



A USER GUIDE TO DATA PROTECTION IN THE EUROPEAN UNION

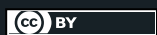
Your rights & how to exercise them



Access Now defends and extends the digital rights of users at risk around the world. By combining direct technical support, comprehensive policy engagement, global advocacy, grassroots grantmaking, and convenings such as RightsCon, we fight for human rights in the digital age.

For more information, please visit: <https://www.accessnow.org>
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WHAT YOU WILL LEARN IN THIS GUIDE

● Introduction

GDPR, the new data protection law

● What is the General Data Protection Regulation?

Protecting **your personal data rights** in the European Union



What are
my rights?

THE RIGHT TO

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- ▶ access
- ▶ rectification
- ▶ restrict processing
- ▶ erasure
- ▶ object
- ▶ an explanation
- ▶ data portability

How can I
exercise my rights?



ENTITIES HOLDING
MY DATA



What to do if my rights are
violated and my data **misused?**

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Take control, exercise your rights!

INTRODUCTION

Access Now presents **A user guide to data protection in the European Union - Your rights and how to exercise them** to help you exercise your right to data protection. This guide gives you information about the rights encompassed under the EU law on data protection as well as information on how to use these rights.

The European Union General Data Protection Regulation is a positive framework for users' protection and can help you take back the control of your personal information. This law replaces and strengthens the 1995 Data Protection Directive. Access Now is a strong supporter of the GDPR. In fact, we worked with lawmakers in Europe to strengthen users' protections throughout the introduction, negotiations, and adoption of the law. After almost five years of debate, the GDPR became applicable on 25 May 2018. With this guide, we aim to contribute to the long-term mission of the GDPR by giving you the necessary information and tools to exercise your rights.

We invite you to read this guide carefully, so you can use your rights to make data protection a reality.

Brussels, July 2018 

WHAT IS THE GENERAL DATA PROTECTION REGULATION?

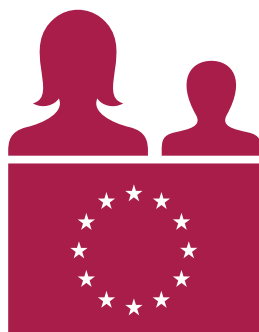


Personal data is any information relating to you, whether it relates to your private, professional, or public life. In the online environment, where vast amounts of personal data are shared and transferred around the globe instantaneously, it is increasingly difficult for people to maintain control of their personal information. This is where data protection and laws such as the GDPR come in.



Data protection refers to the practices, safeguards, and binding rules put in place to protect your personal information and ensure that you remain in control of it. In short, you should be able to decide whether or not you want to share some information, who has access to it, for how long, and for what reason, and to be able to modify some of this information, and more. In the EU, these rules are defined under the General Data Protection Regulation. The GDPR is a user-centric law which aims to put you back in control of your personal data, providing for the **broad spectrum of users' rights** presented in this guide.

WHAT IS THE GENERAL DATA PROTECTION REGULATION?



Under the GDPR, both private companies such as Facebook, Microsoft, Dropbox, Amazon, or Spotify and government bodies have the obligation to ensure the protection of your personal data. **To be protected under the GDPR, you have to either be a citizen of the European Union or be located in the EU, no matter where you are from.**

The GDPR comes with a **robust enforcement mechanism** which empowers **data protection authorities** to investigate data practices and fine companies or public entities up to 4% of their total worldwide annual turnover if they ignore their legal obligations and commit repeated, serious infringements of your rights. These fines are significant and proportionate to the gravity of the infringement on individuals' fundamental rights. For far too long, a handful of companies have been diligently ignoring the EU's data protection norms, which have been in place since 1995. With this new framework, the data protection authorities are better equipped to deal with free riders.

What are my rights?

THE RIGHT TO INFORMATION

When a company, a government body, or an organisation collects and uses information about you, you have the right to get information about:

- the **name of the entity** using your data,
- the **contact information** of the person or department in charge of personal data protection at this entity,
- the **reason** for which the entity will use your data,
- the **type of personal data** the entity holds about you,
- the **length of time** your data will be kept,
- **whether your data will be shared** with third parties and who they are,
- **whether your data will be used for automated decision-making** via algorithms,
- **whether data will be moved** outside the EU,
- your **other basic data protection rights**,
- your **right to file a complaint**, and
- **what legal basis has been used to authorise the collection and use of your personal data.** There are six legal grounds authorising entities to use personal data under the GDPR, such as your explicit and informed consent or the execution of a contract.

All this information should be provided to you in a concise, transparent, intelligible way, using clear and plain language. This means that an entity must have terms of service and a privacy policy that are easily understood, which has not typically been the case.

Relevant article under the GDPR: Articles 12, 13, and 14.

What are my rights?

THE RIGHT OF ACCESS

No matter how your information was collected, you have the right to ask for and obtain information from a company, a government body, or an organisation as to whether it holds any personal data about you.

If an entity has information about you, you then have the right to be provided, free of charge, a copy of your data and any relevant additional information regarding the reason your information was collected and used, how long it has been kept, whether it was disclosed to a third party, and more. Unless you ask otherwise, you will be provided a copy of your data electronically (e.g., via email or online forms).

You can exercise this right several times at reasonable intervals, but if your requests are repetitive, an entity may ask a fee from the second request. Keep in mind that this right is not absolute. If your request impacts the rights and freedoms of others, you may receive only a partial copy of this information, or none. However, the entity shall explain why it was not possible to provide you with the information.

*Relevant article under the
GDPR: Article 15*

What are my rights?

THE RIGHT TO RECTIFICATION

You have the right to amend and modify the information that a company, government body, or organisation has about you if this information is incorrect, incomplete, or inaccurate (for instance, if you have changed your contact details or residence).

Once you have notified the entity, it has the obligation to change your information within a month. During this period, the entity can refuse to modify the information but must then notify you and explain why.

*Relevant article under the
GDPR: Article 16*

What are my rights?

THE RIGHT TO RESTRICT PROCESSING

Under certain circumstances, you have the right to request that a company, government body, or organisation stop using or limit the use of information about you so that you can verify the way that the entity is using it.

As an example, you can exercise this right when:

- it is unclear whether and when personal data about you will be deleted,
- the accuracy of the data is contested,
- the data is no longer needed for the purposes it was originally collected but it cannot be deleted because of legal obligations, and
- you have exercised your right to object to the use of your data altogether but the decision is pending.

In addition, when you have consented to use of your personal data, you have the right to withdraw that consent at any time by notifying the entity.

Relevant article under the GDPR: Article 18

What are my rights?

THE RIGHT TO ERASURE

You have the right to ask for the deletion of your personal data when:

- a company, government body, or organisation holds information about you that is no longer needed (for instance, if you have chosen to leave a service or a platform), or
- your data has been used unlawfully.

In addition, personal data that you provided before you were 16 years old can be deleted at any time at your request. The age requirement for children may vary in some EU states from 13 to 16 years old.

Keep in mind that when you ask that your data be deleted, companies may retain information they have created based on your data. For instance, a company like Facebook that creates profiles or makes assumptions about you based on your “likes” or browsing habits may keep that information. We encourage you to request deletion of this information explicitly when you leave a platform, and if they fail to act, to bring a complaint.

Relevant article under the GDPR: Article 17

What are my rights?

THE RIGHT TO OBJECT

You have the right to object to the collection, use, and storage of your personal data by a company, government body, or organisation when:

- **your data is being used for direct marketing** (After your request, the entity must stop using your personal data and comply with your request free of charge.),
- **your data is being used for automated decision making**, including profiling, where no human intervention or review will take place,
- **your data is being used for scientific or historical research and statistics**, and
- **your data is being used for an entity's "legitimate interest" or in carrying out a task in the public interest.**

In the last two scenarios, your right to object may be limited if the entity can demonstrate that the use of your data is necessary and that the reason for using it overrides your interests, rights, and freedoms.

Your right to object to use of your data for decision-making that is based solely on automated processes is perhaps one of the most important rights in the era of big data. Through techniques like profiling, your information is gathered to be evaluated, analysed, and used to predict your behaviour and make assumptions about you. This practice is fundamentally contrary to your right to privacy and can be highly discriminatory.

Even if your right to object is limited under national laws, we encourage you to exercise this right and bring a complaint if necessary.

Relevant article under the GDPR: Article 21

What are my rights?

THE RIGHT TO AN EXPLANATION

When your data is used to make a decision about you, with an automated process such as the use of algorithms, you have the right to be given an explanation about its functioning. While the GDPR does not spell out details about the information you should receive, we recommend that you at least request:

*Relevant article under the
GDPR: Recital 71, Articles
13 to 15*

- the information that was entered into the automated system,
- the reason for the use of the automated system (for example to calculate a credit or insurance rate, or decide on hiring),
- the objective of the use of the automated system (for example to speed up processes, or to limit mathematical errors),
- whether a human intervention and review of the process and decision will take place (if not, you have the right to object to the use of such an automated system), and
- your ability to challenge the decision made through use of the automated system, and to ask for a review.

What are my rights?

THE RIGHT TO DATA PORTABILITY

You have the right to move your data from one service to another, and as such, to receive a file with your information in a structured, commonly used, and machine-readable format. This means that if you wish to move to a new social media platform, for example, you can do so quickly and easily by taking your data from the old platform to the new one. When it is technically feasible, you can directly request that your personal data be transferred to another company whose services you would like to use. This right relates only to information that you have provided to companies. Any data that companies collect or create based on your data will not necessarily be provided in a portable file.

This right is a novelty under data protection law and can help foster innovation and competition in the digital era, since it allows users to more easily switch between platforms. However, in order for this right to deliver its promise and for users and innovators to truly benefit from it, it will be important to develop and implement interoperability standards between services. This means that platforms should use a similar format for entering data.

Relevant article under the GDPR: Article 20

HOW CAN I EXERCISE MY RIGHTS?

You can exercise all the rights mentioned above by sending an email to any company, government body, or organisation that holds data about you.

Most entities have a dedicated email address that you can use to exercise your rights which can be found in the terms of service or privacy policies that are required to be available online. We know these policies are typically long (although this should improve under the GDPR). However, we encourage you to take a look and search for a contact address. If you cannot find contact information, that conflicts with your right to information and you can bring this matter to a data protection authority (see next point).

The email could be as simple as follows:

A graphic of an email interface with a teal header bar containing three circular icons (a magnifying glass, a paper plane, and a circular arrow) and a close button in the top right corner. The email body is white with a teal border.

Dear xxx,

Pursuant to the EU General Data Protection Regulation, I would like to exercise my right to withdraw consent to the processing of my data / right of access / right to erasure / right to object to the processing of my data / right to rectification / right to restrict processing / right to an explanation / right to portability, linked to my name and/or email address.

I look forward to hearing back from you.

Best regards,
xxx

HOW CAN I EXERCISE MY RIGHTS?

Below are some examples of points of contact provided by companies for you to exercise your rights. We are giving examples from different industries, not just the technology industry, since the GDPR applies to any entity collecting data about you.



For Thalys, contact the company data protection officer at data.protection@thalys.com

For Eurosport, contact the platform data protection officer at DPO@discovery.com

For Zalando, you can find a specific contact information based on your spoken language in Chapter 13 of the company's privacy statement: <https://www.zalando.be/zalando-privacy-statement/#chapter-13>

For British Airways, you can request a copy of your data at DPO@ba.com. You can also verify and modify the way that British Airways uses your data at: <https://www.britishairways.com/travel/permissionscentre/public/>

For Palantir, send an email to data-subject-request@palantir.com

For the Belgian Passenger Information Unit, which collects, uses, and retains data for five years when a traveler enters the country by plane, boat, train, or bus, you can contact the data protection office at belpiu.dpo@ibz.fgov.be or DPO - Leuvenseweg 1, 1000 Brussels.

Google allows you to exercise some of your rights through its privacy policies: <https://policies.google.com/privacy?hl=en&gl=be#infochoices> and you can also send an email to Google's data protection office via this form: https://support.google.com/policies/contact/general_privacy_form. We also encourage you to take a few minutes to review and adjust controls for how and when Google can use your information, both for your account <https://myaccount.google.com/privacycheckup> and specifically for the use of ads <https://adssettings.google.com/authenticated?hl=en>



WHAT CAN I DO IF MY RIGHTS HAVE BEEN VIOLATED OR MY DATA MISUSED?

You can exercise all the rights mentioned above at any point in time. If you think your data protection rights or other related privacy rights have been breached, you can take legal action, which has been made easier under the GDPR:



You can file a complaint with the data protection authority (DPA) of the EU country where you are located. DPAs are independent public authorities that monitor, supervise, and enforce the application of the GDPR. They are here for you. The DPA has the obligation to inform you about the progress of any complaint three months after you file it. If at any point you are dissatisfied with the response from the DPA handling your complaint, you can bring the authority to court. The table below gives you information and contact points for every DPA in the EU.



You can file a case in court against a company, a government body, or an organisation. You can do this instead of, or in addition to, filing a complaint with your data protection authority.



You have the right for a non-governmental organisation (NGO) to file a complaint on your behalf if the NGO is legally established, its activities are protecting individuals or the public interest, and the NGO has expertise in the area of data protection. This avenue is important to empower you if your complaint or case is lengthy and complex. Having the option of NGO representation opens more avenues for remedy, increasing the chances that violation of your rights will not go unpunished.

WHERE SHOULD I GO IF MY RIGHTS HAVE BEEN VIOLATED OR MY DATA MISUSED?

- **Austria**
Österreichische Datenschutzbehörde
 Hohenstaufengasse 3
 1010 Wien
 ☎ Tel. +43 1 531 15 202525
 ✉ dsb@dsb.gv.at
 🔗 <https://www.dsb.gv.at/>
- **Cyprus**
Commissioner for Personal Data Protection
 1 Lasonos Street
 1082 Nicosia
 P.O. Box 23378, CY-1682 Nicosia
 ☎ Tel. +357 22 818 456
 ✉ commissioner@dataprotection.gov.cy
 🔗 <http://www.dataprotection.gov.cy/>
- **Belgium**
Commission de la protection de la vie privée
 Rue de la Presse 35
 1000 Bruxelles
 ☎ Tel. +32 2 274 48 00
 ✉ commission@privacycommission.be
 🔗 <https://www.privacycommission.be/>
- **Czech Republic**
The Office for Personal Data Protection
 Pplk. Sochora 27
 170 00 Prague 7
 ☎ Tel. +420 234 665 111
 ✉ posta@uoou.cz
 🔗 <https://www.uoou.cz/>
- **Bulgaria**
Commission for Personal Data Protection
 2, Prof. Tsvetan Lazarov blvd.
 Sofia 1592
 ☎ Tel. +359 2 915 3523
 ✉ kzld@cpdp.bg
 🔗 <https://www.cdpd.bg/>
- **Denmark**
Datatilsynet
 Borgergade 28, 5
 1300 Copenhagen K
 ☎ Tel. +45 33 1932 00
 ✉ dt@datatilsynet.dk
 🔗 <https://www.datatilsynet.dk/>
- **Croatia**
Croatian Personal Data Protection Agency
 Martićeva 14
 10000 Zagreb
 ☎ Tel. +385 1 4609 000
 ✉ azop@azop.hr
 🔗 <http://www.azop.hr/>
- **Estonia**
Estonian Data Protection Inspectorate
 Väike-Ameerika 19
 10129 Tallinn
 ☎ Tel. +372 6274 135
 ✉ info@aki.ee
 🔗 <http://www.aki.ee/en>

WHERE SHOULD I GO IF MY RIGHTS HAVE BEEN VIOLATED OR MY DATA MISUSED?

● Finland

Office of the Data Protection Ombudsman

P.O. Box 315

FIN-00181 Helsinki

☎ Tel. +358 10 3666 700

✉ tietosuoja@om.fi

🌐 <https://tietosuoja.fi/en/home>

● Hungary

Data Protection Commissioner of Hungary

Szilágyi Erzsébet fasor 22/C

H-1125 Budapest

☎ Tel. +36 1 3911 400

✉ peterfalvi.attila@naih.hu

🌐 <http://www.naih.hu/>

● France

**Commission Nationale de l'Informatique et des Libertés
- CNIL**

8 rue Vivienne, CS 30223

F-75002 Paris, Cedex 02

☎ Tel. +33 1 53 73 22 22

🌐 <https://www.cnil.fr/fr/plaintes>

🌐 <https://www.cnil.fr/>

● Ireland

Data Protection Commissioner

Canal House - Station Road

Portarlington

Co. Laois

☎ Tel. +353 57 868 4800

✉ info@dataprotection.ie

🌐 <https://www.dataprotection.ie/>

● Germany (Federal)

Die Bundesbeauftragte für den Datenschutz und die Informationsfreiheit

Husarenstraße 30

53117 Bonn

☎ Tel. +49 228 997799 0

✉ poststelle@bfdi.bund.de

🌐 <https://www.bfdi.bund.de/>

● Italy

Garante per la protezione dei dati personali

Piazza di Monte Citorio, 121

00186 Roma

☎ Tel. +39 06 69677 1

✉ garante@garanteprivacy.it

🌐 <https://www.garanteprivacy.it/>

● Greece

Hellenic Data Protection Authority

Kifisias Av. 1-3, PC 11523

Ampelokipi Athens

☎ Tel. +30 210 6475 600

✉ contact@dpa.gr

🌐 <http://www.dpa.gr/>

● Latvia

Data State Inspectorate

Director: Ms Signe Plūmīna

Blaumana str. 11/13-15

1011 Riga

☎ Tel. +371 6722 3131

✉ info@dvi.gov.lv

🌐 <http://www.dvi.gov.lv/>

WHERE SHOULD I GO IF MY RIGHTS HAVE BEEN VIOLATED OR MY DATA MISUSED?

● Lithuania

State Data Protection

Žygimantų str. 11-6a
011042 Vilnius

☎ Tel. +370 5 279 14 45

✉ ada@ada.lt

🌐 <https://www.ada.lt/>

● Luxembourg

Commission Nationale pour la Protection des Données

1, avenue du Rock'n'Roll
L-4361 Esch-sur-Alzette

☎ Tel. +352 2610 60 1

✉ info@cnpd.lu

🌐 <https://cnpd.public.lu/>

● Malta

Office of the Data Protection Commissioner

2, Airways House
High Street, Sliema SLM 1549

☎ Tel. +356 2328 7100

✉ commissioner.dataprotection@gov.mt

🌐 <http://www.dataprotection.gov.mt/>

● The Netherlands

Autoriteit Persoons Gegevens

Prins Clauslaan 60
P.O. Box 93374
2509 AJ Den Haag/The Hague

☎ Tel. +31 70 888 8500

✉ info@autoriteitpersoonsgegevens.nl

🌐 <https://autoriteitpersoonsgegevens.nl/nl>

● Poland

The Bureau of the Inspector General for the Protection of Personal Data - GIODO

ul. Stawki 2
00-193 Warsaw

☎ Tel. +48 22 53 10 440

✉ kancelaria@giodo.gov.pl

🌐 <https://giodo.gov.pl/>

● Portugal

Comissão Nacional de Protecção de Dados - CNPD

R. de São. Bento, 148-3º
1200-821 Lisboa

☎ Tel. +351 21 392 84 00

✉ geral@cnpd.pt

🌐 <https://www.cnpd.pt/>

● Romania

The National Supervisory Authority for Personal Data Processing

B-dul Magheru 28-30
Sector 1, BUCUREȘTI

☎ Tel. +40 21 252 5599

✉ anspdcp@dataprotection.ro

🌐 <http://www.dataprotection.ro/>

● Slovakia

Office for Personal Data Protection of the Slovak Republic

Hraničná 12
820 07 Bratislava 27

☎ Tel. + 421 2 32 31 32 14

✉ statny.dozor@pdp.gov.sk

🌐 <https://dataprotection.gov.sk/uouu/>

WHERE SHOULD I GO IF MY RIGHTS HAVE BEEN VIOLATED OR MY DATA MISUSED?

● Slovenia

Information Commissioner

Zaloška 59
1000 Ljubljana

☎ Tel. +386 1 230 9730

✉ gp.ip@ip-rs.si

🌐 <https://www.ip-rs.si/>

● Spain

Agencia de Protección de Datos

C/Jorge Juan, 6
28001 Madrid

☎ Tel. +34 91399 6200

✉ internacional@agpd.es

🌐 <https://www.agpd.es/>

● Sweden

Datainspektionen

Drottninggatan 29
5th Floor
Box 8114
104 20 Stockholm

☎ Tel. +46 8 657 6100

✉ datainspektionen@datainspektionen.se

🌐 <https://www.datainspektionen.se/>

● United Kingdom

The Information Commissioner's Office

Water Lane, Wycliffe House
Wilmslow - Cheshire SK9 5AF

☎ Tel. +44 1625 545 745

✉ international.team@ico.org.uk

🌐 <https://ico.org.uk>

CONCLUSION

In the digital era, ensuring that your data are protected is essential. Misuse of data can result in discriminatory decisions, violation of privacy rights, identity theft, fraud, and more. This is why you must be in control of your information. The data protection rights safeguarded under the GDPR and presented in this guide will help put you back in control.

For far too long, data protection laws have been ignored because of weak enforcement mechanisms. Now that the law has changed in the EU, we have a responsibility to help make data protection a reality and hold the entities collecting, using, and storing our data accountable for infringement of our rights. We invite you to use this guide to start exercising your rights.

Additional resources

Want to know more about data protection and the GDPR? Here are some useful resources:

- European awareness campaign: the GDPR explained
<https://gdprexplained.eu>
- Access Now's blog post on why data protection matters
<https://www.accessnow.org/data-protection-matters-protect>
- EDRI's paper on data protection
https://edri.org/wp-content/uploads/2013/10/paper06_web_20130128.pdf
- European Commission's tool on the GDPR - citizens' guide
https://ec.europa.eu/info/law/law-topic/data-protection/reform/rights-citizens_en

For more information, please visit: <https://www.accessnow.org>
Contact: **Estelle Massé** | Senior Policy Analyst | estelle@accessnow.org



Access Now defends and extends the digital rights of users at risk around the world. By combining direct technical support, comprehensive policy engagement, global advocacy, grassroots grantmaking, and convenings such as RightsCon, we fight for human rights in the digital age.

<https://www.accessnow.org>

