

Before staff use ChatGPT with client data

Five steps, in order. Checked against OpenAI's terms and European guidance on 12 October 2026.

☐ 1 Choose Business or Enterprise

Use ChatGPT Business (from two users) or Enterprise for any work with customer or staff data. Never individual accounts: on Free, Go, Plus and Pro, OpenAI Ireland is a second controller and trains on content unless each user opts out.

OpenAI pricing page and Europe privacy policy, retrieved 12 Oct 2026. Business: €21 per user per month annually, €26 monthly.

☐ 2 Sign OpenAI's processing agreement

Complete OpenAI's DPA form for the workspace. For a company in the EEA, the contracting party is OpenAI Ireland Limited.

OpenAI data processing addendum, effective 1 Jan 2026.

☐ 3 Set retention and access

Set how long conversations are kept and which connected apps staff may use. Record in your records of processing that authorised OpenAI staff and contracted reviewers can access stored conversations to review for abuse.

OpenAI enterprise privacy page, retrieved 12 Oct 2026: deleted conversations removed within 30 days unless the law requires longer.

☐ 4 Write the staff rule

Name what may go in, what may not (special categories of data, trade secrets) and who checks output about people before it is used.

Hamburg checklist for LLM chatbots, 13 Nov 2023; DSK guidance on AI, 6 May 2024.

☐ 5 Check the DPIA question

Compare the planned use with your supervisory authority's DPIA list and the DSK guidance, and document the result either way.

DSK Orientierungshilfe KI und Datenschutz, 6 May 2024, paragraphs 39 and 41.

Know before you start

- EU data residency: Enterprise, Edu and API only, and only for workspaces or projects created with it. Business data is stored in the United States.
- Transfers to the US rest on standard contractual clauses. OpenAI was not on the EU–US Data Privacy Framework list on 12 October 2026.
- A processing agreement makes OpenAI your processor. It does not give you a legal basis, and it does not make the answers accurate.

Not legal advice. Sources and full notes: yardwork.dev/en/blog/chatgpt-gdpr. Plans and terms change; re-check the dates above before relying on them.