



Exercise 03:

GDPR, Data Subject rights

Privacy-Preservation Technologies in Information Systems

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Task 1:

Data Subject rights - Overview

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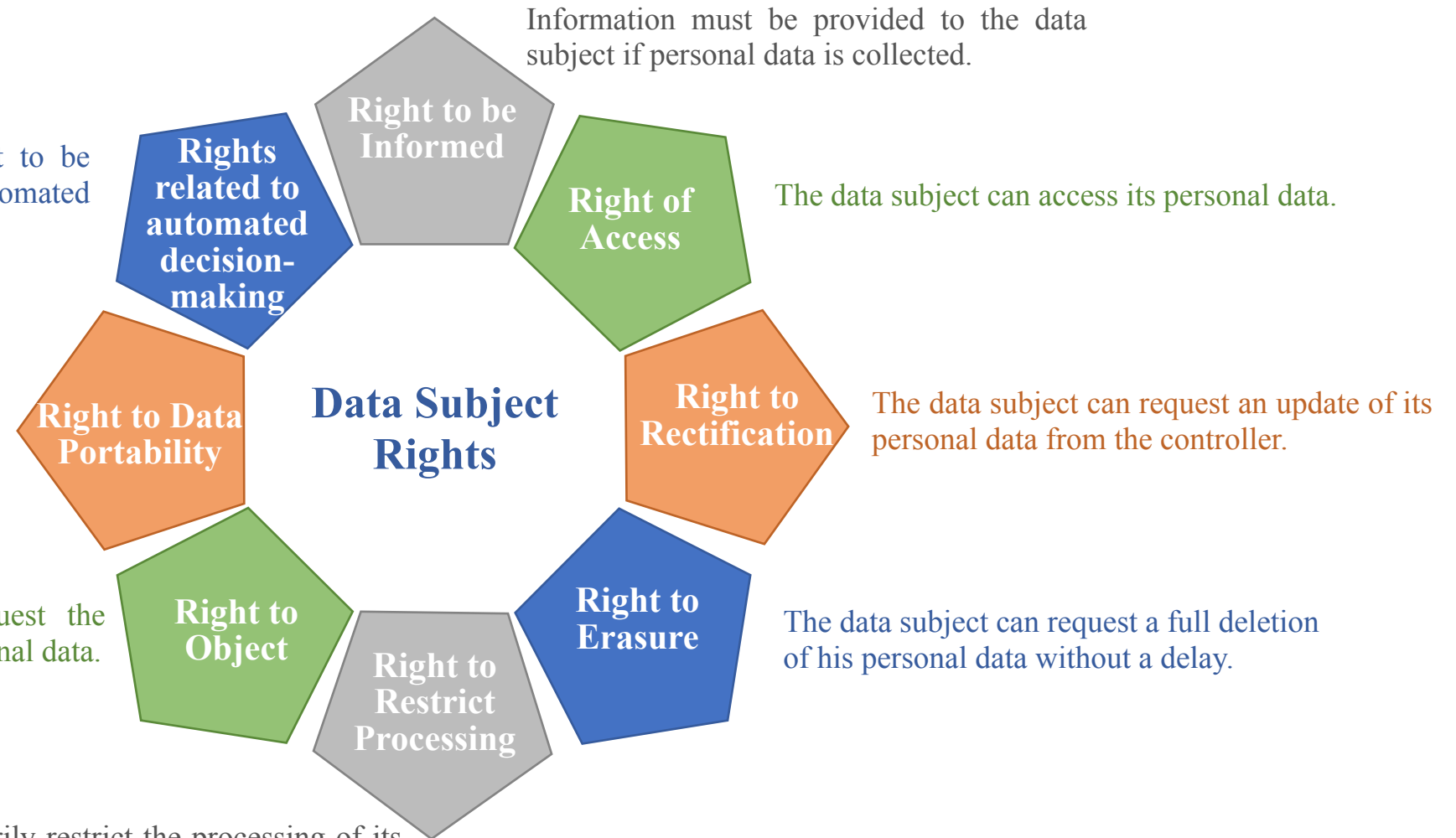
Data Subject Rights

The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling.

The data subject can request to receive its personal data in a machine-readable format or can request a transmission to another controller when technically feasible.

The data subject can always request the controller to stop processing its personal data.

The data subject can temporarily restrict the processing of its personal data.



Right to be Informed

Q1: How does it work?

Sending a request to the data collector, e.g. an email, a letter, or even an oral request (in a formal way).

Q2: Why is this needed?

Data subjects have the right to be informed about the collection and use of any personal data about them.

—→ This is a key transparency requirement under EU data protection law.

Q3: What should data controller do?

- Data controllers must provide individuals with information including: purposes for processing personal data, retention periods for that personal data, and who it will be shared with.
- Data controllers must provide information to individuals at the time of collection.

Right of Access

Q1: How does it work?

Sending a Data Subject Access Request (DSAR) to the data collector. An DSAR can be an email, a letter, or even a fax, so long as it leaves a written record of the request.

Q2: Why is this needed?

The ability of Data Subject to get access to his or her personal data that is being processed.

Q3: What should data controller do?

- Give the data subject the confirmation as to whether or not personal data concerning him or her are being processed
- Give access to the personal data and different information, e.g. purposes of the processing, categories of personal data concerned
- The data collector must respond to the request within one month.

Right to Rectification

Q1: How does it work?

Sending a request to the data collector, e.g. an email, a letter, or even an oral request (in a formal way).

Q2: Why is this needed?

Up to date and/or accurate personal data of the data subject.

Q3: What should data controller do?

The data controller should send without undue delay the rectification of inaccurate (or incomplete) personal data concerning the Data Subject.

Right to Erasure (Right to be forgotten)

Q1: How does it work?

Sending a request to the data collector, e.g. an email, a letter, or even an oral request (formal).

Q2: Why is this needed?

Data Subjects have the right to have their data ‘erased’ in certain specified situations - in essence where the processing fails to satisfy the requirements of the GDPR

Q3: What should data controller do?

- The data controller should erase personal data without undue delay.
- The data controller has to inform all recipients about the deletion data subject personal data, so that they also apply it in their systems

Right to Restrict Processing

Q1: How does it work?

Sending a request to the data collector, e.g. an email, a letter, or even an oral request (in a formal way).

Q2: Why is this needed?

- This replaces the provisions in the Data Protection Directive on ‘blocking’.
- In some situations, this right gives an individual an alternative to requiring data to be erased; in others, it allows the individual to require data to be held in limbo whilst other challenges are resolved.

Q3: What should data controller do?

The data controller have to stop all processing on the personal data for a short term.

Right to Object

Q1: How does it work?

Sending a request to the data collector, e.g. an email, a letter, or even an oral request (in a formal way).

Q2: Why is this needed?

To stop the processing of the personal data of data subject at any time, if it is on the ground of necessity for the data controller's legitimate interests, or necessity for performance of a task in the public interest or in exercise of official authority.

Q3: What should data controller do?

The data controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.

Right to Data Portability

Q1: How does it work?

Sending a request to the data collector, e.g. an email, a letter, or even an oral request (in a formal way).

Q2: Why is this needed?

The transmission of data subject personal data to another data controller.

Q3: What should data controller do?

The data controller should transmit data subject personal data directly to another data controller.

Rights related to automated decision-making



Q1: How does it work?

Sending a request to the data collector, e.g. an email, a letter, or even an oral request (in a formal way).

Q2: Why is this needed?

Protected the data subjects against any automated data-processing that might involve profiling them based on personally identifiable information.

Q3: What should data controller do?

The data controller shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.



Task 2:

Data Portability

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Data Portability

Challenges

- ⦿ Automatic data import
- ⦿ Different syntactics: data formats (e.g. MySQL, XML, RDF)
- ⦿ Different semantics (e.g. name ↔ first name, last name)
- ⦿ Inconsistent APIs
- ⦿ Transparency

Data Portability



Use Cases

- A user doesn't agree with the privacy policy of their music service. They want to stop using it immediately, but don't want to lose the playlists they have created.
 - > Using the right of Data Portability, they could use the export functionality of the original provider to save a copy of their playlists to the cloud.
- A user discovers a new photo printing service offering beautiful and innovative photo book formats, but their photos are stored in their social media account.
 - > With the right of Data Portability, they could visit a website or app offered by the photo printing service and initiate a transfer directly from their social media platform to the photo book service.





Task 3:

Right to be Forgotten

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Right to be Forgotten

Problems

- ⦿ Might restrict the public interest in access to information
- ⦿ Collides with a third party's right to share and discuss information
- ⦿ Immutable systems cannot remove information (blockchain)
- ⦿ Backups are usually not modified to preserve a given state



Task 3:

Right to Object vs. Right of Restriction of Processing

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Right to Object vs. Right of Restriction of Processing



Right to Object

- Object to all type of data subject personal data
- Stop Personal Data processing definitively

Right of Restriction Of Processing

- Restricted to some type of data subject personal data
- Stop personal data processing for a short term

See you next week 😊