

Notification on the data subject's rights
in accordance with Act No. 18/2018 Coll. on Personal Data
Protection and
on Amendments and Supplements to Certain Acts

Should this notification state the section and paragraph numbers without referring to the name of the Act, these are the provisions of Act No. 18/2018 Coll. on the Personal Data Protection and on Amendments and Supplements to Certain Acts

Art. I

Right to Access to Personal Data

(1) The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her is being processed. If the controller processes such personal data, the data subject has the right to access the personal data and information on the following:

- a) the purpose of the processing of personal data,
- b) the category of personal data processed,
- c) if possible, identification of the recipient or the category of recipient, to whom the personal data has been or should be disclosed, in particular the recipient in third countries or international organization,
- d) period of storage of personal data; if not possible, information on the criteria used to determine that period,
- e) the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to the processing of personal data,
- f) right to initiate proceedings according to section 100,
- g) source of personal data unless personal data were acquired from the data subject,
- h) the existence of automated individual decision-making, including profiling under section 28 (1) and (4); in such cases, the controller shall provide the data subject with information in particular on the procedure applied, as well as the significance and envisaged consequences of such processing of personal data for the data subject.

(2) Data subject shall have the right to be informed of the appropriate safeguards relating to the transfer pursuant to section 48 (2) to (4) if personal data are transferred to a third country or to an international organization.

(3) The controller shall provide the data subject with the personal data undergoing processing. For repeated provision of personal data requested by the data subject the controller may charge a reasonable fee based on the administrative costs. The controller shall provide personal information to the data subject in the means requested by the data subject.

(4) The right to obtain personal data referred to in paragraph 3 must not have an adverse effect on the rights of other natural persons.

Art. II

Right to rectification of personal data

The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed.

Art. III

Right to erasion of personal data

(1) The data subject has the right to erasion of personal data concerning him or her without undue delay.

(2) The controller shall erase personal data without undue delay if the data subject has exercised the right to erasion under paragraph 1 if

a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed,

b) the data subject withdraws consent on which the processing is based according to point (a) if section 13 (1), or point (a) of section 16 (2), and where there is no other legal ground for the processing,

c) the data subject objects to the processing pursuant to section 27 (1) and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to section 27 (2),

d) the personal data have been unlawfully processed,

e) the reason for erasion is fulfilment of the obligation under this Act, special regulation or an international treaty, by which the Slovak Republic is bound; or

f) the personal data have been collected in relation to the offer of information society services referred to section 15 (1).

(3) Where the controller has made the personal data public and is obliged pursuant to paragraph 1 to erase the personal data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, those personal data.

(4) Paragraphs 1 and 2 shall not apply to the extent that processing is necessary

a) for exercising the right of freedom of expression and information,

b) for compliance with the obligation under this Act, a special regulation or an international treaty, by which the Slovak Republic is bound or to fulfil a task carried out in the public interest or in the exercise of official authority vested in the controller,

c) for reasons of public interest in the area of public health in accordance with points (h) to (j) of section 16 (2),

d) for archiving purposes, scientific or historical research purposes or statistical purposes in accordance with Article 78 (8) in so far as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing; or

e) for exercising a legal claim.

Art. IV

Right to restriction of processing

The data subject shall have the right to obtain from the controller restriction of processing if,

- a) the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data,
- b) the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead,
- c) the controller no longer needs the personal data for the purpose of the processing of personal data, but the data subject needs it to exercise a legal claim; or
- d) the data subject objects to the processing of personal data pursuant to section 27 (1) pending the verification whether the legitimate grounds of the controller override those of the data subject.

(2) pending the verification whether the legitimate grounds of the controller override those of the data subject 1, besides storage, the controller is authorized to process the personal data only with the consent of the data subject or for the purpose of exercising a legal claim, for protection of persons or for reasons of public interest.

(3) The data subject whose processing of personal data has been restricted pursuant to paragraph 1 shall inform the controller before the restriction of the processing of personal data is lifted.

Art. V

Notification obligation regarding rectification or erasure of personal data or restriction of the processing

(1) The controller shall communicate any rectification or erasure of personal data or restriction of processing carried out in accordance with section 22, section 23 (1) or section 24 to each recipient, unless this proves impossible or involves disproportionate effort.

(2) The controller shall inform the data subject about those recipients pursuant to paragraph 1 if the data subject requests it.

Art. VI

Right to data portability

(1) The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller if this is technically possible and if

- a) the personal data are processed in accordance with point (a) section 13 (1), point (a) section 16 (2) or point (b) section 13 (1) and
- b) the processing is carried out by automated means.

(2) Exercising the right referred to in paragraph 1 shall be without prejudice to the right under section 23. The right to portability shall not apply to the processing of personal data, necessary to fulfil a task carried out in the public interest or in the exercise of public authority, entrusted to the controller.

(3) The right under paragraph 1 shall not have an adverse effect on the rights of others.

Art. VII

Right to object to the processing

(1) The data subject has the right to object to the processing of their personal data on grounds relating to his or her particular situation under section 13 par. 1 (e) or (f) including profiling based on those provisions. The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the interests or rights of the data subject or the grounds for exercising a legal claim.

(2) Data subject has the right to object to the processing of personal data concerning him or her for the purpose of direct marketing, including profiling to the extent relating to direct marketing. Where the data subject objects to processing of personal data for the purpose of direct marketing, the controller shall not further process personal data for the purpose of direct marketing.

(3) The controller is obliged to explicitly notify the data subject of the rights under paragraphs 1 and 2 at the latest when communicating with him or her, whereas the information about this right must be stated clearly and separately from other information.

(4) In terms of the use of the information society services, the data subject may object to the use of automated processes using technical specifications.

(5) Data subject shall have the right to object to the processing of personal data concerning him or her for reasons relating to his or her particular situation, except where the processing of personal data is necessary for the performance of a task on grounds of public interest if the personal data are processed for scientific purposes, for purposes of historical research or for statistical purposes according to section 78 (8).

Art. VIII

Automated individual decision-making including profiling

(1) The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.

(2) Paragraph 1 shall not apply if the decision is

a) necessary for entering into, or performance of, a contract between the data subject and a data controller,

b) made based on a special regulation or an international treaty binding on the Slovak Republic and including appropriate measures guaranteeing the protection of the rights and legitimate interests of the data subject; or

c) is based on the data subject's explicit consent.

(3) In the cases referred to in points (a) and (c) of paragraph 2, the data controller shall implement suitable measures to safeguard the data subject's rights and legitimate interests, in particular the right to verify the decision not in an automated manner by the controller, the right to express its opinion and the right to contest the decision.

(4) Decisions referred to in paragraph 2 shall not be based on special categories of personal data referred to in section 16 (1), except where point (a) or (g) section 16 par. (2) applies and at the same time suitable measures to safeguard the data subject's rights and legitimate interests are in place.

IX.

Communication of a personal data breach to the data subject

(1) The controller shall communicate the personal data breach to the data subject without undue delay when such breach of personal data protection can lead to a high risk to the rights of a natural person.

(2) The communication under paragraph 1 shall contain a clear and simple statement of the nature of the breach of personal data protection and the information and measures referred to in points (b) to (d) section 40 (4).

(3) Notification under paragraph 1 shall not required if

a) the controller has implemented appropriate technical and organisational protection measures, and those measures were applied to the personal data affected by the personal data breach, in particular encryption or other measures under which personal data are illegible to persons who are not entitled to access them

b) the controller has taken subsequent measures which ensure that the high risk to the rights of data subjects referred to in paragraph 1 is no longer likely to materialise,

c) it would involve disproportionate effort; there shall be a public communication or similar measure whereby the data subjects are informed in an equally effective manner.

(4) If the controller has not already communicated the personal data breach to the data subject, the supervisory authority, having considered the likelihood of the personal data breach resulting in a high risk, may require it to do so or may decide that any of the conditions referred to in paragraph 3 are met.

Notification on the data subject's rights
in accordance with the Regulation of the European Parliament
and of the Council (EU) 2016/679 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

Should this notification state the section and paragraph numbers without referring to the name of the regulation, these are the provision of the regulation of the European Parliament and of the Council (EU) 2016/679 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

Art. I
Right to access to personal data

1. The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:
 - a) the purposes of the processing;
 - b) the categories of personal data concerned;
 - c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
 - d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
 - e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
 - f) the right to lodge a complaint with a supervisory authority;
 - g) where the personal data are not collected from the data subject, any available information as to their source;
 - h) the existence of automated decision-making, including profiling, referred to in Article 22 (1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

2. Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer.
3. The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.
4. The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.

Art. II

Right to rectification of personal data

The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

Art. III

Right to erasure (“right to be forgotten“)

1. The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:
 - a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
 - b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6 (1), or point (a) of Article 9 (2), and where there is no other legal ground for the processing;
 - c) the data subject objects to the processing pursuant to Article 21 (1) and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21 (2);
 - d) the personal data have been unlawfully processed;
 - e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject;
 - f) the personal data have been collected in relation to the offer of information society services referred to in Article 8 (1).
2. Where the controller has made the personal data public and is obliged pursuant to paragraph 1 to erase the personal data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to

inform controllers which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, those personal data.

3. Paragraphs 1 and 2 shall not apply to the extent that processing is necessary:

- a) for exercising the right of freedom of expression and information;
- b) for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- c) for reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9 (2) as well as Article 9 (3);
- d) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89 (1) in so far as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing; or
- e) for the establishment, exercise or defence of legal claims.

Art. IV Right to restriction of processing

1. The data subject shall have the right to obtain from the controller restriction of processing where one of the following applies:

- a) the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data;
- b) the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
- c) the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;
- d) the data subject has objected to processing pursuant to Article 21 (1) pending the verification whether the legitimate grounds of the controller override those of the data subject.

2. Where processing has been restricted under paragraph 1, such personal data shall, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.

3. A data subject who has obtained restriction of processing pursuant to paragraph 1 shall be informed by the controller before the restriction of processing is lifted.

Art. V

Notification obligation regarding rectification or erasure of personal data or restriction of processing

The controller shall communicate any rectification or erasure of personal data or restriction of processing carried out in accordance with Article 16, Article 17 (1) and Article 18 to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. The controller shall inform the data subject about those recipients if the data subject requests it.

Art. VI

Right to data portability

1. The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where:
 - a) the processing is based on consent pursuant to point (a) of Article 6 (1) or point (a) of Article 9 (2) or on a contract pursuant to point (b) of Article 6 (1); and
 - b) the processing is carried out by automated means.
2. In exercising his or her right to data portability pursuant to paragraph 1, the data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.
3. The exercise of the right referred to in paragraph 1 of this Article shall be without prejudice to Article 17. That right shall not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
4. The right referred to in paragraph 1 shall not adversely affect the rights and freedoms of others.

Art. VII

Right to object the processing

1. The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on point (e) or (f) of Article 6 (1), including profiling based on those provisions. The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.
2. Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him or her for such marketing, which includes profiling to the extent that it is related to such direct marketing.

3. Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.
4. At the latest at the time of the first communication with the data subject, the right referred to in paragraphs 1 and 2 shall be explicitly brought to the attention of the data subject and shall be presented clearly and separately from any other information.
5. In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, the data subject may exercise his or her right to object by automated means using technical specifications.
6. Where personal data are processed for scientific or historical research purposes or statistical purposes pursuant to Article 89 (1), the data subject, on grounds relating to his or her particular situation, shall have the right to object to processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

Art. VIII

Automated individual decision-making, including profiling

1. The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.
2. Paragraph 1 shall not apply if the decision:
 - a) is necessary for entering into, or performance of, a contract between the data subject and a data controller,
 - b) is authorised by Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or
 - c) is based on the data subject's explicit consent.
3. In the cases referred to in points (a) and (c) of paragraph 2, the data controller shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.
4. Decisions referred to in paragraph 2 shall not be based on special categories of personal data referred to in Article 9 (1), unless point (a) or (g) of Article 9 (2) applies and suitable measures to safeguard the data subject's rights and freedoms and legitimate interests are in place.

IX.

Communication of a personal data breach to the data subject

1. When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the controller shall communicate the personal data breach to the data subject without undue delay.

2. The communication to the data subject referred to in paragraph 1 of this Article shall describe in clear and plain language the nature of the personal data breach and contain at least the information and measures referred to in points (b), (c) and (d) of Article 33 (3).

3. The communication to the data subject referred to in paragraph 1 shall not be required if any of the following conditions are met:

a) the controller has implemented appropriate technical and organisational protection measures, and those measures were applied to the personal data affected by the personal data breach, in particular those that render the personal data unintelligible to any person who is not authorised to access it, such as encryption;

b) the controller has taken subsequent measures which ensure that the high risk to the rights and freedoms of data subjects referred to in paragraph 1 is no longer likely to materialise;

c) it would involve disproportionate effort. In such a case, there shall instead be a public communication or similar measure whereby the data subjects are informed in an equally effective manner.

4. If the controller has not already communicated the personal data breach to the data subject, the supervisory authority, having considered the likelihood of the personal data breach resulting in a high risk, may require it to do so or may decide that any of the conditions referred to in paragraph 3 are met.