data to a third country or international organization on written instructions from the controller	
Those processing data have committed themselves to confidentiality or are under an appropriate statutory obligation of confidentiality	
Processor will take all measures required by Article 32 relating to security of processing	
Processor will not engage a sub-processor without prior consent from the controller	
Processor will inform controller of any intended changes regarding the addition or replacement of sub-processors, giving the controller an opportunity to object to changes	
If the processor engages a sub-processor, the processor will include the same obligations set out in the controller-processor agreement in the sub-processor agreement	
Processor is fully liable to the controller for a sub-processor's failure to fulfill data protection obligations	
Processor will assist the controller, by appropriate technical and organizational measures, in responding to data subject's rights requests	
The processor will assist the controller in ensuring compliance with Article 32 relating to security of processing	
The processor will assist the controller in ensuring compliance with Article 33 relating to notification of a data breach to a supervisory authority	
The processor will assist the controller in ensuring compliance with Article 34 relating to communication of a data breach to the data subject	
The processor will assist the controller in ensuring compliance with Article 35 relating to data protection impact assessments	
The processor will assist the controller in ensuring compliance with Article 36 relating to prior consultation with the supervisory authority	
Processor will delete or return (controller chooses) all personal data to the controller at the end of the provision of processing services	
Processor will delete existing copies of personal data once processing services conclude (unless otherwise required by law)	
Processor will make available to the controller all information necessary to demonstrate compliance with Article 28 requirements for processors	
Processor will allow for and contribute to audits, including inspections, conducted by the controller or other auditors mandated by the controller	
Processor will immediately notify the controller if the processor believes an instruction infringes the GDPR or other Union or Member State data protections	