

European Regulation 679/2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46 / EC (Regulation General Data Protection)

CHAPTER III

rights of

Section 1

Transparency and mode

Article 12

Information, communications and transparent procedures for the exercise of the rights

1. The holder of the treatment take appropriate measures to provide the person all the information referred to in Articles 13 and 14 and the communications referred to in Articles 15 to 22 and 34 relating to the treatment in a concise form, transparent, intelligible and easily accessible, with a simple and clear language, in particular in the case of information intended specifically to minors. The information is provided in writing or by other means, including, where appropriate, by electronic means. If requested by the person concerned, the information can be given orally, provided it is proven by other means the identity of the data.

2. The data controller facilitates the exercise of the rights under Articles 15 to 22. In the cases referred to in Article 11, paragraph 2, the data controller may not refuse to meet the requests in order to exercise its rights under articles 15 to 22, unless the holder of the data shows that it is not able to identify the person concerned.

3. The holder of the person gives you information on the action taken in regard to a request under Articles 15 to 22 without undue delay and in any case no later than one month after receipt of the request. This period may be extended by two months, if necessary, given the complexity and the number of requests. The data controller shall inform the individual of such extension, and the reasons for the delay, within one month of receiving the request. If the person submitting the request by electronic means, the information is provided, where possible, by electronic means, unless otherwise indicated concerned.

4. If you do not comply with the request, the data controller shall inform the person concerned without delay and at the latest within one month of receiving the request, the dell'inottemperanza reasons and the possibility of lodging a complaint to an authority of control and bring court proceedings.

5. Information provided in accordance with Articles 13 and 14 and any communications and actions taken in accordance with Articles 15 to 22 and 34 are free. If the requests of manifestly unfounded or excessive, especially for their repetitive nature, the data controller may:

- a) charge a reasonable fee which taking into account administrative costs of providing the information or communication or take the required action; or
- b) refuse to fulfill the request.

It is for the owner of the treatment the burden of proving the manifestly unfounded or excessive demand.

6. Subject to Article 11, if the holder of the treatment nourishes reasonable doubt about the identity of the person submitting the request referred to in Articles 15 to 21, may seek further information to confirm the identity of the data .

7. The information to be provided to data subjects under Articles 13 and 14 may be provided in combination with standardized icons to give in easily visible, clearly legible and intelligible, an overview of the proposed treatment. If you file electronically, the icons are readable by automatic device.

8. The Commission shall be empowered to adopt delegated acts in accordance with Article 92 in order to establish the information to be presented as an icon and procedures to provide standardized icons.

Section 2

Information and access to personal data

Article 13

Information to be provided when personal data are collected from the

1. In case of collection from the concerned data relating to him, the data controller shall provide the person concerned, when personal data are obtained, the following information:
 - a) the identity and contact details of the data controller and, where applicable, by his representative;
 - b) the contact details of the chief privacy officer, where applicable;
 - c) the purposes for which they are the personal data and the legal basis of the processing;
 - d) if the processing is based on Article 6, paragraph 1, letter f), the legitimate interests pursued by the data controller or third parties;
 - e) any recipients or categories of potential recipients of personal data;
 - f) where applicable, the intentions of the data controller to transfer personal data to a third country or international organization and the existence or absence of an adequacy decision by the Commission or, in the case of transfers as referred to in Article 46 or 47, or Article 49, second paragraph, the reference to the appropriate guarantees or opportune and means to obtain a copy of such data or the place where they were made available.
2. In addition to the information referred to in paragraph 1, when the personal data are obtained, the data controller to the person provides the following additional information needed to ensure a fair and transparent treatment:
 - a) the period of retention of personal data or, if not possible, the criteria used to determine that period;
 - b) the existence of the subject's right to request the data controller to access personal data and correct or cancel them or treatment limitations relating to him or to object to their treatment, as well as the right to data portability ;
 - c) when the processing is based on Article 6, paragraph 1, letter a), or Article 9, paragraph 2, letter a), the existence of the right to withdraw consent at any time without affecting the lawfulness of the processing based on consent given before the revocation;
 - d) the right to complain to a supervisory authority;
 - e) if the disclosure of personal data is a legal or contractual obligation or a requirement for the conclusion of a contract, and if the person concerned is obliged to provide personal data as well as the possible consequences of failure to provide such data;
 - f) the existence of an automated decision-making process, including the profiling of Article 22, paragraphs 1 and 4, and, at least in these cases, significant information on the logic used, as well as the importance and the anticipated consequences of such treatment for 'interested.
3. If the holder of the treatment intends to further process personal data for a purpose different from that for which they were collected, prior to such further treatment to the person provides information about such different purposes, and any other relevant additional information referred to in paragraph 2.
4. Paragraphs 1, 2 and 3 shall not apply if and to the extent that the applicant already has the information.

Article 14

Information to be provided when personal data were not obtained from the data subject

1. If the data have not been obtained from the data subject, the data controller provides the following information to the person:
 - a) the identity and contact details of the data controller and, where applicable, by his representative;
 - b) the contact details of the chief privacy officer, where applicable;
 - c) the purposes for which they are the personal data and the legal basis of the processing;
 - d) the categories of personal data in question;
 - e) any recipients or categories of potential recipients of personal data;
 - f) where applicable, the intentions of the data controller to transfer personal data to a recipient in a third country or international organization and the existence or absence of an adequacy decision by the Commission or, in the case of transfers as referred to in 'Article 46 or 47, or Article 49, second paragraph, the reference to adequate safeguards or appropriate means and to obtain a copy of such data or the place where they were made available.
2. In addition to the information referred to in paragraph 1, the data controller shall provide the person with the following information needed to ensure a fair and transparent treatment to the stakeholders:
 - a) the period of retention of personal data or, if not possible, the criteria used to determine that period;
 - b) if the processing is based on Article 6, paragraph 1, letter f), the legitimate interests pursued by the data controller or third parties;
 - c) the existence of the subject's right to request the data controller to access personal data and correct or cancel them or limitation of the processing of personal data concerning him and to oppose their treatment, as well as the right to data portability;
 - d) when the processing is based on Article 6, paragraph 1, letter a), or Article 9, paragraph 2, letter a), the existence of the right to withdraw consent at any time without affecting the lawfulness of the processing based on consent before the cancellation;
 - e) the right to complain to a supervisory authority;
 - f) the source from which originate the personal data and, where appropriate, the possibility that the data come from sources accessible to the public;
3. The data controller shall provide the information referred to in paragraphs 1 and 2:
 - a. within a reasonable time obtaining of personal data, but at the latest within one month, the specific circumstances into account when personal data are processed;
 - b. if the personal data are intended for communication with the person concerned, at the latest at the time of the first communication to the person; or

c. the case is to be communicated to any other address, no later than the first communication of personal data.

4. If the holder of the treatment intends to further process personal data for a purpose different from that for which they were obtained, prior to such further treatment to the person provides information about such different purposes and any relevant information referred to in paragraph 2.

5. Paragraphs 1 to 4 shall not apply if and to the extent that:

- a) the applicant already has the information;
- b) communicate such information proves impossible or involve a disproportionate effort; in particular for the treatment for archiving purposes in the public interest, scientific or historical research or statistical purposes, subject to the conditions and guarantees referred to in Article 89, paragraph 1, or to the extent that the obligation referred to in paragraph 1 of this article would render impossible or seriously affect the achievement of the purposes of such treatment. In such cases, the data controller shall take appropriate measures to protect the rights, freedoms and legitimate interests, including by making public information;
- c) obtaining or disclosure are expressly provided for by Union law or Member State which apply to the data controller and provides for appropriate measures to protect legitimate interests; or
- d) if the personal data must remain confidential pursuant to an obligation of professional secrecy governed by Union law or Member States, including an obligation of secrecy required by law.

Article 15

Right of access of

1. The individual has the right to obtain from the data controller confirmation as to whether or not the current processing of personal data concerning him and, if so, to gain access to personal data and to the following information:

- a) the purpose of treatment;
- b) the categories of personal data in question;
- c) the recipients or categories of recipients to whom the personal data are or will be sent, especially if recipients in third countries or international organizations;
- d) when possible, the period of retention of personal data provided or, if not possible, the criteria used to determine that period;
- e) the existence of the subject's right to request the data controller correct or delete personal data or restriction of the personal data concerning him or to object to their treatment;
- f) the right to complain to a supervisory authority;
- g) when data are not collected from the person concerned, all available information about their sources;
- h) the existence of an automated decision-making process, including the profiling of Article 22, paragraphs 1 and 4, and, at least in these cases, significant information on the logic used, as well as the importance and the anticipated consequences of such treatment for 'interested.

2. Where personal data are transferred to a third country or an international organization, the person has the right to be informed of the existence of adequate safeguards in accordance with Article 46 relating to the transfer.

3. The data controller shall provide a copy of the personal data undergoing processing. If further copies required by the person concerned, the data controller may charge a reasonable fee which based on administrative costs. If the person concerned presents the request by electronic means, and the person concerned unless otherwise stated, the information is provided in an electronic format in common use.

4. The right to obtain a copy referred to in paragraph 3 shall not affect the rights and freedoms of others.

Section 3

Correction and deletion

Article 16

Right of rectification

The individual has the right to obtain from the data controller the rectification of inaccurate personal data relating to him without undue delay. Given the purpose of the treatment, the person has the right to obtain the integration of incomplete personal data, even providing a supplementary statement.

Article 17

Right to cancellation ("oblivion") law

1. The individual has the right to obtain from the data controller the erasure of personal data relating to him without undue delay and the data controller is obliged to remove without undue delay the policy, if one of the following reasons:
 - a) personal data are no longer needed for the purposes for which they were collected or otherwise processed;
 - b) the person concerned shall withdraw the permission on which it is processed in accordance with Article 6, paragraph 1, letter a), or Article 9, paragraph 2, letter a), and if there is no other legal basis for the processing;
 - c) the person concerned is opposed to treatment pursuant to Article 21, paragraph 1, and there is no prevalent legitimate reason to proceed with the treatment, or is opposed to treatment pursuant to Article 21, paragraph 2;
 - d) personal data have been processed unlawfully;
 - e) personal data must be erased for compliance with a legal obligation under Union law or the Member State which apply to the data controller;
 - f) the personal data was collected regarding the provision of information society services referred to in Article 8, paragraph 1.
2. The holder of the treatment, if made public policy and is obligated, pursuant to paragraph 1, to delete them, taking into account available technology and costs of implementation shall take reasonable steps, including technical, to inform the data controller who are treating the personal data of the request to delete any link, copying or reproduction of his personal data.
3. Paragraphs 1 and 2 do not apply to the extent that processing is necessary:
 - a) for the exercise of the right to freedom of expression and information;
 - b) for compliance with a legal obligation requiring the treatment provided by Union law or Member State which apply to the data controller or to the execution of a task carried out in the public interest or in the exercise of official authority which it is invested with the holder of the treatment;
 - c) for reasons of public interest in the field of public health in accordance with Article 9, paragraph 2, letter h) and i), and Article 9, paragraph 3;
 - d) for archiving purposes in the public interest, scientific or historical research or statistical purposes in accordance with Article 89, paragraph 1, to the extent that the right referred to in paragraph 1 would render impossible or seriously affect the achievement of the objectives treatment; or
 - e) for the establishment, exercise or defense of a legal claim.

Article 18

Right of treatment limitation

1. The individual has the right to obtain from the data controller the limitation of treatment when one of the following assumptions:
 - a) the applicant disputes the accuracy of the personal data, for the period necessary for the data controller to verify the accuracy of such data;
 - b) the processing is unlawful and the data subject opposes deletion of personal data and would instead suggest that the use is limited;
 - c) although the data controller no longer needs them for the purpose of processing, personal data is necessary to the person to ascertain, the exercise or defense of a legal claim;
 - d) the person concerned is opposed to treatment pursuant to Article 21, paragraph 1, pending verification regarding the possible prevalence of legitimate reasons for the proprietor of the treatment compared to those concerned.
2. If the treatment is limited in accordance with paragraph 1, such personal data are processed, except for their storage, only with the consent or for the assessment, exercise or defense of a legal claim or to protect the rights of another person or entity, or for reasons of overriding public interest of the Union or a member State.
3. A person who has obtained the limitation of the treatment in accordance with paragraph 1 is informed by the holder of the treatment before that this limitation has been revoked.

Article 19

Notification requirement in the event of correction or deletion of personal data or limitation of treatment

The data controller communicates to each of the recipients to whom the personal data to any adjustments or cancellations or limitations of treatment made pursuant to Article 16, Article 17, paragraph 1 have been sent, and Article 18, unless this it proves impossible or involves a disproportionate effort. The data controller shall communicate this to the person addressed if the applicant so requests.

Article 20

Right to data portability

1. The individual has the right to receive in a structured format, common and readable by automatic device using the personal data concerning him or supplied to a controller and have the right to transmit such data to another data controller unimpeded by the holder of the treatment which provided them if:
 - a. Treatment is based on consent under Article 6, paragraph 1, letter a), or Article 9, paragraph 2, letter a), or a contract under Article 6, paragraph 1, letter b) ; is
 - b. processing is carried out by automated means.
2. In exercising its rights with respect to data portability under paragraph 1, the person has the right to obtain the direct transmission of personal data from one holder to another treatment, if technically feasible.
3. The exercise of the right referred to in paragraph 1 of this Article, without prejudice to Article 17. This law does not apply to the processing necessary for the performance of a task of public interest or in the exercise of official authority which it is invested with the holder of the treatment.
4. The right referred to in paragraph 1 shall not affect the rights and freedoms of others.

Section 4

Right of opposition and automated decision-making process relating to natural persons

Article 21

Right of opposition

1. You have the right to object at any time, for reasons relating to his particular situation, to the processing of personal data concerning him in accordance with Article 6, paragraph 1, letter e) or f), including the profiling the basis of these provisions. The holder refrains from further process personal information except that he proves the existence of compelling legitimate grounds for proceeding to the prevailing tax on interest, on the rights and freedoms of or for the establishment, exercise or the defense of a legal claim.
2. Where personal data are processed for purposes of direct marketing, the data subject has the right to object at any time to the processing of personal data concerning him made for such purposes, including the profiling to the extent that it is connected to such marketing direct.
3. If you object to the processing for direct marketing purposes, personal data are not processed for those purposes.
4. The right referred to in paragraphs 1 and 2 is explicitly brought to the attention of the person concerned and is presented clearly and separately from any other information at the latest at the time of the first communication with the person concerned.
5. In respect of use of information society services and without prejudice to Directive 2002/58 / EC, the person concerned can exercise their right to object by automated means using technical specifications.
6. Where personal data are processed for the purposes of scientific or historical research or statistical purposes in accordance with Article 89, paragraph 1, the person concerned, for reasons relating to his particular situation, have the right to object to the processing of personal data concerning him, unless the treatment is necessary for the performance of a task of public interest.

Article 22

automated decision-making process related to individuals, including the profiling

1. You have the right not to be subjected to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or significantly affecting in a similar way on his person.
2. Paragraph 1 shall not apply in case the decision:
 - a) It is necessary for the conclusion or the execution of a contract between the person concerned and a holder of the treatment;
 - b) It is authorized by Union law or Member State which apply to the data controller, which also specifies appropriate measures to protect the rights, freedoms and legitimate interests;
 - c) It is based on the explicit consent.

3. In the cases referred to in paragraph 2, a) and c), the data controller shall implement appropriate measures to protect the rights, freedoms and legitimate interests, at least the right to obtain human intervention by the holder of treatment, to express their views and to challenge the decision.

4. The decisions referred to in paragraph 2 does not rely on special categories of personal data referred to in Article 9, paragraph 1, unless the article 9, paragraph 2, letter a) og is not applicable) and are not in place adequate measures to protect the rights, freedoms and legitimate interests.

Communication of a personal data breach to the person (Art. 34)

1. When the personal data breach is likely to present a high risk for the rights and freedoms of natural persons, the data controller communicates the violation to without undue delay.

2. The disclosure to the person referred to in paragraph 1 of this article describes a simple and clear language the nature of the personal data breach and contain at least the information and measures referred to in Article 33, paragraph 3, letter b) , c) and d).

3. It is not required to report to the person referred to in paragraph 1 if it satisfies the following conditions:

a) the data controller has put in place the technical and organizational measures of protection and those measures were applied to the personal data of the breach, in particular those designed to make personal data unintelligible to anyone not authorized to access, such as encryption;

b) the data controller has put in place the technical and organizational measures of protection and those measures were applied to the personal data of the breach, in particular those designed to make personal data unintelligible to anyone not authorized to access, such as encryption;

c) the holder of the treatment subsequently adopted measures to avert the occurrence of a high risk for the rights and freedom of parties referred to in paragraph 1;

d) such communication would require a disproportionate effort. In this case, it proceeds instead to a public communication or a similar measure through which interested parties are informed with similar efficacy.

4. In the event that the data controller has not yet communicated to the person the personal data breach, the supervisory authority of the probability that the personal data breach may, after evaluating presents a serious risk, that provides you or it may decide that one of the conditions referred to in paragraph 3 is satisfied.