WHO PROTECTS THE PROTECTOR?

Navigating Legal Adversaries, Difficult Personalities, and the Stress of the DPO Role



AI-generated image

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Learning Outcomes

1. Recognise who the “opposing parties” are and what drives conflict in the DPO role
2. Apply mediation and de-escalation techniques to hostile and difficult exchanges
3. Use documentation and Article 38 safeguards to protect your professional judgement
4. Handle contentious and AI-assisted DSARs in a way that is defensible
5. Recognise the warning signs of stress and burnout in yourself and your peers
6. Build a personal protection plan for your physical and mental health

The Reality of the DPO Role

The DPO sits at the crossroads of regulatory obligation, organisational pressure, and interpersonal conflict often with little support.



“It can feel like sitting outside the tent close enough to see everything, but never quite let in. Present enough to be blamed, absent enough to be ignored.”

CEDPO DPO Survey 2024

Data Protection Officers are expected to be independent, expert, and always ahead of the curve, but the 2024 CEDPO survey suggests the role comes at a cost. Conflict with management, constant regulatory change, and mounting pressure are shaping the working lives of DPOs across Europe. So today I want to ask a simple question: who protects the protector?

Some of the “more negative responses”

- Independence of the DPO: 50% conflict with management and information manipulation
- Working Life of the DPO: A majority of DPOs consider that it is a stressful job (65%), but the majority reported that this stress did not impact their mental health (59%) or physical health (73%)
- Working Life of the DPO: DPOs reported that it is challenging to keep up-to-date with data protection laws, guidance and case law, with 84% agreeing that it is sometimes or often difficult
- Support and Protection of DPO: 32% wanted DPAs to include a systematic review of the working conditions to be included in DPA inspections

Source: 2024 CEDPO DPO Survey - Confederation of European Data Protection Organisations

Who can be the "Opposing Parties"?



Legal

Opposing legal team, contract disputes, contested agreements



Other DPOs

Cross-organisational disputes over roles, designations, and duties with other external DPOs



Regulators

Formal inquiries, audits, and enforcement contact



Internal Stakeholders

Boards, senior leadership, and competing commercial priorities



Data Subjects

DSARs, complaints and requests used as leverage in wider disputes

CASE SNAPSHOT 1

The Aggressive Counterpart

- An opposing DPO disputed a formulaic Joint Controller Agreement, rejecting the designation of parties outright.
- The pushback included ridiculing comments, unfounded arguments, and hostile framing escalated directly to senior leadership of the providing DPO rather than resolved DPO-to-DPO.
- A counter-agreement was then presented from the opposing DPO, template document (no nuance and no recognition of the Joint Processing of the parties) and it was accepted, because the business did not want to jeopardise the commercial relationship and so negating their DPO's guidance.

Takeaway: *When commercial pressure overrides, the DPO is left holding the can and the organisation just signed away their position.*

Why Conflict Escalates

The behavioural drivers behind combative exchanges



Ego & Territory

Protecting professional standing or "being right" outweighs resolving the issue



Risk-Aversion

Fear of personal or organisational exposure drives defensive, rigid positions



Misaligned Incentives

Commercial goals and compliance obligations pull in different directions



Poor Communication

Assumptions, jargon, and unclear framing turn disagreement into conflict

Common Difficult Behaviours & Attitudes

Behaviours and Tactics that surface when the other side feels cornered

Defensiveness

Deflecting valid points rather than engaging with them

Ridicule

Undermining credibility through mockery instead of argument

Stonewalling

Refusing to engage, respond, or move a position forward

Aggression

Escalating tone or language to pressure a concession

Selective Framing

Presenting only the facts that support one position

Going Over Your Head

Bypassing the DPO to pressure senior leadership directly

The Mediator's Lens

Reframing conflict using core mediation principles

- **Neutrality**

  Stay outside the emotional charge of the dispute even when it targets you directly

- **Interests, Not Positions**

  Ask what the other side **actually needs**, not just what they are demanding

- **Active Listening**

  Reflect what you hear before you respond; it de-escalates by default

- **Reframe, Don’t React**

  Turn accusations into shared problems to solve



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Practical Tool: De-escalation Techniques

Concrete steps for hostile exchanges like Case Snapshot 1

1

Pause the Reaction

Don’t respond in the moment. Give yourself space before you reply.

2

Lower the Tone

Match calm, not heat. Tone de-escalates faster than content.

3

Name It

Acknowledge the tension directly and neutrally: “I can see this is a point of real disagreement.”

4

Reframe the Ask

Restate the issue as a shared problem, not a personal attack.

Practical Tool: Managing Difficult Conversations

Structuring pushback so it protects the outcome and you



Set the Boundary Early

State clearly what is and isn't up for negotiation, before the conversation escalates



Document as You Go

Written records protect the decision trail and protect you if blame arrives later



Separate the Person from the Position

Challenge the argument, not the individual; it keeps the door open

CASE SNAPSHOT 2

Blamed After the Breach

- A data breach occurred within the organisation.
- The Board was formally advised prior to the breach on some significant security gaps and the required remediation actions and the advice was ignored.
- When a regulator later asked why the required actions had not been completed, responsibility was redirected onto the DPO.

Takeaway: *Advice given is not the same as advice followed, but the DPO is rarely the one who gets to make that distinction publicly.*

CASE SNAPSHOT 3

Guidance Ignored, Question Asked Anyway

- ePrivacy guidance was provided to the marketing team in good time, for a specific project well ahead of any issue.
- The guidance was not acted on as deemed to be “restrictive and over the top”.
- A data subject subsequently complained and only then did the Board ask: why did this happen?

Takeaway: *The question is rarely “why did this happen?”; it’s “why weren’t we listened to?”*

When Advice Is Ignored

The gap between "advised" and "actioned" and who carries it



ADVISED

The DPO flags the risk, documents the guidance, and puts it formally in front of decision-makers.



ACTIONED

What the organisation does with that guidance is often shaped by competing priorities the DPO doesn’t control.

When the two don’t match, the record matters more than the memory of the room.

Practical Tool: The Advice Record

Six things every piece of formal DPO advice should capture



Date & Context

When the advice was given, to whom, and what prompted it



The Risk

What could go wrong, for whom, and how serious it is



Your Advice

A clear recommendation, the options considered, and any deadline



Who Decides

The named decision-maker: the DPO advises, the controller decides



The Decision

What was decided and why, especially if your advice was not followed



Follow-Up

When you will check back, and what happens if nothing is done

Your Legal Shield: Article 38 GDPR

What the law says the organisation owes its DPO

Involved Early · 38(1)

Involved properly and in a timely manner in all data protection issues

Resourced · 38(2)

Given the resources, access and support to maintain expert knowledge

Independent · 38(3)

Receives no instructions on how to carry out DPO tasks

Protected · 38(3)

Cannot be dismissed or penalised for performing DPO tasks

Heard at the Top · 38(3)

Reports directly to the highest level of management

No Conflict · 38(6)

Other tasks and duties must not create a conflict of interests

CASE SNAPSHOT 4

The DSAR in the Crossfire

- A DSAR lands the day after a disciplinary hearing. It is clearly AI-drafted and demands “all data held”, including categories the organisation has never collected.
- Internally, managers ask the DPO to “leave out” awkward emails or hold the response until the dispute is settled.
- The response goes out and comes straight back, run through AI, with a list of alleged “gaps” and a threat to complain to the DPC.

Takeaway: *A DSAR is rarely just a DSAR. The DPO is squeezed from inside and outside at the same time.*

The AI-Assisted DSAR

A new pressure point for the DPO



AI-Drafted Requests

Long, legal-sounding requests that ask for everything, including data that doesn't exist



Responses Fed Back into AI

Our response is pasted into AI to hunt for "gaps", fuelling follow-ups, complaints and escalations



Confident but Wrong

AI rebuttals sound authoritative and often misstate the law, yet each one still needs a careful answer



Higher Stakes on Redaction

A redaction slip could end up in a public AI tool, so Article 15(4) checks matter more than ever

Practical Tool: Protecting Yourself on a DSAR

Keeping the response defensible and you out of the firing line

1

Advise, Don’t Decide

Agree up front that the controller owns the decisions. Put any overruled advice in writing; Article 38(3) protects you.

2

Log Every Decision

Record what was searched, what wasn’t found, and why each redaction or exemption was applied.

3

Write for a Machine Reader

Assume the response will be fed into AI. Be precise and complete and say clearly what doesn’t exist.

4

Hold the Line

One channel, written replies. Point back to earlier answers; use Article 12(5) only with documented reasons.

The Hidden Cost

Stress and burnout in the DPO role



Decision Fatigue

Constant judgement calls with legal, the board, other DPOs and reputational weight



Always On

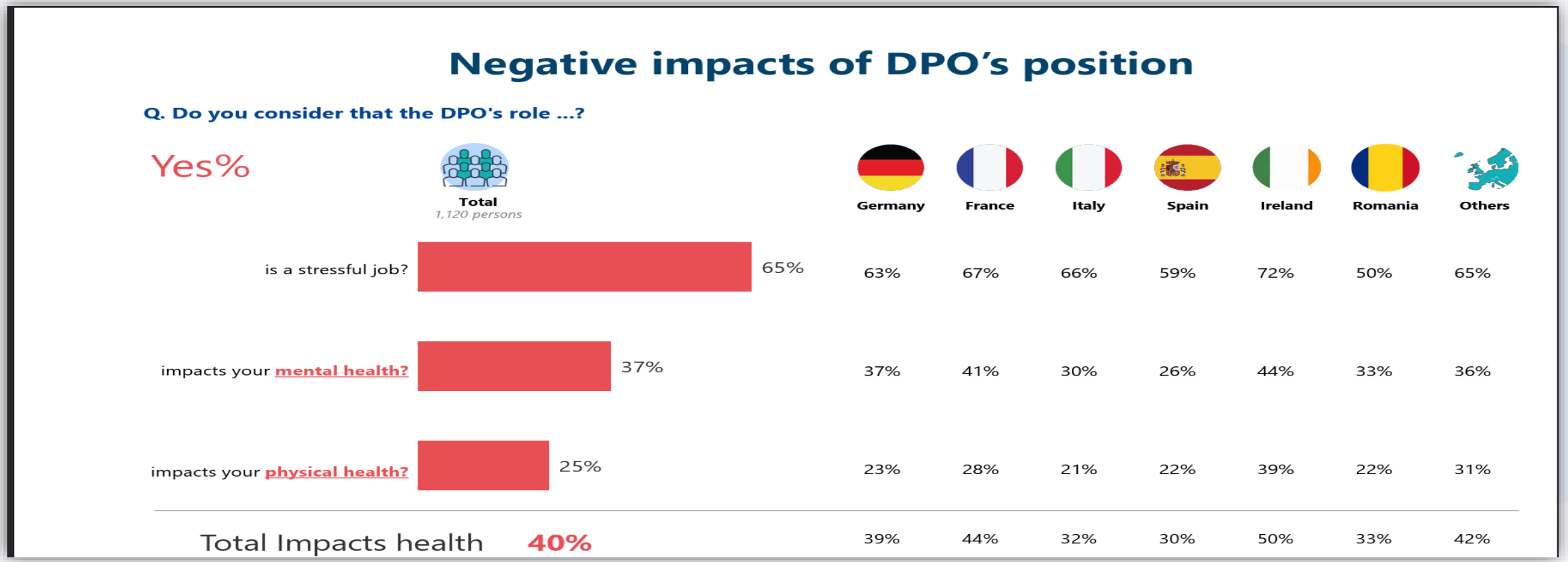
Breaches and complaints don’t wait for office hours



Isolation

Sitting outside the tent, with few peers who understand the role

Negative impacts of DPO's position



Takeaway: *CEDPO asked the questions and DPOs responded: should our job really be this stressful?*

Protecting the Protector

Self-care and support strategies for the DPO



Set Boundaries

Protect time and headspace outside the always-on demands of the role. Go for a walk, step away from the situation and take time out.



Find Your Peers

Lean on networks like ADPO or similar to find people who understand the isolation; chit chat with connections on LinkedIn. It is brave to ask for help and a sign of maturity to say “I don’t know”



Document as Protection

A clear paper trail defends your judgement, not just the organisation



Seek Supervision

Mentoring or professional supervision gives the role external perspective. Find a mentor, a coach or a buddy

Know the Warning Signs

The WHO describes burnout as an occupational phenomenon with three dimensions



Exhaustion

Running on empty: tired on waking, nothing left after work, picking up every bug going



Mental Distance

Cynicism creeps in: dreading the inbox, disengaging, “what’s the point?”



Reduced Efficacy

Doubting your own judgement, struggling to focus, decisions taking longer

Looking After the Body

Stress shows up in the body first. Small daily habits are your first line of defence

Protect Your Sleep

Keep a regular wind-down. No breach emails in bed; your phone does not need to sleep beside you.

Move Every Day

A walk at lunch or between calls helps burn off stress and clears your head. Step away from the screen.

Breathe Before You Reply

Slow breathing calms the stress response in under a minute. Use it before a hard call or email.

Fuel and Hydrate

Skipped lunches and the fourth coffee make tough conversations harder. Eat, drink water, take the break.

Looking After the Mind

Mental habits that stop the role from becoming who you are



Quiet the Inner Critic

Imposter syndrome feeds on ridicule. Ask yourself: would I say this to a colleague?



Switch Off Properly

Real recovery means mentally detaching from work: notifications off, laptop closed



Separate Role from Self

When advice is ignored, the organisation has made a decision. It is not a verdict on you



Notice the Wins

The DPO role is rarely thanked, so keep a weekly note of what went well as the smallest win makes a huge difference

Practical Tool: The 60-Second Reset I use

Before a difficult call, meeting or email

1

Box Breathe

Breathe in for 4, hold for 4, out for 4, hold for 4. Repeat three or four times.

2

Ground Yourself

Feet flat on the floor. Notice three things you can see and one you can hear.

3

Name the Feeling

Say it to yourself: “I’m feeling defensive.” Naming the emotion takes some of the heat out of it.

4

Choose Your Response

Decide the one outcome you need from this exchange, then go in with that.

Know When to Reach Out

Asking for help is part of the job, not a failure at it

- **Spot the Pattern**

  Low mood, poor sleep or dread lasting more than a couple of weeks is a signal, not a weakness

- **Use Your Employee Support Programme**

  Many employers offer free, confidential counselling. Find out if yours does

- **Talk to Your GP**

  Stress affects physical health too. Your GP is a confidential first step

- **Ask the Organisation**

  Article 38(2) requires the resources to do the role. Workload is a legitimate ask: what can your employer do to support you?



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Protecting Each Other

The DPO community is part of the answer



CHECK IN

A short message to a fellow DPO after a tough week can matter more than you think. Notice when someone goes quiet.



SHARE THE LOAD

Templates, lessons learned and “what would you do?” calls make the whole community stronger.

Who protects the protector? Very often, other protectors.

Your Protection Plan

Take two minutes now, or after the session, and write down one of each



One Boundary I'll Set

For example, no work email after 7pm, or a hard stop at the end of the working day



One Person I'll Lean On

A peer, mentor, ADPO/Association contact or friend who understands the role



One Habit I'll Start

A walk at lunch, a 60-second reset before calls, a weekly list of wins

Key Takeaways

1. Conflict with management adversaries and other DPOs is a structural feature of the role, not a personal failing.
2. Mediation principles such as neutrality, interests over positions and active listening de-escalate faster than confrontation.
3. Documentation isn’t just compliance; it’s protection for your own judgement.
4. Advice given is not the same as advice followed. Know the difference and record it.
5. You cannot support the organisation if no one is protecting you. Build your own support.
6. Assume your DSAR response will be read by a machine. Write it so it stands up.

Thank You

Questions & Discussion



IDPAA Limited



Irish Computer Society



Association of Data Protection Officers