

Data Protection Rights

This provides you with information relating to how your personal data is used by the States of Alderney. For ease of use, we have listed all of your rights as a data subject.

In accordance with [the Data Protection \(Bailiwick of Guernsey\) Law, 2017](#), your rights as a Data Subject are as follows:

Right of access

A data subject has the right to be advised as to whether a controller is processing personal data relating to them and, if so, that individual is entitled to one free copy of their personal data (with further copies available at a fee prescribed by the controller). This is known as a Subject Access Request (SAR). Upon receipt of an SAR, the controller has a period of one month to adhere to the request (an extension of two further months can be sought by the controller depending upon the complexity and number of requests submitted by the data subject).

Right to data portability

A data subject has the right to data portability, this means that an individual is able to arrange for the transfer of their personal data from one controller to another without hindrance from the first controller. This right can only be utilized where the processing is based on consent or for the performance of a contract. This right cannot be used for processing by a public authority.

Where a data subject invokes the right to data portability, the data subject has the right to be given their personal data in a structure, commonly used and machine-readable format suitable for transmission from one controller to another. Upon the request of a data subject, the controller must transmit their personal data directly to another controller unless it is technically unfeasible to do so.

Exception to right of portability or access involving disclosure of another individual's personal data

A controller is not obliged to comply with a data subject's request under the right of access or right to data portability where the controller cannot comply with the request without disclosing information relation to another individual who is identified or identifiable from that information.

Right to object to processing

A data subject has the right to object to a controller's activities relating to the processing of personal data for direct marketing purposes, on grounds of public interest and for historical or scientific purposes.

Right to rectification

A data subject has the right to require a controller to complete any incomplete personal data and to rectify or change any inaccurate personal data.

Right to erasure

A data subject has the right to submit a written request to a controller regarding the erasure of the data subject's personal data in certain circumstances. These include where:

- The personal data is no longer required in relation to its original purpose for collection by the controller;
- The lawfulness of processing is based on consent and the data subject has withdrawn their consent;
- The data subject objects to the processing and the controller is required to cease the processing activity;
- The personal data has been unlawfully processed;
- The personal data must be erased in order to comply with any duty imposed by law;
or
- The personal data was collected in the context of an offer from an information society service directly to a child under 13 years of age.

Right to restriction of processing

A data subject has the right to request, in writing, the restriction of processing activities which relate to the data subject's personal data. This right can be exercised where:

- The accuracy or completeness of the personal data is disputed by the data subject who wishes to obtain restriction of processing for a period in order for the controller to verify the accuracy or completeness;
- The processing is unlawful but the data subject wishes to obtain restriction of processing as opposed to erasure;
- The controller no longer requires the personal data, however the data subject requires the personal data in connection with any legal proceedings; or
- The data subject has objected to processing but the controller has not ceased processing operations pending determination as to whether public interest outweighs the significant interests of the data subject.

Right to be notified of rectification, erasure and restrictions

Where any rectification, erasure or restriction of personal data has been carried out, the data subject has a right to ensure that the controller notifies any other person to which the personal data has been disclosed about the rectification, erasure or restriction of processing. The controller must also notify the data subject of the identity and contact details of the other person if the data subject requests this information.

Right not to be subject to decisions based on automated processing

A data subject has the right not to be subjected to automated decision making without human intervention.

To exercise these data subject rights, please contact either the data protection officer or the controller.

Right to make a complaint

An individual may make a complaint in writing to the supervisory authority (the [Office of the Data Protection Commissioner](#)) if the individual considers that a controller or processor has breached, or is likely to breach, an operative provision of the data protection law, and the breach involves affects or is likely to affect any personal data relating to the individual or any data subject right of the individual (as listed above).

Complainant may appeal failure to investigate or progress and may appeal determinations

An individual may appeal to the Court where:

- The [Supervisory Authority](#) has failed to give the complainant written notice that the complaint is being investigated or not within two months of receiving the complaint;
- The [Supervisory Authority](#) has failed to provide written notice of the progress and, where applicable, the outcome of the investigation at least once within three months of providing notice of the beginning of an investigation; or
- Where the individual seeks to appeal against a determination of the [Supervisory Authority](#).