



INFORMATION PRIVACY LAW COURSE SERIES
**GDPR and European Privacy Law Part II:
GDPR Rights, Obligations, and Data Transfer**

RIGHTS OF DATA SUBJECTS UNDER THE GDPR

Transparency

GDPR Articles 13-14

Data subjects have a right to be informed about their personal data that entities hold, how it will be used, and to whom it will be transferred. This information “must be provided in a concise, transparent, intelligible and easily accessible form, using clear and plain language. “

Right of Access

GDPR Article 15

Data subjects have the right to access their personal data and to rectify errors in it. The controller must give the data subject confirmation as to whether personal data concerning him or her are being processed. When a data subject requests access by electronic means, the information shall be provided in electronic form, unless the data subject requests otherwise.

Right to Rectification

GDPR Article 16

At the request of data subjects, data controllers must correct errors in personal data without “undue delay.” In addition, data subjects have the right to have “incomplete personal data completed.”

Right to Erasure

GDPR Article 17

Data subjects have a right to erasure of their personal data – also known as the “right to be forgotten.” Data subjects may request that an organization erase their personal data “without undue delay” under a number of circumstances. These circumstances include when the data is no longer relevant to the purposes of collection, when consent is withdrawn and there is no

other legal ground for processing, or when the data has been unlawfully processed, among other things.

When personal data is being processed in violation of the GDPR, then the right to erasure will most strongly apply. When there is a valid lawful basis for continuing to process the data, then the right to erasure will *not* apply in most circumstances.

Right to Restriction of Processing

GDPR Article 18

Data subjects have a right to request that a data controller stop processing their personal data under certain circumstances. These circumstances include:

- when the data subject contests the accuracy of the personal data
- when the data subject has objected to the processing.
- when the processing of the data is unlawful and the data subject prefers restriction rather than erasure
- when the controller no longer needs the data for processing but the data subject needs the data for legal claims

When a restriction is in place, the personal data is stored but not processed. The data can only be processed with the data subject's consent, for the exercise of legal claims, to protect the rights of other people, or for reasons of important public interest.

Right to Data Portability

GDPR Article 20

Data Subjects have the right to receive their data in a “structured, commonly used, and machine-readable format.” The right ensures that individuals can take their records from one organization to another.

Right to Object

GDPR Article 21

Data subjects have a right to object at any time to the processing of personal data when such information is being processed based on the lawful bases of public interest or legitimate interests. The controller must stop processing unless the controller demonstrates “compelling legitimate grounds” for the processing that override the interests of data subjects. The controller may also justify the processing as necessary in connection with its legal rights. It is the burden of the controller to make these demonstrations.

Automated Decision-Making

GDPR Article 22

Data subjects have a “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.”