



GOBHOZA LEGAL PRACTICE

Tech Tuesdays
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THE DATA PROTECTION BILL : **RIGHTS OF DATA SUBJECTS PART II**

We continue our discussion on the rights of data subjects as outlined under Part VIII of the proposed Data Protection Bill.

The Right to Object

Have you ever looked up something on an app or website and then started seeing ads for it everywhere on that app? As a data subject, you have the right to stop websites from using your search history to show you targeted adverts.

The right to object allows data subjects to challenge the processing of their personal data at any time, particularly when the data is being processed for specific reasons such as direct marketing, research, or profiling. When a data subject exercises this right, the data controller must stop processing the data unless they can demonstrate compelling legitimate grounds that override the individual's rights or if the data is required for legal claims.

Rights Related to Automated Decision-Making and Profiling

As a data subject, you have the right to not be subject to a decision based solely on automated processing which produces legal effects which significantly affect you. You can request human intervention, express your point of view and contest that decision.

Recently, many organizations have adopted Applicant Tracking Software (ATS) to manage their recruitment and hiring processes. Under Section 49 of the proposed



Data Protection Bill, job applicants have the right to request human intervention, express their opinions, and challenge any decisions made by the system if their application is rejected.

The Right to Portability

Data subjects have the right to obtain and reuse their personal data across different platforms. They can request to receive their data in a structured, commonly used and machine-readable format as well as to transfer this data from one controller to another, where technically feasible. For example, a user requesting their fitness data to be transferred from one fitness service or app to another.

The goal is to give individuals greater control over their personal data, especially when switching between different services, while ensuring the process is convenient and efficient. This right also promotes competition and innovation among service providers.

Right to Restriction of Processing

Under certain conditions, data subjects can request to restrict or suppress their personal data, meaning it can be stored but not processed further. This request can be made if:

- ✓ The accuracy of the data is disputed, but the data subject must allow the controller time to verify the accuracy.
- ✓ The data is no longer needed by the controller but is required by the subject for legal claims.
- ✓ The subject has objected to processing pending determination of whether the controller's grounds outweigh their rights.

Restricted data can only be processed with the subject's consent or for legal reasons, and the data controller must inform the subject before lifting the restriction.

Now that we have laid out the rights of data subjects, join us next week as we outline the responsibilities of data controllers as stipulated by the Data Protection Bill.