



**Data
Protection
Notice –
other rights.**



This document is part of [our Data Protection Notice](#), which covers:

- what your rights are under data protection law
- how you can ask to see your information
- what to do if you have any concerns about how we manage personal information

Our Data Protection Notice also tells you what personal information we, NHS National Services Scotland (NSS), use as an organisation, what our legal basis is for using it and how we protect it.

The information in this 'Other Rights' document explains certain rights you have under current data protection law, which only apply in certain circumstances.

These are:

- the right to erasure
- the right to restrict processing
- the right to data portability
- rights related to automated decision making and profiling

The right to erasure

The right to erasure is also known as “the right to be forgotten”. In general, it refers to your right to request that we delete or remove personal information if there’s no compelling reason for us to continue using it.

As with other rights, there are particular conditions around this right and it does not provide individuals with an absolute right to be forgotten.

You have the right to have your personal information deleted or removed if:

- it’s no longer necessary for the purpose for which it was collected
- we no longer have a legal basis for using your personal information – for example if you gave us consent to use your personal information in a specific way, and you withdraw your consent, we’d need to stop using your information and erase it unless we had an overriding reason to keep using it
- you object to us using your personal information and there is no overriding legitimate interest for us to continue using it
- we’ve used your personal information unlawfully
- there’s a legal obligation to erase your personal information – for example by court order

When we can refuse your request for erasure

We can refuse to deal with your request for erasure when we use your personal information for a number of reasons, which include where we need to:

- comply with our legal obligation to perform a public interest task or exercise official authority
- act in the public interest – for public health, archiving, scientific research, historical research or statistical purposes
- exercise or defend legal claims

Our legal basis for using personal information is usually that it's needed to perform a task carried out in the public interest or in the exercise of official authority we describe in [our Data Protection Notice](#). This means that in most circumstances we can refuse requests for erasure. However we'll advise you of this as soon as possible, once we've received your request.

The right to restrict processing

You have the right to control how we use (or 'process') your personal information in some circumstances. This is known as the right to restriction.

When you exercise your right to restriction, we're permitted to store your personal information, but not use it any more until we reach an agreement with you. We can retain enough information about you to ensure that your request for restriction is respected in the future.

Ways you can restrict our processing could include:

- If you challenge the accuracy of your personal information – we'd stop using it until we check.
- If you object to processing which we need to do to perform our tasks in the public interest or for the purpose of legitimate interests – we'd restrict our processing while we consider whether our legitimate grounds override your individual interests, rights and freedoms.
- If our use of your personal information is found to be unlawful and you ask for restriction instead of full erasure – we'd restrict our processing.
- If we no longer need your personal information but you need it to establish, exercise or defend a legal claim, we'd restrict our processing.



If we've [shared your personal information](#) with any individuals or organisations and then need to restrict our processing, we'll tell those individuals or organisations about our restriction if it is possible and not an unreasonable amount of effort.

We'll tell you whenever we decide to lift a restriction on processing your information.

We don't have to act on your request to restrict our use of your personal information when you've provided your consent for us to continue using it or where we're using it:

- to exercise or defend legal claims
- to protect the rights of another person or organisation
- for reasons of important public interest

The right to data portability

The right to data portability allows you to obtain and re-use your personal information for your own purposes across different services. It allows you to move, copy or transfer personal information easily from one IT environment to another in a safe and secure way.

An example of this in practice would be when consumers take advantage of applications and services which use their information to find them a better deal.

The right to data portability only applies when you submit your personal information directly to us, through electronic means. This means that in most circumstances the right to data portability does not apply within NSS.

Where you've supplied personal information directly to us in this way, and [our legal basis for processing the information](#) is consent or we're performing a contract, then you're entitled to:

- receive a copy of the personal information we hold about you
- have the personal information transmitted from us to another organisation

Rights related to automated decision making and profiling

You have the right to object to any instances where a decision is made about you solely by automated means without any human involvement. This could include profiling.

We don't make any decisions about you using wholly automated means in a way that is currently covered by data protection law. If that changes in the future we'll let you know.

