

Article 15 – Data subject’s right of access

1. The data subject shall have the right to obtain by the data controller confirmation as to whether or not personal data concerning him or her is being processed, and, where that is the case, access to the personal data and the following information:

- a) processing operation purposes;
- b) the categories of personal data;
- c) the addresses or the addressees’ categories who personal data has been or will be communicated, in particular if addresses of third countries or international organizations;
- d) if possible, the personal data retain foreseen period or, if not possible, the criteria used to define this period;
- e) the existence of the data subject’s right to ask the data controller for the correction or cancellation of the personal data or the personal data processing operation limitation which concerns him or her or to oppose oneself to the processing operation;
- f) the right to lodge a complaint to a supervisory authority;
- g) when the data is not collected at the data subject, all the available information on its origin;
- h) the automated decision-making process existence, profiling included of article 22, paragraphs 1 and 4, and at least in such cases, significant information on the used logic, as well as the importance and the foreseen consequences of this processing operation for the data subject.

2. When the personal data is moved to a third country or to an international organization, the data subject has the right to be informed of the existence of proper warranties under article 46 relevant to the transfer.

3. The data controller gives a copy of personal data, subject to processing operation. In the case of further copies required by the data subject, the data controller can charge a reasonable fee based on administrative costs. If the data subject presents the request through electronic means, and unless the data subject’s different indication, the information is supplied in an electronic format of common use.

4. the right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.

Article 16 – Right of rectification

The data subject has the right to obtain by the data controller the correction of improper personal data concerning him or her without undue delay. Considered the processing operation purposes, the data subject has the right to obtain the integration of the incomplete personal data, also by supplying a supplementary statement.

Article 17 – Right to erasure («right to be forgotten»)

1. The data subject shall have the right to obtain by the data controller the cancellation of personal data concerning him or her without undue delay and the data controller must erase without undue delay the personal data, if there is one of the following reasons:

b) the data subject withdraws the consent on which the processing operation is based according to article 6, paragraph 1, letter a), or article 9), paragraph 2, letter a), and where there is no other legal ground for the processing operation;

c) the data subject objects to the processing operation under article 21, paragraph 1, and there are no overriding legitimate grounds for the processing operation, or the data subject objects to the processing operation under article 21, paragraph 2;

d) the personal data have been processed illegally;

e) the personal data must be cancelled to fulfil a legal obligation foreseen by Union law or by the Member State which the data controller is subject;

f) the personal data have been collected in relation to the services offer of the information company referred to in article 8, paragraph 1.

2. The data controller, if he/she has made public the personal data and he/she is forced, under paragraph 1, to delete it, by considering the available technology and the costs of implementation adopts reasonable measures, also technical, to inform the data controllers who are processing the personal data of the data subject’s request to delete any link, copy or reproduction of his/her personal data.

3. the paragraphs 1 and 2 do not apply as far as the processing operation is necessary:

a) for the exercise of the right to the freedom of speech and of information;

b) for a legal obligation fulfilment which requires the processing operation foreseen by the Union law or by the Member State which the data controller is subject or for performance of a task carried out in the public interest or in the exercise of public authorities whose the data controller is invested;

c) for reasons of public interest in the public healthcare sector in compliance with the article 9, paragraph 2, letters h) and i), and under article 9), paragraph 3;

d) for the purposes of storage in the public interest, scientific or historical research or for statistical purposes in compliance with the article 89, paragraph 1, as far as the right referred to in paragraph 1 risks to make impossible or to seriously affect the achievement of the objectives of such processing operation; or

e) for the assessment, the exercise or the defense of a right in judicial seat.

Article 18 – Right to restriction of processing operation

1. The data subject shall have the right to obtain by the data controller the restriction of processing operation when there is one of the following hypothesis:

a) the data subject contests the accuracy of personal data, for the necessary period to the data controller to check the trueness of this personal data;

b) the processing operation is unlawful, the data subject opposes himself/herself to the personal data cancellation and ask instead for the use restriction;

c) although the data controller has no more need for the processing operation purposes, the personal data are necessary to the data subject for the assessment, exercise or the right defense in judicial seat;

d) the data subject has opposed himself/herself to the processing operation under article 21, paragraph 1, waiting for the control in regard to the possible prevalence of the data controller's legitimate reasons compared to those ones of the data subject.

2. If the processing operation is limited according to the paragraph 1, such personal data is processed, unless for the conservation, only with the data subject's consent or for the assessment, the exercise or the right defense in judicial seat or to safeguard the another natural or legal person's rights or for reasons of public interest significant of the Union or of a Member State.

3. The data subject who has obtained the restriction of processing operation pursuant to the paragraph 1 is informed by the data controller before this restriction is withdrawn.

Article 19 – Obligation to notify in case of correction or cancellation of personal data or restriction of processing operation

The data controller informs each addresses who personal data have been transmitted possible corrections or cancellations or restrictions of the processing operation made under article 16, article 17, paragraph 1, and article 18, unless this is impossible or involves a disproportionate effort. The data controller informs the data subject such addresses when the data subject requires it.

Article 20 – Right to data portability

1. the data subject has the right to receive in a structured format, of common use and readable by an automatic device the personal data which concerns him/her supplied to a data controller and he/she has the right to transmit such data to another data controller without obstacles by the data controller who supplied them, when:

a) the processing operation is based on the consent under article 6, paragraph 1, letter a), or article 9, paragraph 2, letter a), or on a contract under article 6, paragraph 1, letter b); and

b) the processing operation is made with automated means.

2. by exercising the own rights relevant to the data portability pursuant to the paragraph 1, the data subject has the right to obtain the direct transmission of personal data by a data controller to another one, if technically possible.

3. the exercise of the right under paragraph 1 of this article leaves without prejudice the article 17. Such right does not apply to the processing operation necessary for the performance of a task of public interest or related to the exercise of public authority of which the data controller is invested.

4. the right referred to in paragraph 1 must not affect the rights and freedoms of others.

Article 21 – Right of opposition

1. the data subject has the right to oppose himself/herself at any time for reasons connected to his/her particular situation to the personal data processing operation which concerns him/her under article 6, paragraph 1, letters e) or f), profiling on the basis of these provisions included. The data controller refrains from further processing the personal data unless he/she shows the existence of legitimate reasons binding for the processing operation advancement which prevails over interests, rights and the data subject's freedoms or for the assessment, exercise or the defense of a right in judicial seat.

2. When the personal data is processed for purposes of direct marketing, the data subject has the right to oppose himself/herself at any time to the processing operation of personal data which concerns him or her made for such purposes, profiling included in so far as related to this direct marketing.

3. When the data subject opposes himself/herself to the processing operation for direct marketing purposes, the personal data is no more subject to processing operation for these purposes.

4. the right under paragraphs 1 and 2 is expressly brought to the attention of the data subject and shall be presented clearly and separately from any other information at the latest at the time of the first communication with the data subject.

5. in the context of the information company services use and without prejudice to the Directive 2002/58/EC, the data subject can exercise his/her own right of opposition with automated means which use special techniques.

6. when the personal data are processed for the purpose of scientific or historical research or for statistical purposes under article 89, paragraph 1, the data subject, for reasons related to his/her particular situation, has the right to oppose himself/herself to the processing operation of personal data which regards him/her, unless the processing operation is necessary for the performance of a task of public interest.

Article 22 – Automated decision-making process concerning the physical persons, profiling included

1. The data subject has the right to not be subjected to a decision based only on the automated processing operation, profiling included, which produces legal effects which concerns him/her or which affects in a similar way significantly on his/her person.

2. the paragraph 1 does not apply if the decision:

a) is necessary for the conclusion or the execution of a contract between the data subject and a data controller;

b) is authorized by Union law or the Member State to which the data controller is subject who also specifies proper measures to protect the data subject's rights, freedoms, and legitimate interests;

c) is based on the data subject's explicit consent.

3. in the event that paragraph 2, letters a) and c), the data controller implements proper measures to protect the data subject's rights, freedoms and legitimate interests, at least the right to obtain the human intervention by the data controller to give his/her own opinion and to contest the decision.

4. the decisions under paragraph 2 are not based on special categories of personal data under article 9, paragraph 1, unless do not apply article 9, paragraph 2, letters a) or g) and are not in force proper measures to protect the data subject's rights, freedoms, and legitimate interests.