EDPS



The GDPR for EU institutions: your rights in the digital era

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Data protection goes digital

Technology has transformed our lives in many positive ways. In the digital era we live in, the internet, big data, artificial intelligence, and other technological developments play a significant role in our daily activities.

Yet we must ensure that technological developments do not dictate our values. We should be able to reap the benefits of new technologies while still enjoying our fundamental rights. This includes the fundamental right to data protection.

The EU's new data protection rules, applicable from 2018, are future-oriented. They aim to ensure effective protection of personal data in the digital era.

The General Data Protection Regulation (GDPR) applies to all businesses and organisations operating in the EU. It sets the standard for data protection worldwide, by ensuring the protection of personal data in the digital world.

New data protection rules for the EU institutions have also been introduced, to ensure that the standard of data protection within the EU institutions and bodies is in line with the standard of data protection provided for in the GDPR. These rules reflect the same values, providing EU citizens with the reassurance that they can enjoy the same strengthened rights when dealing with the EU institutions as they do when dealing with other companies, organisations or public bodies under the GDPR.



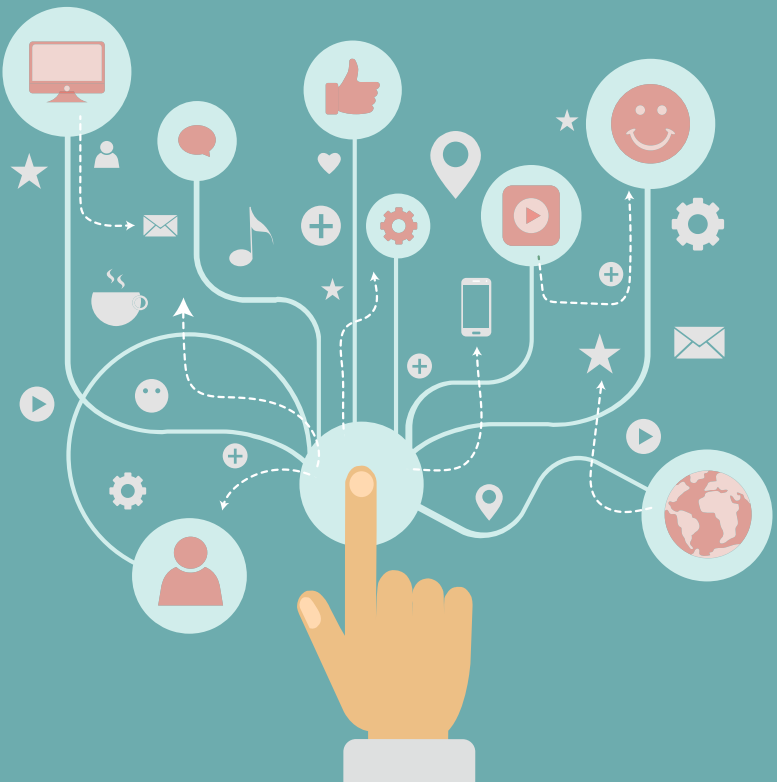
Data protection in the EU institutions: What are your rights?

The very nature of the EU project requires the processing of personal data by the EU institutions in many fields of work. This might include processing personal data in the fight against serious organised crime and terrorism at EU level, in the distribution of EU funds or in the management of large scale IT systems, like the Visa Information System.

The EU institutions are also employers. They therefore process personal data as part of the recruitment process and handle medical information on their staff, for example.

Processing large amounts of data on a daily basis comes with big responsibility. For this reason, it is important that the EU institutions lead by example in applying the new EU data protection rules.

If your personal data is collected, held or processed in any other way, you are referred to under data protection law as a **data subject**. This entitles you to certain rights relating to the processing of your personal data.



The EU institutions must process your personal data **fairly**, **lawfully** and only **for legitimate purposes**. This general right is complemented by several specific rights:

Right to transparency

NEW

The data controller must use clear and plain language when informing you about how your personal data will be processed. The information must be clear, concise and transparent, and it must be provided to you in an easily accessible format.

Right to access

You have the right to receive information from an EU institution on whether your personal data is being processed by them, the purpose of this processing operation, the categories of data concerned and the recipients to whom your data are disclosed, as well as the right to **access this personal data**, processed by the EU institution.

Right to erasure / Right to be forgotten

NEW

If your personal data is no longer needed by the EU institution, if you withdraw your consent or if the processing operation is unlawful, you have the right to erase your data.

Right to be informed

You have the right to be informed, for example, about the fact that your data has been processed, the purpose for which it was processed and the identity of the controller.

Right to rectification

If your data is inaccurate or incomplete, you have the right to rectify it.

Right to restrict the processing

Under certain circumstances, such as if you contest the accuracy of the processed data or if you are not sure if your data is lawfully processed, you can ask the controller to restrict the data processing.

Right to data portability

NEW

This right allows you to obtain the data that the controller holds on you and to transfer it from one controller to another. Where technically possible, the controller has to do the work for you.

Right not to be subject to 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 results in legal consequences for you or significantly affects you in a similar way.

Right to object

You can object, on compelling legitimate grounds, to the processing of data relating to you.



Personal data means any information relating to an identifiable (directly or indirectly) **natural person**. An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Examples: name, e-mail address, annual appraisal file, medical health records, but also indirectly identifying information such as personnel number, IP address, connection logs, fax number, biometrics, etc.

Data controller means the institution or body that determines the purposes and means of the processing of personal data. In particular, the controller has the duties of ensuring the quality of data and, in the case of the EU institutions and bodies, of notifying the processing operation to the data protection officer (DPO). In addition, the data controller is also responsible for the security measures protecting the data. The controller is also the entity that receives requests from data subjects to exercise their rights. The controller must cooperate with the DPO, and may consult him or her for an opinion on any data protection related question.

Processing refers to any operation or set of operations performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Examples: recruitment procedure, grant award procedure, list of external experts, managing an event, publication of pictures, creating a collaborative online platform for citizens or staff members. Processing also occurs in situations where European institutions provide Member States with a technical tool or solution to facilitate information exchange, while retaining access to the personal data concerned or keeping a register of connection logs relating to the platform.

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To learn more about the new data protection rules read our other factsheets:

- **Documenting data processing: The EDPS guide to ensuring accountability**
- **New data protection rules for EU institutions and how they affect YOU**

or consult the EDPS website: **www.edps.europa.eu**

This factsheet is issued by the European Data Protection Supervisor (EDPS) - an independent EU authority established in 2004 to:

- monitor the processing of personal data by EU institutions and bodies;
- give advice on data protection legislation;
- cooperate with similar authorities to ensure consistent data protection.

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