

Data Subjects Rights Policy



1. INTRODUCTION

Articles 15 to 22 of the General Data Protection Regulation (GDPR) provide individuals whose data is being processed (data subjects) with certain rights in relation to their personal data. As a data controller, Chargifi is obliged to give effect to those rights, subject to certain exemptions contained in the GDPR and the Data Protection Act 2018.

2. AIMS AND OBJECTIVES OF THIS POLICY

This Policy details Chargifi's approach to giving effect to data subjects' rights and the situations in which they should be implemented and where Chargifi may be exempt from compliance with a request received.

3. OVERVIEW

Each of the data subject rights are set out in detail below. Any request which is received from a data subject wishing to exercise one or more of their rights shall be passed as soon as reasonably practicable to the Data Controller at data@chargifi.com to respond to the data subject.

Any communication with the data subject should be in a concise, transparent, intelligible and easily accessible form, using clear and plain language, particularly if addressed to a child.

No charge shall be made to the data subject for processing any request made by them or for providing them with any information or copy personal data (this includes subject access requests).

However if Chargifi are satisfied that any request is manifestly unfounded or excessive, particularly if repeated requests are made, then it reserves the right to charge a reasonable fee for the provision of the data or to refuse to comply with the request. The fee must reflect the administrative costs of dealing with the request. If Chargifi refuses to comply with a request from a data subject then it will tell the data subject why and advise the subject of the right to complain to the ICO or to raise court proceedings.



4. TIMESCALES

The data subject shall be provided with a substantive response without undue delay and, in any event, within one month of the date of the request. Any steps which are to be taken by Chargifi must also be implemented within this timescale.

Where the request is particularly complex or comprises a number of requests, the period for responding may be extended by a further two months. Where the period for complying is to be extended, the data subject must be advised of that extension within one month of the original request being made.

Chargifi will maintain a register detailing the type of request received; the date on which it was received; and the deadline for compliance, for the purposes of complying with data subject requests.

5. IDENTIFICATION

If, on receiving the request, Chargifi has any reasonable doubt about the identity of the individual who has submitted the request, reasonable steps should be taken to confirm the identity of the person making the request. A passport or photographic driver's licence may be used as proof of identity. Where a request is made online, further steps should be taken to ensure that the form of identification provided has originated from the data subject. Where there is any remaining doubt as to the identity of the requester, no personal data should be disclosed until their identity can be confirmed. The one month time limit for complying with a request does not start until Chargifi is satisfied about the identity of the data subject.

6. DATA SUBJECT ACCESS REQUESTS

Data subjects have a right to request information about whether or not their personal data is being processed by Chargifi and, if so, how that personal data is being processed. This includes a right to be provided with access to their personal data and to be provided with a copy of that data.

The data subject also has the right to be provided with the following information:

- a) the purpose of the processing
- b) the categories of personal data being processed
- c) the recipients or categories of recipients to whom we have disclosed or will disclose person data



- d) the retention period for the data (or how Chargifi calculates that)
- e) the existence of the right to have Chargifi rectify, erase or restrict processing of that data
- f) the right to lodge a complaint with the Information Commissioner's Office
- g) the source of the information if we have not collected the data direct from the subject
- h) the existence of any automated decision making.

In certain circumstances Chargifi will transfer personal data to a country outside the EU or an international organisation. Where that occurs the data subject is entitled to know what safeguards we have put in place in relation to that transfer.

Where an email or online request for copy data is received, that data shall be provided by email, unless the data subject has requested that it be provided in another form. Any such personal data which is emailed shall be encrypted and subject to appropriate security measures.

Third Party Personal Data

Sometimes it is not appropriate to disclose information relating to another individual to the data subject where that third party can be identified from the information or can be identified as the source of the information. In this case the data should only be disclosed:

- With the consent of the third party; or
- Without the consent of the third party if it is reasonable to disclose the information.

To determine when it is reasonable to disclose the information Chargifi will consider the following:

- The type of information that would be disclosed;
- Any duty of confidentiality to the third party;
- Any steps taken by Chargifi to seek the consent of the third party;
- Whether the third party is capable of providing consent; and
- Any express refusal of the third party to provide consent.

Other exemptions are set out in Appendix 1.



7. RECTIFICATION OF PERSONAL DATA

Where any personal data held by Chargifi is inaccurate, the data subject has the right to require Chargifi to rectify the data subject's inaccurate personal data. Where such a request is received the inaccurate data must be rectified without undue delay.

Where Chargifi holds any personal data about the data subject which is incomplete, the data subject has the right to have the incomplete data completed.

Chargifi holds personal data in a number of different physical locations and in a number of different forms. Where personal data is rectified, care shall be taken to ensure that *all* personal data is rectified and the data held is consistent.

Where personal data has been rectified, Chargifi will advise the data subject of the rectification unless doing so proves impossible or would involve disproportionate effort. If the data which has been rectified has been sent by Chargifi to third parties, then the controller should inform them of any changes unless this proves impossible or disproportionate and the data subject should be informed about any of these third parties if they ask.

8. ERASURE OF PERSONAL DATA

This right is often known as “the right to be forgotten”. Where this right is exercised, Chargifi must erase personal data without undue delay.

This right can only be exercised by data subjects where:-

- a) the personal data is no longer necessary in relation to the purpose for which it was collected or processed;
- b) where the data subject's consent to processing is withdrawn;
- c) where the data subject objects to the processing and there are no overriding legitimate grounds for processing;
- d) where there is no legal basis for the processing; or
- e) where there is a legal obligation to delete data.



Where personal data is to be deleted Chargifi will review all the data that it holds in different locations and in different formats to ensure that all relevant personal data is erased.

In the unlikely event that Chargifi has made any personal data public, it shall take reasonable steps (taking to account technology and cost) to notify other controllers processing the data of the request for erasure.

Chargifi is not required to and will not delete personal data where the processing carried out is necessary for:-

- a) complying with a legal obligation in the public interest or in the exercise of an official authority;
or
- b) for the establishment, exercise or defence of legal claims.

Once the relevant personal data has been deleted the data subject shall be advised that the data has been erased unless providing this information is impossible or involves disproportionate effort.

9. RESTRICTION OF PROCESSING

Data subjects are entitled to ask to restrict the type of processing which is carried out by Chargifi. This is not an absolute right and the data subject will only be entitled to restriction where:-

- a) the accuracy of personal data is contested by the data subject for a period to enable us to verify the accuracy;
- b) the processing is unlawful and the data subject does not want it to be erased but requests restriction instead;
- c) Chargifi no longer needs the data for the purpose of the processing but the data is required by the data subject for the establishment, exercise or defence of legal claims; or
- d) the processing has been objected to and verification of that objection is pending.

Where the data subject exercises their right to restriction, personal data can then only be processed with their consent or for the establishment, exercise or defence of legal claims or for the protection of rights in the public interest for the protection for the right of another data subject or legal entity.



Where Chargifi has restricted any form of processing and that restriction is subsequently lifted, it shall advise the data subject accordingly unless doing so is impossible or involves disproportionate effort.

10. DATA PORTABILITY

Where a data subject requests a copy of their personal data for the purposes of transferring it from Chargifi to another data controller Chargifi will do so provided:-

- a) the legal basis for processing is based on consent or a contract with the data subject; and
- b) the processing is carried out by automated means.

The data subject shall only be provided with the personal data they provided to Chargifi and to limited personal data gathered by Chargifi in the course of its dealings with the individual or which has been generated from Chargifi monitoring of the data subject's activity.

The data subject is entitled to be provided with their personal data in a structured, commonly used and machine readable format for transfer to another controller; or where possible to have Chargifi transfer the data direct to another organisation.

11. OBJECTION TO PROCESSING OF PERSONAL DATA

Data subjects have the right to object, on grounds relating to their particular situation, where their personal data is being processed because Chargifi believes it has a legitimate interest to do so.

If Chargifi has legitimate grounds for the processing which override the interests, rights and freedoms of the data subject; or if the processing is for the establishment, exercise or defence of legal claims, then Chargifi does not require to cease processing.

12. OBJECT TO AUTOMATED DECISION MAKING

Data subjects are entitled to object to any automated decision making concerning them which takes place. Automated decision making refers to any form of decision making which takes place without any form of human intervention and includes profiling. It only applies when the automated profiling produces a legal or similar effect on the data subject.



The data subject is not entitled to exercise this right if any automated decision making is necessary for:-

- a) entering into or the performance of a contract;
- b) is authorised by law; or
- c) is based on explicit consent.

13. MONITORING AND REVIEW

This policy was last updated on 14 August 2018 and shall be regularly monitored and reviewed, at least every two years.



APPENDIX 1

EXEMPTIONS TO THE RIGHT TO RECEIVE A COPY OF THE DATA IN RESPONSE TO A SUBJECT ACCESS REQUEST

Chargifi may be exempt from compliance with the data subject rights if certain exemptions apply.

Careful consideration should be given to these exemptions and whether they apply before responding to any request by a data subject. The exemptions for compliance with the request are set out in schedule 2 of the Data Protection Act 2018. In very brief terms these are set out below. Further guidance should be sought before relying on one of these:-

- **Legal professional privilege/confidentiality of communications** – solicitor/client communications do not require to be disclosed.
- **Conflict with the provisions of a Commercial Contract or a Signed non-Disclosure Agreement** – Where it can be demonstrated the existence of a Commercial Contract or Non-Disclosure Agreement and that disclosure of Subject Data would lead to the breach that the confidentiality provisions agreement.
- **Self-incrimination** – to the extent that disclosing the information would reveal evidence of an offence which would expose the person to proceedings for that offence.
- **Corporate finance** – personal data being processed for the purposes of, or in connection with, the provision of a corporate finance service need not be disclosed if certain conditions apply.
- **Management forecasts** – personal data being processed for the purposes of management forecasts to the extent that the application of the provisions would prejudice the conduct of the business or activity concerned.
- **Negotiations** – information concerning negotiation with the data subject do not require to be disclosed to the extent that the application of the provisions would prejudice those negotiations.
- **Confidential references** - given by Chargifi do not require to be disclosed.