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GDPR-DATA SUBJECT RIGHTS

1. **Right to Access Personal Data:** EU data protection law obliges controllers to provide data subjects with access to their personal data.

Data subjects have the right to obtain

- ❖ Confirmation of whether the controller is processing their personal data
- ❖ Purposes of the processing
- ❖ Information about the categories of personal data being processed
- ❖ Recipients and categories of recipients with whom the personal data may be shared
- ❖ The period for which the personal data will be stored
- ❖ The existence of the rights to request from the controller rectification or erasure of personal data, to restriction of processing and to object to processing
- ❖ The right to lodge a complaint with a supervisory authority
- ❖ Where the personal data were not collected from the data subject, information as to the source of the data
- ❖ The existence of automated decision making, profiling, logic involved and consequences of such processing
- ❖ Request for a copy of the personal data being processed

BACKGROUND

Data Controller: Determines the purpose and means of data processing. Ensures effective and complete protection of Data Subjects.

Data Processor: Who processes personal data on behalf of a controller without determining the purpose and means of the processing.

Data Controller and Data Processor shall adhere to demonstrate their compliance with the GDPR requirements.

Data Subjects: Identified or identifiable natural living person, whose data are being processed in line with the territorial scope article 3 of GDPR.

Data Subject Rights: GDPR proposes a set of rules that are meant to help data subjects and enforce their rights against abusive personal data processing.

Data subjects may complain to the regulator where they believe a breach of the GDPR takes place and may also issue legal proceedings against controllers and processors.





4. **Right to Restriction of processing:** Data subject shall exercise restrict to processing or limit to processing without erasure of their personal data where-

- ❖ The accuracy of the personal data is contested by the data subject
- ❖ The processing is unlawful
- ❖ The controller no longer needs the personal data for their original purpose
- ❖ The data subject has exercised the right to object to the processing

5. **Right to data portability:** The data subject shall have the right

- ❖ To receive a copy of their personal data concerning him or her in a structured, machine readable format that supports reuse
- ❖ Store their personal data on their private device for further personal use
- ❖ To have their personal data transmitted between controllers without hinderance

This right would be applicable only in case where the processing is based **on consent or a contract** and processing is carried out by automated means.

2. **Right to Rectification:** Data Subjects shall have the rights to

- ❖ Correction of the inaccurate personal data concerning him or her
- ❖ Have incomplete personal data completed

3. **Right to Erasure (Right to be forgotten):** Data subject shall have the right to obtain erasure of the personal data concerning him or her without undue delay

- ❖ The personal data are no longer necessary in relation to the original purpose
- ❖ The lawful basis for processing is the data subject's consent and the data subject withdraw the consent
- ❖ The data subject exercises the right to object to the processing
- ❖ The personal data have been unlawfully processed
- ❖ Erasure is necessary for compliance with the EU law or Member State law
- ❖ Personal data have been collected to offer of information society services





6. **Right to Object to processing:** The data subject shall have the right to object
 - ❖ For automated decision making or profiling
 - ❖ Where personal data are processed for direct marketing purpose
 - ❖ In the contest of use of information security services, exercise his or her right to object by automated means
 - ❖ Where personal data are processed for scientific or historical purposes or statistical purposes

7. **Right to not to be evaluated based on Automated decision making or profiling**
 - ❖ Not to be subject to a decision based solely on automated processing
 - ❖ Not to subject to profiling

8. **Right to be informed (Data controller's obligations):** - Data Controller shall always keep the data subject informed at different stages of processing of their personal data throughout the data life cycle.
 - ❖ Prior to changes in the purpose of processing OR legal basis for the processing
 - ❖ If any legitimate interest of controller or the third party
 - ❖ Recipients and categories of recipients with whom the personal data may be shared
 - ❖ Data transfers to third country or international organizations and the existence or absence of adequacy decision by the commission and appropriate safeguards
 - ❖ Reference to appropriate safeguards and means by which to obtain a copy of them
 - ❖ The period for which the personal data will be stored
 - ❖ The existence of the data subject rights and ways to exercise those rights
 - ❖ The existence of right to withdraw consent at any time, if the basis is consent
 - ❖ The right to lodge a complaint with a supervisory authority
 - ❖ Provision of statutory or contractual requirements to enter into a contract
 - ❖ The existence of automated decision making, profiling, logic involved and consequences of such processing
 - ❖ If change in the purpose / further processing, then the information on that new purpose shall be shared to data subjects prior to further processing
 - ❖ Before lifting the restrictions of processing by the controller





- ❖ Shall communicate any rectification or erasure of personal data
- ❖ In case personal data obtained from other sources (indirectly), i.e., personal data not obtained directly from the data subjects – All the above rights will be applicable inclusion of the mentioned below
 - a. From which sources the personal data originate / were obtained
 - b. The identity and contact details of the controller
 - c. The identity and contact details of the controller’s representative if the controller is established in a third country
 - d. The contact details of data protection officer if applicable

CONCLUSION

The controllers shall provide information on action taken to data subject’s request without undue delay and within one month of receipt of a request. Information and action taken in response to requests shall be free of charge.

If the controller does not take an action, controller shall inform the data subject without undue delay and within one month of receipt of the request, the reasons for not taking an action and of the possibility of lodging a complaint to the supervisory authority and seeking a judicial remedy.

References:

- <https://ec.europa.eu>
- <https://eugdpr.org>
- <https://gdpr-info.eu/>
- <https://www.i-scoop.eu/>
- <https://www.itgovernance.co.uk>
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Ogee Technologies Private Limited
www.ogee.tech.com
Ph: +91 72 0675 0675
USA: +1 646 493 4478
Email: info@ogee.tech.com
Skype: ogeetech_girish
Hangouts: ogeetechnologies
Twitter: ogeetech

