A guide to your data rights

YOUR DATA MATTERS

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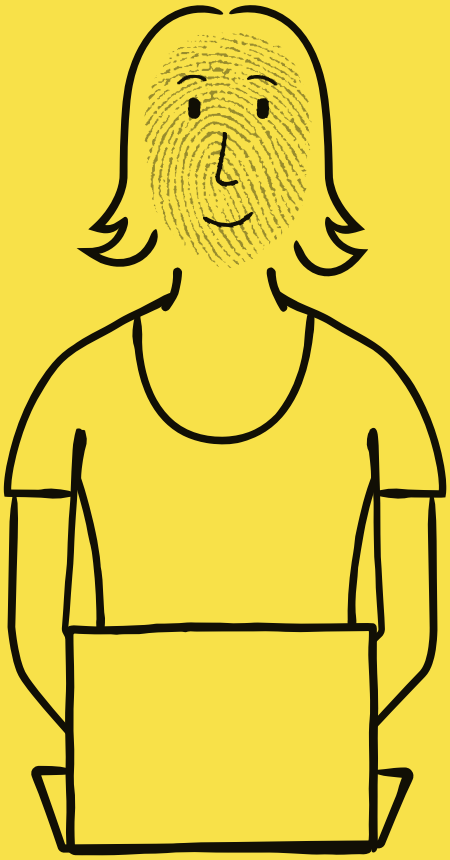
Information Commissioner's Office

Your data matters

We live in a data-driven world. Almost every transaction and interaction you have with most organisations involves you sharing personal data, such as your name, address and birth date. You share data online too, every time you visit a website, search for or buy something, use social media or send an email.

Sharing data helps makes life easier, more convenient and connected.

Sharing data helps makes life easier, more convenient and connected. We can communicate instantly. Pay bills. Book holidays. Apply for jobs. Shop and buy things effortlessly. Get dentist appointment reminders. We can even find love online. Sharing data brings countless benefits and advantages into our everyday lives.



Your data is your data

It belongs to you so it's important your data is used only in ways you would reasonably expect, and that it stays safe. That's where GDPR comes in. Or to use its less catchy full name, General Data Protection Regulation. The rules came into being on May 25, 2018 and will affect everyone in the UK.

Working alongside the new Data Protection bill, the regulations are here to make sure everyone's data is used properly and legally – both online and offline. We have tightened up – and are continually improving – the ways that your data is gathered, handled and processed. All UK businesses and organisations must comply.

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GDPR also applies to organisations who are established in the EU, and also outside the EU wherever use of data concerns those within Europe and the UK.

What do I need to do?

Have a good read-through of your individual rights to familiarise yourself with how GDPR works and to understand your entitlements.

Are you a business or organisation?

This information is more relevant for consumers. If you're a business or organisation, you can help your clients and customers understand how GDPR works by downloading and using the materials from the Your Data Matters campaign.

As a business or organisation, you need to understand GDPR in more depth than consumers. You should visit the Information Commissioner's Office website to find out more.

Some common concerns

Every organisation you have contact with holds your data. Banks, retailers and insurance companies. Music and TV streaming services. Your gym, dentist and local taxi firm. Your social media apps. The list goes on. They hold this data because it helps them understand how to best serve you in order to improve their services, and it makes you easily contactable.

When your data is held and used by a number of organisations and businesses, it's completely natural for you to have questions or concerns. GDPR includes individual rights that cover any concern you might have. Here are a few:

Can I trust how organisations use my data?
Under GDPR, every business and organisation must comply with all aspects of the regulations. Read the data protection principles for an overview of how GDPR works and check out your individual rights too. Your right to be informed means that any organisation that wants to use your data must explain how they will use it and why. You also have a right to object if you don't want your data to be used or processed.

Can I access my personal data?
Yes. You can ask any organisation you think is holding, using or sharing your data to send you copies of both paper and computer records, and any related information. There might be a small admin fee, and some rules may apply to certain records, such as ones related to health. Read your right to access for more info.

Are organisations allowed to pass on my data?
Yes, but they have to get your permission first, or have a legitimate reason for passing on data without your permission. Read your right to be informed for more info.

How long do organisations hold on to my data?
Your data can only be held for the length of time it takes to fulfil the original, specified purpose – unless it's in the public interest or for lawful research to hold it for longer. If you think your data is being held for longer than it should be, you have a right to object and a right to erasure.

How do I get certain data deleted?
You simply contact the organisation and ask them. You don't have an automatic right to have data deleted – there may be some legalities and exemptions that prevent it, such as freedom of expression and whether the data serves the public interest. Read your right to erasure for more info.

How do I get data corrected?
If you think an organisation holds inaccurate data about you or something needs updating, such as your address because you've moved house, you have a right to rectification.

How do I question an automated decision?
Automated decision-making is when companies use algorithms to make certain decisions. So this might affect whether you're considered for a job you've applied for, for example. Most of the time, automated decision-making is reliable and effective but if you have concerns, take a look at your rights in relation to automatic decision-making, including profiling.

Your individual rights

These rights are here to give you more say and control over how your data is used. Give them a read. They’re all useful and important, whether or not you need to exercise them.

Right to data portability

You can move your personal data easily and securely from one service or provider to another, or to yourself. Doing this may help you find a better deal, or better understand your spending habits.

Some organisations already offer this service, making it easy to copy across contacts and music, for example, to another service. You should get a response from the organisation within one month. Or if there are complexities involved, two months.

Right of access

Your right to access means you can ask to see the data an organisation holds on you, and to verify the lawfulness of its processing. There are exceptions, but it's your right to ask if it's reasonable. In most instances, you should receive the information free of charge, and within one month. If your request is excessive, an organisation may charge a fee or refuse it, so it's best to make sure it's one you really need to make.

You're entitled to know:

1. Why your data was collected and how it was processed.

2. How long your data will be kept.

3. Who has seen or had access to your data.

4. Whether your data has been used to make an automated decision about you.

5. Whether your data has been used to create a profile about you.

Right to restrict processing

You have the right to limit the way an organisation uses your personal data. You may want a restriction placed on the data because you have concerns over its accuracy or how it is being used. In other circumstances, requesting a restriction can be used to prevent an organisation from deleting it.

You can use your right to restrict if:

1. You've used your right to rectification and want your data to be left alone while the organisation is checking it's correct and up to date.

2. The use of your data is unlawful but you don't want it to be deleted.

3. There's no longer any need for the organisation to use your data, but you need it to assist with something, e.g. a legal issue, so you want them to only store it.

4. You have used your right to object to the use of your data, and the organisation is considering this.

Right to rectification

If your personal data is incorrect or out of date, then there can be severe repercussions for you. Sometimes mistakes can simply happen, and errors or inaccuracies creep in. Your right to rectification entitles you to have your data put right.

The organisation has to respond within one month. Or three months, maximum, if there are complexities to deal with. In most cases, you won't be charged. Also, if the data has been shared with other companies, it's the original company's responsibility to pass on the updated info.

Right to erasure

Your right to erasure means you can ask for your data, such as photographs, to be removed. It may not always be possible but if it's your data, it's your right to ask.

You can ask for your data to be removed, if:

1. There's no good reason for the organisation to have it anymore, e.g. you're no longer an employee, client or customer.

2. You have used your right to object to the use of your data.

3. There's a legal reason why the data needs to be removed.

Right to be informed

Your right to be informed means that organisations must tell you how they'll use your data and who they'll share it with.

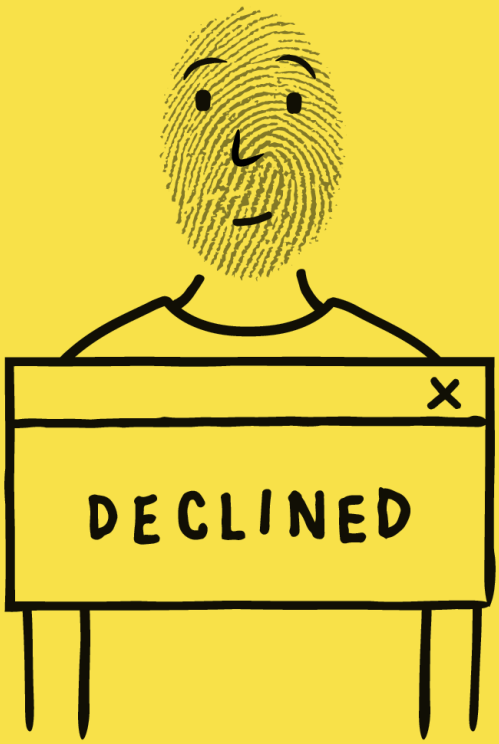
Here's what organisations have to be transparent and upfront about:

1. Why your data is being processed and how it will be used and stored.
2. Who will be responsible for your data – in other words, who the controller is and how to contact them.
3. Who will see or have access to your data.
4. Who else it will be shared with, if relevant.
5. How long they will keep your data.
6. If your data will be transferred to another country.
7. If your data will be used to make an automated decision about you.
8. If your data will be used to create a profile about you.
9. Your right to complain.

Rights related to automatic decision-making and profiling

If you believe that the automated processing of your personal data has disadvantaged you, you can ask for a person to review the decision. It may not always be possible but if it's your data, it's your right to ask.

Automatic decision-making is when an algorithm – rather than a human being – analyses your personal data in order to make decisions about you. Most of the time, this is a quick and reliable method. But because automated systems like this don't deal in nuances and can't read between the lines, it can lead to decisions being made that don't seem right, or that you don't agree with.



Right to object

Organisations use and process your data for lots of reasons. Sometimes, this can mean receiving marketing you don't want. In this case, it's your right to object.

You can use your right to object in these circumstances:

1. When your data is being used by an official authority, for legal reasons or in the public interest – including profiling. You'll need to be clear about your reasons for objecting, and the data controller will decide whether your concern outweighs the purpose your data is being used for.

2. When your data is being used for scientific, historical or statistical research. You'll need to be clear about your reasons for objecting, and the data controller will decide whether your concern outweighs the purpose your data is being used for.

3. When your data is being used for direct marketing and/or profiling. In this case, the organisation is obliged to stop using your data immediately.

Glossary

Here's a quick guide to some of the GDPR terminology:

Your personal data
Personal data is anything that makes you directly or indirectly identifiable, for example your name, address and birth-date. It can be automated personal data or data held in manual filing systems.

Sensitive data
Your sensitive personal data includes genetic data and biometric data, such as your fingerprints or blood type. It doesn't include criminal convictions and offences but these do have strict safeguards around them.

Privacy notice
This is the area of an organisation's website where they clearly explain their privacy-related terms and conditions, and what measures they use to keep your data safe. The data controller's contact details should also be listed here.

Processing
'Processing' broadly means collecting, organising, using, disclosing, retaining or erasing personal data.

'Controllers' and 'processors'
These aren't as mysterious as they sound. They're simply the businesses and organisations who handle your data. A 'controller' determines how your data will be used and processed. A 'processor' does all the processing. They both have their own set of regulations to meet as well as working together to fully comply with GDPR.

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