

Data Subjects Rights Policy

Owner	Information Governance Team
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Reviewed by	Information Governance Group Information Lawyer
Approved by and date	Information Governance Group - 1 May 2018
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Version History

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Revision Date	Previous Revision Date	Summary of Changes	Changes Marked
13.08.20		Reviewed- minor format amends	
03.08.21		Reviewed – broken link amended, DPO email address added, minor format amends	
29.06.22		Reviewed with minor amends	
15.02.24		Reviewed with minor amends	

1. Policy Statement

- 1.1. The UK General Data Protection Regulation¹ (the UK GDPR) grants individuals' several rights in respect of their personal data. Where an organisation processes personal data about an individual, that individual is considered a data subject.
- 1.2. The General Dental Council (the GDC) is committed to ensuring that its systems and processes support the rights individuals have in respect of their personal data and that as an organisation we can recognise and respond to people exercising those rights.

2. Purpose

- 2.1. The Data Subjects Rights Policy outlines what the GDC does to ensure the rights of the individual under the UK GDPR are respected and responded to appropriately.

3. Scope

- 3.1. The Data Subjects Rights Policy creates requirements that apply to all GDC staff, members and Associates as well as to any third parties processing personal data on the GDC's behalf.

4. Background

- 4.1. The UK GDPR gives data subjects the following individual rights:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to object
- The right to restrict processing
- The right to data portability
- Rights in relation to automated decision making and profiling.

- 4.2. Data subject rights requests can be made through the GDC's website or by contacting a GDC staff member directly. Requests can be made both in writing and verbally.

¹ The **GDPR** is retained in domestic law as the **UK GDPR**, but the UK has the independence to keep the framework under review. The 'UK **GDPR**' sits alongside an amended version of the Data Protection Act 2018 (DPA 2018). The government has published a 'Keeling Schedule' for the **UK GDPR**, which shows the amendments.

- 4.3. We will respond to valid data subject rights requests without undue delay and by the timeframe for all data subject rights requests which is the first working day one calendar month from receipt.
- 4.4. If a data subject rights request is complex the deadline can be extended by two months. This extension must be communicated to the data subject within the original deadline with an explanation of why the request is complex.

5. The right to be informed

- 5.1. Articles 12-14 of the UK GDPR provide individuals with the right to be informed about the collection and use of their personal data. This is a key transparency requirement under the UK GDPR.
- 5.2. Where the GDC collects, creates or receives personal data it will ensure that data subjects are provided with appropriate privacy information, in particular why we need their personal data, how long it will be retained for, and who it will be shared with.
- 5.3. We publish a privacy statement on our website here: <https://www.gdc-uk.org/privacynotice>. It explains in detail how and why different areas of the GDC collect and use personal data, and the legal basis for that use. It also tells people what their rights are, how they can complain, and who they can contact at the GDC if they are concerned about how their personal data is being handled.
- 5.4. The GDC publishes its retention schedule which outlines how long it keeps different types of information and when we will review and consider it for (secure) disposal.

6. The right of access

- 6.1. Article 15 of the UK GDPR provides a right for data subjects to receive confirmation that their data is being processed; to access their personal data; to be told why their information is being processed, who it has been shared with, and how long it will be retained.
- 6.2. The GDC has systems in place to manage data subject requests corporately and to ensure that on receipt, requests will be formally acknowledged and responded to within the statutory time frame. The GDC reports corporately on its compliance, and it is published in the GDC's annual report.

7. The right to rectification

- 7.1. Article 16 of the UK GDPR provides a right for data subjects data rectified if it is inaccurate or incomplete as to any matter of fact.
- 7.2. Where an individual contests the accuracy of the personal data, the GDC will consider restricting the processing until we have verified the accuracy of the personal data.

- 7.3. Where we decide not to take action in response to a request for rectification, we will explain why to the individual, and tell them of their right to complain to the supervisory authority or to seek judicial remedy.
- 7.4. Where we agree we have processed inaccurate or incomplete personal data and that data has been shared with a third party, we will contact anyone we have shared it with to tell them.

8. The right to erasure

- 8.1. Article 17 of the UK GDPR provides the right for individuals to have their information deleted ('the right to be forgotten'). Individuals have a right to have personal data erased and to prevent processing in specific circumstances. These include where personal data is no longer necessary for the purpose it was originally collected; consent is withdrawn; or an objection is received and there is no overriding legitimate interest for continuing processing.
- 8.2. The right to erasure does not always apply and is not an absolute right. The GDC can refuse to comply with a request for erasure where certain circumstances apply. These include where the GDC is processing data for the performance of a public interest task or exercise of official authority, the basis on which the GDC carries out much of its work.

9. The right to object

- 9.1. Article 21 of the UK GDPR gives individuals the right to object to processing based on legitimate interests or the performance of a task in the public interest or exercise of official authority.
- 9.2. The GDC will explicitly inform individuals of their right to object "at the point of first communication" and in our privacy notice.
- 9.3. Where we receive an objection, we will stop processing the personal data unless:
- 9.4. There are compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual; or the processing is for the establishment, exercise or defence of legal claims.
- 9.5. Where an individual has objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), the GDC will restrict processing of that data while we consider whether the GDC's legitimate grounds override those of the individual.

10. The right to data portability

10.1. Article 20 of the UK GDPR allows individuals to obtain and reuse their personal data for their own purposes across different services. It allows them to move, copy or transfer personal data easily from one processing environment to another in a safe and secure way.

10.2. The right does not apply to processing that is carried out in the public interest or in the exercise of official authority vested in the controller, the basis on which the GDC carries out most of work.

11. Rights related to automated decision making including profiling

11.1. The UK GDPR applies to all solely automated individual decision making (i.e. making a decision solely by automated means without any human intervention) and profiling. Article 22 of the UK GDPR outlines rules to protect individuals where automated decision making has legal or significant effects on them.

11.2. The GDC currently has no solely automated decision making or profiling systems and there are no plans to introduce such systems.

12. Review and approval

12.1. This policy will be reviewed every two years by the Information Governance Team. It will be updated and amended prior to that date as necessary.

12.2. The policy should be approved by the GDC's SIRO.

13. Related policies

- Information Governance Policy
- Information Security Policy
- Data Protection Policy
- Disclosure and Publication Policy