**PD FLASH 5 – Definitions of data protection rights**

March 4 2020

The persons concerned by the GDPR have rights allowing them to keep control over their personal data when they are processed by other persons (legal or natural).

Different types of rights:

- The right to be informed: to be fair and lawful, the collection of personal data must be accompanied by prior, clear and concise explanation to the persons whose personal data are processed.

- The collection of express consent by the data controller: consent must be freely given, specific, informed and unambiguous. In order to obtain valid consent, it must be given on a voluntary basis. Online, consent can be given, for example, by ticked boxes, but not by pre-ticked boxes. The consent is not always required but it is in case of collection of sensitive data, re-use of data for other purposes, use of cookies and use of personal data for prospecting purposes electronically.

- The right to object: people must be able to object to the re-use by the data controller of their personal data. Anyone has the right to object, for legitimate reasons, to the processing of their data, unless it is necessary to meet a legal obligation.

- The rights of access and rectification: any person can access to all the information concerning him or her, know the origin of this information, access to the information upon which a decision concerning him or her was based, obtain a copy and demand that his or her data be rectified, supplemented, updated or deleted (right to be forgotten).

Obligation to respond:

The data controller must respond to data subject requests within one month:

- including when it has no data on the requesting person (for example, the data has been deleted);

- unless the requests are manifestly abusive (in particular by their quantity, their repetitive or systematic nature);

- in case of refusal of an access request, it must be duly justified and must be accompanied by information on the procedures and time limits for appeals.