

## DATA PROTECTION PROCEDURES

### 2. Data Subjects Rights regarding the processing of personal data

The Data Protection Act 1998 provides a number of rights, which can be engaged by a data subject. These must be engaged in writing to the Data Controller and as follows:

**Section 10 - Right to prevent processing likely to cause damage or distress.**

An individual is entitled to submit a notice in writing to the Data Controller if he/she believes the processing of their data has caused substantial unwarranted damage or distress to that person. The individual concerned can ask BCC to stop processing his or her personal data within a reasonable period.

**Section 11 - Right to prevent processing for the purposes of direct marketing.**

A data subject is entitled to write asking a BCC to cease or not to begin processing their personal data for direct marketing and this should be completed within a reasonable period.

**Section 12 - Right in relation to automated decision taking.**

A data subject has the right to prevent BCC from taking decisions concerning him/her based on automated means alone. This right must be exercised in writing to BCC stating that no decision should be taken that significantly affects that individual based on processing by automated means.

**Section 13 - Right to compensation.**

A data subject who suffers damage or distress as a result of any contravention of the requirements of the Act by BCC is entitled to compensation. It will be a defence for BCC to prove that he had taken such care as in all the circumstances and was reasonably required to comply.

**Section 14 - Right to rectify, block, erase and destroy.**

A data subject may apply to the Court for an order required BCC to rectify, erase or destroy such data relating to the data subject as are inaccurate together with any other personal data relating to the data subject which contain an expression of opinion which the Court finds is based on the inaccurate data.

**Non compliance matters**

If the data subject wishes to invoke any of the above rights they must do so in writing. The DPA does not provide a legislative means to seek an internal review similar to the FOIA but any complaints submitted in relation to the above rights will be carefully examined and processed in line with the specific right.

If a complaint is submitted directly to the internal department, the details must be brought to the attention of the RLO immediately. The RLO will acknowledge receipt of the complaint and record the details on CRM and paper file.

The RLO will inform the DM and RMU by providing the exact details of the complaint within one calendar day and by email. RMU will examine and consider the substance of the complaint and provide advice and guidance on how to proceed. The RLO will also record and update the details on CRM and paper file. It will be the responsibility of the DM to review all aspects of the complaint and liaise with RMU.

Once this process has been completed, the DM will provide a closure reply to the data subject based on all the relevant considerations.

If a complaint is submitted directly to the RMU, the details will be brought to the attention of the relevant RLO immediately. The RLO will acknowledge receipt of the complaint and record the details on CRM and paper file the same procedure followed as above.

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