

Data-Subject Rights under GDPR

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		Meaning	Who can make request?	How to handle?								Legal Framework			Caselaw		Restrictions
				Data-Subject request						GDPR Articles		GDPR Recitals	WP29	CJEU	ECtHR		
				Action required		Action not required											
				Obligations	Circumstances	Modalities	Deadline	Circumstances	Modalities	Deadline							
Data-Subject Right	Information	The right to obtain information regarding processing of data	N/A	<ul style="list-style-type: none">· Art. 13: When personal data are collected from the data subject.· Art. 14: When personal data have not been obtained from the data subject· Arts. 12.4, 12.5, 12.7 GDPR	N/A						Arts. 12, 13, 14	58, 59, 60, 61, 62	WP29 Guidelines on Transparency	Smaranda Bara et al. v. Presedintele Casei Nationale de Asigurari de Sanatete (CNAS) et al.	López Ribalda v. Spain		
	Access	The right to obtain from the controller: <ul style="list-style-type: none">· confirmation as to whether or not personal data are being processed, and,· if so, access to the personal data and information provided in art. 15.4 GDPR.	<ul style="list-style-type: none">· Arts 15-17, 15.2 GDPR	Whenever data subject exercises right unless art. 12.5 GDPR.	<ul style="list-style-type: none">· Must provide a copy free of charge. Fee can be required if extra copies requested.· If request made by electronic means: information provided in commonly used electronic form (unless otherwise requested by data subject).· Remote access allowed (Recital 63 GDPR)· Art. 12.6 GDPR		Requests are manifestly unfounded or excessive (Art. 12.5 GDPR)			Art. 15	63	WP29 Guidelines on Transparency	College van burgemeester en wethouders van Rotterdam v. M. E. E. Rijkeboer.	Gaskin v. UK; Leander v. Sweden			
	Rectification	The right to obtain from the controller the rectification of inaccurate or incomplete personal data.	<ul style="list-style-type: none">· Notification obligation (Art. 19 GDPR)	When data is inaccurate or incomplete	<ul style="list-style-type: none">· Art. 16 GDPR· Art. 12.6 GDPR		Requests are manifestly unfounded or excessive (Art. 12.5 GDPR)			Arts. 16, 19	65	N/A	N/A	Cemalettin Canli v. Turkey; Ciubotaru v. Moldova.			
	Erasure ("right to be forgotten")	The right to obtain from the controller the erasure of personal data concerning him/her.	<ul style="list-style-type: none">· Notification obligation (Art. 19 GDPR)	Circumstances Art. 17.1 GDPR	<ul style="list-style-type: none">· Art. 17.2 GDPR· Art. 12.6 GDPR		<ul style="list-style-type: none">· Art. 17.3 GDPR· Requests are manifestly unfounded or excessive (Art. 12.5 GDPR)			Art. 17	65, 66	N/A	Google Spain SL, Google Inc. V. Agencia Española de Protección de Datos, Mario Costeja González	Rotaru v. Romania; M. K. v. France	<ul style="list-style-type: none">· Arts. 23, 6.2, 6.3 GDPR		
	Restriction of processing	To right to obtain the marking of stored personal data with the aim of limiting their processing in the future.	<ul style="list-style-type: none">· Notification obligation (Art. 19 GDPR)	Circumstances Art. 18.1 GDPR	<ul style="list-style-type: none">· Marking of stored personal data with the aim of limiting their processing.· If restriction: Art. 18.2 & 18.3 GDPR· Art. 12.6 GDPR		Requests are manifestly unfounded or excessive (Art. 12.5 GDPR)	If no action, Controller must inform: 1) Reasons for not taking action and 2) Data subject can complain with supervisory authority & seek judicial remedy (Art. 12.4 GDPR)	Within 1 month of receipt of request (Art. 12.4 GDPR)	Arts. 4-3, 18	18	N/A	N/A	N/A	<ul style="list-style-type: none">· Chapter IX GDPR· Comply with: Charter of fundamental rights of the European Union & European Convention for the Protection of Human Rights (Recital 73 GDPR).		
	Data portability	The right to receive personal data (provided by data subject to a controller), and the right to transmit those data to another controller.	<ul style="list-style-type: none">· Individual· Legal/voluntary representative	<ul style="list-style-type: none">· Exercise of right without prejudice to right to be forgotten (Art. 20.3 GDPR) & must not affect rights/freedoms of others (Art. 20.4 GDPR)	<ul style="list-style-type: none">· If Art. 20.1 GDPR· When processing is based on consent (WP29 Guidelines on consent)	<ul style="list-style-type: none">· Data transmission in a structured, commonly used & machine-readable format (Art. 20.1 GDPR).· Data transmitted directly from one controller to another, where technically feasible. (Art. 20.2 GDPR)· Art. 12.6 GDPR	<ul style="list-style-type: none">· Requests are manifestly unfounded or excessive (Art. 12.5 GDPR)· Art. 20.3-29 GDPR			Art. 12.1, 12.2, 12.3, 12.5 GDPR	<ul style="list-style-type: none">· Answer within 1 month of receipt of request.· May be extended further 2 months, taking into account the complexity and number of requestsBUT Controller shall inform data subject about extension within 1 month of receipt of request. (Art. 12.3 GDPR)			Guidelines on the right to "data portability"	N/A	N/A	
	Objection	The right to object to processing of personal data concerning data subject, on grounds relating to his/her particular situation. Includes profiling.	<ul style="list-style-type: none">· Inform data subjects (Art. 21.4 GDPR)· Information society services (Art. 21.5 GDPR)	If Art.21.1, 21.2 GDPR	<ul style="list-style-type: none">· Stop processing of personal data unless compelling legitimate grounds or processing required for legal claims (Art. 21.1, 29 GDPR).· If Direct marketing purposes: stop processing (Art. 21.3 GDPR)· Art. 12.6 GDPR		<ul style="list-style-type: none">· If processing for scientific/historical research/statistical purposes and necessary for reasons of public interest (Art. 21.6 GDPR)· Requests are manifestly unfounded or excessive (Art. 12.5 GDPR)			Arts. 6.1.e; 6.1.f; 21	69; 70	Opinion 2/2010 on online behavioural advertising	N/A	M. S. v. Sweden; Mosley v. UK			
	Not to be subject to a decision based solely on automated processing	The right not to be subject to a decision evaluating personal aspects, based solely on automated processing. Includes profiling.	<ul style="list-style-type: none">· Art. 22.3 GDPR, Recital 71 5a· Further restrictions for sensitive data (Art. 22.4 GDPR)· Should not concern a child (Rec. 71 5i GDPR)	Whenever automated decisions produce legal effect or significantly affect data subject.	Same as right to object: stop processing of personal data.		<ul style="list-style-type: none">· Art. 22.2 GDPR· Requests are manifestly unfounded or excessive (Art. 12.5 GDPR)			Art. 22	71	Guidelines on Automated individual decision making and Profiling	N/A	N/A			
	To be informed about data breaches	The right to get notified whenever a personal data breach is likely to result in high risk to rights & freedoms	N/A	<ul style="list-style-type: none">· Arts. 33-5, 34, 12.4, 12.5 GDPR· Notification: ASAP (WP29 Guidelines on Personal data breach notification)	N/A						Art. 34	86, 87, 88	Guidelines on Personal data breach notification	N/A	N/A		