



# **City of London Corporation Data Subjects' Rights Policy**

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## City of London Corporation

### Data Subjects' Rights Policy

#### Purpose

The General Data Protection Regulation ("GDPR") and the Data Protection Act 2018 ("DPA 2018") give rights to individuals ("data subjects") in respect of the personal data that organisations hold about them.

This Policy outlines these rights, and how the City of London Corporation, as a data controller will comply with its responsibilities to ensure data subjects are informed of their rights in respect of their personal data and are able to exercise them.

For the purposes of this policy, a data subject is any individual about whom the City of London Corporation processes personal data.

This Policy should be read in conjunction with the City of London Corporation Data Protection Policy and the Employee Data Protection Policy.

#### Overview of rights

Chapter III of the GDPR details the rights individuals have with regard to the processing of their personal data:

1. The right to be informed (Information Right, Articles 12-14, and Recitals 58-62);
2. The right of access (Article 15, and Recital 63);
3. The right to rectification (Article 16);
4. The right to erasure (also known as the right to be forgotten) (Article 17, and Recitals 65 and 66);
5. The right to restrict processing (Article 18);
6. The right to data portability (Article 20, and Recital 68);
7. The right to object (Article 21, and Recitals 69 and 70);
8. Rights in relation to automated decision-making and profiling (Article 22, and Recital 71);

## Right to be informed

Data subjects have the right to receive certain information from data controllers about the collection and processing of their personal data. This right forms part of data controller obligations to ensure the fair and transparent processing of personal data in accordance with the first data protection principle at Article 5(1)(a).

Data controllers must ensure that when collecting personal data, detailed information in the form of a privacy notice is made available to data subjects, which includes the following information:

- The data controller's identity and contact details, and if applicable, its EU representative's identity and contact details.
- Contact details for the data controller's Data Protection Officer, if applicable.
- The purposes for which the data controller processes any personal data collected.
- The lawful basis for the processing.
- Identification of the data controller's legitimate interests where they serve as the lawful basis for processing.
- The recipients or categories of recipients of the personal data, if any.
- Whether the data controller intends to transfer personal data outside of the GDPR jurisdiction, and details of the data transfer mechanism it uses to legalise the transfer.
- How long the data controller will retain the personal data, or the criteria used to determine retention periods.
- The data subject's rights including:
  - rights of access, correction, erasure, objection, and data portability;
  - the right to withdraw consent and how to exercise that right where the data controller is relying on consent as its lawful basis to process personal data;
  - the right to make a complaint with a data protection supervisory authority (in the UK this is the Information Commissioner's Office) and how to exercise that right, if applicable.
- Whether the data subject must provide the personal data by statute, contract, or for another reason, and the consequences of not providing the personal data.
- Whether the data controller uses automated decision-making, including profiling, the auto-decision logic used and the consequences of this processing for the data subject

In addition to the above information, where personal data is obtained from sources other than the data subject, the following information must also be provided to data subjects:

- the categories of personal data the data controller collects;
- the source of the personal data including whether it came from publicly accessible sources.

The City of London Corporation will provide this information to its data subjects in the most suitable, clear and transparent manner, including making it available on its website at [www.cityoflondon.gov.uk/privacy](http://www.cityoflondon.gov.uk/privacy).

If the City of London Corporation intends to use personal data for a purpose other than it was originally collected it for, notice of the new purpose will be communicated to the data subject before processing, in accordance with Article 13(3) and Recital 61, GDPR.

There are some situations where this information is not required to be provided to data subject. These apply when:

- The data subject already has the required information.
- Providing the information is impossible or requires a disproportionate effort, and the data controller takes steps to protect data subjects' rights and makes the required information publicly available.
- EU or member state law requires collecting, processing, or disclosing the personal data, and provides appropriate measures to protect the data subjects' interests.
- EU or member state law requires personal data to be kept confidential.

### Right to access (also known as 'subject access requests')

Data subjects have the right to request access to their personal data which is being processed by a data controller, in accordance with Article 15 GDPR.

This right of access permits data subjects to obtain confirmation from the data controller as to whether or not it is processing their personal data, and where that is the case, obtain access to their personal data, and be provided with the following information:

- The purposes of the personal data processing;
- The categories of personal data processed;
- The recipients or categories of recipients who have received the personal data from the data controller, particularly where this includes international transfers, together with details of the appropriate safeguards;
- How long the data controller will retain the personal data, or the criteria used to determine retention periods;
- Information as to the source of the personal data, where the data controller has not collected it directly from the data subject;
- Whether the data controller has used or is using automated decision-making processes, including profiling.
- Existence of their rights to:
  - request rectification or erasure of personal data.
  - restrict or object to certain types of personal data processing.
  - make a complaint to the Information Commissioner's Office as supervisory authority

When data subjects exercise their right to access, the data controller, in addition to the above information, must also provide a copy of the personal data processed free of charge, so long as doing so does not adversely affect the rights and freedoms of others, and no restrictions apply which prevent disclosure of the personal data.

Where data subjects request additional copies of their personal data, a reasonable fee can be charged for additional copies.

Where a request to access to personal data is received from a data subject, the data controller shall process and respond to the request without undue delay, and in any case within one month from the date the request was received. Where necessary, depending on the number of requests received, and the complexity, a data controller may extend the time period for processing and responding to the request, by a further two months.

Where a data subject request to access is considered unfounded or excessive, the data controller may either:

- Charge a reasonable fee to provide the information, or
- Refuse to act on the request.

Data subjects wishing to exercise their right to request access to their personal data processed by the City of London Corporation should refer to the “making requests” section below; follow the information provided at [www.cityoflondon.gov.uk/dataprotectionact](http://www.cityoflondon.gov.uk/dataprotectionact); or send an email to [information.officer@cityoflondon.gov.uk](mailto:information.officer@cityoflondon.gov.uk).

## Right to rectification

Data subjects have the right to

- Correct inaccurate personal data about them processed by a data controller;
- Update personal data about them processed by a data controller, where that personal data is incomplete.

Personal data will be inaccurate if it is incorrect or misleading as to any matter of fact.

Where a request to rectify inaccurate personal data is received, a data controller is required to take reasonable steps to check the accuracy of the personal data, and to rectify it where necessary, taking into account arguments and evidence provided by the data subject.

Where a data subject considers their personal data to be incomplete, the data controller can take into account the purposes for the processing when reaching a decision whether to update their records or not, which may involve providing a supplementary statement to the incomplete data.

Where a data subject request to rectify is considered unfounded or excessive, the data controller may either:

- Charge a reasonable fee to take the action requested, or
- Refuse to act on the request.

## Right to erasure ("Right to be forgotten")

Data subjects have the right, in certain circumstances, to request the erasure of their personal data which is being processed by a data controller. This is also known as the right to erasure, or the right to be forgotten.

This right allows data subjects to request the erasure of their personal data if one of the following applies:

- The personal data is no longer necessary for the purpose the data controller originally processed it for.
- The lawful basis relied upon by the data controller is consent, and the data subject has withdrawn their consent and no other lawful basis for processing it applies.
- The data subject objected to the processing of their personal data where the data controller considered it necessary to pursue legitimate interests, and no other compelling legitimate grounds to process personal data apply.
- The data subject objects to the processing of their personal data for direct marketing purposes.
- The data controller has unlawfully processed the personal data.
- European Union or member state law requires a data controller to erase personal data in order to comply with a legal obligation.
- The data controller processed the personal data in the context of offering information society services (online services) to children, in relation to Article 8 GDPR.

Should a data subject request erasure of their personal data, the data controller must erase it without undue delay, unless continued processing is necessary for:

- Exercising the right of freedom of expression and information;
- Complying with a legal obligation in accordance with EU or member state law, to which the data controller is subject;
- The performance of a task carried out in the public interest.
- Exercising official authority vested in the data controller.
- Public health reasons consistent with the exceptions for processing special category personal data such as health information, as outlined in GDPR Articles 9(2)(h) and (i) and 9(3).
- Archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes, under certain circumstances.
- The establishment, exercise, or defence of legal claims.

Where the data controller has shared the personal data with third parties, or made the personal data public, it must also take reasonable steps, including technical measures, to inform other data controllers that are processing the personal data about the data subject's erasure request. This includes removing any links to the personal data as well as any copies of the personal data.

Where a data subject request to erase is considered unfounded or excessive, the data controller may either:

- Charge a reasonable fee to take the action requested, or
- Refuse to act on the request.

### Right to restriction

Data subjects have the right, in certain circumstances, to restrict the processing of their personal data by a data controller. Where these circumstances apply, data subjects can limit the way their personal data is processed by a data controller.

The circumstances to which this right applies are:

- The data subject contests the accuracy of the personal data. The data controller must restrict processing of the contested personal data until it can verify its accuracy;
- The processing of personal data is unlawful, and the data subject requests that the use of the personal data is restricted instead of deleted;
- The data controller no longer needs to process the personal data, but the data subject needs the personal data to establish, exercise, or defend legal claims.
- Where a data subject exercises their right to object (section 7 below) to the processing of their personal data, the data controller should restrict the processing, while determining whether it has sufficient legitimate grounds to continue processing, which override those of the data subject.

Where the processing of personal data has been restricted, the data controller can continue to store it, but may only continue to process it:

- With the data subject's consent;
- To establish, exercise, or defend legal claims;
- To protect the rights of another individual or legal entity;
- For important public interest reasons.

Before lifting the data processing restriction, the data controller must first notify the data subject.

Where a data subject request to restrict processing is considered unfounded or excessive, the data controller may either:

- Charge a reasonable fee to take the action requested, or
- Refuse to act on the request.

### Right to data portability

Data subjects have the right to be provided with their personal data in a structured, commonly used and machine-readable format, which they can store for further personal use.

This right also permits data subjects to request that a data controller transmits this personal data to another data controller of their (the data subject) choice.

The right to data portability applies to all personal data that identifies and relates to the data subject, and pseudonymous data that can be clearly linked to the correct data subject. It does not apply to anonymous data or personal data that does not concern the data subject.

The right to data portability also only applies where personal data is processed by automated means, where the lawful basis under which it is processed is either:

- Based on a data subject's consent; or
- Necessary for the performance of a contract between the data controller and the data subject.

The data controller should avoid retrieval and transmission of data containing personal data about third parties, where the processing would adversely affect their rights and freedoms. Where the information contains personal data about third parties, the recipient data controller must have a lawful ground to process the personal data.

Where a data subject request for data portability is considered unfounded or excessive, the data controller may either:

- Charge a reasonable fee to take the action requested, or
- Refuse to act on the request.

## Right to object

Data subjects have the right to object to the processing of their personal data by a data controller, requiring them to cease the processing in certain circumstances, as follows:

- Where the personal data is processed for direct marketing purposes, including profiling related to direct marketing;
- For scientific or historical research purposes or statistical purposes under Article 89(1), unless the processing is necessary for the performance of a task carried out in the public interest.
- For processing personal data, based on where the data controller considered it:
  - necessary to perform a task in the public interest under Article 6(1)(e);
  - necessary in the exercise of official authority; or
  - necessary for the data controller's or a third party's legitimate interests under Article 6(1)(f)

except where the controller can demonstrate that it has compelling legitimate interest grounds which override the interests, rights and freedoms of the data subject, or for the establishment, exercise and defence of legal claims.

Data controllers must clearly notify data subjects of their right to object to certain data processing as part of its privacy notice.

Where a data subject objection to processing is considered unfounded or excessive, the data controller may either:

- Charge a reasonable fee to take the action requested, or
- Refuse to act on the request.

### Right to object to automated decision-making and profiling

Data subjects have the right to object to their personal data being used in automated decision-making processes or for profiling:

- Automated Decision Making: making a decision solely by automated means without any human involvement
- Profiling: automated processing of personal data to evaluate certain things about an individual. Profiling can be part of an automated decision-making process.

Such processes will include processing personal data to evaluate certain personal aspects relating to a data subject, in particular to analyse or predict certain aspects concerning that data subject's performance at work, economic situations, health, personal preferences, interests, reliability, behaviour, location or movement.

Data controllers can only carry out this type of decision-making where the decision is:

- Necessary for entering into or performing a contract with the data subject; or
- authorised by EU or member state law applicable to the data controller; or
- based on explicit data subject consent.

Where a data controller uses such processing methods for personal data, and meets the above requirements, it must:

- provide data subjects with information about the processing methods;
- Provide easy methods by which data subjects can request human intervention in such processes, or challenge an automated decision;
- Undertake regular checks to ensure its automated systems are operating as required.

### Making requests

A data subject wishing to exercise any of the rights detailed above should make their request in writing to:

[information.officer@cityoflondon.gov.uk](mailto:information.officer@cityoflondon.gov.uk)

or by letter addressed to:

Information Compliance Team, Comptroller and City Solicitor's Department, PO Box 270, Guildhall, London, EC2P 2EJ.

Although requests do not have a standard format, data subjects should be as precise as possible and specify (if known) which service area(s) within City of London Corporation their request relates to.

This will enable the City of London Corporation to liaise with the relevant Department responsible for coordinating a response.

Requests must be made either by the data subjects themselves, or by someone properly authorised to act on their behalf. In some circumstances, the City of London Corporation may require data subjects to provide proof of their identity, and proof of authority when requesting information on behalf of a third party. Where this is necessary, the City of London Corporation will inform the data subject, and request the additional information without undue delay.

The City of London Corporation shall process all requests without undue delay, and in any event within one month of receipt of the request, beginning the day after the request is received, and ending on the corresponding day of the following month, or the next working day.

This period may, where considered necessary, be extended by a further two months, taking into account the complexity and number of requests. Where this occurs, the data subject will be informed without undue delay, and within one month.

### Related Policies / Other Resources

- City of London Corporation: [www.cityoflondon.gov.uk/dataprotection](http://www.cityoflondon.gov.uk/dataprotection), [www.cityoflondon.gov.uk/dataprotectionact](http://www.cityoflondon.gov.uk/dataprotectionact), and [www.cityoflondon.gov.uk/privacy](http://www.cityoflondon.gov.uk/privacy)
- Information Commissioner's Office: [www.ico.org.uk](http://www.ico.org.uk)
- [General Data Protection Regulation](#)

### Review

This policy will be reviewed as necessary or whenever legal or statutory changes demand, by the City of London Corporation's Data Protection Officer.