

## **Rights of the data subject under the Regulation and Act on Personal Data Protection**

Regulation<sup>1</sup> respectively Act on Personal Data Protection<sup>2</sup> contains in detail your data protection rights, your possibilities of seeking a legal remedy and the restrictions thereof (especially Articles 15 - 22, 77, 79 and 82 of the Regulation, § 21-28, § 38 of the Act on Personal Data Protection). You can request at any time information about your personal data processed, you can request the rectification and erasure of your personal data or the restriction of their processing, furthermore you can object to the data processing based on a legitimate interest and to the sending of direct marketing messages, and you have the right to data portability. We summarize the most important provisions below.

### **Right to information**

If the data controller processes your personal data it must provide you information concerning the data relating to you – even without your special request thereof – including the main characteristics of the data processing just as the purpose, legal basis for the processing and the period for which the personal data will be stored, the identity and the contact details of the controller and its representative (where applicable), the recipients of the personal data (in case of data transfer to third countries indicating also the adequate and appropriate guarantees), the legitimate interests of the data controller and/or third parties in case of a data processing based on a legitimate interest, furthermore your data protection rights and your possibilities of seeking a legal remedy (including the right of lodging a complaint with the supervisory authority. In case of automated decision-making or profiling the data subject must be informed in an understandable way about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject. The controller provides you the abovementioned information by making privacy notice available to you. The abovementioned information shall not apply where and insofar as the data subject already has the information.

### **Right of access**

You have the right to obtain from the controller confirmation as to whether or not personal data concerning you are being processed, and, where that is the case, access to the personal data and certain information related to the data processing such as the purpose of the data processing, the categories of the personal data concerned, the recipients of the personal data, the envisaged period for which the personal data will be stored, the data subject's data protection rights and possibilities of seeking a legal remedy (including the right of lodging a complaint with the supervisory authority), furthermore information on the source of the data where the personal data are not collected from the data subject. Upon your request the controller shall provide a copy of your personal data undergoing processing. For any further copies requested by you, the controller may charge a reasonable fee based on administrative

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<sup>1</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

<sup>2</sup> Act No. 18/2018 Coll. on Personal Data Protection and on amendment and supplementation of certain acts.

costs. The right to obtain a copy shall not adversely affect the rights and freedoms of others. The controller gives you information on the possibility, the procedure, the potential costs and other details of providing the copy after receiving your request.

Where you make the request by electronic means, and unless otherwise requested by you, the information shall be provided to you in a commonly used electronic form.

In case of automated decision-making and profiling the data subject has access to the following information: the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

### **Right to rectification**

You have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning you. Taking into account the purposes of the processing, you have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

### **Right to erasure („right to be forgotten“)**

You have the right to obtain from the controller the erasure of personal data concerning you without undue delay and the controller has the obligation to erase personal data without undue delay where certain grounds or conditions are given. Among other grounds the data controller is obliged to erase your personal data upon your request for example if the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; if you withdraw your consent on which the processing is based, and where there is no other legal ground for the processing; if the personal data have been unlawfully processed; or if you object to the processing and there are no overriding legitimate grounds for the processing; if the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject; or if the personal data have been collected in relation to the offer of information society services.

The controller shall not be able in some cases to satisfy your request; for example that processing is necessary for exercising the right of freedom of expression and information; for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest; for reasons of public interest in the area of public health; for archiving purposes in the public interest, for the establishment, exercise or defence of legal claims.

### **Right to restriction of processing**

You have the right to obtain from the controller restriction of processing where one of the following applies:

- a) the accuracy of the personal data is contested by you, for a period enabling the controller to verify the accuracy of the personal data;
- b) the processing is unlawful and you oppose the erasure of the personal data and request the restriction of their use instead;

- c) the controller no longer needs the personal data for the purposes of the processing, but they are required by you for the establishment, exercise or defence of legal claims;
- d) you have objected to processing, pending the verification whether the legitimate grounds of the controller override your legitimate ground.

Where processing has been restricted according to the abovementioned reasons, such personal data shall, with the exception of storage, only be processed with your consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State. You shall be informed by the controller before the restriction of processing is lifted.

### **Right to data portability**

You have the right to receive the personal data concerning you, which you provided to the controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where:

- a) the processing is based on your consent or on the performance of a contract (to which you are a party); and
- b) the processing is carried out by automated means.

In exercising your right to data portability, you have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

Right to data portability shall be without prejudice to the provisions governing the right to erasure, furthermore it shall not adversely affect the rights and freedoms of others.

### **Right to object**

You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you which is based on the legitimate interests of the controller, including profiling based on those provisions. The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

Where personal data are processed for direct marketing purposes, you have the right to object at any time to processing of personal data concerning you for such marketing purposes, including profiling to the extent that it is related to such direct marketing. Where you object to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.

### **Automated individual decision-making, including profiling**

You have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you or similarly significantly affect

you. Above shall not apply if the decision is necessary for entering into, or performance of, a contract between the data subject and a data controller, authorised by Union or Member State law to which the controller is subject, or is based on the data subject's explicit consent.

### **Right to withdraw consent at any time**

Where processing is based on your consent, you have right to withdrawal consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal. It shall be as easy to withdraw as to give consent.

You may deliver your withdrawal of consent to the address of registered seat of the controller or to E-mail of the data protection officer or in the manner indicated in the granted consent.

### **Right to lodge a complaint with a supervisory authority**

You shall have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or place of the alleged infringement if you consider that the processing of personal data relating to you infringes the Regulation or Act on Personal Data Protection.

Supervisory authority in Slovak Republic: Office for Personal Data Protection of the Slovak Republic, Hraničná 12, 820 07 Bratislava 27, telephone No.: +421 /2/ 3231 3214, E-mail: [statny.dozor@pdp.gov.sk](mailto:statny.dozor@pdp.gov.sk), <https://dataprotection.gov.sk> / Úrad na ochranu osobných údajov Slovenskej republiky, Hraničná 12, 820 07 Bratislava 27, tel. číslo: +421 /2/ 3231 3214, E-mail: [statny.dozor@pdp.gov.sk](mailto:statny.dozor@pdp.gov.sk), <https://dataprotection.gov.sk>.

### **Right to an effective judicial remedy**

You shall have the right to an effective judicial remedy where you consider you're your rights under the Regulation/Act on Personal Data Protection have been infringed as a result of the processing of your personal data in non-compliance with the Regulation/Act on Personal Data Protection. Proceedings against a controller shall be brought before the courts of the Member State where the controller has an establishment. Alternatively, such proceedings may be brought before the courts of the Member State where you have your habitual residence.

### **Right to compensation and liability**

Any person who has suffered material or non-material damage as a result of an infringement of the Regulation or Act on Personal Data Protection shall have the right to receive compensation from the controller for the damage suffered.

The controller involved in processing shall be liable for the damage caused by processing which infringes the Regulation respectively Act on Personal Data Protection. The controller shall be exempt from liability if it proves that it is not in any way responsible for the event giving rise to the damage.