



General Data Protection Regulation (GDPR)

- Rights of the Data Subject

General Data Protection Regulation (GDPR) has a set of rules and guidelines that organizations must adhere to be GDPR compliant from May 25th, 2018, onwards. Otherwise the penalty is public disgrace and hefty fines.

One of the aim of the General Data Protection Regulation (GDPR) is to empower individuals and give them control over their personal data. There is a separate chapter in the GDPR on the rights of data subjects (individuals) which include the right of access, the right to rectification, the right to erasure, the right to restrict processing, the right to data portability, the right to object and the right not to be subject to a decision based solely on automated processing.

Why does this regulation matter to organizations?

EU data protection law provide data subjects with a wide array of rights that can be enforced against organizations that process personal data. These rights may limit the ability of organizations to legally process the personal data of data subjects, and in some cases these rights can have a significant impact upon an organization's business model.

The inherent risks involved in processing personal data of data subjects make the organizations extra cautious and fearful of the repercussions in case of a data breach.

The monetary loss is substantial (they will be fined €20 million or 4% of the company's global annual turnover of the previous financial year) but its also the reputational loss that is also important to the businesses.

All organizations that act as controllers are directly affected by the rights afforded to data subjects. Organizations that act as processors are affected to a lesser degree but should still be aware of these rights.

Can GAVS help to prepare organizations for GDPR?

GDPR expands the existing set of rights and introduces several entirely new rights to be GDPR compliant.

Recently GAVS' conducted a joint webinar on "**Enable the Rights of Your Data Subjects As Part Of GDPR Compliance**" featuring Srinivasan Sundararajan, Technology Advisor, GAVS Technologies along with expert guest speaker **Travis Guinn**, Cloud Solutions Architect, **Microsoft**.



You can join the webinar by registering for the event and experience the live demo of the GAVS GDPR toolkit that specifically highlight how can it help with compliance and improve customer confidence while ensuring governance is in place.

Register here:

<https://www.gavstech.com/event/webinar-enable-the-rights-of-your-data-subjects-as-part-of-gdpr-compliance/>

In case you have missed out on this event, contact our team and we'll provide you the highlights of the webinar.

GAVS' GDPR platform uses the right mix of technology and processes to enable organizations quickly put in place a backbone for handling Data Subject Communications as well as empowering Data Protection Officers.

Built using the power of Office 365, Azure Cognitive Intelligence and other Microsoft Intelligent Cloud components, this platform is more than a compliance solution and can be extended to a CRM solution to help with organization's growth and improve the customer good will.

The webinar explains the handling of new Access Requests without investing on new hardware, software and systems on premise and can be fully managed in Cloud.

The platform along with the 4-step approach of **Educate, Engage, Execute and Empower** will help accelerate GDPR compliance for your organization.

GAVS' will also help organizations to:

- Review these rights and ensure that they properly understand the business impact of each such right
- Review their communication and information material to ensure that it clearly states all necessary information
- Ensure that effective systems are in place to enable the organization to give effect to these rights.

Data Subject Rights

The concept of **Privacy by design** has been implemented by organizations, but with GDPR it has become mandatory as part of its legal requirement. Privacy by design dictates that data protection should be included from the onset of the designing of system and not as an afterthought. The controller should implement appropriate technical and organizational measures in an effective way in order to meet the requirement of this regulation and protect the rights of the data subjects.

Following are the fundamental data subject rights.

Right to Access

GDPR expanded the rights of the data subjects to obtain confirmation from the data controller on how,

where and for what purpose their personal data is being used. It also directs the controller to provide a copy of the personal data in electronic format to the data subjects free of charge.

The data subject should be able to directly access their personal data over a secure system provided by the data controller. However, the data controller has the right to deny access if it adversely affects the rights of the controller or a third party. This change is a dramatic shift to data transparency and empowerment of data subjects.

Right to Data Rectification

Inaccurate or incomplete data should be erased or rectified by the data controllers. Data subjects have the right to have their personal data rectified when the controller does not follow the Directive (especially where the data are inaccurate or incomplete). This ensures that individuals can have their data updated if it is out of date or incomplete or incorrect.

Right to be Forgotten

This right is also known as right to Data Erasure. It permits data subject to have the data controller erase his/her personal data, potentially have third parties halt processing of the data and cease further distribution of the data.

The condition for erasure include the data is no longer being relevant to the original purpose for processing, or a data subject withdrawing consent. It should also be noted that this right require controllers to compare the subjects' rights to "the public interest in the availability of the data" when considering such requests.

Right to Data Portability

GDPR introduces data portability - the right for a data subject to receive the personal data concerning them, which they have previously provided in a 'commonly use and machine-readable format' and have the right to transmit that data to another controller.

The Data Controllers can protect themselves from Data Subjects requesting data over and over again with no real reason by imposing an acceptable fee for each particular request subject.

Right to Restriction of Processing

Individuals can request that their data is not used for processing. Their record can remain in place, but not be used. Whenever the data processing has been restricted, such personal data will only be processed with the data subject's consent, or for the processing of any legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State. Data subjects should be intimated by the data controller prior of the lifting of the restriction of processing.

Right to Object

This include the right of the data subject to stop processing of their data for direct marketing purposes or scientific or historical research purposes or statistical purposes. There are no exemptions to this rule, and any processing must stop as soon as the request is received. In addition, this right must be made clear to the individuals at the very start of any communication.

Right to be notified

The controller shall communicate any rectification, erasure of personal data or restriction of processing carried out with respect to each individual unless this is impossible or involve considerable effort. The controller shall inform the data subject about those recipients who have been notified, if the data subject requests it.

If there has been a data breach which compromises an individual's personal data, the individual has a right to be informed within 72 hours of first having become aware of the breach.

Right not to be the subject of Automated individual decision-making, including profiling

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

However, automated processing may be undertaken if this is necessary to enter into or perform a contract between the data subject and the controller or it is authorised by the EU or Member State law to which the controller is subject or it is based on the data subject's express consent.

About GAVS

GAVS Technologies (GAVS) is a global IT services & solutions provider enabling digital transformation through automation-led IT infrastructure solutions. Our offerings are powered by Smart Machines, DevOps & Predictive Analytics and aligned to improve user experience by 10X and reduce resource utilization by 40%.