

DATA PROTECTION RIGHTS OF THE INDIVIDUAL PROTOCOL

Itínere



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SGRP-Protocol-Data Protection Rights



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PROTOCOL FOR THE EXERCISE OF DATA PROTECTION RIGHTS OF THE INDIVIDUAL

This document contains the mandatory operating protocol for all companies comprising the ITÍNERE Group that are required to report to the Group's Data Protection Officer.

Similarly, due to the nature of the personal data, the processing to which they are subject, as well as the activity of the companies mentioned in the above paragraph, it was decided that only those rights which typically could be exercised by the DATA SUBJECTS would be collated. Thus, the protocol does not cover the right to be forgotten in internet searches (article 93 of the Spanish Data Protection law, known under the acronym LOPDGDD), the right to be forgotten on social media and equivalent searches (article 94, LOPDGDD), nor the right to data portability in automated processing (article 20, GDPR).

As a general rule, when applications are received, the procedure should be as follows:

- Record the applications as they are received
- Unequivocally identify the DATA SUBJECT
- Confirm that the application falls within the scope of the GDPR
- Check that the right or entitlement being exercised does not have a negative impact on the rights and freedoms of third parties.
- Reply in good time, within a month at the latest:
 - o Recognizing the rights: provide information about the processing.
 - o If the response is being postponed: informing about the reasons for the delay (2 months at the most)
 - o Not recognizing the rights:

See flow chart at the end of this document for the steps to take.

Right of access (article 15 of the GDPR):
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THE DATA SUBJECT is entitled to be informed by the data controller as to whether their personal data are being processed or not; if it is confirmed that they are, access and information about the processing should be given.

When the controller processes a large volume of data about a DATA SUBJECT, the former, before providing the information, may request that the latter specify the data or processing actions covered in their application.

The right of access will be understood as having been satisfied when the controller gives the DATA SUBJECT a direct link to a remote access system to track the data that guarantee access to all of it on a permanent basis.

In the case of people who have died, this right may be exercised by people connected to the deceased by family or other links, as well as by their heirs or those who have been expressly



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instructed for this purpose, unless the deceased had previously expressly forbidden this, or there is another legal impediment.

Grounds for exercising the right

- To confirm whether someone's personal data are being processed or not.
- To share personal data in the possession of the controller.
- To provide information on the processing carried out using this data.

Reasons for not acknowledging the right

- When it is not their data that are being processed.
- When to do so would have a negative impact on the rights and freedoms of third parties.

Exercising the right

When the right of access is recognized, the data subject should be given:

- A copy of the personal data that has been processed.
- The following basic information about the processing:
 - o The purpose of the processing.
 - o The data categories.
 - o The time period or criteria for conserving the data.
 - o The information about exercising the rights to rectify or erase personal data and the restriction or objection to the processing that may have been exercised by the DATA SUBJECT.
 - o The right to submit a complaint to the Certification Authority.
- The following information specific to the processing (if this exists):
 - o When there is data communication:
 - The RECIPIENTS or categories of RECIPIENTS, including those abroad.
 - o When there is an international TRANSFER of data:
 - Information about appropriate data protection assurances.
 - o When there is a PROFILING based on AUTOMATED processing:
 - Meaningful information as to the logic applied in taking decisions.
 - Information about the importance and expected consequences of this processing for the DATA SUBJECT.
 - Information about whether the decision that might be taken could have legal implications that could affect the data subject significantly.
 - o When the data does not come from the DATA SUBJECT:
 - Information about the source of that data.

Right of rectification (articles 16 and 19, GDPR)

THE DATA SUBJECT is entitled to have the controller rectify their data without unreasonable delay when the data are inaccurate or incomplete, by making an additional rectifying statement.



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The controller may request, when necessary, the paperwork that proves the inaccuracy or incomplete nature of the data to be rectified.

In the case of people who have died, this right may be exercised by people connected to the deceased by family or other links, as well as heirs or those who have been expressly appointed for the purpose, unless the deceased had previously expressly forbidden this, or there is another legal impediment.

Grounds for exercising the right

- When the data are inaccurate or incomplete.

Reasons for not acknowledging the right

- When their data are not being processed.
- When there are no grounds for exercising the right.
- When, for technical reasons, the data cannot be altered.

Exercising the right

When the right to rectification is exercised, the procedure is as follows:

- Confirm the data to be rectified.
- If there was a prior communication directed to RECIPIENTS, inform them so that they proceed with the rectification (except when this is impossible or requires a disproportionate effort).

Right to erase data (articles 17 and 19, GDPR)

THE DATA SUBJECT will have the right to require the Controller to erase their data without undue delay.

When the erasure is the consequence of exercising the right to object, the Controller may keep the DATA SUBJECT's identifying data in order to prevent future processing for direct marketing purposes.

In the case of people who have died, this right may be exercised by people connected to the deceased by family or other links, as well as heirs or those who have been expressly appointed for the purpose, unless the deceased had previously expressly forbidden this, or there is another legal impediment.



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Grounds for exercising the right

- When the processing is unlawful.
- The DATA SUBJECT withdraws their consent.
- The data are no longer necessary for the purposes for which they were collated or processed.
- The data have been obtained in connection with the supply of e-commerce services.
- The DATA SUBJECT has exercised their right to object and no other legitimate grounds for the processing prevail.
- The data must be erased to comply with the Controller's legal obligation.

Reasons for not acknowledging the right

- When their data are not being processed or have not been processed.
- When there are no grounds for exercising the right.
- When the right to the freedom of expression and information prevails.
- When the Controller is under a legal obligation not to do so.
- When the data are needed to formulate, exercise or defend against complaints.
- Where there is a PUBLIC interest, grounded in current legislation, for reasons of public health or for the purpose of historical, statistical or scientific research.

Exercising the right

When the right to rectification is acknowledged, the procedure is as follows:

- Erasure or Pseudonymisation of data.
- If there was a prior communication directed to RECIPIENTS, inform them so that they proceed with the erasure (except when this is impossible or requires a disproportionate effort).

Right to data portability (article 20, GDPR)

The data subject shall have the right to have the data transmitted directly from one Controller to another, in a structured, commonly used, machine-readable format.

Grounds for exercising the right

- When the processing is carried out by automated means and is based on:



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- The consent of the DATA SUBJECT for specific purposes.
- The performance of a contract or pre-contract with the DATA SUBJECT.

Reasons for not acknowledging the right

- When there are no grounds for exercising the right
- When the transmission is technically impossible.
- When it could have a negative impact on the rights and freedoms of third parties.
- When the processing has a PUBLIC interest, grounded in current legislation.

Exercising the right

When the right of data portability is recognized, the procedure should be as follows:

- Transmit the data to:
 - Another controller
 - To the data subject themselves.

Right to restriction of processing (article 18 and 19, GDPR)

The DATA SUBJECT will have the right for the controller to flag their data in order to restrict their processing. When a processing procedure is restricted, this should be clearly indicated in the controller's IT systems.

Grounds for exercising the right

- The DATA SUBJECT challenges the accuracy of the data.
- The processing is unlawful, and the DATA SUBJECT opposes the erasure of their data, requesting instead restriction over their use.
- The DATA SUBJECT has objected to the processing, and while verifications are being made as to whether the controller's legitimate motives prevail over those of the DATA SUBJECT.
- The controller no longer needs the data for the purpose of the processing, but the DATA SUBJECT needs them for the acknowledgment, exercise or defence of a right in a court proceeding.

Reasons for not acknowledging the right

- When there are no grounds for exercising the right
- When there is a lawful justification for lifting the restriction and the DATA SUBJECT has been informed of this.



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Exercising the right

When the right to restricting the processing is acknowledged, the procedure should be as follows:

- Flag the data requested in order to restrict their processing temporarily.
- If there was a prior communication directed to RECIPIENTS, inform them so that they proceed with the restriction (except when this is impossible or requires a disproportionate effort).

Justification for lifting the restriction, after informing the DATA SUBJECT

- Because the DATA SUBJECT has given their consent.
- When the possibility exists that the processing could affect the protection of another natural or legal person's rights.
- Because of a court proceeding that warrants it.
- For an important reason of PUBLIC interest based on current legislation.

Right to object to the processing (article 21, GDPR)

The DATA SUBJECT will have the right to object to the processing of their data by a controller on grounds relating to his or her particular situation.

Grounds for exercising the right

- Direct marketing.
- E-commerce services.
- Processing based on satisfying the legitimate interests of the controller or of third parties, provided that these do not prevail over the interests, rights or freedoms of the DATA SUBJECT, especially if they are under age (14 years old, in Spain).
- PROFILING
- Processing for the purposes of historic, statistical or scientific research, unless the processing is necessary on the grounds of PUBLIC interest.

Reasons for not acknowledging the right

- When there are no grounds for exercising the right
- When the controller submits imperative and legitimate grounds that prevail over the interests or rights and freedoms of the DATA SUBJECT.

Exercising the right

- Flagging the data so as not to submit them to any further processing.

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The right to avoid PROFILING based on AUTOMATED processing (Article 22, GDPR)

The DATA SUBJECT has the right not to be subject to PROFILING which has the purpose of adopting individual decisions based on the AUTOMATED processing of data.

Grounds for exercising the right

- When the purpose of the processing is individual decision-making based on AUTOMATED processing of data, designed to assess, analyse or predict any of the following personal issues:
 - Professional performance.
 - Health.
 - Reliability.
 - Behaviour.
 - The person's location or movements.

Reasons for not acknowledging the right

- When there are no grounds for exercising the right
- When the individual decision taken is not based solely on AUTOMATED processing.
- When the decision is based on an explicit consent or when it is necessary for a contract to be signed between the controller and the DATA SUBJECT, and the controller has taken adequate measures to safeguard the rights and freedoms and legitimate interests of the data subject, these being, at the least, the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.
- When the decision is based on processing grounded in current legislation.

Exercising the right

- Inform whether the decision that may be taken could have a legal impact that affects the DATA SUBJECT significantly.
- When the processing has been authorised by means of explicit consent or a contract between the controller and the DATA SUBJECT, to make it possible to exercise the right to obtain human intervention on the part of the controller and for the DATA SUBJECT to be able to express their point of view and contest the decision taken.
- Depending on whether the DATA SUBJECT applies to exercise their right to access, rectification, erasure or portability of their data; or their restriction or objection to the processing.

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FLOWCHART SYNOPSIS

