



What You Need to Know About Addressing GDPR Data Subject Rights in 360 Services

Version 1.2



Not Legal Advice

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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, a new privacy law called 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.

The name "360 Services" refers to a suite of software products including 360 Core (Client Center), 360 Resource Manager, 360 Consortium Edition, 360 MARC Updates, 360 Link, E-Journal Portal, 360 Counter, 360 Search, Intota, and Intota Assessment. All "360" products are built on top of, and store personal data in, 360 Core. Intota also stores personal data.

This paper describes tools and capabilities built into 360 Core and Intota that can assist your organization in addressing data subject rights and requests as a *controller* under the GDPR of personal data processed in 360 Core and Intota.

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 360 Services, 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 360 Services, 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)*

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 360 Services

The following section describes the capabilities of 360 Core and Intota that can assist customers in complying with the rights of data subjects. We have provided the

information for staff users and contacts as the Data Subjects. Neither 360 Core, 360 Resource Manager, or Intota stores any patron data.

Rights of Data Subjects – Staff

The following section describes the capabilities of 360 Core and Intota that can assist customers in complying with the rights of the data subjects with respect to its staff.

Data Subject Right	Corresponding Functionality
Right to be Informed	Ex Libris provides comprehensive documentation regarding 360 Services. 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 360 Services.
Right to Access	<p>The customer remains in control of its data. 360 Core and Intota enable customers to provide the required information to the Data Subject in the following ways:</p> <ul style="list-style-type: none">• 360 Core<ul style="list-style-type: none">○ An authorized staff user accesses Home > Client Center > Account Details > General○ The personal data presented can be copied and pasted from the web page to Microsoft Excel, Word, or similar program and given to the Data Subject.○ The personal data presented can be printed (e.g. as a .pdf) from the browser page and given to the Data Subject.• Intota<ul style="list-style-type: none">○ An authorized staff user accesses Home > Admin Accounts and selects the appropriate account.○ The personal data presented can be copied and pasted from the web page to Microsoft Excel, Word, or similar program and given to the Data Subject.○ The personal data presented can be printed (e.g. as a .pdf) from the browser page and given to the Data Subject.• For more details see these articles 360 Core and Intota.

Right to Rectification	<p>A library staff user with the relevant privileges can edit and correct inaccurate personal data via existing standard functionality.</p> <ul style="list-style-type: none"> • 360 Core <ul style="list-style-type: none"> o An authorized staff user accesses Home > Client Center > Account Details > General and edits the data. • Intota <ul style="list-style-type: none"> o An authorized staff user accesses Home > Admin Accounts and selects the appropriate account to edit. • For more details see these articles 360 Core and Intota.
Right to Erasure (Right to be Forgotten)	<p>A library staff user with the relevant privileges can delete a staff user account.</p> <ul style="list-style-type: none"> • 360 Core <ul style="list-style-type: none"> o An authorized staff user accesses Home > Client Center > Account List to delete the staff account. • Intota <ul style="list-style-type: none"> o An authorized staff user accesses Home > Admin > User Accounts > Details to delete the staff account. • For more details see these articles 360 Core and Intota. <p>If a staff user's record is deleted, then the only information retained is the user's primary ID without any additional personal information. The primary ID may be associated with some audit trail events. See "Right to Restrict Processing" below for the list of those events.</p>

Right to Restrict Processing	<p>Staff user account data is not processed or used in any statistical information if the account is not used or inactive. The data in the staff user account will be retained but not processed.</p> <p>If the user account is actively used, the staff user account identifier is retained in an audit trail for the following events:</p> <ul style="list-style-type: none"> • Database status change • Title status change • Profile provider updates • Library settings change <p>See this 360 Core article or this Intota article for more details.</p>
Right to Data Portability	<p>A library staff user with the relevant privileges can provide the Data Subject with a machine-readable copy of their personal account data in the following ways:</p> <ul style="list-style-type: none"> • 360 Core <ul style="list-style-type: none"> o An authorized staff user accesses Home > Client Center > Account Details > General o The personal data presented can be copied and pasted from the web page to Microsoft Excel, Word, or similar program and given to the Data Subject. • Intota <ul style="list-style-type: none"> o An authorized staff user accesses Home > Admin Accounts and selects the appropriate account. o The personal data presented can be copied and pasted from the web page to Microsoft Excel, Word, or similar program and given to the Data Subject.
Right to Object	<p>360 Core and Intota provide you with the full ability to determine which staff users to include in the stored data. Staff users that exercise their 'right to object' could be exempted from having a user account created for them. Staff users may also be deleted as described.</p>

Right related to Automated Decision Making and Profiling	No profiling or automated decision-making is performed in 360 Core or Intota.
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 24 hours after having become aware of it, notify the customer.</p> <p>The notification will :</p> <ul style="list-style-type: none"> • Describe the nature of the personal data breach • Communicate the name and contact details of the data protection officer • Describe the likely consequences of the personal data breach • Describe the measures taken or proposed to be taken by Ex Libris <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 - here</p>

Staff User Account Data Fields

The following table lists the data fields in 360 Core and Intota staff user accounts.

Data Field	Mandatory
First name	Yes
Last name	Yes
Salutation	
Title	

Email address	Yes
Phone	
Fax	
Address	
City	
State/Province/Country	
Postal Code	
Language	Yes

Rights of Data Subjects – Contacts

The following section describes the capabilities of 360 Resource Manager and Intota that can assist customers in complying with the rights of the Data Subjects with respect to its external contacts records. In 360 Resource Manager and Intota contact records may be created to record information about people at external organizations, e.g. customer support representatives or accounts payable personnel.

Data Subject Right	Corresponding Functionality
Right to be Informed	Ex Libris provides comprehensive documentation regarding 360 Services. 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 360 Services.

Right to Access	<p>The customer remains in control of its data. 360 Core and Intota enable customers to provide the required information to the Data Subject in the following ways:</p> <ul style="list-style-type: none"> • 360 Core <ul style="list-style-type: none"> ○ An authorized staff user accesses Home > Contacts > Contact Detail. ○ The personal data presented can be copied and pasted from the web page to Microsoft Excel, Word, or similar program and given to the Data Subject. ○ The personal data presented can be printed (e.g. as a .pdf) from the browser page and given to the Data Subject. • Intota <ul style="list-style-type: none"> ○ An authorized staff user accesses Home > Tools > Contacts > and selects the appropriate entry. ○ The personal data presented can be copied and pasted from the web page to Microsoft Excel, Word, or similar program and given to the Data Subject. ○ The personal data presented can be printed (e.g. as a .pdf) from the browser page and given to the Data Subject. • For more details see these articles 360 Core and Intota.
Right to Rectification	<p>A library staff user with the relevant privileges can edit and correct inaccurate contact details via existing standard functionality.</p> <ul style="list-style-type: none"> • 360 Core <ul style="list-style-type: none"> ○ An authorized staff user accesses Home > Contacts > Contact Detail and edits the data. • Intota <ul style="list-style-type: none"> ○ An authorized staff user accesses Home > Tools > Contacts and selects the appropriate entry to edit. • For more details see these articles 360 Core and Intota.

Right to Erasure (Right to be Forgotten)	<p>A library staff user with the relevant privileges can delete a contact.</p> <ul style="list-style-type: none"> • 360 Core <ul style="list-style-type: none"> o An authorized staff user accesses Home > Contacts to delete the entry from the list. • Intota <ul style="list-style-type: none"> o An authorized staff user accesses Home > Tools > Contacts > Contact Details to delete the contact. • For more details see these articles 360 Core and Intota.
Right to Restrict Processing	<p>Should a Data Subject wish to object to the processing of their personal data, the contact record could be deleted.</p> <p>In addition, customers have the ability in 360 Core and Intota to create shared/anonymous accounts for contacts who are entitled to restrict your processing of their data.</p>
Right to Data Portability	<p>A library staff user with the relevant privileges can provide the Data Subject with a machine-readable copy of their personal account data in the following ways:</p> <ul style="list-style-type: none"> • 360 Core <ul style="list-style-type: none"> o An authorized staff user accesses Home > Contacts > Contact Detail o The personal data presented can be copied and pasted from the web page to Microsoft Excel, Word, or similar program and given to the Data Subject. • Intota <ul style="list-style-type: none"> o An authorized staff user accesses Home > Tools > Contacts > Contact Details and selects the appropriate account. o The personal data presented can be copied and pasted from the web page to Microsoft Excel, Word, or similar program and given to the Data Subject.

Right to Object	360 Core and Intota provide you with the full ability to determine which staff users to include in the stored data. Staff users that exercise their 'right to object' could be exempted from having a user account created for them. Staff users may also be deleted as described.
Right related to Automated Decision Making and Profiling	No profiling or automated decision-making is performed in 360 Core or Intota.
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Contact Data Fields

The following table lists the data fields in 360 Core and Intota contact records.

Data Field	Mandatory
First name	
Last name	Yes
Contact Type	
Roles	
Title	
Organization	
Email address	
Phone	
Fax	
Address	
City	
State/Province/Country	
Postal Code	
Notes	
Related Resources	