

DATA SUBJECTS' RIGHTS WITH REGARD TO PERSONAL DATA PROTECTION

Personal data of an individual represents an integral part of his or her identity. These data are relating to an identified natural person or an identifiable natural person.

The protection of personal data falls with the area of the fundamental human rights and freedoms. This includes protecting of each person from unauthorized collection, disclosure or other abuse of their personal data. By defining the rules, thus defining who and how can handle with personal data, the protection of the person is ensured.

Fundamental legislation

- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation, hereinafter referred to as “the Regulation”)
- Act 18/2018 of 29 November 2017 on personal data protection and amending and supplementing certain Acts

The data subject is a natural person, whose personal data are processed; thus you are the data subject when, for example, your employer, bank, school, etc. processes your personal data.

The data subjects' rights

From the those who processes his or her personal data, the data subject has the right to request:

1. a confirmation whether or not his or her personal data are processed by the controller and obtain access to their personal data and other information,
2. rectification of incorrect, inaccurate or incomplete personal data concerning him or her.
3. erasure of personal data concerning him or her, where any of the reasons referred to in Article 17 of the Regulation (right to be forgotten), for example if:
 - the controller no longer needed the personal data,
 - the controller processes the personal data unlawfully,
4. Restrictions of processing personal data concerning him or her, where one of the following grounds referred to in Article 18 of the Regulation applies.
5. Portability of the data to another controller in a structured, commonly used and machine-readable format, where technically possible, if processing is based on:
 - consent, explicit consent or contract,
 - is carried out by automated means.
6. no-longer processing of his or her personal data on the basis of an objection to the processing, e.g. where personal data are processed for marketing purposes or for grounds relating to the particular situation,
7. Not to be subject to a decision based on solely automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her;

- in certain circumstances the right to ask the controller to review the issued decision using a method different from the automated form of processing. The data subject may express his or her point of view and appeal against the controller's decision.

If you wish to exercise your rights, contact the company or organization that processes your personal data, also referred to as the controller. If the company or organization has a data protection officer (herewith as “DPO”), you can address your request directly to the DPO. The company or organization shall respond to your requests without undue delay and at the latest within 1 month. If a company or organisation does not intend to comply with your request for exercise your rights, they shall state the reason why, and in this case you can contact the Office for personal data protection of Slovak Republic to initiate data protection proceeding. Company or organization may request you to provide information to confirm your identity (so that your personal data is not provided in response to, for example your namesake) in order to exercise your rights (for example, by clicking the link authentication, by entering your username or password).

These rights apply across the EU, regardless of where the data is processed and where the company is established. These rights also apply when you buy goods and services from companies located outside the EU, but also operating within the EU.

If company or organization does not comply with your request or if you suspect that your rights or the rights of your children have been breached or were breached, you may lodge a complaint with the Office to initiate a personal data protection proceeding.

The Office for personal data protection of the Slovak Republic

- is a state administration body with nationwide competence,
- supervises the protection of personal data,
- participates in the protection of fundamental rights and freedoms of individuals when their personal data are processed,
- exercises powers independently and is governed by procedures laid by the constitution, a constitutional law, acts, other generally binding legal regulations and the international treaties binding upon Slovak Republic.

Template of the application to lodge a complaint can be found at the Office's website

www.dataprotection.gov.sk > Tlačivá a vzory > Vzor návrhu na začatie konania

The lodge a complaint may be brought

- in written paper form,
- in written electronic form authorized under a special law on the electronic form of the exercise of public authority; electronic submission without authorization under the special electronic law on the electronic form of the exercise of public authority (i.e. e-mail without guaranteed electronic signature) shall be completed in paper form within three working days,
- in person at the Office in oral form.

Protection of right relating to personality under civil law

Not every violation of the right of privacy is also a violation of the data protection right. The regulation (among other things) excludes personal data processed by a natural person in a purely domestic or personal activity from its scope.

However, in such cases you have a possibility to launch civil action. According to section 11 et seq. of Act no. 40/1964 Coll. the Civil Code natural person enjoys right relating to protection of his or her personality, especially to protect his or her life and health, honour and dignity, as well as privacy, his or her good name and expressions of a personal nature.

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