

The General Data Protection Regulation

Customers' Rights

Your customers can exercise the same rights in relation to their data regardless of the relationship that exists between your business and the customer.

Right of Access: Subject Access Requests (SAR)

Customers have the right to access all of the personal data stored on them, this may include details of a funeral, recorded calls and/or details of conversations between the company and the customer (if it is captured on a system).

The information must be supplied in writing or in electronic form when the request has been received electronically, unless otherwise specified.

Where you receive a subject access request you must request proof of ID. You can also ask what specific information is required to reduce the scope of the request, but the customer can refuse to limit the request. If you feel that a request is “manifestly unfounded or excessive” you can decline the request; however, it is up to you to demonstrate that the request was manifestly unfounded or excessive. Where you decline a subject access request you must let the customer know that they can complain to the Information Commissioner’s Office. It is recommended that you seek legal advice prior to declining any request for subject access.

The new regulation means:

- ✓ You can no longer charge a fee for the first copy of information in response to a subject access request. However, data controllers may charge if the individual asks for a copy to be sent to another interested party, e.g. their solicitor. The change to ‘no fee’ may lead to a rise in the number of requests that you receive
- ✓ The deadline for responding to a subject access request has been reduced from 40 days to one calendar month. The timescale may be extended by two further months if the request is particularly complex

The following information should be included within the response to a subject access request:

- ✓ Why the information is being processed
 - ✓ Categories of personal data that have been collected
 - ✓ The recipient of the personal data, should the data be shared with a third party
 - ✓ How long the data will be stored, or the criteria by which the period of storage will be determined
 - ✓ The right to request rectification or erasure of personal data
 - ✓ The right to object to processing
 - ✓ The right to complain to the supervisory authority, the Information Commissioner’s Office
 - ✓ Knowledge of personal data still being processed, along with its significance and consequences e.g. data will be processed as long as there is a funeral plan contract in place
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Right to Object

The new regulation retains the existing right for individuals to object to processing for direct marketing purposes, i.e. to 'opt-out' of direct marketing. It also gives your customers a right to object to processing, including profiling - this is where a company records and analyses an individual's characteristics to assess or predict patterns of behaviour such as future purchases that they may make.

Where processing is based on legitimate interests*, you must tell your customers and inform them of their right to object to processing on those grounds. All these rights will need to be communicated to your customers and, when they exercise their right to object, your business will need the ability to fulfil the request. This may impact on your database and data management processes.

Right to Erasure

The right to be forgotten has been extended into the right to erasure. This gives your customers the right to request that their personal data is erased 'without undue delay'. Naturally there will be instances where erasure of a customer's data would not be appropriate e.g. if your customer has a funeral plan it would not be possible to erase their personal data without cancelling the plan. In these instances you must make the funeral plan provider aware of the request.

Right to Rectification

If a customer finds any inaccuracies in their personal data they can ask your business to rectify it.

If the customer has a Golden Charter Funeral Plan and requests any of the above, you must make Golden Charter aware of the request within 2 business days and a member of the Governance team will contact you to discuss.

If you require further information on implementing the General Data Protection Regulation in your business, we recommend the Information Commissioner's Office (ICO) website or helpline for small businesses (0303 123 1113- Option 4)

*The right a company has for contacting an individual based on the company's judgement that the individual will legitimately want or need to receive the information