

GUIDANCE: Right to Rectification (guide for data subjects)



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Introduction and Summary

You, and all other living human beings, are at the heart of data protection legislation.

You are referred to in the Law as a **'data subject'** (i.e. you are the subject of any given piece of personal data or information). The Data Protection (Bailiwick of Guernsey) Law, 2017 ('The Law') contains legal rights and responsibilities and specifically aims to strengthen individuals' rights.

This guidance is about the 'Right to Rectification'. In simple terms, a 'right to rectification' request gives you the ability to **dispute the accuracy or completeness** of personal data that an organisation is holding of yours.

Q: How do I go about asking an organisation to rectify my personal data?

A: You should inform the organisation that you are challenging the accuracy of your data and you would like it to be corrected. In that request:

- State clearly what you believe is inaccurate or incomplete
- Explain how the organisation should correct it
- Where possible provide evidence of the inaccuracies

Your request should be in writing. You would then have the documented evidence of what your rectification request was and when you made it.

Q: How long is given for an organisation to respond to a rectification request?

A: The Law says that the request should be acted on "without undue delay" but **within at least one month of receipt**. However, for complex cases, this can be extended to three months, in total, as long as you are told by the organisation there is a delay and why within the initial one month.

The organisation can ask you for additional information (such as ID) to authenticate whether you are who you say you are, and that the personal data requested relates to you. This is to avoid personal data about one individual being sent to another, accidentally or as a result of deception. The key point is that they **must be reasonable** about what ID they ask you for. They should not request an inordinate amount of information if your identity is obvious to them. This is particularly the case, for example, when you have an ongoing relationship with the organisation (i.e., you are a former employee or client).

Q: Will I be charged for making a data rectification request?

A: An organisation is not allowed to charge a fee unless it can **demonstrate** that your request is frivolous, vexatious, unnecessarily repetitive or otherwise excessive.

Whatever the outcome it needs to tell you and explain why.

Q: Can my request be denied?

A: If the organisation can **demonstrate** that a request is, as the Law states, "manifestly

unfounded, frivolous, vexatious, unnecessarily repetitive or otherwise excessive”, it can refuse to deal with the request. In addition, the Law provides a number of exemptions that, if they apply, may limit the action taken by the organisation. If any of the above are used, the organisation needs to justify why and tell you those reasons. [More information on how organisations must apply these exemptions can be found here.](#)

Q: If an organisation responds to a rectification request, will it then rectify the data in question?

A: An organisation can decide that the mistake that was made is an accurate thing to record so it may keep the mistake alongside the correct data. For instance, if minutes of a meeting include something said or discussed that is actually incorrect, the minutes may be annotated to state the minutes are disputed. The minutes themselves cannot be changed as they are the official record of what was said in the meeting.

Q: What about data that records an opinion?

A: It becomes complex if the data in question records an opinion. Opinions are, by nature, subjective. If the record is clear that the data is an opinion and, where appropriate, whose opinion it is, it can be difficult to maintain it is inaccurate and needs to be corrected.

Q: What to do if the organisation does not respond or you are unhappy with the outcome?

A: First complain to the organisation. If you are still unhappy, you may submit a complaint to the ODP.

Q: What responsibility do organisations have when responding to your request for rectification?

A: The organisation should take reasonable steps to investigate whether the data is accurate and demonstrate it has done this.

It should contact you and either:

- Confirm the personal data has been corrected, deleted, or added to (in order to note that you are unhappy with what is recorded), or
- Inform you it will not correct the data and explain why.

The organisation should keep a record of your request and the reasons why, or why it has not, altered your personal data.

If the personal data has been shared with others, it should inform them of the request and what the correction is.

When asked the organisation must inform you which recipients have received the data.

Need further help?

If you need further clarity on this area, [please contact us.](#)