

APPROVED
by Order No. 103 of the Rector of
Vilnius Gediminas Technical University of
1 February 2019

RULES ON IMPLEMENTATION OF DATA SUBJECT'S RIGHTS IN VILNIUS GEDIMINAS TECHNICAL UNIVERSITY

CHAPTER I GENERAL PROVISIONS

1. The purpose of the Rules on Implementation of Data Subject's Rights in Vilnius Gediminas Technical University (hereinafter referred to as the Rules) is to establish the procedure for the implementation of the rights of data subjects in Vilnius Gediminas Technical University (hereinafter referred to as VGTU) in order to comply with the principle of accountability.

2. In implementation of the rights of a data subject, 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 (the General Data Protection Regulation) (hereinafter referred to as Regulation (EU) 2016/679) and the Law of the Republic of Lithuania on the Legal Protection of Personal Data shall be followed.

3. The terms used in the Rules correspond to those used in Regulation (EU) 2016/679.

4. The Rules were prepared in accordance with Regulation (EU) 2016/679 and Order No. 1T-63 (1.12.E) of the Director of the State Data Protection Inspectorate of 9 July 2018 "On approval of the Model Rules on Implementation of the Data Subject's Rights".

CHAPTER II RIGHT TO GET INFORMATION ON DATA PROCESSING

5. Information on the processing of personal data of a data subject by VGTU, as referred to in Articles 13 and 14 of Regulation (EU) 2016/679, is provided in the VGTU internal legal acts placed on the website.

6. Information on the processing of personal data of data subjects shall be provided at the moment of receipt of personal data.

7. Where personal data of a data subject is collected not directly from the data subject, information on the processing of that data subject's personal data shall be provided as follows:

7.1. within a reasonable period of time after receipt of the personal data, but no later than within one month, taking into account the specific circumstances of the processing of personal data;

7.2. if personal data is going to be used for contacting the data subject, no later than when the data subject is contacted for the first time;

7.3. if it is intended to disclose personal data to another data recipient, no later than when the data is disclosed for the first time.

CHAPTER III RIGHT OF ACCESS TO DATA

8. In case of a data subject's request for the exercise of the right of access to his/her personal data, VGTU must present:

8.1. information whether the data subject's personal data is processed or not;

8.2. information related to the processing of personal data provided for in Article 15 (1) and (2) of Regulation (EU) 2016/679 if the data subject's personal data is processed;

8.3. copy of the personal data processed.

9. The data subject shall have the right to request that a copy of the personal data processed be provided to him/her in a form other than that provided by VGTU, for which no charge shall be made.

CHAPTER IV RIGHT TO RECTIFICATION

10. The data subject shall have the right, in accordance with Article 16 of Regulation (EU) 2016/679, to request that any of his/her inaccurate personal data processed be rectified and incomplete data be supplemented.

11. In order to ascertain that the data subject's personal data processed is inaccurate or incomplete, VGTU may request the data subject to provide supporting evidence.

12. Where the personal data of the data subject (which was corrected at the request of the data subject) had been transferred to any data recipients, VGTU shall inform those data recipients about it, unless this is impossible or would involve a disproportionate effort. The data subject shall have the right to request to be provided with information about such data recipients.

CHAPTER V RIGHT TO ERASURE (“RIGHT TO BE FORGOTTEN”)

13. The right of the data subject to erasure of his/her personal data (the “right to be forgotten”) shall be exercised in the cases provided for in Article 17 of Regulation (EU) 2016/679 only for data that VGTU is not obliged to store under the legal acts in force in the Republic of Lithuania and which is not necessary for implementation of the functions of research and higher education institutions. In implementing this right, VGTU shall take into account paragraph 14 of the Rules, the reservations provided for in Regulation (EU) 2016/679 on the processing of data for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

14. The right of the data subject to request erasure of personal data (the “right to be forgotten”) may not be enforced in the cases provided for in Article 17(3) of Regulation (EU) 2016/679.

15. Where the personal data of the data subject (which was erased at the request of the data subject) had been transferred to data recipients, VGTU shall inform those data recipients about it, unless this is impossible or would involve a disproportionate effort. The data subject shall have the right to request to be provided with information about such data recipients.

CHAPTER VI RIGHT TO RESTRICT DATA PROCESSING

16. In the cases provided for in Article 18(1) of Regulation (EU) 2016/679, VGTU is obliged to implement the right of the data subject to restrict the processing of his/her personal data.

17. Personal data the processing of which is restricted shall be stored and the data subject shall be informed by e-mail or in writing before such a restriction is lifted.

18. Where the personal data of the data subject (processing of which was restricted at the request of the data subject) had been transferred to data recipients, VGTU shall inform those data recipients about it, unless this is impossible or would involve a disproportionate effort. The data subject shall have the right to request to be provided with information about such data recipients.

CHAPTER VII RIGHT TO DATA PORTABILITY

19. VGTU shall implement the data subject's right to data portability provided for in Article 20 of Regulation (EU) 2016/679 only where technically feasible, where that does not adversely affect the rights and freedoms of others, the portability is not hindered otherwise and is in accordance with the provisions of Article 20(1) of Regulation (EU) 2016/679.

20. A data subject does not have the right to data portability with regard to that personal data which is processed in non-automated filing systems such as paper files.

21. The data subject, when applying for the right to data portability, shall indicate whether he or she wishes his/her personal data to be forwarded to him/her or to another data controller.

22. The personal data transferred at the request of the data subject shall not be automatically erased. If the data subject so requests, he/she must contact the data controller for the exercise of the right to data erasure (the “right to be forgotten”).

CHAPTER VIII RIGHT TO OBJECT TO DATA PROCESSING

23. The data subject shall have the right, in accordance with Article 21 of Regulation (EU) 2016/679, to object, on the grounds related to his or her particular situation, at any time to processing by VGTU of his/her personal data in the following cases:

23.1. where data processing violates the provisions of the legal acts in force in the Republic of Lithuania;

23.2. where the data is processed for direct marketing purposes in accordance with the provisions of the legal acts in force in the Republic of Lithuania.

24. VGTU shall inform about the right of data subjects to object to the processing of their personal data on the website of VGTU or in writing.

25. If a data subject states his/her objection to the processing of his/her personal data, such processing shall be carried out only if it is reasonably decided that the reasons for processing of such personal data override the interests, rights and freedoms of the data subject or if the personal data is necessary for the establishment, exercise or defence of legal claims.

CHAPTER IX RIGHT NOT TO BE SUBJECT TO A DECISION BASED SOLELY ON AUTOMATED PROCESSING, INCLUDING PROFILING

26. In cases provided for in Article 22 of Regulation (EU) 2016/679 and other legal acts in force in the Republic of Lithuania, the data subject has the right not to be subject to a decision based solely on automated processing and to demand that such a decision be reviewed.

27. Where a data subject applies for review of a decision based solely on automated processing, the data controller must carry out a detailed assessment of all relevant data, including the information provided by the data subject.

CHAPTER X SUBMISSION OF A REQUEST FOR EXERCISE OF THE DATA SUBJECT'S RIGHTS

28. A data subject shall have the right to apply for the exercise of the data subject's rights, either orally or in writing, by submitting a request in person, by post or electronically at the e-mail address of the VGTU Data Protection Officer: dap@vgtu.lt.

29. If the request for the exercise of the data subject's rights is made orally or in person in writing, the data subject must confirm his/her identity by presenting a personal identity document. Failure to do so will result in the refusal to implement the data subject's rights. This provision shall not apply if the data subject applies for information on the processing of personal data in accordance with Articles 13 and 14 of Regulation (EU) 2016/679.

29. If the request for the exercise of the data subject's rights is made in writing, submitting the request by post, then a copy of the personal identity document certified by a notary public must be submitted together with the request. When submitting a request electronically, the request must be signed by a qualified electronic signature or it must be formed by electronic means which allow for ensuring of the integrity of the text and absence of the possibility to modify the text. This provision shall not apply if the data subject applies for information on the processing of personal data in accordance with Articles 13 and 14 of Regulation (EU) 2016/679.

31. The request for the exercise of the data subject's rights must be legible, signed by the person, and shall contain the first name, surname, address and/or other contact details of the data subject or details for giving the answer on the implementation of the data subject's rights.

32. The data subject may exercise his/her rights either by himself/herself or through a representative.

33. In the request, the person's representative shall indicate his/her first name, surname, address and/or other contact details, at which the person's representative wishes to get the answer, as well as the first name and surname of the represented person and provide a document confirming the right of representation or a copy thereof.

34. In the event of doubts as to the identity of the data subject, the data controller shall request additional information necessary to ascertain this.

35. When applying in writing for the exercise of the rights of the data subject, it is recommended to submit a request in the form specified in Annex 1 to the Rules.

36. On all matters relating to the processing of personal data of the data subject and the exercise of his/her rights, the data subject shall have the right to contact the Data Protection Officer by telephone (8 5) 251 2191, e-mail: dap@vgtu.lt. In order to ensure the confidentiality provided for in Article 38(5) of Regulation (EU) 2016/679, if the Data Protection Officer is addressed by post, the envelope must indicate that the correspondence is for the attention of the Data Protection Officer of VGTU.

CHAPTER XI
EXAMINATION OF THE REQUEST FOR THE EXERCISE OF THE DATA SUBJECT'S RIGHTS

37. Upon receipt of a data subject's request, he/she shall be provided with information on the actions taken on the request received, no later than within one month after the receipt of the request. If the information is delayed, the data subject will be informed about it within the specified time, indicating the reasons for the delay and the possibility to file a complaint with the State Data Protection Inspectorate.

38. If the request is made in violation of the procedure and requirements set out in Chapter X of the Rules, it shall not be considered and immediately, but in any case no later than within 7 business days, the data subject shall be informed about it, giving reasons.

39. If the examination of the request finds that the rights of the data subject are restricted on the grounds provided for in Article 23(1) of Regulation (EU) 2016/679, the data subject shall be informed about it.

40. Information provided at the data subject's request for the exercise of his/her rights shall be in the State language.

41. All actions carried out at the data subject's request for the exercise of his/her rights shall be carried out and information shall be provided free of charge. If it is found that the data subject's requests are manifestly unreasonable or disproportionate, in particular because of their repetitive content, VGTU shall be entitled to charge a reasonable fee, taking into account the administrative costs of providing information or giving notifications or taking actions requested, or to refuse to act upon such requests.

42. The data subject shall have the rights to complain about actions or omissions of VGTU in the implementation of the data subject's rights either by himself/herself or through a representative of the data subject, as well as a non-profit institution, organization or association authorized by him/her, which meet requirements of Article 80 of Regulation (EU) 2016/679, filing a complaint with the State Data Protection Inspectorate, A. Juozapavičiaus g. 6, Vilnius, e-mail: ada@ada.lt, website: www.ada.lt, as well as with the Vilnius Regional Administrative Court.

43. The data subject shall have the right to a compensation for financial or moral damage suffered due to a violation of the rights of the data subject, for award of which he/she may apply to the District Court of Vilnius City.

Annex to the Rules on
Implementation of Data Subject's
Rights in Vilnius Gediminas
Technical University

(Form of the request for exercise of the data subject's right(s))

(First name and surname of the data subject)

(Address and/or other contact details (telephone number or e-mail address) (provided at the applicant's discretion))

(Representative and basis for representation if the request is made through a representative of the data subject)

To Vilnius Gediminas Technical University

**REQUEST
FOR THE EXERCISE OF THE DATA SUBJECT'S RIGHT(S)**

_____ 20_____
(Place)

1. I request implementation of the following right(s) of the data subject:
(Tick the appropriate):

- Right to information on data processing
- Right of access to data
- Right to rectification of data
- Right to erasure ("right to be forgotten")
- Right to restriction of data processing
- Right to data portability
- Right to object to data processing
- Right not to be subject to a decision based solely on automated processing, including profiling

2. Specify what you specifically request and provide as much information as possible enabling to properly implement your right(s) (*for example, if you wish to receive a copy of your personal data, please specify a copy of which data in particular (for example, a copy of an e-mail dated x x x 2018, a video record made on x x x 2018 (from hour:minute x to hour:minute x) you would like to receive, if you want data to be rectified, specify which specific personal data of yours is inaccurate; if you object to the processing of your personal data, then indicate the reasons for your objection, indicate the specific processing you object to; if you are applying for the exercise of the right to data portability, please indicate the specific data in relation to which you wish to exercise this right, whether you wish this data to be transferred to your device or to another data controller, if so, please specify such a data controller*):
