

Data Subjects Rights Policy

Owner	Information Team
Author	Information Governance Manager
Reviewed by	Information Governance Group Information Lawyer
Approved by and date	Information Governance Group - 1 May 2018
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Review Date	25 May 2019 (<i>reviewed every year</i>)

Version History

Date of next revision:

Revision Date	Previous Revision Date	Summary of Changes	Changes Marked

1. Policy Statement

1.1 One of the key changes brought about by the General Data Protection Regulation (the GDPR) is how individuals' rights in respect of their personal data have been enhanced and improved.

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 are able to recognise and respond appropriately 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 GDPR are respected and responded to appropriately.

2.2 The annex to this policy sets out in guidance to staff how the GDC will process and respond to requests for rectification, or erasure, or objections to processing under GDPR.

3. Scope

3.1 The Data Subjects Rights Policy applies 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 GDPR aims to give individuals (whether these be customers, contractors or members of staff) more control over the ways in which their personal data is processed, and this has led to the granting of new rights for these individuals, as well as developing rights that existed under Data Protection Act 1998.

4.2 An individual's rights under the GDPR are:

- 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.

5. The right to be informed

5.1 Articles 12-14 of the 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 GDPR.

5.2 Where the GDC collects or receives personal data it will ensure that the people whose personal data it is are told why we need their personal data, how long it will be retained for, and who it will be shared with.

5.3 In addition, the GDC publishes a privacy statement on the GDC's website here: <https://www.gdc-uk.org/footer/privacy>. It explains in detail how and why different areas of the GDC collect and use personal data, and the legal basis for the GDC's work. 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 also 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 GDPR provides a right for data subjects to receive confirmation that their data is being processed; to access their personal data; and to be told why their information is being processed, who it has been shared with, and how long it will be retained.

6.2 Data subject access requests can be made through the GDC's website or submitted directly to GDC staff. 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.

6.3 The GDC will consider and respond to requests as soon as possible and within one month. However, where a request is complex, or there are multiple requests from the same individual, the response timescale may be extended by a further two months.

6.4 Information about how the GDC manages data subject access requests is available on the GDC's website here: <https://www.gdc-uk.org/about/freedom-of-information>

6.5 Information for GDC staff about managing data subject access requests is available on the GDC's staff intranet here: https://gdcuk.sharepoint.com/sites/Intranet/Content/Pages/FOI_and_DP.aspx

7. The right to rectification

7.1 Under Article 16 of the GDPR individuals can ask to have personal data rectified if it is inaccurate or incomplete as to any matter of fact. Requests can be made verbally or in writing. The GDC will consider and respond to requests as soon as possible and within one month.

7.2 Where an individual contests the accuracy of the personal data, the GDC will restrict the processing until we have verified the accuracy of the personal data.

7.3 Where an individual contests the accuracy of their personal data the GDC will provide them with a formal response within one month (extended by two months where the request for rectification is complex).

7.4 Where the GDC decides 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 and to a judicial remedy.

7.5 Where the GDC agrees we have processed inaccurate or incomplete personal data and that data has been shared with a third party, the GDC will contact anyone we have shared it with to tell them.

8. The right to erasure

8.1 Under Article 17 of the GDPR individuals can also ask (requests can be made verbally or in writing) for their information to be 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 However, the right to erasure does not provide an absolute 'right to be forgotten'. The GDC can refuse to comply with a request for erasure where certain circumstances apply. These include where the GDC is complying with a legal obligation for the performance of a public interest task or exercise of official authority (the basis on which the GDC carries out much of its registration, fitness to practise and quality assurance work).

8.3 The GDC will consider and respond to requests as soon as possible and within one month.

9. The right to object

9.1 Under Article 21 of the GDPR, individuals have the right to object to processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (the basis on which the GDC carries out much of its registration, fitness to practise and quality assurance work).

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:

- 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.

9.4 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.

9.5 The GDC will consider and respond to objections as soon as possible and within one month.

10. The right to data portability

10.1 Article 20 of the 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 IT 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 its registration, fitness to practise, and quality assurance work).

10.3 The GDC will consider and respond to any requests as soon as possible and within one month.

11. Rights related to automated decision making including profiling

11.1 The 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 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 The policy will be reviewed annually by the Information Governance Manager. It will be updated and amended prior to that date as necessary.

12.2 The policy should be approved by the GDC's SIRO and referred to the Information Governance Group for noting.

13. Related policies

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

Managing requests for rectification, erasure, objections to processing, or to transfer personal data

1. Requests for rectification, erasure, objections to processing, or to transfer personal data can be made to the Data Protection Officer directly. Their contact details are included in the GDC's main Privacy statement and in the fair processing information given to people when we collect their personal data. The GDC's Information Governance Manager is the Data Protection Officer for the purposes of GDPR. They can be contacted at DPO@gdc-uk.org
2. However, requests for rectification, erasure, objections to processing, or to transfer personal data can also be made to anyone at the GDC in the course of normal business. These requests should also be referred to the Data Protection Officer.
3. Requests will then be logged and co-ordinated centrally by the Information Team who will work with the local business area to come to a decision and formulate a response.
4. Requests for rectification, erasure, objections to processing, or to transfer personal data will be acknowledged and a substantive response will be provided as soon as possible and within one month.
5. Where we are unable to agree to the request we will explain why, explaining the applicable exemption under the Data Protection Act 2018 (where appropriate) and explaining the right of appeal to the Information Commissioner.