**UW Privacy Office**

**Personal Data Processing Agreement**

**Checklist**

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This Checklist is intended to guide departments and units step-by-step through the proper use of the Personal Data Processing Agreement (the “PDPA”). The PDPA helps uphold UW’s values and principles relating to privacy and address relevant laws and regulations relating to the protection of personal data. The UW Privacy Office **does not recommend** modifying or negotiating the PDPA unless you have or engage appropriate privacy or legal expertise. If you have questions about the PDPA or using this Checklist, you may request assistance from the UW Privacy Office through its PDPA Support Request Form.

UW Department or Unit: [insert Name]

Contractor: [insert Name]

Contractor Product, Service, or Activity: [insert name of product, service or activity]

Name of Underlying Agreement with Contractor: [insert name of underlying agreement with contractor]

Desired PDPA Finalization Date: [insert date]

1. DETERMINE THE NEED FOR A PDPA

* Use Privacy Agreement Workflows #1 and #2 to determine whether you should use the PDPA

***Do not proceed with this Checklist if Privacy Agreement Workflows #1 and #2 indicate that a PDPA is not required.***

1. ENGAGE UW PROCUREMENT SERVICES

***If your department or unit’s data processing does not involve a transaction with a contractor that UW Procurement Services facilitates, continue to Section III below****.*

* Inform UW Procurement Services of your anticipated transaction involving personal data
* Identify your UW Procurement Services contact: [insert Name and Title]

1. ESTABLISH ROLES AND RESPONSIBILITIES

* Identify and document who in your department or unit will:
  + Manage the PDPA process: [insert Name and Title]
  + Have the expertise to negotiate, if needed: [insert Name and Title]
  + Complete the Privacy Impact Assessment for PDPA Modifications, if needed: [insert Name and Title]
  + Be responsible for the risks, compliance obligations, budgets, and financial costs associated with privacy, including making decisions about PDPA-related risks: [insert Name and Title]

1. PREPARE TO USE THE PDPA

* Read the PDPA (if you have not previously done so)
* Attend a PDPA training session (if you have not previously done so)

1. USE THE PDPA

* Populate the bracketed placeholders that appear throughout the PDPA
* In the Description of Data Processing Exhibit (the “Exhibit”) at the end of the PDPA, identify the:
  + Nature of and purpose for the data processing (Exhibit, Section 1)
  + Categories of individuals to which the contractor’s data processing will relate (Exhibit, Section 2)
  + Types of personal data (Exhibit, Section 3)
  + Name, title, mailing address, email address and phone number for the UW contact person (Exhibit, Section 5)

***A contractor may complete Sections 1-3 of the Exhibit instead of the department or unit, provided, however, that the department or unit confirms that the contractor’s details are accurate and complete.***

***If the contractor will engage in data processing governed by the European Union General Data Protection Regulation, the contractor should list and provide details about its subcontractors in Section 6 of the Exhibit, not the UW department or unit.***

* If your department or unit is working with UW Procurement Services, return the completed PDPA (including the completed Exhibit) to your UW Procurement Services contact (your contact may present it to the contractor)
* If your department or unit is not working with UW Procurement Services, present the completed PDPA (including the completed Exhibit) to the contractor

1. NAVIGATE CONTRACTOR’S PROPOSED MODIFICATIONS TO THE PDPA

***This section only applies if the contractor proposes modifications to the PDPA. If the contractor does not propose any modifications to the PDPA, continue to Section VII below.***

* Review the contractor’s proposed modifications
* Ask the contractor (on your own or through your UW Procurement Services contact, as applicable) about the reasoning behind the proposed modifications
* Use the Privacy Impact Assessment for PDPA Modifications to evaluate the contractor’s proposed modifications
* Ensure that the individual named in Section III as the person responsible for PDPA-related risks:
  + Reviews the completed Privacy Impact Assessment for PDPA Modifications
  + Accepts or rejects contractor’s proposed modifications

1. FINALIZE THE PDPA

* If your department or unit is working with UW Procurement Services, follow your contact person’s instructions to finalize the PDPA
* If your department or unit is not working with UW Procurement Services, the person with delegated authority to sign privacy related agreements for your department or unit signs the PDPA
* Store the finalized agreement in a secure location in accordance with applicable records retention schedules
* Before sharing any personal data with the contractor, ensure the personal data to undergo data processing aligns with the personal data identified in the finalized PDPA and Description of Data Processing Exhibit