



# It's your data – take control



## DATA PROTECTION IN THE EU



# PROTECTING YOUR DATA WITHIN THE EU

Whether through online banking, shopping, social media or electronic tax returns, we're sharing more and more of our personal data.

The EU's General Data Protection Regulation (GDPR) helps you take control of this information through **several key rights**, giving you greater power to protect yourself.

### 📌 WHAT IS 'PERSONAL DATA'?

Any information that relates to you, as an identified or identifiable, living individual, falls under the GDPR. This includes for example your name, home address, ID card number, Internet Protocol (IP) code and information on your health.

Some sensitive data, such as data concerning your health, racial or ethnic origin, political opinions and sexual orientation, has special protection. It can be collected and used only under specific conditions,

for instance because you have given your explicit consent or the national law allows it.

### 📌 WHEN DO THE RULES APPLY?

The rules apply when your data is **collected, used and stored** digitally or in a structured filing system on paper.

There's **one set of rules for the whole of the EU**, which can be complemented in some areas by national legislation. This means you have the same rights whomever in the EU you give your data to. And companies from outside the EU aren't exempt. If they offer goods and services in the EU or if they monitor your behaviour in the EU then they have to give you the same level of data protection.



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# THE RIGHT TO KNOW WHO IS PROCESSING WHAT, AND WHY

When processing your data organisations have to provide you with clear information relating to the use of your data, this includes information such as:

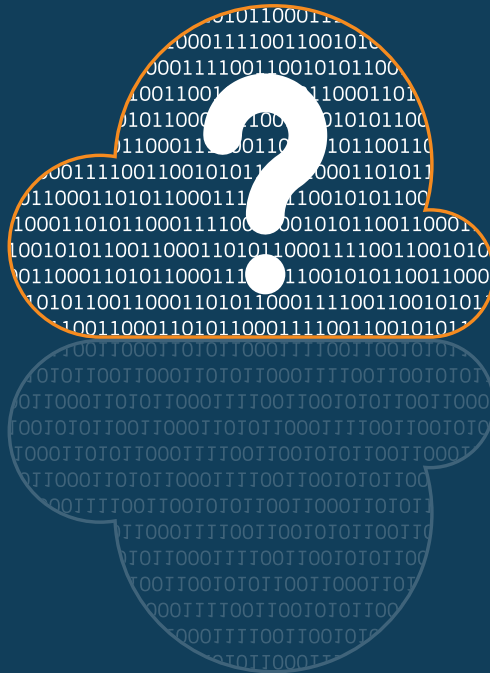
- for what purposes your data will be used
- the legal basis for processing your data
- how long your data will be stored
- with whom they'll share your data
- your basic data protection rights
- whether your data will be transferred outside the EU
- your right to lodge a complaint
- how to withdraw your consent, if you have given it
- the contact details of the organisation responsible for processing your data and their Data Protection Officer if there is one.

This information should be presented in **clear** and **plain** language.

Personal data can only be collected and processed for a well-defined purpose. When collecting your data a company must tell you what purpose your data will be used for. They must also make sure that only relevant data is processed and the data is not kept longer than necessary.

## *Bought something online?*

The seller must collect only the data needed to fulfil the contract. They must also provide you with the information listed above, and delete the data when they no longer need it.



# THE RIGHT TO ACCESS YOUR DATA

You have the right to request access to the personal data an organisation has about you, free of charge, and obtain a copy in an accessible format.

## *Apps asking too much?*

You bought a fitness tracker and subscribed to a health app that monitors your activity. You can ask the app operator for all the information processed on you. This includes all subscription data (such as your name and contact details where relevant) and all information collected about you through the tracker (such as heart rate, performance, etc.).

## *Want to see what an e-shop knows about you?*

You've bought goods from an online retailer. You can ask the company to give you the personal data they hold about you, including: your name and contact details, credit card information and dates and types of purchases.





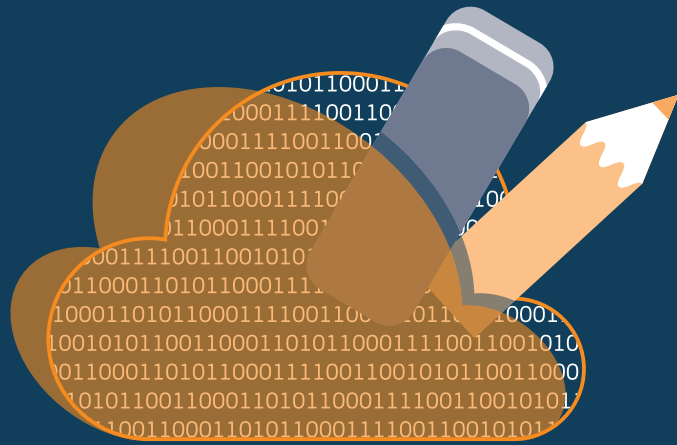
# THE RIGHT TO OBJECT

If an organisation is processing your personal data you may have the right to object. However, in some circumstances, public interest may prevail. For example, this could be the case for scientific or historical research.

You also have the right to object at any time to receiving direct marketing.

## *Fed up of ads?*

You bought two tickets online to see your favourite band play live. Afterwards, you're bombarded with adverts for concerts and events that you're not interested in. You inform the online ticketing company that you don't want to receive further advertising material. The company should stop processing your data for direct marketing and, shortly afterwards, you should no longer receive emails from them. They shouldn't charge you for this.



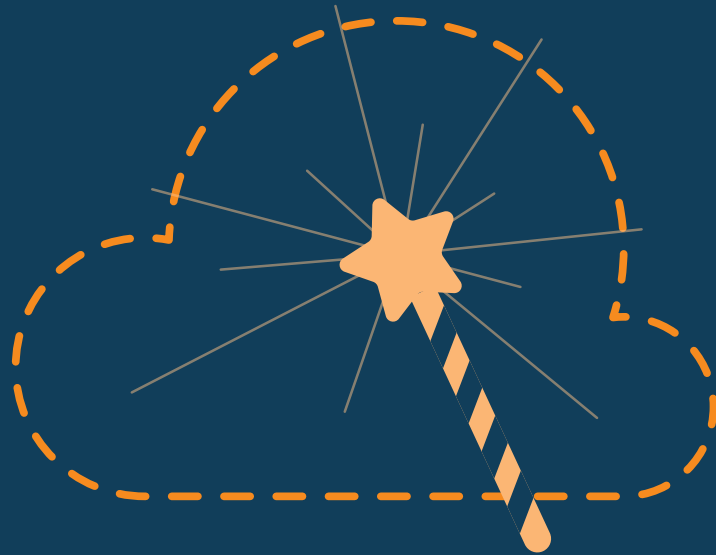
# THE RIGHT TO CORRECT YOUR DATA

Errors in your personal data can have a significant impact on your life, particularly when applying for loans, insurance, credit and so on.

If you believe that personal data held by an organisation might be incorrect, incomplete or inaccurate you can ask for it to be corrected. This must be done without undue delay.

## *Incorrect data costing you?*

You apply for a new insurance policy but notice the company mistakenly records you as a smoker, increasing your life insurance payments. You have the right to contact them and get this corrected.



# THE RIGHT TO HAVE DATA DELETED AND TO BE FORGOTTEN

Where your consent has been requested to process your data, you can ask the organisation to stop processing it by withdrawing your consent. They must do so if they've not relied on any other legal grounds for processing your data. It must be as easy to withdraw consent as it is to give it.

If your data is no longer needed or is being processed unlawfully then you can ask for the data to be erased. However other EU rights, like freedom of expression, must also be safeguarded. Controversial statements made by people in the public eye, for example, may not automatically be deleted if the public interest is best served by keeping them online.

Organisations must delete personal data collected from a child that is processed through an app or a website on request.

## *Search results irrelevant?*

When you type your name into an online search engine, the results include links to an old newspaper article about a debt you paid long ago. If you're not a public figure and your interest in removing the article outweighs the general public's interest in accessing the information, the search engine is obliged to delete the links.



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# THE RIGHT TO HAVE A SAY WHEN DECISIONS ARE AUTOMATED

Some organisations, such as banks, tax offices and hospitals, use algorithms to make decisions about you using your personal data. It's efficient for them, but not always transparent and these decisions may affect you legally or have another significant impact on your life. In those cases, organisations must:

- tell you if their decision is automated
- give you the right to have the automated decision reviewed by a person
- let you contest the automated decision.

Automated decisions are allowed in some circumstances, for example when a particular law allows it.

## *Applying for a loan?*

You apply for a loan with an online bank. You are asked to insert your data and the bank's algorithm tells you whether the bank will grant you the loan and gives the suggested interest rate. You must be informed that you may: express your opinion; contest the decision; and ask for a person's input in the process to review the algorithm's decision.





# THE RIGHT TO MOVE YOUR DATA

If your data is used by a company after you gave your consent or signed a contract, then you can ask for it to be returned to you or transmitted to another company whose services you would like to use – this is called the right to ‘data portability’. The original supplier, such as a social media company, bank or even healthcare provider, has to transmit the data to the new supplier. Moving data should help you access other markets and suppliers more easily, and so give you more choice.

## *Found a cheaper supplier?*

You’ve found a cheaper electricity supplier. You can ask your existing supplier to transmit your data directly to the new supplier, if it’s technically feasible. In any case, they must return your data to you in a commonly-used and machine readable format so that it can be used on other systems.

## ☁ DATA LOST OR STOLEN?

The rules make sure you are protected. The organisation holding your data has to inform the national Data Protection Authority (DPA) if the data breach is a risk. If the leak poses a high risk to you then you must also be informed personally.

There are Data Protection Authorities in each EU country, they oversee the EU's data protection law.

### *Taxi firm lost your data?*

You book taxis via an app. The taxi company later suffers a massive data breach, in which driver and user data is stolen. You can file a complaint with your DPA who will investigate.

## ☁ THINK YOUR DATA PROTECTION RIGHTS HAVE BEEN VIOLATED?

You can contact the organisation holding your data. And you can always lodge a complaint with your national Data Protection Authority, or go to the national court. The Data Protection Authorities can impose a range of sanctions on organisations, including suspending or stopping data processing and imposing a fine.

If you have suffered damages, you can also seek compensation by taking legal action against the organisation or ask a non-governmental organisation active in data protection to represent you.

Contact your national DPA [ec.europa.eu/justice/data-protection/bodies/authorities](https://ec.europa.eu/justice/data-protection/bodies/authorities)

More information on the European Union is available on the Internet (<http://europa.eu>).

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The EU's data protection rules give you more control over your personal data, meaning you can shop, share and surf with confidence. Check out your rights, take control.

[europa.eu/dataprotection](https://europa.eu/dataprotection)

