

# The happy DPO?

## To what extent are DPOs happy in their jobs?

A narrative on the results of the dpo day survey 2023 and the link between the psychosocial well-being of the DPO's job today, tomorrow and in the future.  
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## 1. Introduction

Are DPOs happy in their job? This is the central question in the questionnaire launched in the context of the first dpo day in 2023 where a unique and multidisciplinary cooperation was set up between dpo pro (Professional Association of Belgian Data Protection Officers), ISACA Belgium (international professional association dedicated to promoting the governance of information systems of which DPOs are also members), the Federation of Belgian Enterprises (VBO-FEB, umbrella organisation of at least 40 sector federations) and the Data Protection Institute (training institute with specific training on data protection). This questionnaire was discussed during, amongst other, panel discussions at dpo day 2023 and explained during a webinar organised by dpo pro on 11 January 2024.

A questionnaire of about 40 questions sent to more or less four thousand DPOs probed the extent to which DPOs are happy performing their jobs through the constructs autonomy, resources, support, cooperation, recognition, and training and development. With 95% reliability through a high response rate, we explore the link between these constructs and the well-being of the DPO. This study tries to find out what really makes the DPO (un)happy in the job and what are the possible parameters that can influence this happiness factor.

Besides analysing this survey, we take a look at the DPO of tomorrow and the DPO of the future. With some tips, we try to help the DPOs how to take their happiness in the job more into their own hands.

Finally, we look to the future and the challenges that DPOs are facing that may have a future impact on their happiness in performing the DPO's duties.

## 2. Background information

The questionnaire bridges the gap between the specificity of the job as a DPO, on the one hand, and the importance of psychosocial well-being, on the other. This section briefly explains the context of both aspects.

### 2.1. Data protection and the role of the DPO

The right to data protection is a fundamental right or human right and is therefore not new<sup>1</sup>. Since the arrival of the General Data Protection Regulation (GDPR)<sup>2</sup> and the Police & Justice Directive<sup>3</sup> in 2016, in Belgium, but also in the other member states of the European Economic Area, data protection law gained more support through, among other things, more stringent rules on enforcement, such as administrative fines. Although a similar function under the term 'personal

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<sup>1</sup> Article 8 of the Charter of Fundamental Rights of the European Union (2012/C 326/02), last accessed 16 January 2024, via [Charter of Fundamental Rights of the European Union \(europa.eu\)](https://eur-lex.europa.eu/charter/).

<sup>2</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation), last accessed 16 January 2024 via: [Regulation - 2016/679 - EN - gdpr - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/legislation/summaries/regulations/2016/679_en.htm).

<sup>3</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, last accessed 16 January 2024 via: [Directive - 2016/680 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/legislation/summaries/directives/2016/680_en.htm).

data protection official' was already included in the Directive 95/46/EC<sup>4</sup>, its successor, the GDPR, gave it a more significant role for organisations processing personal data as controllers or processors. Due to the nature of processing activities carried out by a controller or processor, their scope, or because of the purposes being pursued, it becomes mandatory to appoint a DPO. Such obligation also applies when processing operations are carried out by a public authority or body. Besides, this special role had some, partly or not at all, overlapping predecessors in Belgium, such as the 'counsellor for security and protection of privacy' in the law on police information management and amending the law of 5 August 1992 on the police function, the Act of 8 December 1992 on the protection of privacy in relation to the processing of personal data and the Code of Criminal Procedure<sup>5</sup> of, and the information security counsellor (the obligation of appointment by, amongst others, Article 9 of the Decree of 18 July 2008 on electronic administrative data flows (e-government decree))<sup>6</sup>, who was supposed to supervise the information security policy within organisations, among other things. Specific Belgian legislation even made the appointment of a 'appointee for data protection' mandatory for certain processing operations, such as, for example, with regard to DNA research in criminal matters<sup>7</sup>.

The DPO is mentioned no less than 33 times in the GDPR, which in itself shows that the role of the DPO is not insignificant. Three subsequent articles, namely: Articles 37 to 39 of the GDPR, set out the modalities for the designation, position and tasks of the DPO. Article 37 clearly indicates when it is mandatory to appoint a DPO. This includes, as discussed earlier, the obligation of appointing a data protection officer or DPO within a public authority or public body. In addition, it states that a DPO can be appointed either internally or externally and can therefore work as a staff member of the organisation, or, for example, as a self-employed person on behalf of an organisation through a service contract (GDPR, Article 37.6). The DPO can also work for different organisations depending, of course, on the organisational structure and size of those different organisations (GDPR, article 37.3).

Article 38 makes it clear that the DPO's independence is of paramount importance through wording such as Article 38.3:

*"The controller and the processor shall ensure that the data protection officer does not receive instructions regarding the performance of those tasks. He or she shall not be dismissed or penalised by the controller or processor for performing his tasks. The data protection officer shall directly report to the highest management level of the controller or the processor."*

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<sup>4</sup> In Article 18, among others, we read that the controller may appoint a data protection officer in accordance with national law. Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, last accessed 16 January 2024 via [Directive - 95/46 - EN - Data Protection Directive - EUR-Lex \(europa.eu\)](#).

<sup>5</sup> Law on police information management and amending the Law of 5 August 1992 on the police service, the Law of 8 December 1992 on the protection of privacy in relation to the processing of personal data and the Code of Criminal Procedure, last consulted on 22 January 2024, via [Moniteur Belge - Belgian Official Gazette \(fgov.be\)](#).

<sup>6</sup> Decree of 18 July 2008 on electronic administrative data traffic, last accessed 16 January 2024 via [Decree of 18/07/2008 on electronic administrative data traffic \(openjustice.be\)](#).

<sup>7</sup> Act of 22 March 1999 on the identification procedure via DNA analysis in criminal cases, article 7, last accessed 16 January 2023 via [Act of 22/03/1999 on the identification procedure via dna analysis in criminal cases \(openjustice.be\)](#).

The word 'conflict of interest' is even explicitly cited in this article, and it is the controller or processor who must ensure that there are no conflicts of interest in the DPO's duties to ensure independence (GDPR, Article 38.6).

Article 39 clarifies the DPO's duties, although also other articles attribute duties to the DPO. For example, Article 38.4 says: "*Data subjects may contact the data protection officer with regard to all issues related to processing of their personal data and to the exercise of their rights under this Regulation.*" The DPO has a triple role of informing, advising and monitoring compliance with the regulation and any other relevant data protection provisions. At the request of the organisation, the DPO should also advise on the data protection impact assessment and ensure that it is carried out. Such an assessment measures the impact of a intended processing on the protection of personal data. It takes into account the risk of the processing on the rights and freedoms of natural persons (GDPR, Article 35). So this goes wider than just the right to data protection. The DPO should not only consider the right to data protection, but also take into account the "risk associated with processing operations, taking into account the nature, scope, context and purposes of processing" (GDPR, Article 39.2). In addition to being the contact person for data subjects, the DPO is the contact point for the competent supervisory authority and must cooperate with that authority (GDPR, Article 39.1.d-e). It may be clear: the DPO has a wide range of duties.

The guidelines or guidelines of the *Working Party 29 (WP29)*, the predecessor of the *European Data Protection Board (EDPB)*, which adopted the guidelines, provide more interpretation on the various aspects of the DPO's appointment, position and tasks.<sup>8</sup>

## 2.2. Psychosocial risks and well-being

As clarified earlier (see 2.1 Data protection and role of the DPO), the DPO has a special role and an extensive range of duties. Among other things, the DPO may have an increased risk regarding the person's psychosocial well-being due to his or her independent function. After all, the DPOs will look critically at the organisation from the perspective as informative, monitoring and advisory role (see earlier, 2.1. Data protection and the role of the DPO). This may cause the DPO to potentially come into conflict more quickly with the managers or even any other employees of the organisation for which the DPO has been appointed. The DPO's advice may have an impact on the way the controller or processor operates. Thus, the DPO position is similar to that of a prevention advisor, for example. The prevention advisor does enjoy a number of protection measures under Belgian labour law<sup>9</sup>. Such safeguards may perhaps be useful for the DPO function, although the DPO does enjoy some protection through Article 38.3 of the GDPR.

The DPO performs his tasks within an organisation on the basis of an employment contract or for an organisation on the basis of a service contract. In the first case, there are labour law obligations attached to this. An example is that in Belgium, the employee is protected against transgressive behaviour.<sup>10</sup> So, through labour law for employees, protections for DPOs could be

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<sup>8</sup> Article 29 Data Protection Working Party, 16/EN, WP 243 rev.01, Guidelines on Data Protection Officers ('DPOs') adopted on 13 December 2016, as last Revised and Adopted on 5 April 2017, last accessed 16 January 2024 via [JUSTICE AND CONSUMERS ARTICLE 29 - Guidelines on Data Protection Officers \('DPOs'\) \(wp243rev.01\) \(europa.eu\)](https://ec.europa.eu/justice/article-29/wp243rev.01/).

<sup>9</sup> Law of 20 December 2002 on the protection of prevention advisers, last accessed 16 January 2024 via [Law of 20/12/2002 20 December 2002 law on the protection of prevention advisers \(openjustice.be\)](https://openjustice.be/law/20/12/2002-20-December-2002-law-on-the-protection-of-prevention-advisers/).

<sup>10</sup> Chapter Va, Act of 4 August 1996 on the welfare of workers in the performance of their work, last accessed 16 January 2024, via [Justel: 1996-08-04/00 \(fgov.be\)](https://fgov.be/justel/1996-08-04/00/)

provided, but this could possibly also be done through other regulatory frameworks (possibly under the Whistleblowing Directive<sup>11</sup>) for DPOs working under a service contract. Further research is needed to evaluate this aspect more thoroughly (see further, 6. Opportunities for additional research).

In our questionnaire, we tried to link the specific role of the DPO and the impact of that role on their psychosocial well-being.

### 2.3. Questionnaire as a research method

When looking at laws and regulations on psychosocial risks at work, it is often the psychosocial risk prevention advisors within the organisations who analyse the psychosocial risks and well-being of the employees (see earlier, 2.2. Psychosocial risks and well-being), and inform and advise the organisation on them. A prevention advisor will often work with questionnaires and design them in such a way that quality is monitored, as well as reliability, validity and psychometric aspects. We pursued these issues in our questionnaire (see further, 3. Today's DPO, 3.2. Research methodology).<sup>12</sup>

From the domain of psychosocial well-being, the questionnaire also gauged for different elements or constructs. There are different methods for this. The three frequently used questionnaires in Belgium are:

- Questionnaire Research Experienced Health (VOEG), developed by Dirken (1969), which asked questions about psychosomatic complaints such as chest pain and shortness of breath;<sup>13</sup>
- The General Health Questionnaire (GHQ) was developed by Goldberg (1972), asking questions divided into 4 sub-scales: somatic symptoms, anxiety and insomnia, social functioning, major depression<sup>14</sup> ;
- The Utrecht Burnout Scale (UBOS) is a Dutch adaptation of the most well-known and widely used questionnaire to measure burnout from the Maslach Burnout Inventory (MBI), probing three dimensions of burnout: emotional exhaustion, depersonalisation and personal competence. <sup>15</sup>

These include the Labour and Health Questionnaire (VAG) developed in the late 1970s by the Netherlands Institute for Preventive Health Care, now TNO Labour. The following elements are covered in this questionnaire:

- Task content and work organisation,
- Physical working conditions,
- Security and facilities,

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<sup>11</sup> Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, last accessed 17 January 2024 via [Directive - 2019/1937 - EN - eu whistleblowing directive - EUR-Lex \(europa.eu\)](#)

<sup>12</sup> Federal Public Service Employment, Labour and Social Dialogue, Psychosocial risks at work, website, last accessed 16 January 2024 via [Psychosocial risks at work | Federal Public Service Employment, Labour and Social Dialogue \(belgie.be\)](#).

<sup>13</sup> More information: [General and psychosocial health questionnaires for post-disaster health research | Psychology & Health \(springer.com\)](#).

<sup>14</sup> More information: [The General Health Questionnaire: a psychometric analysis using latent trait theory - PubMed \(nih.gov\)](#)

<sup>15</sup> More information: [UBOS | Utrecht Burnout Scale \(pearsonclinical.nl\)](#)

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- Leadership and colleagues and
- Physical and mental exertion.<sup>16</sup>

Another approach is that of the Department of Psychology of Work and Organisation at the Catholic University of Nijmegen, namely: the Organisational Stress Questionnaire (*VOS-D*). This questionnaire asks the following issues:

- Overload,
- Role ambiguity,
- Responsibility,
- Role conflict,
- Workplace attachment,
- Lack of decision-making capabilities,
- Lack of meaningfulness of work,
- Uncertainty about the future,
- Manager's social support,
- Social support from colleagues,
- Lack of job satisfaction,
- Worrying about work,
- Psychological complaints and
- Health complaints.<sup>17</sup>

For a long time, the Labour Perception and Assessment Questionnaire (*VBBA*), developed by Marc van Veldhoven, was the most widely used. This questionnaire surveyed employees using the following scales:

- task demands: work pace and amount of work, emotional strain, mental strain, physical exertion;
- versatility: variety of work, learning opportunities;
- regulation opportunities: independence in work, participation;
- relationships and communication: relationships with colleagues, relationships with direct management, contact opportunities, communication in the company;
- task-related problems: ambiguity in the work, changes in the work, information about the task, problems with the task;
- working conditions: appreciation of pay, career opportunities, future insecurity;
- well-being: enjoyment of work, commitment to the organisation, changing jobs or turnover intention;
- stress: recovery needs, brooding, sleep quality, emotional reactions during work, fatigue during work.<sup>18</sup>

Internationally, the most well-known questionnaire on psychosocial workload, the *Job Content Questionnaire (JBQ)*, was designed by US sociologist Karasek. Following topics are covered in several questions:

- psychological job requirements;
- decision space,

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<sup>16</sup> More information: [Monitoring work situation | TNO](#)

<sup>17</sup> More information: [VOS-D: Questionnaire on Organisational Stress-D. Manual \(VOS-D: Questionnaire on Organisational Stress-D. Manual\), | National Technical Reports Library - NTIS](#)

<sup>18</sup> More information: [Questionnaire Perception and Assessment of Work \(VBBA\) | SKB Research and Advice](#)



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- Developing skills,
- Social support from leadership and colleagues,
- physical workload,
- hazard of the job,
- toxic risks,
- job insecurity and
- job dissatisfaction.<sup>19</sup>

The Working Conditions and Control Questionnaire (WOCCQ) is then a Belgian questionnaire method developed at the University of Liège (Hansez, 2001). There is a basic questionnaire and some supplementary questionnaires. The basic questionnaire covers the following dimensions:

- the resources available: e.g. cognitive, in terms of information, relational;
- managing the task: e.g. contradictory demands, role conflicts;
- the risks involved in the work: to oneself and to others;
- work planning: e.g. distribution of workload, working time arrangements;
- managing time: e.g. imposed rhythm, short deadlines and
- managing the future: e.g. career prospects, job security.<sup>20</sup>

Some questionnaires on psychosocial risks in the workplace already analyse psychosomatic complaints more than others, or place a greater emphasis in questioning how the work and the organisation are structured. In our questionnaire, we have chosen constructs (see further, 3. Today's DPO, 3.1. Constructs) that broadly reflect the above aspects or dimensions. In our feeling and from our experience and expertise, these fit the special function of the DPO (see earlier, 2.1. Data protection and the role of the DPO).

## 2.4. Similar studies

The function of DPO is quite new in Belgium, so there are not many comparable studies yet. Nevertheless, we would like to highlight the following study published in 2023 by Anaxia Conseil, entitled "*Il faut sauver le soldat DPO*".<sup>21</sup>

The study explores the various challenges a DPO may face during its work. For this purpose, the author interviewed 26 DPOs appointed by the French data protection authority, *Commission Nationale de l'Informatique et des Libertés (CNIL)*, from different sectors, which have had to deal with cross-border situations to a greater or lesser extent. Through these interviews, the aim is to find out the basic reason(s) for the cross-border situations.

The study identified the following challenges facing a DPO:

1. Unfulfilled promises: such as role allocation, resources, responsibilities, ...
2. Unique challenges depending on the sector: such as special categories of personal data in the health or social sector.

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<sup>19</sup> More info: [Job Content Questionnaire - Measuring instruments in healthcare \(meetinstrumentenzorg.nl\)](https://meetinstrumentenzorg.nl)

<sup>20</sup> More information: [\[PDF\] The Working conditions and control questionnaire \(WOCCQ\): Towards a structural model of subjective stress | Semantic Scholar](#)

<sup>21</sup> Anaxia Conseil (AC), personal data protection, *Il faut sauver le soldat DPO !*, 5 May 2023, last accessed 16 January 2024, at <https://www.anaxia-conseil.fr/il-faut-sauver-le-soldat-dpo.html>

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3. Diverse work environment: especially DPOs working in different organisations struggle to work out consistent data protection policies due to the different environments in which they work.
4. Corporate culture and internal politics: especially in medium-sized family firms, the role of DPO may initially be well received, but becomes more difficult once the DPO starts proposing more compliance.
5. Stress and emotional burden: due to the diverse range of tasks, different stakeholders and interests, the pressure towards compliance, ...

This can, according to the study, lead in some cases to the DPO losing self-confidence, ceding its independence, feeling isolated, being pressured to leave the company or even being fired.<sup>22</sup>

From the EDPB, an *EU coordinated action* was also launched in 2023 on the role of DPOs<sup>23</sup> which involved working with the supervisory authorities of the various member states to draft and distribute the questionnaire to DPOs. This questionnaire was more about the interpretation of the DPO's role and focused less about the well-being of DPOs. A report on this action was published recently.<sup>24,25</sup>

### 3. Today's DPO

In this section, we elaborate on the constructs on which the questionnaire is based from the background information as discussed in the previous section. Then, we discuss the questionnaire results on the DPOs' well-being and attempt to find out how happy the DPO is.

#### 3.1. Construct

To study DPO's happiness and identify the elements that influence it, we surveyed the different participants on six different constructs or concepts: autonomy, resources, support, cooperation recognition and training and development. These constructs are linked to how questionnaires are designed in the context of studies on psychosocial risks within the work context (see earlier, 2.3 Questionnaire as research method).

##### **Autonomy**

Both from the definition of the role of DPO as included in the GDPR and from practice, it appears that DPOs have a need to be able to work independently and decide how to fill their role. As used earlier (see 2.1 Data protection and the role of the DPO), the DPO should fulfil the tasks of informing, advising and monitoring compliance with data protection provisions. But, usually various tasks are added to this, depending on the needs of the company and the wishes of the controller or processor. Examples of this are executive tasks such as drawing up a records of procession activities, following up personal data breaches, handling requests from data subjects, and so on.

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<sup>22</sup> More information: [Il faut sauver le soldat DPO ! \(anaxia-conseil.fr\)](https://www.anaxia-conseil.fr/)

<sup>23</sup> More information: [The role of DPOs at the heart of EU coordinated action for 2023 | European Data Protection Board \(europa.eu\)](https://eudpa.europa.eu/en/2023/01/the-role-of-dpos-at-the-heart-of-eu-coordinated-action-for-2023) and [Launch of coordinated enforcement on role of data protection officers | European Data Protection Board \(europa.eu\)](https://eudpa.europa.eu/en/2023/01/launch-of-coordinated-enforcement-on-role-of-data-protection-officers).

<sup>24</sup> [EDPB identifies areas of improvement to promote the role and recognition of DPOs | European Data Protection Board \(europa.eu\)](https://eudpa.europa.eu/en/2023/01/edpb-identifies-areas-of-improvement-to-promote-the-role-and-recognition-of-dpos)

<sup>25</sup> European Data Protection Board, Report, 2023 Coordinated Enforcement Action, Designation and Position of Data Protection Officers, adopted on 16 January 2024, last accessed 18 January 2024, via [Coordinated Enforcement Action, Designation and Position of Data Protection Officers | European Data Protection Board \(europa.eu\)](https://eudpa.europa.eu/en/2023/01/coordinated-enforcement-action-designation-and-position-of-data-protection-officers)



Being able to freely choose the tasks and time spent is therefore very important for the happiness of the DPO. Here, one should not lose sight of the fact that too much autonomy, without sufficient transparency, could lead to the controller or processor not being aware of what the DPO actually does. This in turn could impact other constructs such as resources, support and recognition, and could thus affect the DPOs' happiness.

### **Resources**

To perform the duties correctly and completely, DPOs need the right resources, including: time, access to information, access to innovation in the company and access to staff, for example.

One of the major problems faced by DPOs is the lack of time or rather the inability to spend the available time efficiently. It is often quite a task to find or obtain the correct and complete information to correctly analyse a processing activity of personal data in order to provide sound advice. In addition, there is often a lack of technical (ICT) knowledge in the organisation, so the DPO will need extra time to check everything and do additional research. The big question here is whether the DPO is given this time and freedom to get information easily, for instance.

### **Support**

It is also necessary for the DPO to feel adequately supported and heard. In addition, the role of the manager(s) is crucial. A clear and effective management that listens to, supports and respects DPOs has a major positive impact on the DPO's well-being. The same expectations exist towards the organisation's employees. With better support, the functioning of the DPO can be more nicely aligned with the needs of the organisation.

The level of support will determine how well the DPO can perform his function. This will obviously have an impact on recognition (see below, Recognition). Support is therefore a relevant factor in determining happiness.

### **Cooperation**

DPOs need to work closely with the various departments and teams within an organisation. This will give them an understanding of the different personal data processing processes that the organisation carries out or could carry out, and what the specific modalities are for personal data processing. Solid collaboration will not only allow the DPO to gather latent information, but the improved rapport will make it easier to ask for more info, provide training or education and so on more. As a result, the DPO's advice will potentially be more qualitative, i.e. more attuned to practice and easier to comply with by employees.

Another type of party that the DPO needs to cooperate with are the competent supervisory authorities (see earlier, 2.1 Data protection and the role of the DPO), such as the Data Protection Authority and the Supervisory Body for Police Information. A good relationship between these supervisory authorities and the DPO is necessary. Indeed, the DPO expects the competent supervisory authority to communicate workable recommendations in a timely and correct manner and to take decisions in a transparent manner based on the information communicated by the DPO. On their part, the competent supervisory authority can in turn expect, for example, cooperation in audits or inspections of the DPO.

A DPO should be able to consult or exchange views with other DPOs. In many organisations, only one DPO is appointed and so it may be useful, also taking into account the psychosocial well-being, to have contacts and align with other DPOs. This provided, of course, that the necessary

confidentiality is respected. Together, ideas and insights can be exchanged, while venting about work or sharing nice experiences and tips. This can make the DPO feel less isolated. It can have a positive impact on the happiness factor of the DPO and perhaps also on the quality of the work of the DPO.

### **Acknowledgement**

The function of DPO is still quite recent so recognition can be a problem for many DPOs. As in any profession or job, it is important that a person is appreciated and given the respect that the position deserves. Also, DPOs find it more pleasant to work when they feel that the work they do has an impact and is useful. The degree of acknowledgement of a DPO therefore influences a DPO's happiness.

### **Training and development**

A final construct we asked about in the questionnaire is 'training and development'. Training and development ensure that a DPO is more confident and will generally develop more competences. In addition, this construct can have positive effects on the other constructs such as recognition, cooperation and autonomy. To feel good, the DPO will need to be able to continue education and retraining.

## **3.2. Research question**

The trigger for this research was the fact that during presentations to DPOs, it was often suggested by speakers that DPOs are, after all, the happiest people in the world. Such statements were then often met with some green laughter by the DPO audience. When questions were raised on this response, DPOs vented about the difficulties they face in performing their duties, including: the resistance they face to introduce a data protection-friendly corporate culture, the heavy workload and the limited time and resources they are given to perform their tasks, as well as the complexity of the questions thrown at them. In addition, we hear stories among DPOs that they drop out with burnout or opt for a career change because it is really not an obvious job. Therefore, we thought it would be interesting to organise a survey about this among as many DPOs as possible in Belgium.

DPOs are at a crossroads where data management, personal data security and data protection legal frameworks converge. As a result, they have to possess an impressive mix of competences and perform large tasks (see earlier, 2.1 Data protection and the role of the DPO). Unfortunately, it seems that the DPO often has to perform all data protection tasks. This can result in an excessive workload, but also potentially in conflicts of interest. These issues have an impact on the psychosocial well-being of the DPO. The extent to which DPOs are happy in their job was examined based on several constructs (see earlier, 3.1. Constructs).

## **3.3. Research method**

The questionnaire was sent to about 4,000 DPOs via QuestionPro<sup>26</sup> in cooperation with Thomas More. Anonymity was ensured for completing the questionnaire. It was offered in Dutch, French and English, and contained more or less 40 questions regarding well-being within the DPO's job. The data collection took place between 22 March 2023 and 12 May 2023.

Content covered the above-mentioned constructs:

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<sup>26</sup> More info: [Free Online Survey Software and Tools | QuestionPro®](#)

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- Overall satisfaction (4 items on a 10-point scale, reduced to 1 average score for well-being),
- Cooperation (7 statements on a 5-point scale),
- Resources and time (7 statements on a 5-point scale),
- Autonomy and independence (4 statements on a 5-point scale) and
- Recognition (4 statements on a 5-point scale).

A response rate of 308 DPOs allows us to draw conclusions for the entire population of DPOs in Belgium with 95% reliability and a margin of error of 5.37%.

The variables mapping the profile of the DPO are:

- country of registration,
- gender,
- age,
- number of years of experience as a DPO,
- attended specific data protection training,
- education degree,
- member of specific networks,
- performance of the job alone or together with other experts,
- combination of the job with other functions (whether within the same organisation or not) and
- type of organisation in which one is DPO (government, private, hybrid).

A key focus here is that some categories are represented in too small absolute numbers in the dataset, so significant differences with the other categories should be read with caution.

In addition to a descriptive analysis of individual items within these constructs, studying the differences according to the DPO's profile, a regression analysis was performed. The regression analysis helps predict how much of the variance (in well-being) can be explained by the independent variables.

Well-being is the average score on the 4 items:

- (1) overall job satisfaction,
- (2) recommend the job,
- (3) the likelihood of continuing in the job and
- (4) the extent to which one remains motivated.

This well-being score was analysed in combination with the profile variables.

As a function of regression analysis, after factor analysis to confirm the internal consistency of the statements, average scores were calculated for all statements within a topic or aspect. Some negatively worded statements were first reversed for this purpose so that all statements within a topic or aspect could be worded in the same direction.

The regression analysis examined whether there is a strong correlation with the other topics or aspects, namely: 'autonomy', 'recognition', 'cooperation' and 'time and resources'. Conducted from the regression analysis, it can be concluded that the constructs we identified have an impact on the DPO's happiness to a greater or lesser extent. In this respect, autonomy has the least impact and cooperation has a greater impact. A combination of cooperation and recognition has the greatest impact.

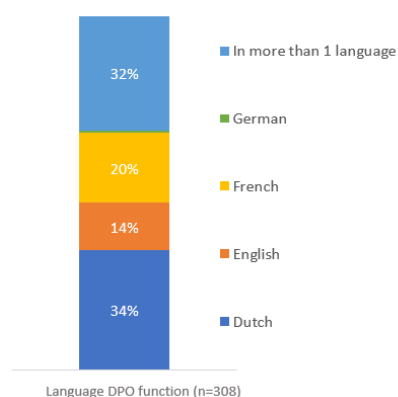
As indicated earlier, our research methodology took into account what is common in the context of surveys within the context of psychosocial risks and well-being (see earlier, 2.2. Psychosocial risks and well-being, and 2.3. Questionnaire as a research method).

### 3.4. The results

Due to sufficient responses to the questionnaire, we can virtually extend the results to the entire population of DPOs in Belgium. We suspect that around 4,000 DPOs in Belgium have registered themselves with the supervisory authorities. However, it is difficult to say this with certainty. On the one hand, DPO tasks are sometimes taken up by different people in, for example, a DPO team or through mechanisms such as 'DPO as a service'. Thus, when there is a team of DPOs, it is possible, for example, that only one person from that team is notified to the competent supervisory authority. Nevertheless, it is perhaps possible that our findings will apply to this group of DPOs. It is possible that a DPO is active in several organisations and in that situation, the DPO will be notified to the competent supervisory authority for each organisation. This while the DPO may be one and the same person.

As already explained above, we received back 308 fully completed questionnaires. Here, we should be aware that some categories of DPOs are insufficiently represented, e.g. when we have a result of less than 10 respondents out of 308. In these categories, it is better not to make generalisations.

#### First analysis



Before diving deeper into the correlation between the different constructs and the happiness of the DPO, it is worth pausing to consider the results in themselves and the general observations.

For instance, the majority of DPOs are Dutch-speaking (59%), while for 32% the performance of the function is carried out in more than one language (see Figure 1: DPO language). We also see that the majority of DPOs perform their function in Belgium (and beyond) (78% (and 10%)).

Figure 1: Language DPO

Very good to see, is that the gender distribution among DPOs is quite equal (see Figure 2: Gender identity). On the other hand, we see that DPOs are predominantly older (30+) and thus tend to be individuals with already some (life) experience. In terms of this experience in the DPO function, the majority have close to 5 years (or more) experience. This could mean that many DPOs who ventured into the new position of DPO in 2018 and 2019 are still doing so. There are also some who have longer experience in data protection or privacy, but rather as security consultants or

another similar position (see earlier, 2.1 Data protection and the role of the DPO).

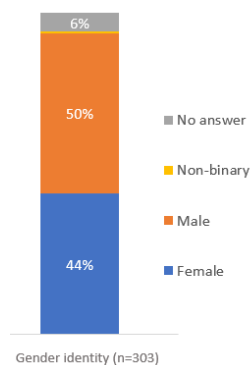


Figure 2: Gender identity

We investigated the level of education of the DPO, finding that not only do they predominantly hold a bachelor's degree or higher (94%), but that a overwhelming majority (94%) had received specific training as a DPO, 87% of which followed training of 5 or more days (see Figure 3: Targeted training). Training and education thus seems very important for a DPO and has a great impact on the DPO's happiness. In all likelihood, this is related to the technical and legal aspects of the GDPR, which can be significantly challenging without additional explanation.

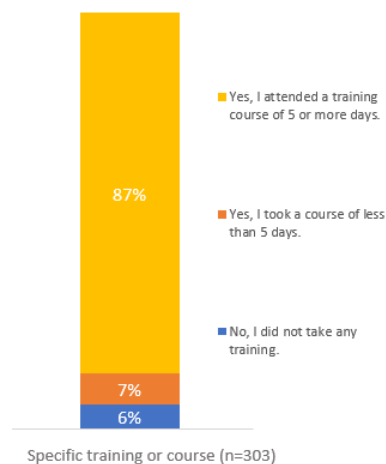


Figure 3: Specific training

Typically, DPOs are members of a professional organisation (36%) such as dpo pro, AFCDP, ... or members of an inter- or intra-sectoral network of other DPOs (37%).

A majority (42%) of DPOs collaborate within their own organisation with other experts in the field of information security (e.g. (Chief) Information Security Officer ((C)ISO) and data protection (e.g. (Deputy) DPO). But, we still see that 39% of DPOs are on their own in the performance of the job.

DPOs usually combine their job with another position (57%), of which 43% are within the organisation and 14% outside the organisation where they also work as DPOs. In this regard, many DPOs indicate that the workload is actually too high.

If we then look at what kind of organisations DPOs mainly work for, it is no surprise that 32% operate in a government organisation, as in this sector it is mandatory to appoint a DPO. However, the majority (46%) of DPOs operate in a private organisation.

The combination of the two previous paragraphs (see Figure 4: Cooperation and type of organisation), shows that the distribution 'working alone' or 'as part of a team of experts' in private organisations is fairly equal (43%-42%), while in public organisations 53% of DPOs work together in a team of experts and only 37% work alone. Peculiar is the fact that in a hybrid company (private-public), more than half of DPOs work there again alone (52%). It would be interesting to conduct more additional research on this to have more insight into the interpretation for this (see further, 6. Possibilities for additional research).

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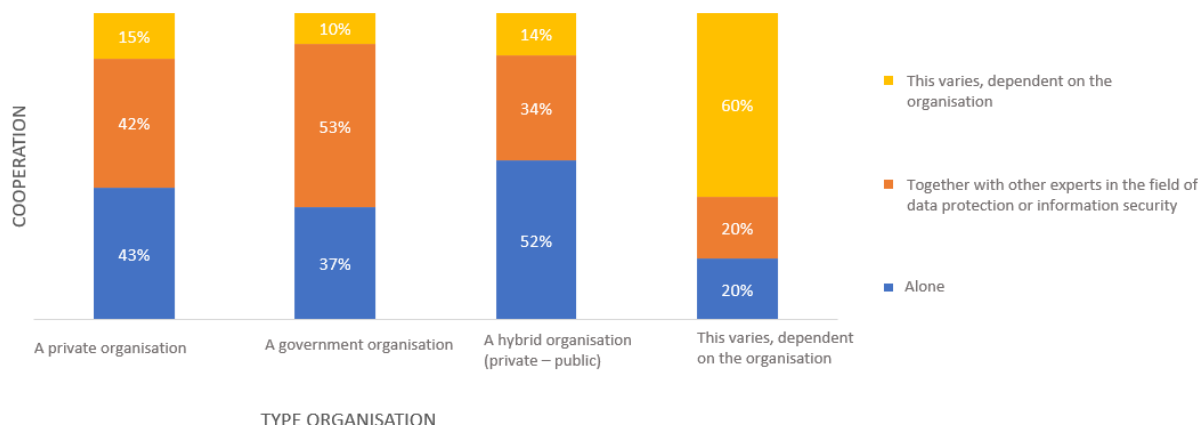


Figure 4: Cooperation and type of organisation

### The happiness of the DPO

After the general results, this section goes deeper into the happiness of DPOs and what issues can affect them.

To gauge the DPO's job satisfaction and happiness, the following questions were asked of the various respondents:

- Overall, to what extent are you satisfied with your current job as a DPO?
- To what extent would you recommend your job as a DPO?
- How likely are you to continue your job as a DPO?
- To what extent do you manage to stay motivated in doing your job as a DPO?

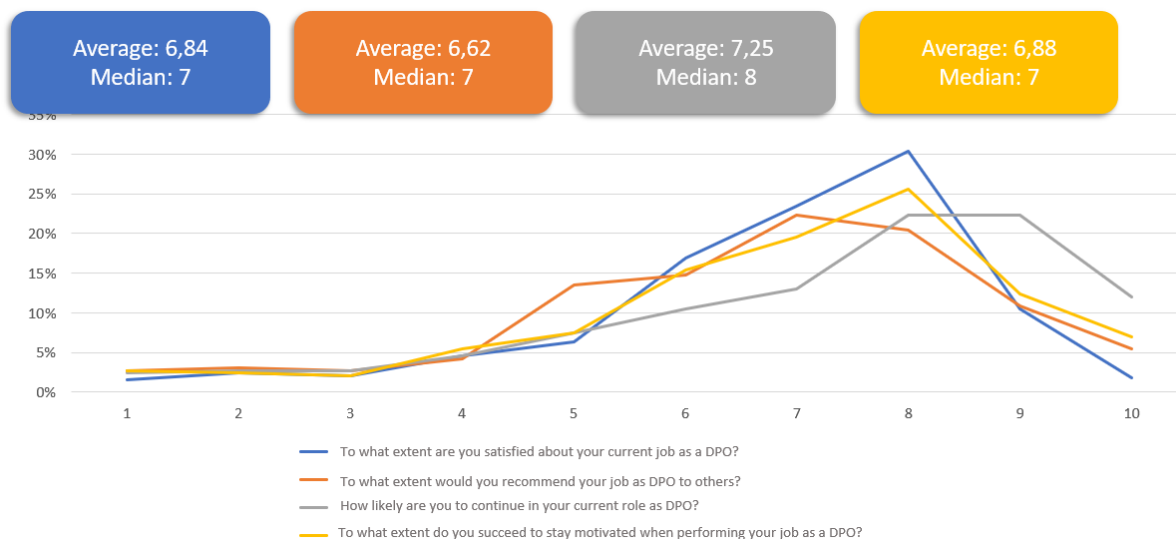


Figure 5: Overall job satisfaction

First of all, we note that age and gender have no bearing on the happiness of the DPO.

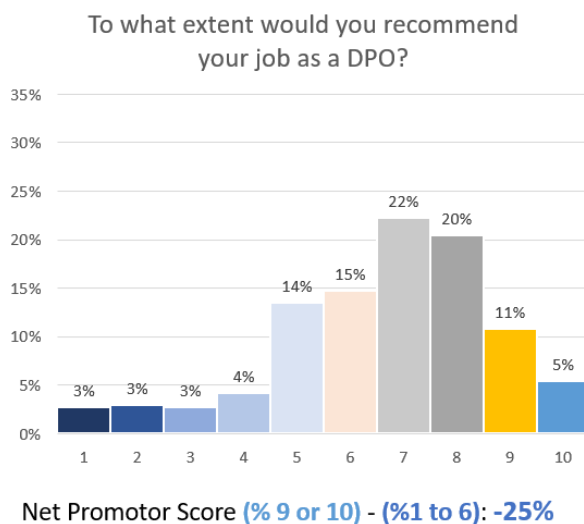
Overall, the DPO is definitely happy and there is a strong positive correlation between 'wanting to stay in the job and being able to stay motivated' and there is a moderate positive correlation between 'overall satisfaction' and 'wanting to stay in the job' (see Figure 5: Overall job satisfaction).



The happier someone is and the better that person can stay motivated, the more likely the DPO, will want to stay DPO. Other determinants of this happiness include the degree of cooperation with other DPOs and roles such as (C)ISOs, the type of organisation and whether or not the person is a member of a network.

Despite the general satisfaction, we see that one in five of DPOs are not sure whether they will continue in the job in the future. This is equally true in both private and public organisations. We also see in practice that companies regularly (have to) change DPOs. One's experience as a DPO does not seem to play a role in this: both experienced and less experienced DPOs feel this way. However, DPOs who are members of a network indicate that they want to continue holding the position.

Surprisingly, DPOs are still not so inclined to recommend their job to others (only 6/10), which



translates into a very low *Net Promoter Score* of -25% (see Figure 6: *Net Promoter Score*). We make the observation here that the position of DPO probably has a negative image both inside and outside organisations. This undoubtedly has a negative impact on others and may act as a brake on the influx of new DPOs. Furthermore, the high level of negativity about the job as DPO will also undermine one's own happiness. When DPOs cooperate with others, attend training courses or are part of a network, they are more likely to recommend the job to others.

Figure 6: *Net Promoter Score*

Finally, DPOs generally do continue to find motivation in their jobs. The group of DPOs (1/5) who fail to do so could positively influence this by cooperating (more) with others, joining a network and/or taking additional training courses.

### **Autonomy and independence**

A first construct we studied was how autonomy affects a DPO's happiness. In the profession of the DPO, this autonomy and independence, being able to fill the position freely, without external coercion, is a legal requirement.

In addition to his three core tasks of informing, advising and monitoring data protection compliance, which is already often a full-time job, the DPO will regularly have to perform many other tasks, such as, for example, drawing up the records of processing activities and following up on personal data breaches. It is therefore even more important that the DPO is free to prioritise the tasks.

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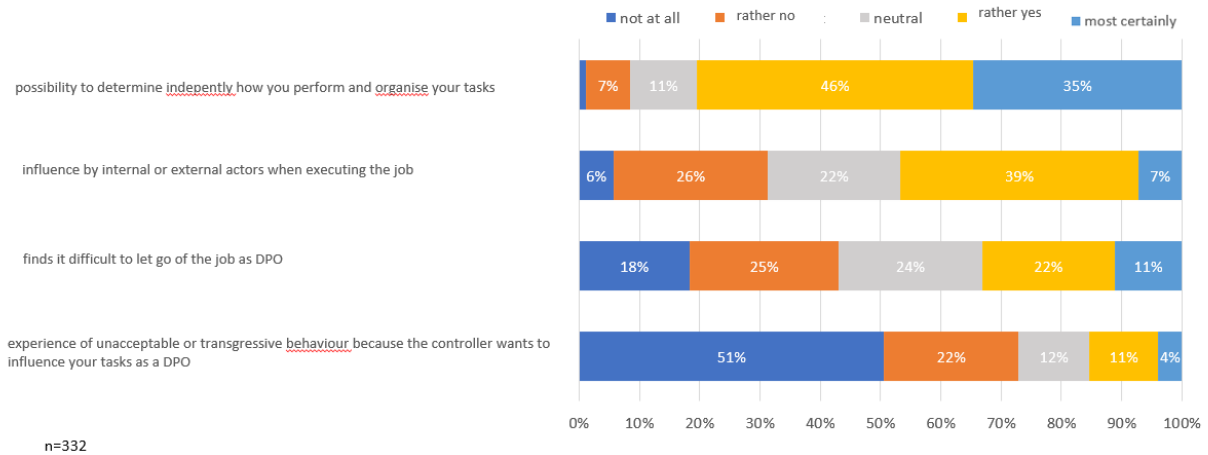


Figure 7: Autonomy and independence

Fortunately, we note that the majority (81%) of DPOs are free to carry out the tasks themselves, but on the other hand, a large proportion (46%) of DPOs experience pressure from external actors when carrying out their tasks (see Figure 7: Autonomy and independence). At first glance, this seems contradictory, but this is partly explained by autonomy in itself.

Indeed, a downside of autonomy may be that the controller or processor is not aware of the DPO's various tasks. Without the necessary transparency, unpleasant situations may arise, where the controller or processor would like to exercise more control over the DPO or there is a risk that certain issues will not be picked up due to a lack of clarity in the different roles and responsibilities. Autonomy should therefore always be accompanied by sufficient transparency and communication. On the other hand, various actors are active in an organisation, each with their own interests, responsibilities and wishes and sometimes from their core business activities. These will not always coincide with the DPO's concerns and may put pressure on the DPO's functioning. However, this is not in itself problematic, but rather part of the DPO's remit. We see that only 15% of DPOs indicate that they sometimes experience inappropriate behaviour, such as being pressured, threatened with dismissal, the organisation withholding information, not informing the DPO, and such more.

It should be noted that it is mainly the more experienced DPOs who have to contend with these problems. Gender does not seem to play a role. It is also striking that DPOs who work and/or are registered in Belgium and abroad, are confronted with this significantly more often than DPOs who are only registered in Belgium.

Of course, we would like to see this number decrease in the future, but it is already good to see that this is not a frequent problem among DPOs in Belgium (see earlier, 2.4 Comparative studies).

Whether DPOs can easily let go of their work, they disagree, with just barely an even split between can and cannot. This seems to depend very much on the circumstances in which DPOs find themselves. For example, DPOs in private companies tend to have more difficulty letting go of the work, while on average, this seems to be easier in public organisations. Combining the position of DPO with another position within the same organisation and not being a member of a network also have a negative impact on this aspect. The former may be due to a too large range of tasks, which may make one feel obliged to continue working after hours or create additional concerns. In turn, the lack of a network may manifest itself in more worrying about the right solutions because of the lack of a sounding board or sounding boards.

Although the regressive analysis shows that the impact of autonomy and independence on the DPO's happiness is the smallest of the different constructs surveyed, the DPO should still be careful about this. To preserve or improve the autonomy and independence, a DPO will have to properly communicate the duties and results to the controller or processor.

In rare cases, we also find that DPOs are really not feeling well. One cause is cases of transgressive or inappropriate behaviour from executives. The DPO is put under pressure to be less strict in enforcing data protection provisions. Thus, they are side lined, deliberately misinformed or not enough informed about how the organisation operates or, in some cases, even intimidated.

### Resources

A DPO should have an overview of the various data flows within the organisation and be able to know what happens to this personal data or how it is processed. However, it happens that they encounter various problems with information collection or do not have the technical or specific knowledge to understand the information.

All these things take time and require certain resources to be put in place to enable the DPO to perform the role properly or better. Therefore, in our questionnaire the distinction was made to find out whether a DPO is given this time, whether it can find out information, whether it is supported, given resources, and so on. For these statements, we see that DPOs widely differ in their opinions. This can be explained, at least partly, by the different work situations DPOs find themselves in.

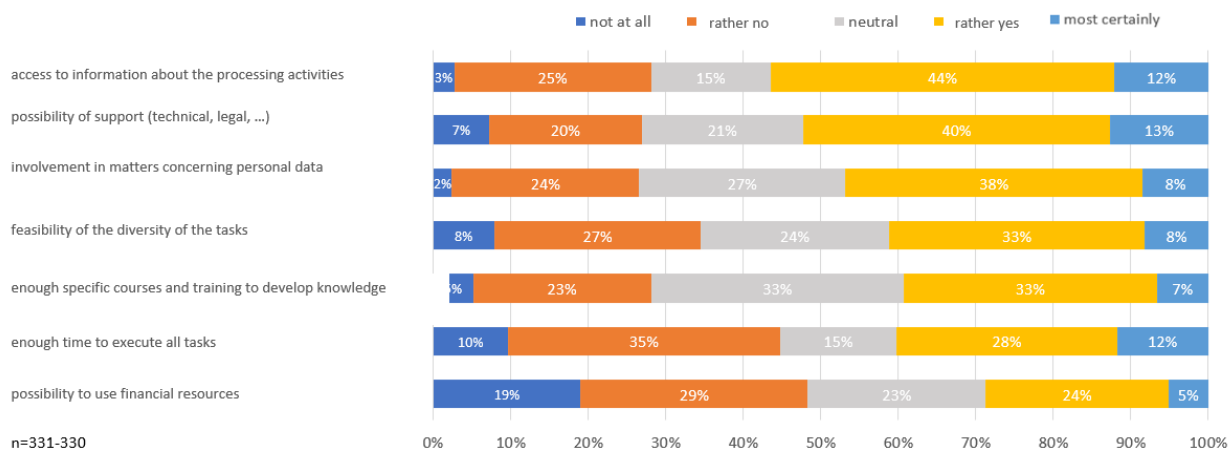


Figure 8: Resources

Fortunately, a majority of respondents indicated that they have sufficient access to information on personal data processing operations, and it is mainly in private companies that this is good.

In turn, the 'feasibility of diversity task package' scores worse, with 45% of DPOs perceiving this as insufficient. Looking further, we find that this is mostly a problem in government organisations.

DPOs in government organisations are incidentally the big losers in this category, scoring below average in almost all categories, only in training the hybrid companies score worse. From practice, we see that it is mainly the DPOs from government organisations who indicate being under pressure and are pressed for time.

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As with autonomy, the regression analysis shows that the impact of resources on a DPO's happiness is not that great. Nevertheless, it is important to ensure that DPOs are given sufficient time and resources to perform their tasks. This is also a requirement from the GDPR, Article 38.2. In addition, this can benefit the DPO's peace of mind and well-being, but also improve the overall quality of the work.

### Cooperation and support

When a DPO issues an opinion, this opinion will not always be followed for many reasons. Without good arguments for this, a DPO may feel that his happiness has been harmed. The DPO may then get the impression that the job has no impact or usefulness (see also below, Recognition). When advice does get followed, it may increase the pressure on the DPO to perform more and there may be fear of failure.

A safety net in the form of cooperation with other colleagues can increase self-assurance and thus boost the DPO's overall well-being. In addition, good cooperation and understanding with other actors or staff within the organisation is important.

Besides cooperation, a DPO needs to be supported. This includes management or leadership within the organisation, which must give them space to perform their duties. But, this should ensure that the DPO enjoys a certain level of authority within the organisation and that there is a good working atmosphere. Also, the DPO expects support from the competent supervisory authorities.

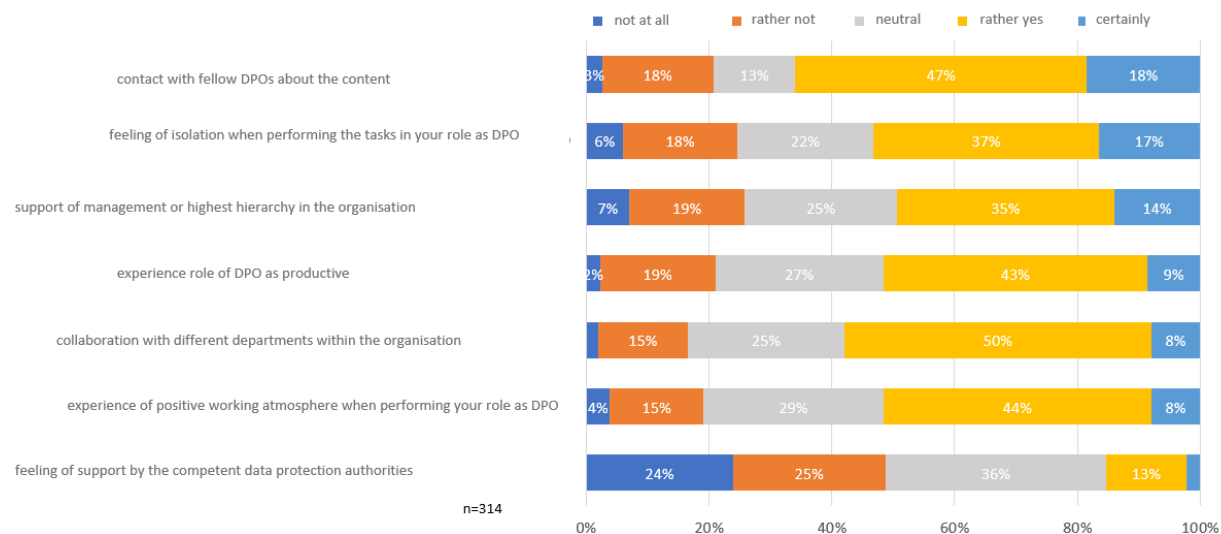


Figure 9: Cooperation and support

60% of DPOs shed light on having sufficient contact with fellow DPOs, but a majority (54%) also reported feeling isolated in the performance of their tasks (see Figure 9: Cooperation and support). Big victims here are DPOs working alone. The more isolated DPOs indicate that they receive less support from management and experience less cooperation with departments within the organisation.

Somehow, the isolation is partly inherent to the function of the DPO. In the performance of the three core tasks, the DPO will always have to keep sufficient distance to remain as objective as

possible and maintain his independent position. This isolation is more prevalent in government institutions, but the contact with fellow DPOs within such organisations is better.

Worryingly, a quarter of DPOs state that they are not sure that their role is productive, but another quarter state that they are convinced that their role is productive. These feelings are particularly prevalent among inexperienced, untrained and lone-working DPOs. Again, government organisations are the bad students of the class. In turn, being a member of a network has a positive impact on this perception.

There is a lack of sense of assistance from the competent supervisory authorities and, more explicitly, in the open field provided for general comments, many respondents indicated that they need support from the Data Protection Authority (DPA). About 50% of DPOs experience too little support from the competent supervisory authorities (see further, 6. Opportunities for additional research).

The feeling of support from competent supervisory authorities is more present among DPOs who combine their function with another function within the organisation. Especially the more experienced DPOs seem to lack this support. Possibly, we can infer that support or assistance from (certain) competent supervisory authorities remains too much on the surface. The competent supervisory authorities do not fulfil their role in terms of data protection according to the more experienced and full-time DPOs.

In general, though, it can be said that DPOs who have received some (specific) form of training or are members of a network have a more positive attitude within this construct.

Together with recognition, cooperation and support are the most important constructs for determining the happiness of the DPO. Due to the mixed results and large differences depending on situation, it is clear that some efforts can still be made here.

### Acknowledgement

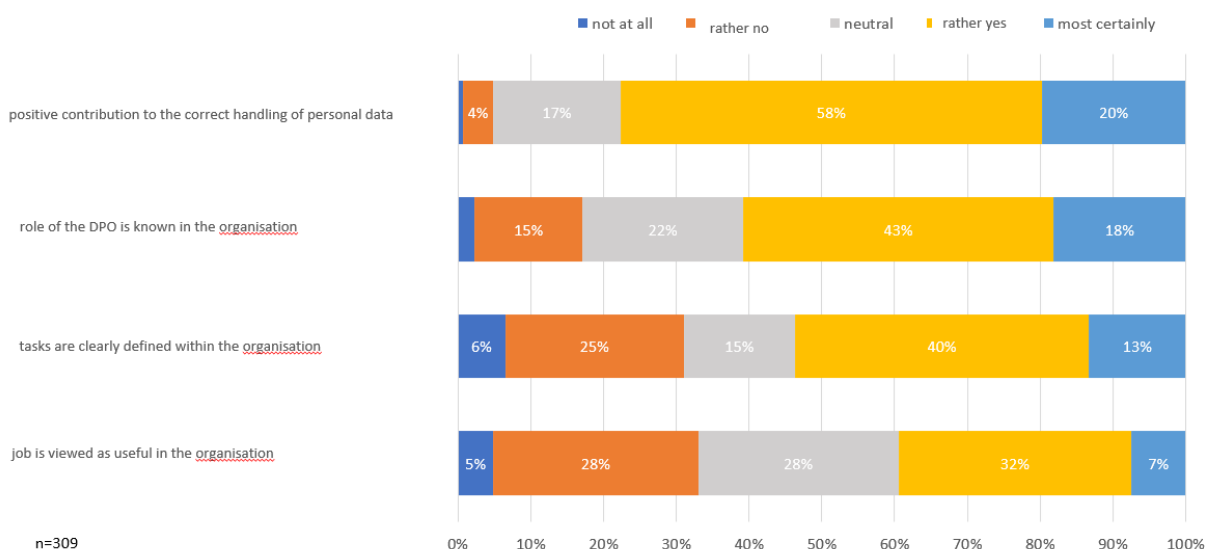


Figure 10: Recognition

In terms of recognition, we see a cautiously positive result, but the majority (68%) of DPOs believe they make a positive contribution to the protection of personal data (see Figure 10: Recognition).

On the other hand, 39% of DPOs are not so sure that the role is known within their organisation. This feeling is especially prevalent among DPOs who are active in government organisations and among starting DPOs. The latter is perhaps not so surprising, but indicates that the tasks of a junior DPO, namely to build from scratch a data protection-compliant organisational structure, is hampered by a lack of familiarity and recognition within the organisation. Despite the positive result of the first statement, 39% indicate that they do not find the job as DPO meaningful within the organisation. Again, it is government organisations, as well as hybrid companies, that score poorly here.

Unfortunately, we are left guessing as to the reasons for the contradiction between these two statements. We could argue that although DPOs feel that they have an impact on the processing of personal data in general, this impact may not be sufficient to make a real difference within the organisation. Another possibility could be that a DPO does not see the tasks as meaningful because they are not part of the company's core tasks or core business activities.

Finally, we see that opinions differ on the range of tasks within the DPO's organisation, despite the fact that the DPO's duties are legally defined in the GDPR and other data protection provisions. Again, it is the junior DPO who mainly experiences that the range of tasks is unclear. A possible explanation could be that junior DPOs are more likely to perform the tasks of the data controller or processor, such as drafting, and not merely advising, on data protection impact assessments, while more experienced DPOs are more likely to dare to delineate the range of tasks towards the data controller or processor.

However, the survey does show that DPOs who are members of a network or cooperate with other experts are generally more positive about the construct of 'recognition'.

## 4. Tomorrow's DPO

What the results of this survey clearly show, is that the DPOs have a lot of factors in hand to make themselves feel good in the job. We zoom in on 3 key elements that can make a DPO happier: cooperation, measurement, and learning and networking.

### 4.1. Cooperation

In essence, the DPO's task comes down to getting data protection high on the agenda in the organisation through good cooperation with everyone processing personal data within that organisation. These may be complex tasks (e.g., managing an ICT environment in which personal data are processed), repetitive tasks (e.g., a registration of visitors at the counter or reception) or rather ad hoc processing. They may have a major impact on the data subject(s) or rather limited in terms of their impact on the rights and freedoms of data subjects. All these tasks deserve adequate attention and should be carried out correctly.

Cooperation is a first factor that matters. DPOs should therefore work to embed their tasks in the organisation. Sometimes people refer to this objective with the term 'governance'. A clearly defined and known set of tasks of the DPO, but also clear expectations towards everyone processing personal data, is therefore crucial. The DPO should communicate its own tasks and set clear expectations regarding the processing of personal data. The DPO should adequately check opinions and assess the feasibility of their implementation together with all actors. Thus,



the balance between compliance with legal requirements and a meaningful and feasible working method is important. We conclude that an operating point for the DPO is that they should maintain a positive attitude in this regard and not fall into a negative spiral when things go wrong.

This cooperation should also be measurable. Data protection programmes should therefore be designed from clear objectives that, where possible, align with the organisation's self-imposed objectives. Those objectives should be measurable and subject to periodic monitoring. Measurable objectives are, in a sense, a fulfilment of the task of oversight that a DPO has to fulfil. For example, the preparation of a data protection impact assessment should consider how to measure the maturity of the measures to be taken, and its measurement should effectively be part of the risk management plan. These measurements should take place periodically and form part of the reporting that a DPO can expect.

## 4.2. Learning and networking

Here, the DPO should have the reflex and create the opportunity for external review, this through learning and networking. Both internal and external reassessment is important. Being inspired, seeking a sounding board and retraining oneself are determinants of happiness that clearly emerge from our questionnaire. After all, a DPO's advice can sometimes have a significant impact on innovation, (perceived) efficiency and scalability of the organisation. By testing off, sharing and (further) deepening, the DPO can be inspired and more thoughtful, with a positive impact on the outcome itself (e.g., a realistic advice) as the feeling that comes with it, confident and reasoned.

## 5. The DPO of the future

It is useful to look ahead in order to have perspective on future happiness or unhappiness in the job as a DPO. In this section, the aim is to address this by providing a glimpse into the DPO's future challenges.

### 5.1. A world in change

The world and the time do not stand still. Further evolutions and developments are taking place in various fields. In what follows, we give a general overview of these illustrated with some examples.

#### ***Scientific and technological changes***

With constantly evolving science and technology come new challenges. Applications from artificial or artificial intelligence (AI), such as ChatGPT<sup>27</sup>, seem impossible to imagine our daily lives without, even without a legal framework in place. The technicality of security measures is becoming more sophisticated and organisations need to keep up to avoid falling too far behind with regard to potential security incidents or personal data breaches. The role of a (Chief) Information Security Officer ((C)ISO) becomes more important in this regard. This means that it may become more difficult for the DPO to provide the necessary advice on security (e.g. GDPR, Article 32) just because more and more technical expertise is required.

#### ***Economic changes***

Digitalisation is increasingly taking hold on the economic front, alongside, for example, the new cryptocurrency 'bitcoin'<sup>28</sup>. Cash payments seem to be happening less and less, while digital

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<sup>27</sup> More info: [ChatGPT \(openai.com\)](https://openai.com)

<sup>28</sup> More info: [Bitcoin - Open source P2P money](https://www.bitcoin.com)

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modes of payments such as PayConiq<sup>29</sup>, PayPal<sup>30</sup> and others are making their further rise. This has a data protection impact as more personal data is processed by, for example, the providers of these systems and banks, and that other data flows arise.

### **Political changes**

Even in supposedly liberal and secular Europe, we are seeing a rise in extreme parties that may put pressure on certain human rights principles, such as gender equality. This means that risks to the rights and freedoms of individuals from the LGBTQ+ community are potentially higher in certain countries and may require even more careful handling of special categories of personal data (GDPR, Articles 9 and 10). Another example: within Europe, we are facing more war situations due to, for example, the war between Ukraine and Russia. The free flow of personal data is also an aspect of the GDPR, but so are the risks to the rights and freedoms of data subjects when personal data ends up in alleged wrong hands.

### **Legal changes**

The EU AI ACT is coming (see earlier, Scientific and technological changes).<sup>31</sup> In this regulation, the AI Ethics Officer makes its appearance.<sup>32</sup> But, how will this function relate to the role of the DPO? Through the Whistleblowing Directive<sup>33</sup>, organisations must appoint a confidential advisor to (initially) deal with whistleblower reports, known as the Reporting Manager. There too: what is the consequence of this new position in relation to the DPO, who also assumes a trust role. Another aspect: the transposition of the Cybersecurity Directive or NIS2 is currently being actively pursued in Belgium.<sup>34</sup> The risk-based approach of the GDPR is also reflected in this and here there is a link to the security requirements under the GDPR. On 5 January 2023, the Corporate Sustainability Reporting Directive (CSRD) came into force.<sup>36</sup> This directive requires companies to take sustainability measures.

### **Environmental changes**

The CSRD naturally came about because climate change that is increasingly forcing us to think differently about and deal with our raw materials. A trend towards a more cyclical approach in this respect has already started and is present in the street scene through second-hand shops and up-cycling initiatives, among others. These changes also have an impact on the role and tasks of DPOs. A concrete example is that certain hardware on which highly sensitive personal

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<sup>29</sup> More info: [Feel free to pay online with your Payconiq by Bancontact app | Payconiq by Bancontact](#)

<sup>30</sup> More info: [Pay, Transfer Money and Accept Card Payments Online | PayPal BE](#)

<sup>31</sup> More info: [EU AI Act: first regulation on artificial intelligence | News | European Parliament \(europa.eu\)](#)

<sup>32</sup> Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on Artificial Intelligence (Artificial Intelligence ACT) and amending certain union legislative acts, COM/2021/206 final, last accessed 17 January 2024 via [EUR-Lex - 52021PC0206 - EN - EUR-Lex \(europa.eu\)](#)

<sup>33</sup> Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, last accessed 17 January 2024 via [Directive - 2019/1937 - EN - eu whistleblowing directive - EUR-Lex \(europa.eu\)](#)

<sup>34</sup> Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive), last accessed 17 January 2024 via [Directive - 2022/2555 - EN - EUR-Lex \(europa.eu\)](#)

<sup>35</sup> More info: [The NIS 2 Directive: what does it mean for my organization? | Centre for Cyber security Belgium](#)

<sup>36</sup> Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting, last accessed 17 January 2024 via [Directive - 2022/2464 - EN - CSRD Directive - EUR-Lex \(europa.eu\)](#)

data is stored, is sometimes physically destroyed after a certain period of time. But, given that this hardware consists of precious metals, among other things, its destruction will have to be done in other ways in order to recover and reuse the precious metals. And this, of course, without compromising the effectiveness of personal data destruction.

### ***Moral changes***

Also, moral boundaries seem to be shifting or even blurring. For example, there is a difference between how people behave in the virtual world and how they behave in the real world. There is the appearance of distance in the virtual world so that, for example, throwing harsh accusations online is more common, even though this is still not respectful behaviour. Series like *Heroes of the Internet*<sup>37</sup> also show this, for example.

### ***Social changes***

Similarly, the way we interact with each other is changing. For instance, we communicate more and more via social media or other means. For instance, images say more than words, and so filming on the street or in other environments (e.g. concerts) is becoming more socially accepted. Our way of communicating is also becoming more fleeting. We no longer seem to read articles in full, but only the titles, increasing the risk of fake news. Among other things, this can concretely mean that when the DPO provides information within the organisation, the DPO will have to take more into account the way people communicate or interpret things.

### ***Other changes and everything hangs together***

The discussed changes all affect each other and are, of course, related. There are potentially other changes to be detected in other domains. It is important for the DPO of the future to be aware of these developments and to know that this forms the context in which we live, and thus need to work in as DPOs.

## **5.2. Will the DPO become a DEO (*Data Ethics Officer*)?**

The role of the DPO is changing, given that the world is changing (see earlier, 5.1 A world in change). In day-to-day life as DPO, we help controllers and processors translate the requirements from the data protection provisions into practice. But, the GDPR itself stipulates the importance of that practice. In fact, it is one of the reasons why the GDPR came into force, as we can read in several recitals of the GDPR, among others, the importance of economic and social integration (recital 5), technological developments and globalisation (recital 6), the digital economy (recital 7), and so on, is explained.

Our DPO tasks require us to take into account the context of the processing purposes, and the data protection impact assessment even explicitly include that it's about the risks to the rights and freedoms of natural persons (see earlier, 2.1 Data protection and the role of the DPO). As already indicated in the previous section, those risks will change as our context evolves. It goes further and wider than just the right to data protection. In the future, the focus of the DPO may be more and more on human rights in general and thus the Charter of Fundamental Rights of the European Union<sup>38</sup> rather than just on the right to data protection and the GDPR. Ethics can be a

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<sup>37</sup> More information (*Heroes of the Internet*): [Helden van het Internet \(goplay.be\)](https://www.goplay.be)

<sup>38</sup> Charter of Fundamental Rights of the European Union (2012/C 326/02), last accessed 16 January 2024, via [EUR-Lex - 12012P/TXT - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/eur-lex.do?uri=CELEX:32012P0002:EN:EUR-Lex).

guide in this regard, or as former *European Data Protection Supervisor*, Giovanni Buttarelli already stated in 2017: "*Ethics comes on top of data protection law implementation*".<sup>39</sup>

## 6. Opportunities for additional research

This research has attracted attention from various stakeholders within the field of data protection. However, additional research is needed to explore not only additional aspects regarding the role of the DPO and the well-being in the job, but long-term research may also be of interest.

As clarified (see earlier, 3. Today's DPO), from our questionnaire we were able to establish several correlations between certain profile factors of the DPO (e.g. member of a network) and their well-being (e.g. sense of isolation). Unfortunately, we cannot fully explain the causes of these correlations. It would therefore be useful to conduct additional research to measure certain interpretations of our study against or more specifically investigate further. For instance, it could be interesting to interview former DPOs. That way, we can better interpret what the underlying reasons are for changing jobs or why DPOs drop out. For example, does this mainly have to do with the diverse range of tasks or perhaps rather with the fact that the personality does not match the DPO's role? Or maybe there are other reasons? There was also an option in the questionnaire to provide additional information or comments (see earlier, 3.4. The results, Cooperation and Support) via an open field. An in-depth analysis of this was not made (yet). It may provide useful information to do so and possibly be used for further (qualitative) research.

In turn, launching the questionnaire in other member states could provide fascinating results to possibly draw conclusions or observe correlations at the European level.

A series of aspects were not covered in our questionnaire, but can certainly be further examined in future research, such as:

- Is there a correlation between the construct recognition and the remuneration the DPO receives?
- Is there a correlation between the well-being of DPOs according to their educational background, e.g. whether they have general or specific (e.g. ICT, legal, etc.) training.
- Could a Belgian labour law or framework for protecting DPO's independence make the DPO feel happier?
- How does the DPO deal with the confidentiality requirement and does it have a specific impact on the DPO's well-being?

As stated, the role of DPO is changing because the world is changing. This raises the question of how will the DPO further and effectively relate to roles such as (Chief) Information Security Officer ((C)ISO), AI Ethics Officer and other roles with similar tasks. Although some has already been written about the difference between the predecessors of the DPO such as information security counsellor, interpretations in this regard are subject to change, different or new perspectives. Both additional research on the historical aspects of the DPO's role and future changes in the interpretation of the DPO's role can certainly add value.

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<sup>39</sup> More info: [A Conversation with Giovanni Buttarelli about The Future of Data Protection: setting the stage for an EU Digital Regulator - Future of Privacy Forum \(fpf.org\)](#)

## 7. Conclusion

Overall, we can say that DPOs are happy. But, we find that there are still several areas for improvement, with aspects around recognition, cooperation and support in particular, needing extra attention. Partly because the regression analysis showed that precisely these seem to have the greatest impact on the DPO's happiness factor.

Moreover, the different types of organisations can learn from each other. There are things that government organisations score poorly on, while private companies score better and vice versa. So we cannot say that one sector works better than the other, but obviously each has its pros and cons. Ideally, they both work on their negative points so that DPOs become even happier, but in practice, DPOs will have to find their match, based on their personal preferences and background.

DPOs can take matters into their own hands and improve their happiness. In almost all the statements, we saw that DPOs who had received specific training on data protection or were affiliated with a network scored higher in the statements and were therefore happier. It is appropriate that the DPO does not remain in isolation, but actively seeks or continues to seek contact with fellow DPOs. Networking is also important within the organisation and demonstrating progress by measuring targets is crucial.

Given the various developments in different domains in an ever-changing world, and given the fact that the DPO's tasks include taking into account the context of processing purposes, it seems that the DPO's focus will increasingly shift to an ethical approach that goes wider than just data protection law and thus looks more broadly at all fundamental rights. Many challenges await DPOs due to evolutions regarding digitalisation, as well as regulation and others. We hope that this will not make DPOs unhappy, but that they see this as an opportunity to further educate themselves and join networks or other partnerships. After all, for these two elements, it is proven from our questionnaire that they increase the happiness of the DPO!

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As far as we are concerned, this asks for more and we want to continue working, together with them, to make DPOs happier and keep it that way!