

Data Protection - Your Rights

For the most part, those that hold personal information relating to individuals do so in a responsible manner. It is possible however, that:

- The information kept about you may be wrong or out of date
- It may be given to someone not entitled to see it
- You may find yourself receiving 'junk mail'
- Your privacy might be threatened in other more serious ways

The Data Protection Acts, 1988 and 2003 gives you **rights** to protect you against these and similar problems, and creates **obligations** for those keeping personal information on computer. Click on the links below to find out more.

Your Rights	Find out about your legal entitlements
Their Obligations	The responsibilities of those keeping personal data
Self Help	How to protect your rights under the Data Protection Acts
The Public Register	You can see the data-handling practices of many important organisations

Your Rights

Right of Access

The personal information to which you are entitled is that held on computer or in a manual filing system that facilitates access to information about you. You can make an access request to any organisation or any individual who has personal information about you. For example, you could make an access request to your doctor, your bank, a credit reference agency, a Government Department dealing with your affairs, or your employer.

LINK» [more about the right of access](#)

Right of rectification or erasure and blocking

If you find out that information kept about you by someone else is inaccurate, you have a right to have that information corrected (or "rectified"). In some circumstances, you may also have the information erased altogether from the database - for example, if the body keeping the information has no good reason to hold it (i.e. it is irrelevant or excessive for the purpose), or if the information has not been obtained fairly. You can exercise your right of rectification or erasure simply by writing to the body keeping your data.

In addition, you can request a data controller to block your data i.e. to prevent it from being used for certain purposes. For example, you might want your data blocked for research purposes where it held for other purposes.

LINK» [more about the requirement to obtain personal information "fairly"](#)
[more about "irrelevant and excessive" personal information](#)

Right to freedom from automated decision making

Important decisions about you, such as rating your work performance, your creditworthiness or your reliability may not be made solely by computer or automated means unless you consent to this. Generally speaking, there has to be a human input to such decisions.

Right to have your name removed from a direct marketing list

If an organisation holds your information for the purposes of direct marketing (such as direct mailing, or telephone marketing), you have the right to have your details removed from that database. This right is useful if you are receiving unwanted "junk mail" or annoying telephone calls from salespeople. You can exercise this right simply by writing to the organisation concerned. The organisation must write back to you within 40 days confirming that they have dealt with your request.

LINK» [more about dealing with unwanted direct marketing](#)

Right to complain to the Data Protection Commissioner

What happens if someone ignores your access request, or refuses to correct information about you which is inaccurate? If you are having difficulty in exercising your rights, or if you feel that any person or organisation is not complying with their responsibilities, then you may complain to the Data Protection Commissioner, who will investigate the matter for you. The Commissioner has legal powers to ensure that your rights are upheld.

LINK» [more about making a complaint to the Data Protection Commissioner](#)
[more about the legal powers of the Data Protection Commissioner](#)

Right to seek compensation through the Courts

If you suffer damage through the mishandling of information about you on computer, then you may be entitled to claim compensation through the Courts. Section 7 of the Data Protection Acts, 1988 and 2003, makes it clear that organisations who hold your personal data owe you a duty of care. You should note that any such compensation claims are a matter for the Courts - the Data Protection Commissioner has no function in this matter.

Their Obligations

As mentioned above, people or organisations keeping personal information on computer must give individuals access to their personal information, and must correct or delete any information found to be inaccurate or irrelevant. But their responsibilities don't stop there.

They **must**:

Obtain personal information fairly and openly

Use it only in ways compatible with the purpose for which it was given in the first place

Secure it against unauthorised access or loss

Ensure that it is kept accurate and up to date

They **must not**;

Further process data in a manner incompatible with the purpose for which it was given

Retain it for longer than is necessary for the purpose for which it was given

Any failure to observe these principles would be a breach of the Data Protection Acts.

LINK» [more details about the responsibilities of those keeping personal data](#)

Self Help

The Data Protection Acts put a lot of power into your hands. Remember, you have the right to demand a copy of whatever is kept about you on computer, or in structured manual files simply by making a request in writing. If you feel that there is any problem with the way your personal details are handled, you should consider this "right of access" as an important self-help tool. Seeing the information that is kept about you enables you to judge for yourself whether the details are incomplete or inaccurate - and whether the organisation should even be holding the details in the first place.

If you find that there are problems with the details kept about you, you can insist that those keeping the personal information fulfil their obligations. Inaccurate information about you must be corrected; irrelevant or excessive information must be deleted. And you can demand that your name be removed from any direct marketing lists.

The Data Protection Commissioner will help you to secure your rights:

- with advice and information
- by intervening directly on your behalf if you feel you have not been given satisfaction
- by taking action against those failing to fulfil their obligations.

LINK» [more about making a complaint to the Data Protection Commissioner](#)

The Public Register

Some of those who keep personal information on computer are required to register with the Commissioner, in order to make their data-handling practices more transparent. The organisations covered by registration include: the public sector; financial institutions; insurance companies; those involved in direct marketing, providing credit references and debt collecting; and anyone keeping personal information about race, political opinions, religion, health, sexual life or criminal convictions.

The register contains the names and address of the person keeping the information, a brief description of the types of information kept, the purpose for which they are used, and a list of those to whom the information is disclosed. Note that the register only describes what information is kept - the information itself is not in the register. You can consult the register on-line.