



What Privacy Rights do individuals benefit because of GDPR?

Under GDPR, individuals enjoy a variety of new privacy rights regarding their personal data. The way in which individuals can manipulate their data has changed in a number of levels. GDPR ensures peoples' power over their own data in terms of deciding who can use it and on what purpose.

The regulation contains eight rights in favour of the individuals providing their data that all businesses must comply with. These are as follows:

1. The Right to be Informed

Businesses need to inform individuals about:

- Their interest in using the data.
- The way and the reason they are using the personal data.
- Who they will share the data with.
- The data retention period or the criteria they apply to determine their retention periods.
- The fact that the individuals can withdraw their consent or lodge a complaint.

The details of the processing information will usually occur via a privacy notice. Furthermore, businesses need to provide general information such as the data controller's identity and contact details, as well as those of their data protection officer (DPO) - if they have one. Any request for data processing must be given in an intelligible and easily accessible form. In cases of sensitive personal data, explicit consent is required which means that the data subject needs to 'opt in' instead of 'opting out' for allowing his data processing.

2. The Right to Access

This right allows data subjects to obtain confirmation from the data controller as to whether or not personal data concerning them is being processed, where and for what purpose. Upon request, the controller has to provide free of charge and within one month, the relevant data. In

cases where the request is made electronically, the data provided must also be in an electronic format. It should be noted that the data controller can extend the time frame to two months, given that the request is complex or there is a lot of work load. In such case, the company must inform the individual within one month and give them a good reason why they need such an extension.

3. The Right to Correct your Data

An individual has the right to be able to correct his data in cases where this is inaccurate, out of date or incomplete. The company must inform the individual about any third parties the data has been shared with as well as inform those third parties that the said data is being rectified. The time frame rules that apply are the same as above.

4. The Right to be Forgotten

This right entitles the data subject to have the data controller erase his/her personal data or cease further dissemination of the data. The data controller may as well inform third parties about the above and halt their processing of the data, given that such actions are not impossible and do not involve disproportionate effort.

The conditions for erasure as they appear in the relevant article of the law are as follows:

- The data is no longer being relevant to the original purposes for processing.
- The individual has objected to having their data processed or has withdrawn consent.
- The data is unlawfully processed.

It should be noted that when companies consider such request, they must fairly consider any public interest arising from the availability of the data in hand.

5. The Right to Data Portability

GDPR introduces for the data subjects the right to receive their personal data which they have previously provided in a commonly use and machine readable format and enables them to transmit that data to another controller. This might be particularly helpful in situations where individuals might use their data on a price comparison website, or where they want to understand their spending habits.

6. The Right to Restrict Processing

This is the individuals' right to suppress or block the processing of their data. Examples where this right can be exercised by the data subjects are:

- When they believe their data is not accurate. In this situation, the processing should be restricted until the accuracy of the data is verified.
- When they object to their data processing.
- When the data is necessary for the performance of a public task.
- When the processing has been unlawful but the data subject refuses erasure.
- When they don't want the data to be erased because they need to exercise a legal claim.

It should again be noted that if the company has shared the personal data with a third party, it should inform them when the individual exercises the right to restrict processing, unless this is impossible.

Moreover, when an individual restricts processing, all that a company can do is to store the data. Here it should be stressed that processing and storing data are two separate things that should not be confused with each other.

7. The Right to Object

Under this right, a data subject can object the processing of his data, in the following circumstances:

- When the processing of the data happens for direct marketing purposes. In this case, the right to object is absolute which means that the data subject can object at any time and as soon as this happens the personal data shall cease to be processed for these purposes.
- When the personal data is processed for research or statistical purposes. In this case the objection can be overridden if the research is necessary for the performance of a task carried out in the public interest.
- When the data is processed based on public or legitimate interests. The objection can again be overridden when the controller demonstrates that the legitimate interest overrides the data subject's rights and freedoms.

8. Rights in relation to automated decision making and profiling

A data subject has the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.

Nevertheless, the above shall not apply where the said decision is:

- Necessary for the entry into or performance of a contract; or
- Authorised by Union or Member state law applicable to the controller; or
- Based on the individual's explicit consent.