

Exercising GDPR rights

Procedure for exercising your data protection rights with ENAIRE.

Recognised rights

Regulation (EU) 2016/679 of the European Parliament and Council of 27 April 2016 concerning the protection of individuals regarding the processing of personal data and the free movement of this data – General Data Protection Regulation – GDPR, involves the rights of individuals to access, rectify, delete, limit the processing of, transfer and object to the processing of their data.

The rights recognised in the GDPR are as follows:

Right to access

The right to access is regulated in Article 15 of the GDPR, as a right of the affected person to obtain, from the person responsible for the processing, confirmation of if they are processing personal data or not that concerns them. If the controller is processing the person's data, this person has the right to access this data.

This right is different from the data subject's right to access administrative files that is regulated by Law 39/2015 of 1 October, on the Common Administrative Procedures of Government Agencies, as well as from the right of access regulated by Law 19/2013 of 9 December, on transparency, access to public information and good governance.

Right to rectification

The right to rectify is regulated in Article 16 of the GDPR, as the right that the affected person has to request the rectification of their data when it is inaccurate to the person responsible for the processing their data. Similarly, 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.

Right of deletion

The right to erasure (right to be forgotten), regulated in Article 17 of the GDPR, is the right to require the data controller to delete personal data when any of the grounds specified in the regulation applies. For example, illicit processing of data, or when the purpose that justified the processing no longer applies. However, a series of exceptions are provided when this right does not apply. For example, when the right to the freedom of expression and information prevails. Right to object

The right to object is regulated in Article 21 of the GDPR, and refers to the right of the affected person to, at any time, for reasons related to their specific situation, object to the processing of their personal data.

When the right to object is exercised, the controller shall stop processing the personal data. However, this is not an absolute right of the affected person; therefore, in some cases an assessment will be conducted in order to consider if the right of the affected person prevails or not.

Right to portability

The right to portability, referred to in Article 20 of the GDPR, is the right that allows the affected person to receive the data that was provided to the controller and authorise it to transfer the data, unimpeded, to another controller for processing.

Right to limit processing

The right to limit the processing of personal data is regulated by Article 18 of the GDPR, as a right that the data subject may invoke with the controller and which involves marking the personal data stored in order to limit its processing in the future. It is a protective measure that allows the personal data to be processed for storage purposes only.

Regulations

- (EU) Regulation 2016/679 of the European Parliament and Council of 27 April 2016 concerning the protection of individuals regarding the processing of personal data and the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)
- Law 39/2015 of 1 October, on Common Administrative Procedures of Government Agencies

Who it is aimed at

These rights may be exercised directly by the affected person or by their legal representative.

Initiation method

At the request of the interested party.

Entity that decides the procedure

ENAIRe's Central Data Protection Unit (UCPD)

Deadline for ruling and notifying 1 month from the receipt of the request.

This period may be extended by a further two months if necessary, in which case ENAIRe will inform the affected person of any such extensions within one month of receiving the application and specify the reasons for the delay.

Effects of failing to rule in time Not applicable

Appeals

If denied, you may lodge a complaint with the Spanish Data Protection Agency (AEPD).

Requirements for filing the application

No specific documentation is required to process this procedure, only the filing of the application in the places and using the resources provided for this purpose.

ENAIRe provides specific forms for exercising each of these rights, though their use is optional.

Your request should include the following information:

- The name and surname of the applicant and, if applicable, of the applicant's representative, which must be certified in accordance with Article 5 of Law 39/2015 of 1 October.
- Specification of the electronic method of contact or, failing that, of the physical location where notifications are to be sent. In addition, applicants may provide their email address and/or other electronic means of contact so that government agencies can inform them that notifications are available or have been sent.
- Facts, reasons and request clearly describing the request.
- Place and date.
- Signature of the applicant or certification of the authenticity of his/her will expressed by any means.
- The administrative body, centre or unit to which it is directed and its corresponding identification code.

Filing the request

Electronic filing (individuals and those who are required to interact electronically with the Government (art. 14 Law 39/2015)), through this e-Office:

- Access via cl@ve

In person (only for individuals)

By presenting the application and associated documentation at ENAIRe's Registration Department, located in Avda. de Aragón, 330 - Building B - 28022 Madrid

At any of the other offices specified in Law 39/2015 of 1 October, on the Common Administrative Procedure of Government Agencies:

- At the electronic registers and offices for assisting with records of any administrative body that is part of Spain's national government, the regional governments, the entities that comprise the local government or the public institutional sector.
- Post offices, as established in regulations.
- Spanish diplomatic or consular offices abroad.

- Any other place specified in the applicable laws

Data Protection

Controller: ENAIRE.

Purpose: To process and manage your request involving your data protection rights.

Legal basis: The data included in this form is processed pursuant to data protection regulations.

Recipients: The data will not be transferred to third parties, unless required by law.

Rights: Access, rectify and delete data, as well as other rights, through ENAIRE's Central Data Protection Unit (UCPD) - Avda. de Aragón 330 - Edificio B - 28022 MADRID or through its e-Office (sede.enaire.gob.es).

Additional information: For more information, please see Annex I - Additional Information - Data Protection.

ANNEX - ADDITIONAL INFORMATION DATA PROTECTION

Controller

Identity: Enaire – NIF: Q2822001J

Postal address: Avda. de Aragón, 330 – Edificio B - 28022 Madrid

Telephone: 913 21 02 11

Email: info@enaire.es

Data Protection Officer (DPO): ucpd@enaire.es

Purpose of the processing

Purpose: To process and manage your request involving your data protection rights.

Storage period: As specified in the applicable law regarding liability limitation.

Legal basis

The legal basis for Enaire to process the data is the data protection regulation (Regulation (EU) 2016/679 of the European Parliament and Council of 27 April 2016 concerning the protection of individuals regarding the processing of personal data and the free movement of this data (General Data Protection Regulation)).

Recipients

No transfers to third parties are planned, unless required by law.

Rights

Data subjects have a right to:

- Obtain confirmation of whether ENAIRE is processing their personal data.
- Access their personal data, as well as request the rectification of inaccurate data or, where applicable to request the deletion when, among others reasons, the data is no longer needed for the purposes it was collected for.
- Request under certain circumstances:
 - To limit the processing of their data, in which case it will only be stored by Enaire for the exercise or defence of claims.
 - To object to the processing of their data (including the processing of their data for automated individual decision-making), in which case Enaire will stop processing the data, except for compelling legitimate grounds, or for the exercise or defence of potential claims.

Rights may be exercised by way of ENAIRE's Central Data Protection Unit (UCPD) - Avda. de Aragón 330, Edificio B, 28022 Madrid or via the Electronic Headquarters (sede.enaire.gob.es).

If your rights have not been duly observed, you may lodge a complaint with the Spanish Data Protection Agency - Address: C/ Jorge Juan, 6 - 28001 MADRID (Madrid) – e-Office: sedeagpd.gob.es.