



# **What You Need to Know About Addressing GDPR Data Subject Rights in Primo**

Version 1.3



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## Disclaimer

This paper is based on Ex Libris' understanding of certain requirements of the GDPR. However, the application of the requirements of the GDPR is highly fact specific, and many aspects and interpretations of GDPR are not well-settled.

As a result, this paper is provided for informational purposes only and should not be relied upon as legal advice or to determine how GDPR might apply to you and your organization. We encourage you to work with a qualified legal professional to discuss GDPR, how it applies specifically to your organization, and how best to ensure compliance.

## Introduction

On May 25, 2018, the General Data Protection Regulation (GDPR) took effect in the European Union (EU). It replaces the Data Protection Directive (Directive"), which had been in effect since 1995. While the GDPR preserves many of the principles established in the Directive, the GDPR gives individuals greater control over their personal data and imposes many new obligations on organizations that collect, handle, or process personal data.

Ex Libris is committed to GDPR compliance across all of our products and services. We have closely analyzed the requirements of the GDPR, and our engineering, product, security and legal teams have been working to align our procedures, documentation, contracts and services to support compliance with the GDPR. We also support our customers with their GDPR compliance journey with our strong foundation of certified security and privacy controls.

This paper describes tools and capabilities built into Primo that can assist your organization in addressing data subject rights and requests as a *controller* under the GDPR of personal data processed on Primo.

## Definitions

**Personal Data** means any information relating to an identified or an identifiable natural person (**Data Subject**); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

**Controller** means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data. Where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law. With respect to the use of Primo, the customer is the **controller**.

**Processor** means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller. With respect to the use of Primo, Ex Libris is the **processor**.

**Data Subject** is an identified or an identifiable natural person to whom personal data relates (e.g., patrons and staff).

As you read through this paper, keep in mind that your compliance with the GDPR involves your role as the **controller** and Ex Libris as the **processor**.

## Summary of Data Subject Rights

The rights of data subjects provided by the GDPR include the following:

### 1. *Right to be Informed (Article 13, 14 GDPR)*

The right to be informed encompasses your obligation to provide '*fair processing information*', typically through a privacy notice. It emphasizes the need for transparency over how you use personal data.

### 2. *Right of Access (Article 15 GDPR)*

Under the GDPR, individuals have the right to obtain:

- Confirmation that their data is being processed
- Access to their personal data; and
- Other categories of information - some of which should be provided by the controller in a privacy notice (see Article 15).

### 3. *Right to Rectification (Article 16 GDPR)*

Individuals are entitled to have their personal data rectified if it is inaccurate or incomplete without undue delay. If you have disclosed the personal data in question to third parties, you must inform such third parties of the rectification unless this proves impossible or involves disproportionate effort. You must also inform the individuals about the third parties to whom the data has been disclosed where requested.

### 4. *Right to Erasure (Article 17 GDPR)*

This right is also known as the *Right to be Forgotten*. It enables an individual to request the deletion or removal of personal data where there is no compelling reason for its continued processing.

Individuals have the right to have their personal data erased and to prevent further processing of their personal data in specific circumstances delineated in the GDPR, such as:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.
- When the processing was based on consent, and the individual has now withdrawn their consent.
- When the individual objects to processing and there are no overriding legitimate grounds for continuing the processing.
- The personal data was unlawfully processed.
- The personal data has to be erased in order to comply with a legal obligation in Union or Member State law to which the controller is subject.

There are circumstances described in the GDPR where the right to erasure may not apply and a controller can resist a request for erasure.

#### **5. *Right to Restrict Processing (Article 18 GDPR)***

When this right is exercised you are permitted to store the personal data but not further process it. The *Right to Restrict Processing* applies in the specific circumstances set forth in the GDPR, including:

- Where an individual contests the accuracy of the personal data, then processing should be restricted for a period enabling the controller to verify the accuracy of the personal data.
- When processing is unlawful and the individual opposes erasure and requests restriction instead.
- If you no longer need the personal data but are required by the individual to establish, exercise or defend a legal claim.
- Where an individual has objected to processing for reasons specified in the GDPR, pending the verification whether the legitimate grounds of the controller override those of the individual.

#### **6. *Right to Data Portability (Article 20 GDPR)***

This right allows individuals to receive the personal data the individual provided to a controller in a structured, commonly used and machine-readable format and to transmit such data to another controller, without hindrance from the original controller. In exercising this right, the individual shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.



The *Right to Data Portability* applies where the individual has given consent to the processing of their personal data for one or more specific purposes, or where processing is carried out by automated means or in other circumstances specified in the GDPR.

#### **7. *Right to Object (Article 21 GDPR)***

Individuals have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data which is based on certain specified provisions of the GDPR, including profiling based on those provisions.

#### **8. *Right Related to Automated Decision Making and Profiling (Article 22 GDPR)***

The GDPR provides safeguards for individuals against the risk that a potentially damaging decision is taken without human intervention.

Individuals have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning the individual or similarly significantly affects the individual. The GDPR provides certain exceptions and conditions to this right.

#### **9. *Right Related to Data Breach Notification (Article 34 GDPR)***

The GDPR introduces a duty on controllers to report certain types of data breaches to the relevant supervisory authority, and in some cases to the individuals affected by the breach.

A personal data breach is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored or otherwise processed. Where a breach is likely to result in a high risk to the rights and freedoms of natural persons, the controller is required to communicate the personal data breach to the data subjects without undue delay.

## **Addressing GDPR Data Subject Rights with Primo**

The following section describes the capabilities of Primo that can assist customers in complying with the rights of data subjects. We have provided the information once for Patrons as the Data Subject and once for Staff users as the Data Subject.

## 1. Rights of Data Subjects – Patrons

Data Subject Right	Corresponding Primo Functionality
Right to be Informed	Ex Libris provides comprehensive documentation regarding Primo. Upon request, Ex Libris will provide you with additional relevant information you may need for addressing the Right to be Informed in relation to the processing of personal data by Primo.
Right to Access	<p>Information about the Patron is stored in Primo in three (3) locations:</p> <ul style="list-style-type: none"> <li>• <b>My Favorites.</b> Have the Patron log in to Primo via the institution’s authentication system and use the “My Favorites” feature, which is the pin icon on the menu bar, located at the top of each page. My Favorites contains saved records, saved searches, and search history. See the Knowledge Center <a href="#">here</a> for more information</li> <li>• <b>Personal information.</b> The Patron should use the “My Library Card” feature in Primo, located on the menu bar, at the top of each page. My Library Card will show the Patron what personal information is stored about them: <ul style="list-style-type: none"> <li>○ Email</li> <li>○ Mobile number</li> <li>○ Home address</li> </ul> </li> </ul> <p>See the Knowledge Center <a href="#">here</a> for more information.</p> <p>NOTE: Primo also processes information from the ILS (e.g., Alma, Voyager, Aleph) that includes personal information, such as fines, requests, loans, and status. Since Primo does not store this information, this information can be edited through the ILS that is integrated with Primo.</p> <ul style="list-style-type: none"> <li>• <b>Tags.</b> A Patron can view the tags s/he created by using the TAGS feature located in Primo’s main menu. A Patron can delete the tags that they’ve created by asking the Librarian or by going to the Tag they have created and deleting it.</li> </ul> <p>See the Knowledge Center <a href="#">here</a> for more information</p>

<b>Right to Rectification</b>	<p>A Patron can correct their email address, home address and Mobile number in Primo.</p> <p>NOTE: Primo also processes information from the ILS (e.g., Alma, Voyager, Aleph) that includes personal information, such as fines, requests, loans, and status. Since Primo does not store this information, as noted above, this information can be edited through the ILS that is integrated with Primo.</p>
<b>Right to Erasure (Right to be Forgotten)</b>	<p>A Patron can delete their Mobile number and home address from Primo. However, email is a mandatory field in Primo.</p> <p>NOTE: Primo also processes information from the ILS (e.g., Alma, Voyager, Aleph) that includes personal information, such as fines, requests, loans, and status, this information can be deleted through the ILS integrated with Primo.</p> <p><u>Deleting a Patron from Primo</u></p> <p>Only the Primo system administrator can delete a Patron record. To delete a group of users at the same time, use the “Cleanup expired or inactive User data” function that can be found in the Primo Back Office.</p> <p><u>Deleting a Patron from Primo VE</u></p> <p>Primo VE relies on the patron record in Alma, deleting a user in Primo VE is done by deleting the user in Alma. Please refer to <a href="#">What You Need to Know About Addressing GDPR Data Subject Rights in Alma</a> for detailed information.</p>
<b>Right to Restrict Processing</b>  <b>Right to Data Portability</b>	<p>Should a Data Subject wish to object to the processing of their personal data, the individual’s user record could be deleted.</p> <p>Primo provides export capabilities for the patron “My Favorites” list</p> <p>To export the patron Tags:</p> <ul style="list-style-type: none"> <li>- Patron can add his tags records to his favorites list and use the export capabilities.</li> </ul>

<b>Right to Object</b>	Patrons that exercise their “right to object” could be deleted from Primo (in case of Primo VE will require deleting the user from Alma).
<b>Right related to Automated Decision Making and Profiling</b>	Any profiling or automated decision-making is determined and set by the customer. Generally, reports and task lists generated in Primo are designed to be used by humans for decision making.
<b>Right related to Data Breach Notification</b>	<p>Ex Libris has procedures for data breach handling including notification. In the case of a personal data breach, Ex Libris will, as soon as possible and within 72 hours after having become aware of it, notify the customer.</p> <p>The notification will :</p> <ul style="list-style-type: none"> <li>• Describe the nature of the personal data breach</li> <li>• Communicate the name and contact details of the data protection officer</li> <li>• Describe the likely consequences of the personal data breach</li> <li>• Describe the measures taken or proposed to be taken by Ex Libris</li> </ul> <p>When required by the GDPR, the institution/library as Data Controller, is responsible for notifying the Supervisory Authorities and the affected data subjects.</p> <p>Ex Libris Security Incident Response Policy is available in the Ex Libris Knowledge Center - <a href="#">here</a></p>

## 2. Rights of Data Subjects – Staff

The following section describes the capabilities of Primo that can assist customers in complying with the rights of the data subjects with respect to its staff. For Primo VE, staff access managed in Alma . Please refer to [What You Need to Know About Addressing GDPR Data Subject Rights in Alma](#)

Data Subject Right	Corresponding Primo Functionality
Right to be Informed	Ex Libris provides comprehensive documentation regarding Primo. Upon request, Ex Libris will provide you with additional relevant information you may need for addressing the Right to be Informed in relation to the processing of personal data by Primo.
Right to Access	Staff user information can be viewed by Staff depending on their individual level of access authority. To view, correct, or delete Staff information, the Staff member should contact the system administrator.
Right to Rectification	A staff user with the relevant privileges can edit and correct inaccurate personal data via existing standard functionality.
Right to Erasure (Right to be Forgotten)	To view, correct, or delete Staff information, the Staff member should contact the system administrator.
Right to Restrict Processing	Should a Data Subject wish to object to the processing of their personal data, the individual's user record could be deleted.
Right to Data Portability	<p>Primo provides export capabilities for the staff member 'My Favorites' list</p> <p>To export the Primo user (in this case library staff) Tags:</p> <ul style="list-style-type: none"> <li>- Staff member can add his tags records to his favorites list and use the export capabilities.</li> </ul>
Right to Object	Staff members that exercise their "right to object" could be deleted from Primo.

Right related to Automated Decision Making and Profiling	Any profiling or automated decision-making is determined and set by the customer. Generally, reports and task lists generated in Primo are designed to be used by humans for decision making.
Right related to Data Breach Notification	<p>Ex Libris has procedures for data breach handling including notification. In the case of a personal data breach, Ex Libris will, as soon as possible and within 72 hours after having become aware of it, notify the customer.</p> <p>The notification will :</p> <ul style="list-style-type: none"> <li>• Describe the nature of the personal data breach</li> <li>• Communicate the name and contact details of the data protection officer</li> <li>• Describe the likely consequences of the personal data breach</li> <li>• Describe the measures taken or proposed to be taken by Ex Libris</li> </ul> <p>When required by the GDPR, the institution/library as Data Controller, is responsible for notifying the Supervisory Authorities and the affected data subjects.</p> <p>Ex Libris Security Incident Response Policy is available in the Ex Libris Knowledge Center - <a href="#">here</a></p>

## Data Fields Used in Primo

The following are the data fields in Primo that contain personal information. As the Primo VE version of Primo is part of the Alma (higher education) platform, certain data noted below is managed in Alma.

Patron/Staff Member	Data
	<p>Email</p> <p>Note: For Primo VE, data is managed in Alma</p>

	Home Address  Note: For Primo VE, data is managed in Alma
	Mobile number  Note: For Primo VE, data is managed in Alma
	User ID  Note: For Primo VE, data is managed in Alma
	My Favorites
	Saved Searches
	Tags and Reviews