# *${rr\_01}*

**Template for exercising rights arising from the GDPR**

**REQUEST FOR EXERCISING RIGHTS OF DATA SUBJECT ARISING FROM THE GDPR**

*\*Personal data of the individual who submits the request needed for the data controller (SME that processes personal data) to verify the identity of the individual who submits the request and to respond to request)[[1]](#footnote-1):*

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In line with my rights arising from the General Data Protection Regulation, I\_\_\_\_\_\_\_\_\_\_ (*name and surname of individual*) hereby submit a request to the data controller\_\_\_\_\_\_\_\_\_\_ (*legal name of SME that is processing your personal data*) for exercising following rights (*choose all rights that you want to exercise, it can be one right some of them or all of them)[[2]](#footnote-2):*

1. **Right of access to my personal data** (Article 15 of the GDPR)[[3]](#footnote-3)

*(Please specify your request. You are entitled to confirmation of whether we process your personal data. Also, you have right to obtain information about processing of your personal data from the Article 15 of GDPR, and you have the right to obtain a copy of your personal data). [[4]](#footnote-4)*

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1. **Right to rectification of my personal data** (Article 16 of the GDPR)

(*Please specify which data are wrong and need to be corrected and why do you think there are wrong. If it is applicable and needed, send us proof that confirms your statement*) [[5]](#footnote-5).

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1. **Right to erasure (“right to be forgotten)** (Article 17 of the GDPR)

*(Please specify which personal data you want that we delete and why. You can ask erasure of your data: if the personal data are no longer necessary for the purposes for which they were collected; you have withdrawn consent on which the processing is based*; *you have objected to the processing based on the legitimate interest; your personal data have been unlawfully processed; your personal data should be erased for compliance with a legal obligation; the personal data have been collected in relation to the offer of information society services offered to a child).[[6]](#footnote-6)*

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1. **Right to restriction of processing** (Article 18 of the GDPR)

*(Please specify for processing of which personal data you want restriction and why you want the restriction. You can exercise this right if the accuracy of data is contested for a period enabling the controller to verify the accuracy of the personal data, if processing is unlawful, if the controller no longer needs the personal data for the purposes of the processing, if you have objected to the processing according to article 25).*

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1. **Right to data portability** (Article 20 of the GDPR)

*Please specify your request (whether you want to receive you data in a specific format, do you want to receive your data or you want that your data is directly transmitted to other organisation.) According to Article 20 of GDPR, you have right to data portability only in situations where the personal data you have provided to us are processed by automated means on the basis of consent, or where the personal data processing is necessary for the performance of a contract and is carried out by automated means. This right does not apply in situations where the personal data processing is based on a legal ground other than consent or a contract. Also, the right to data portability does not apply if the personal data are not processed by automated means.*

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1. **Right to object to processing of my personal data** (Article 21 of the GDPR)[[7]](#footnote-7) *Please specify your request and reason why you object to the processing of your personal data. You have this right when your personal data are processed for the purposes of direct marketing, when processing is necessary for the performance of a task carried out in the public interest, personal data are processed in order to exercise official authority vested in him, processing is necessary for the purposes of the legitimate interests[[8]](#footnote-8) of data controller or a third party*).

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1. **Right to object to automated individual decision-making, including profiling** (Article 22 of the GDPR)[[9]](#footnote-9)

*(Please specify your request).*

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Date and Place Signature  
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**IMPORTANT NOTICE:**

1. Please fill in your request legibly and correctly and fill it will all the necessary data. In case additional documents are needed, please attach all relevant documents to support your request.
2. **We will respond to your request within one month of making the request.** We can extend the time to respond by a further two months if the request is complex or we have received a number of requests from the same individual, but in this case, we will let the individual know within one month of receiving the request and explain why the extension is necessary.
3. If you request, we will deliver you a copy of your data free of charge. For any further copies that you may request, we will charge a reasonable fee. When individual makes the request by electronic means, the information shall be provided in a commonly used electronic form, unless otherwise requested by individual.
4. More information about how we process and protect your data you can find in our privacy policy available at ${rr\_04} or you can contact our data protection officer ${rr\_05}. More about your data protection rights you can find on the website of the AZOP https://azop.hr/ , Garante Privacy <https://www.garanteprivacy.it/>
5. If you don’t receive our answer within prescribed period, or you are not satisfied with our answer, and you think your right to personal data protection has been violated, you can contact Personal Data Protection Agency and file a complaint <https://www.garanteprivacy.it/>, <https://azop.hr/>

1. *Establishing the identity of the person who sends the request (the relevant individual) is necessary to prevent false requests from persons who falsely represent themselves and, in this way, may cause reputational and financial damage to the individual involved and/or organization (data controller). Seeking proof of identity would be less likely to be appropriate where there was no real doubt about identity; but, where there are doubts, or the personal data sought is of a particularly sensitive nature, or deleting data, stopping processing or restrictions of processing may adversely affect the rights and freedoms of the individual in question, then it is appropriate to request proof. Controller should only request the minimum amount of further information necessary and proportionate in order to prove the requester’s identity.* [↑](#footnote-ref-1)
2. **IMPORTANT!** It is very important to emphasize that data protection rights are not absolute rights, and they have limitations, therefore they must be balanced with other rights and interests. For example, neither the right to the protection of personal data nor the right to freedom of expression are absolute rights. A fair balance should be sought between the legitimate interest of public and the fundamental rights of the individual. [↑](#footnote-ref-2)
3. Whilst an individual is entitled to access to any or all of their personal data, where a controller processes a large quantity of information concerning the individual, **the controller is able to request that the individual clarify the request, by specifying the information or processing activities which they want access to or information on.** This should only be done where reasonably necessary to clarify a request, and not to delay in responding to it. [↑](#footnote-ref-3)
4. **Right of access to personal data is not an absolute one and is subject to a number of limited exceptions.** Article 23 of the GDPR allows for data subject rights to be restricted in certain circumstances. Any such restrictions must be set out in a ‘legislative measure’, respect the essence of the fundamental rights and freedoms, be necessary and proportionate in a democratic society, and safeguard an interest of public importance. Accordingly, if a controller considers that it is justified in withholding certain information in response to an access request it must identify an exemption under the GDPR, provide an explanation as to why it applies, and demonstrate that reliance on the exemption is necessary and proportionate. [↑](#footnote-ref-4)
5. Data controller may ask a proof for changing the address, example certificate of residence, of proof of changing last name. If the controllers ask the delivery of such documents, he needs assure the proper level of data protection, for example data controllers should definitely avoid to ask individuals to send them documents with personal data via e-mail, the documents could be send through secure encrypted channels like online forms available on the platform of data controller, or through the information system of data controllers, where individual has access with his username and password. [↑](#footnote-ref-5)
6. The right to erasure is not an absolute right and has its limitations, therefore it must be balanced with other rights and interests. [↑](#footnote-ref-6)
7. The right to objection is not and absolute right. Data controller can refuse to comply with the individual’s right to objection if can demonstrate that has legitimate interest for the processing that prevails the rights, interest and freedoms of the individual or the processing is needed for establishment, exercise or defence of legal claims. In cases where individual claims and can prove that processing is causing him/her susbtantial damage or serious inconvenience, for example causing him/her financial loss or reputational demage, his interest and rights will override the legitimate interest of the data controller. [↑](#footnote-ref-7)
8. An individual can object to the processing of his/her personal data for **direct marketing at any time.** This includes any profiling of data that is related to direct marketing. **This is an absolute right and there are no exemptions or grounds for data controller to refuse.** [↑](#footnote-ref-8)
9. Automated individual decision-making is a decision made by automated means without any human intervention. The individuals have right not to be subjected to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or significantly affects him or her. Automated individual decision-making does not have to involve profiling, although it often inlcudes. [↑](#footnote-ref-9)