

GDPR

Personal Rights

Read time: 5 mins



Hello,

The General Data Protection Regulation (GDPR) is a regulation in UK law on data protection and privacy.

The GDPR's primary aim is to give control to individuals over their personal data. It contains provisions and requirements related to the processing of personal data of individuals (formally called data subjects in the GDPR) who are located in the United Kingdom.

It applies to any enterprise that processes the personal information of data subjects inside the UK.

This guide will explore in more detail the eight personal rights that the GDPR introduced and the processes that businesses must have in place to ensure compliance.

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GDPR & Personal Rights

Introduction

Businesses must implement appropriate technical and organizational measures to implement the data protection principles.

Business processes that handle personal data must be designed and built considering the principles and provide safeguards to protect data.

Businesses must report data breaches to national supervisory authorities within 72 hours if they have an adverse effect on user privacy.

No personal data may be processed unless the processing is under one of the six lawful bases specified by the regulation (consent, contract, public task, vital interest, legitimate interest or legal requirement).

Policyholders allow Source to process their personal data due to the insurance contract they have in place.



THE EIGHT Personal Rights

The Eight Personal Rights

1. **Right to Access**
2. **Right to be Forgotten**
3. **Right to Data Portability**
4. **Right to be Informed**
5. **Right to Rectification**
6. **Right to Restrict Processing**
7. **Right to object**
8. **Rights in relation to automated decision making and profiling**

Regardless of your role, you will have a part to play in understanding the importance of GDPR. The responsibility of complying with GDPR falls upon everyone in your organisation.

Failure to comply could result in fines from £500,000 – 20M Euros or 4% of the organisation's annual global turnover.

GDPR - Personal Rights

Right to access

'Individuals have the right to request access to their personal data at any time.'

Right to access is also known as a Subject Access Request (SAR).

The right to access is a fundamental right; it can act as an entry point for individuals to exercise their other data protection rights, such as their right to be forgotten.

Individuals can make a subject access request verbally or in writing.

So, a valid request can be made in person, by email, via a letter, or over the phone.

Individuals don't have to specifically refer to a 'subject access request', the 'right of access or the GDPR.

So, it is essential to be aware of a client looking to request their right to access.

Companies have 28 days to comply with SARs and must provide a copy of the personal data, free of charge and in an electronic format if requested.

GDPR - Personal Rights

Right to be forgotten

'Individuals have the right to request that their data be deleted.'

The right to be forgotten is not an absolute right, and companies can reject a request to be forgotten if they have appropriate justification.

For example, as part of our contracts with our insurers, Source must hold data for a certain period after the policy ends so that the insurers can access that data in the event of a claim or dispute.

However, if an individual has only requested a quote and never taken out a policy, Source would not have appropriate justification to reject the request.



GDPR - Personal Rights

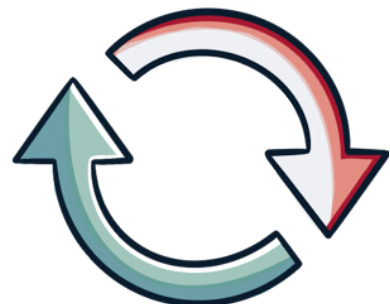
Right to data portability

'Individuals have the right to request their data in a transferable format, making it easy for them to pass it from one provider to another.'

Data portability is the right to transfer personal data from one organisation to another organisation or to the data subject in the context of digital personal data and automated processing.

Data portability doesn't automatically trigger the right to erasure, and it doesn't affect the original retention period of the data.

Customers could request this information to be passed on to a competitor.



GDPR - Personal Rights

Right to be informed

'Each individual has the right to be given information about how their data is being processed and why.'

Your Privacy Policies should outline how you use your customer's data and why.

At Source, if we get any direct queries from policyholders, we advise them that our Privacy Policy is available on the login page for the Client Portal.

We also have a Privacy Policy for brokers, which is on our website.



GDPR - Personal Rights

Right to rectification

'Individuals have the right to have inaccurate personal data rectified.'

An individual may also be able to have incomplete personal data completed.

At Source, this forms part of our BAU processes, so where a policyholder informs us of a misspelt name or address, we would make the corrections as required.



GDPR - Personal Rights

Right to restrict processing

'Individuals have the right to restrict the processing of their personal data in certain circumstances.'

The right to restrict processing means that an individual can limit how an organisation uses their data.

However, like the right to be forgotten, the right to restrict processing is not an absolute right and only applies in certain circumstances.

This right would usually apply if there were concerns over the accuracy of the data or if it was processed unlawfully.



GDPR - Personal Rights

Right to object

'Individuals have the right to object to the processing of their personal data at any time.'

An objection may be about all of the personal data an organisation holds about an individual or only to specific information. It may also only relate to a particular purpose for which they are processing the data.

The right to object is an absolute right for direct marketing, so somebody has the right to object to their personal information being used for direct marketing in almost any circumstance.

Other than direct marketing, this is another right that is not absolute.

If a policyholder objected to Source processing their personal data, it would effectively mean that we could not maintain their insurance policy, so it would basically act as a cancellation request.

GDPR - Personal Rights

Rights in relation to automated decision making and profiling

'Individuals have the right not to be subject to a decision based solely on automated processing, including profiling, which has legal or similarly significant effects on them.'





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