

## **DATA SUBJECT'S RIGHTS**

### **Section 7**

#### **Right Of Access To Personal Data And Other Rights**

1. The subject of data has the right to obtain confirmation as to whether or not personal data concerning him or her exists, even if the data is not yet registered, and to the communication of this data in an intelligible form.
2. The subject of data has the right to be informed:
  - a) of the source of the personal data;
  - b) of the purposes and methods of the processing;
  - c) of the logic applied to the data processing if this is carried out using electronic tools;
  - d) of the identity of the personal data manager, the people responsible for processing the data and the designated representative, in accordance with Section 5 (2);
  - e) of the people or categories of people to whom the personal information can be communicated or who can come to know the information as designated representatives of the State, managers or assigned operators.
3. The subject of data has the right to obtain:
  - a) the updating, rectification or, when this is in his or her interests, the integration of the data;
  - b) the erasure, transformation into anonymous form or blocking of data processed unlawfully, including data which it is not necessary to store for the purposes for which the data was collected or subsequently processed;
  - c) certification that the operations as per letters a) and b), including regarding their contents, have been brought to the knowledge of those to whom the data have been communicated or disseminated, unless this requirement proves impossible or involves a manifestly disproportionate effort compared with the right which is to be protected.
4. The subject of data has the right to object, in whole or in part:
  - a) for legitimate reasons to the processing of personal data which concerns him or her, even if the data is relevant to the purpose of its collection;
  - b) to the processing of personal data concerning him or her for the purpose of sending publicity material, direct selling, market research or commercial communication.

## **Section 8 (Exercising of rights)**

1. The rights referred to in Section 7 can be exercised through an informal request to the data manager or person responsible for the data, including through another person, and an adequate response shall be provided to this request without delay.

2. The rights referred to in Section 7 cannot be exercised through a request to the data manager or person responsible or in pursuance of Section 145 if the personal data in question are processed:

a) pursuant to the provisions of decree-law no. 143 of 3rd May 1991, as converted, with amendments, by law no. 197 of 5th July 1991 and subsequent amendments, concerning money laundering;

b) pursuant to the provisions of decree-law no. 419 of 31st December 1991, as converted, with amendments, by law no. 172 of 18th February 1992, and subsequent amendments, concerning support for victims of extortion;

c) by parliamentary inquiry committees set up in accordance with Article 82 of the Constitution;

d) by a public body, other than a public economic body, where this is expressly required by law, for purposes exclusively related to monetary and currency policy, the system of payments, control of intermediaries and of credit and financial markets and protection of their stability;

e) in pursuance of Section 24, (1), (f), only for the period during which it could lead to a real, concrete prejudice in defense investigations or for the exercising of rights in a judicial context;

f) by providers of electronic communication services accessible to the public concerning incoming phone calls, unless this can lead to a real and concrete prejudice in defense investigations as per Law no. 397 of 7th December 2000;

g) for purposes of justice, by judicial offices of any order or grade, by the Higher Council of the Judiciary or other self-regulatory bodies, or by the Ministry of Justice. h) in pursuance of Section 53, while fully respecting law no. 121 of 1st April 1981.

3. Even in the case of communication from the subject of the data, in the cases referred to in paragraph 2, letters a), b), d), e) and f), the guarantor shall act as per Sections 157, 158 e 159; in the cases referred to in letters c), g) and h) of paragraph 2 the guarantor shall act as in Section 160.

4. In the case of data which are not of an objective nature, the rights outlined in Article 7 can be exercised unless they concern the rectification or integration of personal data which are evaluative, concern judgments, opinions or other types of subjective assessment or if they concern conduct to be implemented or decisionmaking by the data manager.

## **Section 9 (Ways of Exercising Rights)**

1. The request to the data manager or data processor can also be conveyed by means of a registered letter, fax or e-mail. The guarantor can also determine other suitable systems with regard to new technological solutions. When the request is related to the rights referred to in Section 7 (1) and (2) the request can also be made verbally; in this case it will be written down in a summarized form by the data processor or the data manager.
2. In exercising the rights referred to in Section 7, the subject of the data can grant, in writing, power of attorney or representation to natural persons, entities, associations, organizations or other bodies. The subject of the data can also be assisted by a trusted person of his / her choice.
3. When the rights as per Section 7 refer to personal information concerning a deceased person, these rights may be exercised by someone who has a personal interest, or who acts to protect the subject of the data, or for family reasons meriting protection.
4. The identity of the subject of the data will be verified through suitable means. This may include through available documents or records or by the presentation or attachment of a copy of an identification document. The person who acts on behalf of the subject of the data will show or attach a copy of the proxy or letter of delegation signed in the presence of a designated person or signed and presented together with a photocopy of an identification document of the subject of the data. This photocopy does not have to be legally certified as authentic. If the subject of the data is a legal entity, body or association the request will be presented by the natural person legally authorized to do so by the relevant statutes or regulations.
5. The request referred to in Section 7 (1) and (2) can be worded freely without any constraints and such requests can be renewed at intervals of not less than ninety days, unless there are well-grounded reasons for renewing the request sooner.

## **Art. 10 (Response to Subject of Data)**

1. The data manager will take suitable measures to guarantee the effective exercising of the rights referred to in Section 7; in particular with a view to:
  - a) facilitate access to personal data by the subject of the data, including through the use of dedicated software aimed at the accurate selection of the data regarding individual identified or identifiable subjects;
  - b) simplify the arrangements and reduce the time taken to respond to requests, including in the context of public relations offices or services.
2. The data are retrieved by the data manager or people assigned to process the data and can also be communicated to the requesting party verbally, or displayed to him / her by electronic means, provided that in such cases the data is easily intelligible, considering the nature and amount of information involved. If requested, the data will be transposed onto paper or into digital form, or transmitted by means of electronic networks.
3. The response provided to the subject of the data shall include all the personal information concerning him or her and processed by the data controller, unless the request refers to a particular form of data processing or specific personal data or categories of personal data. If the request is made to a health care professional or a health care body, Section 84 (1) shall apply
4. When data retrieval is especially difficult, the response to the subject's request may also consist in producing or delivering copies of records and documents containing the personal information requested.
5. The right to obtain communication of data in an intelligible form does not apply to personal information regarding third parties, unless the breaking down of the processed data or the elimination of certain items from the latter prevents the data concerning the interested subject from being understandable.
6. Data will be communicated in an intelligible form, including through the use of legible handwriting. If codes or abbreviations are used, the criteria for understanding the meaning of these will be provided, possibly by agents of the data manager.
7. If, following a request as per Section 7 (1) and (2) letters (a), (b) and (c), it is not confirmed that any data exists which concerns the enquiring party, a fee may be requested. This fee shall not be in excess of the costs actually incurred for the research carried out in that specific case.
8. The fee referred to in paragraph 7 cannot in any case exceed the amount established by the guarantor in a general provision, which can refer to a lump sum to be paid in the case of data processed by electronic means and communicated verbally. In the same general provision the guarantor can allow for the fee to be requested when the data are held on a special type of record or medium of which reproduction is specifically required, or when one or more data processors

identify the investment of considerable effort on account of the complexity or nature of the requests and it is confirmed that data does exist which concerns the interested party.

9. The fee referred to in paragraphs 7 and 8 can also be paid by bank or postal draft, or by debit or credit card, if possible upon receiving the response and in any case within fifteen days of this.