

# Data Subjects' Rights



EUROPEAN DATA  
PROTECTION SUPERVISOR

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# Charter of Fundamental Rights

## Article 8(2)

"Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified."



# A number of rights set forth in Regulation 45/2001

- Right of access (Article 13)
- Right of rectification (Article 14)
- Right of blocking (Article 15)
- Right of erasure (Article 16)
- Right to object to the processing (Article 18)
- Special rights in case of automated individual decisions (Article 19)



# Common principles

- DS rights shall be available at all times
- Positive obligation to act for the controller
- To guarantee their effective exercise
- Within a reasonable time limit
  - “Without delay” for rectification
  - Promptly for blocking and erasure
  - “Within 3 months” for access

In practice, what do they mean?

How shall they be applied?



# Right of Access (1)

- Communication **in an intelligible form** of own personal data undergoing processing
- **Logic behind** the automated processing
- **Confirmation** as to whether data are processed about DS
- **Information** on purposes, categories of data, and recipients

## Right of Access (2)

- Access shall be granted **to the fullest extent**
- **Unless** an Art.20 (1) exemption applies
  - Narrow interpretation, on a case-by-case basis
  - Access must not be restricted more broadly than necessary
- **In such cases, specific modalities of access:**
  - Access to certain medical data through a doctor
  - Access to data through EDPS - Art.20(4)

## Right of Access (3)

- Access helps DS:
  - understand which data are processed about him/her
  - verify the quality of his/her own data
  - verify the lawfulness of the processing
  - exercise his/her other DP rights





# Rights triggered by inaccuracy of data or unlawful processing

- **Inaccuracy/incompleteness:** right to rectify or to block data until controller has verified them
  - Rectification of objective and factual data
  - Completeness of file: complementary documents may be added, right to express point of view
- **Unlawful processing:** right to erase data or to block them
- **For purpose of proof:** right to block data no longer needed



# Right triggered by the particular situation of the DS: right to object

## a) Not compelling legitimate ground:

- Objection of publication of name in Tendering Register of the EU (TED) as contact person.
- Objection in context of civil proceedings that the Commission discloses information to a third party on whether or not DS was a civil servant at the Commission.
- Objection to disclosure of the salary data to the spouse in context of divorce procedure.

## b) Compelling legitimate ground:

- Objection to publication of name of DS mentioned in court decisions published on internet.

# Thank you for your attention!

## Any questions?