

DATA PROTECTION ESSENTIAL PRINCIPLES

Rights of the individual

User or individual or data subject's Rights

Each individual has the **right** to:



- Be **informed** – transparency principle,
- Have **access to his/her data**,
- Request to **rectify** his/her personal data,
- Request to **erase** his/her personal data,
- **Oppose** or **limit** at any time data processing of his/her personal data.

GDPR has introduced and added two new rights:



- **Not to be evaluated solely** on the basis of an automated data processing,
- **Data portability.**

Access right

Individuals have the right to access **their personal data**, as well as confirmation that you are processing their data.



The right to be forgotten and rectified

Individuals have the right **to request the deletion of all or part of their personal data** (right to be forgotten). In other words, they can withdraw their consent, if this is the legal basis for processing the data.

They also have the option of modifying their personal data **by correcting any inaccurate information or completing any incomplete information.**



Exceptions to a request for deletion :

- If there is a legal obligation to retain the data (e.g. certain accounting data)
- If there is a reason of public interest in the field of health (for example, in order to ensure high quality and safety of medicines)
- If the data is used to exercise legal rights

Right to object

An individual may object at any time to the processing of his or her data **for reasons relating to their particular situation.**



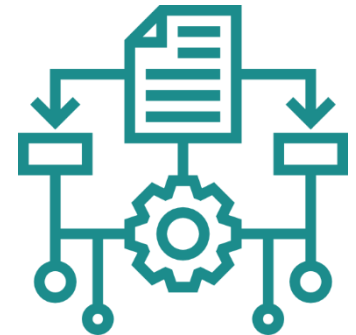
Exceptions to a request for opposition :

- If there is a "compelling and legitimate" reason to retain the data in order to achieve the purpose of its processing
- If there is a legal obligation to retain the data (for example, certain accounting data)
- If the data is used to exercise legal rights

Right to object an automated individual decision making

An **automated decision system** is a decision made about a person, by means of algorithms applied to their personal data, **without any human being intervening in the process.**

Generally referred to in the industry as "**profiling**", this automatic technique is often used to select people for a service.



Right to data portability

The right to data portability enables **people to obtain and re-use their personal data for their own purposes in different services.**

It enables them to easily move, copy or transfer personal data **from one IT environment to another**, safely and securely, without affecting its use; for example, their medical records as a patient.



How to put these rights on practise ?

Du point de vue des personnes concernées, s'assurer:

- de leur **communiquer/donner constamment accès aux conditions** pour faire leurs demandes
- d'avoir des **canaux** leur permettant d'exercer leurs droits (mécanismes de feedback, de plaintes...)
- De leur répondre dans des **délais raisonnables**
- D'avoir **impliqué les populations concernées** ou leurs représentant.es dans le projet, ses objectifs et les traitements de données associées (pour renforcer les relations de confiance avec elles)



Du point de vue de l'organisation, s'assurer:

- d'avoir la **possibilité d'accéder, extraire, supprimer ou modifier** une donnée dans la base de données, également de **vérifier** les corrections soumises

How to put these rights on practise ?

From the point of view of the people concerned, ensure that:

- they are given **constant access to the conditions for making their requests**
- there are **channels enabling them to exercise their rights** (feedback and complaints mechanisms, etc.) respond within a reasonable timeframe
- **the populations concerned or their representatives in the project are involved**, its objectives and the associated data processing (to strengthen the relationship of trust with them).



From the organization's point of view, to ensure that:

- you have the possibility of **accessing, extracting, deleting or modifying data** in the database, as well as **checking** submitted corrections



What about your programs?

How to implement these user's rights?

Is this really **feasible**?

How is it **similar or different** from the consent question in surveys in the field?

What are the **limits**?

To go further, refer to the knowledge capsule on Legal basis, including "consent".

Acknowledgements

This publication is supported by the French Development Agency (AFD) and the Crisis and Support Center of the French Ministry of Europe and Foreign Affairs (CDCS). Nevertheless, the ideas and opinions presented in this document do not necessarily represent those of AFD and CDCS.

This presentation was designed using resources from [Flaticon](#), [Freepik](#) and [The Noun Project](#).