

- f. DPA 2018 and the government's GDPR guidance leave the matter of whether DPOs are directly employed or not open, despite the requirement that DPOs are independent. The reason that such apparent ambiguity is possible can be found in Section 70 of DPA 2018, which is sufficiently relevant to the argument of this paper that it is reproduced here in full, in Appendix C.
- g. It can be seen that Section 70 of DPA 2018 sets a legislative firewall around the post of Data Protection Officer that renders the question of who employs them redundant. The independence of the postholder is protected such that the direct employment of DPOs presents no risk to that independence.

#### 4. The Suggested Model

- a. An equivalent of Section 70 is, this paper argues, what is missing in relation to the role of Diocesan Safeguarding Adviser (or, as suggested here, 'Officer') within the specific case of the Church of England. Were such legislation to be drafted, enacted and implemented, it would create a similar firewall around the post of Diocesan Safeguarding Officer, such that a DSO would be entitled to act in their own authority with regards to certain key safeguarding tasks. Responsibility for executing these tasks would, *in the normative case*, rest with the DSO and not with the Diocesan Bishop.
- b. It is not intended to present a full list of such tasks here, but briefly, this paper suggests that they should cover the following main areas:
  - i. Reporting safeguarding-related matters to the statutory authorities.
  - ii. Suspension of clergy in response to safeguarding-related concerns regarding risk.
  - iii. Commissioning and instructing safeguarding investigations as required.
  - iv. Commissioning and instructing risk assessments during the course of, or following, formal investigation into safeguarding-related matters.
  - v. Ensuring that adequate support is given to complainants in safeguarding-related investigations, including criminal investigations and complaints made under the Clergy Discipline Measure.
  - vi. Reporting safeguarding-related matters to the National Safeguarding Team.
  - vii. Reporting safeguarding-related matters to the Charity Commission.
  - viii. Commissioning learning-lessons case reviews at the culmination of a case (although, as per current guidance, it is envisioned that the Chair of the Diocesan Safeguarding Advisory Panel should retain oversight of this process).