



**Other GDPR Rights  
(Articles )  
Standard Operating  
Procedure (SOP)**

## Introduction

Under the General Data Protection Regulations (GDPR) a data subject has a number of different rights that have not been covered in the other Standard Operating Procedures. These are the following rights that the data subject has under GDPR:

1. The Right to Restrict Processing
2. The Right to Object
3. The Right to Data Portability.
4. The Right to Withdraw Consent.
5. The Right to Complain
6. Rights in relation to automated decision making including profiling

### Submitting your request

A data subject does not have to cite the GDPR or the Data Protection Acts when a submission is made seeking to enforce their GDPR rights. A data subject should inform the Council that the data which of the above rights they are seeking to invoke when making a request to the Council. A data subject can submit a request in the following ways:

1. By e-mail to member of staff or the Data Protection Officer.
2. Orally on the phone or in person to a staff member
3. In writing by letter or post-it. A data subjects name and contact details are required.
4. On social media channels.
5. Through a local councillor/public representative. A consent form must be provided that the local councillor/public representative has been nominated to request personal data on your behalf.

When submitting via the above methods, please ensure that you set out the GDPR rights that you are seeking to enforce.

### Valid ID



When submitting a rectification request, you should provide valid identification. An ID should be certified by An Garda Síochána, a doctor, a Commissioner for Oaths. In some applications, a housing ID and PPS number will be sufficient forms of identification.

## Right to Restrict Processing (Article 18)

A data subject can seek to restrict the processing of personal data on the following grounds:



1. The accuracy of the personal data is contested.
2. The data processing is unlawful & the data subject opposes erasure & request restriction instead.
3. The controller no longer needs the data but the data subject requires it for the exercise or defence of a legal claim.
4. The data subject has objected to processing under direct marketing (art. 21(1) pending verification by the controller.

Where restriction under the above grounds has been implemented, the data will not be processed without the consent of the data subject. There are exceptions and these are

1. the storage of the data,
2. for the exercise or defence of legal claim,
3. for the protection of the rights of another natural person
4. or reasons of important public interest of the Union or member state.

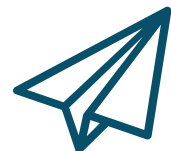
### Time limits

There is no time limit for the restriction of processing of personal data. Where an inaccuracy is contested, then it will be when inaccurate data can be verified or rectified that processing that restriction can be lifted. Where it is unlawful, then the restriction would be lifted where the controller can show a lawful basis. The restriction for legal rights will be lifted once all avenues of the legal process have been exhausted. Once the verification of the lawful basis for the direct marketing has been established, the restriction will be lifted



### Informing the Data subject

Where processing has been restricted above, the Council must inform the data subject in writing of the lawful basis and when the processing will recommence. If the Council is seeking to erase the data as it is no longer required, it must notify the data subject and provide them with a date for erasure and the right to object to same.



## The Right to Object (Article 21)

A data subject can seek to object to the processing of personal data on the following grounds:



1. Art. 6(e) necessary for the performance of a task carried out in the public interest or authority vested in the controller. Art 6(f) is not applicable.
2. Data is processed for direct marketing & includes data used for profiling.
3. A data subject can object to automated decision making where data is processed due to information society services,
4. Data processing for purposes of scientific or historical purposes has the right to object, this is overridden where processing is necessary for the performance of a public interest.

Where a objects to processing of their personal data, articles 21 states

1. If the data subject objects due to direct marketing, processing must cease (Art, 21(3)).
2. Where the first communication with the data subject regard to processing on grounds of it being necessary to carry out a task in the public interest (art. 21(1)) and the data is processed for direct marketing purposes, the Council will inform the data subject clearly and separately from any other information (Art. 21(4)).

### Time limits

There are specific requirements regarding arts. 21(3) and 21(4). In relation to the lifting of the right to object or the implementation under the other articles, there is no time limit, Where the objection is lifted, the Council will inform the data subject immediately



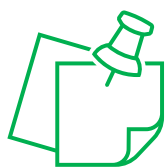
### Informing the Data subject

Where processing has been objected to above, the Council must have compelling legitimate grounds overriding the rights of the data subject. If the Council has compelling legitimate grounds, the Council must inform the data subject immediately in writing of these grounds for it to continue the processing of the data. If the processing is for enforcing legal claims, then the objection can be overridden.

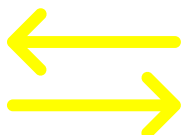


## Right to data portability (Article 20)

A data subject has the right to receive their personal data in format that is structured, machine readable format and the right to transfer their data to another controller. This right is subject to the following requirements:



1. Art 6(1) a data subject has given consent for processing for one or more specific purposes.
2. Art. 9(2) has given explicit consent to process their special category of special data.
3. Under a signed contract where the processing is necessary for the performance of a contract that the data subject is party too (art. 6(1)(b))
4. The processing is carried out by automated means.



Under Art. 20(2) where a data subject requests the transfer of data to another controller, the Council must transfer points referred to above have been complied with.

A data subject's right to data portability does not affect their right to right to erasure of their data (art. 17). The right to erasure will not apply where the Council are required to process the data in the public interest or for the exercise of an official authority vested in the Council.



## Time limits

There are specific requirements regarding data portability, Where a request for data portability is made, the data subject will be entitled to transfer of data within 30-days from the date of the request. The Council will inform the data subject that the data is portable and ready for transmission.



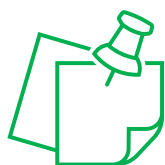
## Informing the Data subject

Where data is ready for transmission or transfer to another controller, the Council will write to the data subject to inform them that the data is available for transmission to the data subject or transfer to another controller.

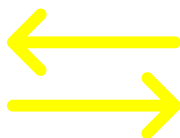


## Condition for Consent and Right to withdraw consent (Article 7)

The Council must provide evidence that a data subject has provided consent for the processing of their data.



Article 7(1) sets out that it is the responsibility of the Council to demonstrate that it has obtained the consent of the data subject to the processing of their personal data.



Under Art. 7(2) where a data subject provides written consent for the processing of personal data and also involves other matters, the Council must set out each matter in clearly and distinguishable from each other. The Council must show consent has been provided for “bulk” processing of personal data. Failing to do this means that the consent given will not be binding.

A data subject is entitled to withdraw their consent for the Council to process their personal data. A data subject is giving consent, they must be informed that they can withdraw their consent at any time to the processing. If consent was given but withdrawn at later stage, this will not affect the original processing of the personal data. (Art. 7(3))



### Time limits

There are no time limits for a data subject to withdraw their consent and withdrawal can be made at any time. Where the Council is seeking to process personal data of a data subject, consent must be obtained immediately.



### Informing the Data subject

The Council must inform the data subject of their right to withdraw consent when it first seeks to obtain the consent of the data subject for the purposes of processing their personal data.



## **Rights in relation to automated decision-making including profiling (Article 22)**



Galway City Council does not use automated decision-making and does not profile any member of the public or service users that interact with Council's or come onto Council owned property. This policy will be updated if automated decision making is used in the Council in the future and/or if we engage in profiling of service users or members of the public

## Right to make a complaint to the Data Protection Commission (Article 77).

A data subject has the right to complaint to the Data Protection Commission, the Irish authority that deals with GDPR complaints in Ireland.

The requirements for making a complaint are as follows:



1. A data subject is entitled to lodge a complaint about the Council where they are the jurisdiction they are habitually resident, the jurisdiction that they work or the jurisdiction where the alleged infringement occurred if the processing infringes these regulations.

## Post release queries

It the policy of the Council provide a service user/data subject the right to review a decision is made is respect of the GDPR rights that are set out in this Standard Operating Procedure (SOP).



If you are dissatisfied with the outcome of you're the Council's decision in relation to any of your GDPR rights in this SOP, you can contact the Data Protection Officer at [dpo@galwaycity.ie](mailto:dpo@galwaycity.ie). A review will be conducted of your file to determine whether the issue(s) can be resolved.

## Complaints to DPC



If you are dissatisfied with the post release queries or the outcome of your decision under this SOP, you have the right to complain to the Data Protection Commission at 21 Fitzwilliam Square South, Dublin 2, D02 RD28, [info@dataprotection.ie](mailto:info@dataprotection.ie), [www.dataprotection.ie](http://www.dataprotection.ie), +353 (0)761 104 800, +353 (0)57 868 4800