**Rights of the Individual under the GDPR**

The General Data Protection Regulations provides additional rights and strengthens rights to individuals in respect of how personal data is processed.

Individuals have the following rights:

* The right of access
* The right to rectification
* The right to erasure
* The right to restrict processing
* The right to data portability
* The right to object
* Rights in relation to automated processing

Further advice and guidance is available from the University’s Data Protection Manager dataprotection@southwales.ac.uk

**The right of access**

Individuals have the right to obtain confirmation from the University around whether their personal data is being processed and for access to this data including information on:

* The purposes of the processing.
* The categories of personal data concerned.
* The recipients or categories of recipient to whom data will be disclosed.
* Retention of the data.
* The existence of the right to request rectification, erasure or restriction of the processing of personal data.
* The right to lodge a complaint to the Information Commissioner’s Office.
* Where personal data is collected from sources other than the individual information on where the data has been collected from.
* The existence of any automated decision making relating to their personal data.

Individuals may submit a request by emailing dataprotection@southwales.ac.uk.

Upon receiving the request the University will confirm receipt of the request and will require the individual to provide identification documentation to the University in order that it can verify and confirm the identity.

The University will request information that will enable it to identify which members of staff will need to be contacted to obtain this information.

The University may contact individuals seeking their information if there is a need clarification on the scope of the request.

In accordance with the GDPR the University may, if a request is manifestly unfounded or excessive, charge a reasonable fee or refuse to respond.

The University will respond within one month of receipt of the identification/clarification being received. In certain circumstances it may be necessary for the University to ask for an extension of up to 2 months. Where an extension is sought, an explanation behind the need for additional time will be provided.

**The right to rectification**

If personal data is identified as being inaccurate or incomplete individuals have the right for it to be rectified within one month. Where this information has been shared with third parties there is a need to ensure that they are also informed in order that they can make rectifications.

The University will respond within one month.

To exercise their right to rectification individuals may submit a request through the following [**link**](https://forms.office.com/Pages/ResponsePage.aspx?id=fP6q5RuXt0qwORQa02rOwD5ufQVS6UhPjmkNXkFBMcdUM0tXVEVPVU00TUdWSEFYRERRNllYVlo3Ri4u) and by completing the appropriate fields.

**The right to erasure**

Also known as the right to be forgotten, an individual has the right to have personal data removed or deleted within one month if there is no compelling reason for it being processed.

This right only applies in the following situations:

* When the data is no longer needed for the reason it was originally collected.
* The individual withdraws consent.
* The individual objects to processing and there is no continued legitimate reason to continue processing.
* The processing is unlawful – that is to process the data was in breach of the GDPR
* There is a requirement to erase the data to comply with a legal obligation.
* It is processed in relation to offer or information society services to children.

The University can refuse to comply with a request for data to be erased where personal data is processed for the following reasons:

* To exercise the right of freedom of expression and information.
* In order to comply with a legal obligation for the performance of a public interest task or exercise of official authority.
* For public health purposes which are in the public interest.
* To archive in the public interest; scientific, historical and statistical research purposes
* To defend a legal claim.

To exercise their right to recitification individuals may submit a request through the following **link** and by completing the appropriate fields.

**The right to restrict processing**

Individuals have the right to block or restrict processing, which means that the University would be able to store or hold personal data but not further process it.

This would apply in the following situations:

* An individual contests the accuracy of the data, until the accuracy is confirmed.
* Where the individual has contested the processing and the University is considering if its legitimate interests override this.
* When the processing is illegal.
* If the University no longer requires the personal data, but the individual needs it to defend a legal claim.

If processing is to be restricted and it has been disclosed to a third party, it is necessary to advise them of this unless it would cause disproportionate effort to do so. If it is then decided that the decision to restrict is to be lifted it would then be necessary to advise the individual (data subject) that the restriction has been removed.

To exercise their right to restrict processing individuals may submit a request through the following [**link**](https://forms.office.com/Pages/ResponsePage.aspx?id=fP6q5RuXt0qwORQa02rOwD5ufQVS6UhPjmkNXkFBMcdUM0tXVEVPVU00TUdWSEFYRERRNllYVlo3Ri4u) and by completing the appropriate fields.

**The right to data portability**

This allows individuals to obtain and reuse (i.e. move, copy and transfer) their information across different services for their own purposes.

This must be completed within one month of the request being made and a fee cannot be charged. This only applies to data provided by the individual, where the processing is carried out by automated means and the University has relied upon the individual’s consent or for the performance of a contract as the legal basis for processing.

The personal data must be provided in a structured and commonly used form that will allow other organisations to use this data. Where a request is received, if possible, the data must be transferred directly to the other organisation.

To exercise their right to restrict processing individuals may submit a request through the following [**link**](https://forms.office.com/Pages/ResponsePage.aspx?id=fP6q5RuXt0qwORQa02rOwD5ufQVS6UhPjmkNXkFBMcdUM0tXVEVPVU00TUdWSEFYRERRNllYVlo3Ri4u) and by completing the appropriate fields.

**The right to object**

Individuals have the right to make objections to the University around processing in the following situations:

* Where it is based on legitimate interests or the performance of a task in the public interest or the exercise of official authority.
* That relate to direct marketing (There are no exemptions).
* Processing for purposes of scientific/historical and statistical research purposes.

 The University will stop processing unless it is able to demonstrate compelling legitimate grounds for the processing; or the processing is for the establishment, exercise or defence of legal claims.

Where an objection is received to direct marketing the University will cease immediately.

To exercise their right to object individuals may submit a request through the following [**link**](https://forms.office.com/Pages/ResponsePage.aspx?id=fP6q5RuXt0qwORQa02rOwD5ufQVS6UhPjmkNXkFBMcdUM0tXVEVPVU00TUdWSEFYRERRNllYVlo3Ri4u) and by completing the appropriate fields.

**Rights in relation to automated decision making and profiling**

Safeguards exist within the GDPR where significant decisions or those that have a legal effect are taken by automatic means without human intervention.

Individuals have a right to get human intervention, give their own view, have the decision explained to them, and challenge that decision if they are not happy with it. This would not apply where the decision is:

* Necessary for entering into/the performance of a contract between the University and the individual.
* Authorised by law.
* Based on explicit consent.

With regard to profiling, this would include any processing used to judge an individual’s; performance at work/study, economic situation, health, personal preferences, reliability, behaviour, location or movements. To undertake this type of processing requires precautions including appropriate Privacy Notices, statistical procedures and information security processes, as well as robust procedures to prevent errors.

To exercise their rights in relation to automated decision making individuals may submit a request through the following [**link**](https://forms.office.com/Pages/ResponsePage.aspx?id=fP6q5RuXt0qwORQa02rOwD5ufQVS6UhPjmkNXkFBMcdUM0tXVEVPVU00TUdWSEFYRERRNllYVlo3Ri4u) and by completing the appropriate fields.