

## TIP SHEET 2



### Data subject rights

Data subject rights are the rights that individuals have over any personal or sensitive data that is collected or managed about them. National legislations may have slightly different terms and explanations of data subject rights but the following rights are generally included in African data legislation, including established laws and regulations or those currently in the process of approval:

**Right to be informed about the collection and processing of personal data.** This information must be provided in a concise, transparent, intelligible, and easily accessible form, using clear and plain language. Data controllers must supply information to data subjects within one month of receiving a request for information about how their data is collected and processed.

**Right of subject to access.** A person has the right to obtain a copy of their personal data and an explanation of the categories of data being processed, the purposes of processing, the categories of third parties to whom the data may be disclosed, the period for which the data will be stored (or criteria for determining that period), and information about their other rights as data subjects.

**Right to rectification.** A data subject can request that any errors in their data be corrected.

**Right to erasure (aka the 'right to be forgotten').** Data subjects can request deletion of their personal data if it is no longer needed for the original purpose or where processing is based on consent and the person withdraws their consent (and no other lawful basis for processing exists).

**The right to restrict processing.** A person can withdraw their consent for data processing and ask that their data is no longer processed or that its processing is limited, even if it is still stored by a data controller/processor.

**Right to data portability.** Data subjects can request that the data controller provides them with a copy of their personal data in a commonly used machine-readable format. They can also request that their data be transferred from one data controller to another or ask to have their data transmitted directly between data controllers.

**The right to object to processing of their personal data on certain grounds.** This includes the right to withdraw consent or object to processing carried out for the purposes of profiling or direct marketing. In this case, for a data controller to continue processing, it must prove that it either has compelling grounds for continuing the processing, or that the processing is necessary in connection with its legal rights.

**The right not to be evaluated on the basis of automated processing.** Aside from a few certain narrow exemptions, data subjects have the right not to be subject to decisions based solely on automated processing which could significantly affect them or cause them some type of harm.

**The right to representation and compensation.** Data subjects have the right to obtain assistance from a national supervisory authority in accessing their rights. They have a right to make a claim if they consider that their data has not been treated according to law or has been interfered with. They have the right to be represented and, in a case of proven harm, to be compensated.