



# THE OFFICE OF THE **DATA PROTECTION COMMISSIONER**

## The Data Protection (Bailiwick of Guernsey) Law, 2017 ("the **Law**")

### Your Rights

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Definitions of terms used in this document can be found [here](#).

***Individuals are at the heart of data protection legislation. The Law builds on the current legal rights and responsibilities and specifically aims to strengthen individuals' rights. These key rights are summarised below –***

#### **Right to information for personal data collected from data subject (section 12)**

When you are asked to provide your personal data to any organisation, there is a requirement for that organisation to make it clear who they are and what exactly is going to happen to your data. Full information of these requirements can be found [here](#). The higher standards the Law requires in respect of transparency are a fundamental part of the new legislative framework and individuals are encouraged to understand their rights and demand that they are respected.

If your data have been collected prior to implementation of the Law (25 May 2018), the processing is subject to transitional relief. It is expected that controllers review the information provided to individuals so you may find that companies that have your data get in touch with you to update this information. This is certainly good practice but not necessarily a legal requirement. Each controller will need to review its own position in this respect.

#### **Right to data portability (section 14)**

This element of the Law is subject to transitional relief which means that it will not come into force until 25 May 2019. Once in force, it will allow you to instruct for your personal data to be transmitted from one controller to another. The Law sets out certain requirements for

controllers to ensure such requests can be handled easily. As this will require system changes for many controllers, this right will be transitioned and not be available until 25 May 2019.

### **Right of access (section 15)**

Current legislation provides you with rights of access to your personal data. The Law enhances this right and requires the controller to respond within one month. It is also no longer possible for you to be charged for your request. As with the current legislation, the Law provides for certain, limited and specific exemptions to this right.

### **Right to object to processing for direct marketing purposes (section 17)**

If a controller is processing your personal data for direct marketing purposes, you have a right to require the controller to stop. You should write directly to the organisation concerned to make any such request.

### **Right to object to processing on grounds of public interest (section 18)**

If a controller is processing your personal data based on legitimate interests or by virtue of being a public authority, you have a right to request it ceases processing. You should write directly to the organisation concerned to make any such request. If the controller is a public authority, it will have a data protection officer whom you can contact. When such a request is made the controller must cease the processing unless the public interest in that processing continuing outweighs your significant interests.

### **Right to object to processing for historical or scientific purposes (section 19)**

If a controller is processing your personal data based on being necessary for historical or scientific purposes, you have a right to request it ceases processing. You should write directly to the organisation concerned to make any such request. If the controller is a public authority, it will have a data protection officer whom you can contact. When such a request is made, the controller must cease the processing unless the controller is a public authority and can demonstrate that the public interest in that processing continuing outweighs your significant interests.

### **Right to rectification (section 20)**

If you dispute the accuracy or completeness of personal data about you, you have the right to require the controller to rectify or change the data. You should write directly to the

organisation concerned to make any such request. If the controller is a public authority, it will have a data protection officer whom you can contact.

### **Right to erasure (section 21)**

For data processed in certain circumstances (please refer to the relevant section for full details) you have a right to require the controller to erase your personal data. This right is sometimes referred to as a 'right to be forgotten'. You should write directly to the organisation concerned to make any such request. If the controller is a public authority, it will have a data protection officer whom you can contact.

### **Right to restriction of processing (section 22)**

For data processed in certain circumstances (please refer to the relevant section for full details) you have a right to obtain a restriction of processing by the controller. You should write directly to the organisation concerned to make any such request. If the controller is a public authority, it will have a data protection officer whom you can contact.

### **Right not to be subject to decisions based on automated processing (section 24)**

Automated decision making often means that no human is involved in the processing of personal data. The Law recognises that individuals should be protected against unfair and harmful practice and provides you with a right not to be subjected to an automated decision. In accordance with your rights under section 12 (see above) you should be made aware of all such processing by the controller when it first asks you to provide your data.

*This guidance note is a summary of the key rights afforded to individuals under the Law. For full information please refer to the original text of the Law which can be found [here](#).*