

Transcript: 'Know Your Data' - Right to be informed

Welcome to 'Know Your Data', a Podcast from the Data Protection Commission of Ireland, where we'll be helping you to get to know your data protection rights and obligations. My name is Graham Doyle and I am Head of Communications here at the Data Protection Commission. In this episode I will be discussing an individual's right to be informed under the General Data Protection Regulation, or as most people know it GDPR. We'll be looking at issues such as when the right applies, what information has to be given by the organization, what happens when a third party is involved and when does the right not apply. If you're not sure about any of the terms that we've used in this podcast you can visit our website which is at www.dataprotection.ie, where we have a list of definitions of key data protection terms.

So a good place to start I think is to firstly explain what we mean by personal data. Personal data is any information that relates to a living person which can identify that person. What we're talking about here are names, location data, identification numbers, and so on, either by themselves or in conjunction with other information. If you can use the information to identify someone either on its own or in conjunction with other information then it's considered personal data. Under the GDPR an individual has certain rights when it comes to this data. One of these rights is the right to be informed and this is what I will be discussing here today.

So, the right to be informed means that when collecting personal data from an individual an organization must provide that individual with certain information. This should be done at the time when the personal data is being obtained. For information that is not collected directly from the individual, the organization must inform that individual within a reasonable period of time, at the latest within one month.

Secondly, what information should an organization provide to an individual when their personal data is being collected? There are a number of things that an organization should provide to an individual from whom they have collected personal data; the identity and contact details of the organization who has collected their information, or where it applies, the contact information for the organization's data protection officer. In the interest of fairness and transparency an organization should also give an individual some additional

information, such as the period of time that the personal data would be held for, information relating to other rights such as the right to rectification or erasure of information, which is more commonly known as the right to be forgotten. Rights such as the restriction of processing or the right to object to the processing of data, as well as the right to data portability.

Thirdly where processing personal data is based on an individual's consent, an organization should also be informing that individual that he or she has the right to withdraw that consent at any time. Information in relation to the right that individuals have to lodge complaints with data protection authorities, whether that be the data protection Commission here in Ireland for data protection or authorities in other EU member state. Organizations should also give information to individuals in relation to the existence of automated decision making including profiling if it's applicable. They should inform individuals whether the information is required for a statutory reason or if it's for a contractual purpose.

Finally, before processing personal data for a purpose other than that for which it was originally collected, an organization should inform the individual of the reason for doing so. Similar obligations apply where an organization has obtained the information from elsewhere and not from the individual directly. This includes the additional obligation to provide them with the information on issues such as the categories of personal data which they have obtained and the source from which the organization collected or received that personal data, and whether it came from a publicly accessible source.

So when does the right to be informed not apply? There are some cases where the right to be informed doesn't apply such as, where the individual already has the information. These exceptions only apply where the personal data was obtained from elsewhere and not from the individual directly. The information does not have to be provided if it is impossible to inform the individual or if informing the individual would entail disproportionate effort on the part of the organization. If the personal data was obtained pursuant to Irish or EU law and the law has sufficient protections for the individual's legitimate interests or see that the personal data must remain confidential subject to a professional or statutory obligation of secrecy. But in both these cases an organization should still take appropriate measures to protect the rights of freedoms of the

individual and always remember your obligations in terms of transparency and accountability under the GDPR.

So just to sum up the main takeaways when it comes to an individual's right under the GDPR to be informed.

First, individuals have the right to be informed when personal information is being collected about them. Secondly, this information must also clearly provide the identity and contact details of the organization collecting it, the reason and intent for processing the information and the legal basis for doing so, for example consent. Thirdly, if an organization intends to transfer the information to a third country they must inform the individual at the time of collecting the information. Fourthly, individuals have the right to know how long their information will be stored, the right to rectification and erasure, and the right to data portability. Fifthly, consent may be withdrawn by an individual at any time for their information to be held, used or in any way processed by an organization. Sixthly, individuals should also be informed of their right to lodge a complaint with the Data Protection Authority in the relevant member state, whether that be the Data Protection Commission here in Ireland or Data Protection Authorities in any of the EU member States. Finally, if the information held by an organization was not provided by the individual then the organization will still provide the individual with certain information in relation to their rights.

You can find more information about the right to be informed, as well as all your other data protection rights and obligations, on our website www.dataprotection.ie. As mentioned at the beginning of this podcast if you're not sure about any of the terms that we've used you can find a list of definitions of key data protection terms there as well.

This has been 'Know Your Data', the Data Protection Commission Ireland podcast. Don't forget you can follow and connect with us on Twitter, Instagram and LinkedIn. Thank you very much for listening, I really hope you found this useful.