



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

Version 1.2



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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.

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

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 Rosetta, 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 Rosetta, 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 Rosetta

The following section describes the capabilities of Rosetta that can assist customers in complying with the rights of data subjects.

1. Rights of Data Subjects – The Producer

| Data Subject Right | Corresponding Rosetta Functionality |
|----------------------|--|
| Right to be Informed | <p>Ex Libris provides comprehensive documentation regarding Rosetta. 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 Rosetta.</p> |
| Right to Access | <p>Information about the Producer is stored in Rosetta in two (2) locations:</p> <ul style="list-style-type: none"> • METS file in the permanent repository. The producer and producer agent’s personal information is stored in the METS file for recording provenance. The preserved information includes: <ul style="list-style-type: none"> ○ username, full name, address, email, job title, phone number, producer ID, userIdAppId, webSiteUrl, zip. • Database tables. The DB tables include name, address and email of each content producer, inserted by the institution in the UI. User IPs are also saved in the DB. <p>Printing</p> <p>A staff user with access to Rosetta can retrieve and print the personal information saved for a specific user.</p> <p>For users created in Rosetta this information can be retrieved from the administration area.</p> |

Right to Rectification

The producer has the right to correct or update personal information. Producers can correct their personal information in Rosetta UI.

Please see 'Managing Producers' section at the 'Rosetta Staff User's Guide.pdf' available at

https://knowledge.exlibrisgroup.com/Rosetta/Product_Documentation/Version_5.4

Producers can also modify the personal information stored in the permanent repository, but this will create a new version of the METS file. All previous versions will still contain the old data which cannot be modified due to the nature and requirements of provenance data. Please see 'Metadata Update Jobs' section at the 'Rosetta Staff User's Guide.pdf' available at

https://knowledge.exlibrisgroup.com/Rosetta/Product_Documentation/Version_5.4.

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| <p>Right to Erasure (Right to be Forgotten)</p> | <p>Preservation metadata stores technical details on the format, structure and use of the digital content, the history of all actions performed on the resource including changes and decisions and more. Provenance information is the portion of preservation metadata which describes who has had custody/ownership of the digital object.</p> <p>The provenance information in Rosetta includes the following authoritative information on the data producers: Rosetta username, address, email, job title, full name, telephone numbers, authoritative name, Internal Rosetta producer ID, producer’s website URL and ZIP code. All these fields were defined as essential for identifying and communicating with the content producer, and as such, this information must be available for as long as the content exists.</p> <p>The provenance data is preserved in Rosetta and can be accessed by the institutions’ authorized staff only.</p> <p>User IPs can be anonymized by the institution by setting the ‘anonymize_event’ General Parameter to true. See ‘General Parameters’ section at the ‘Rosetta System Administration Guide.pdf’ available at https://knowledge.exlibrisgroup.com/Rosetta/Product_Documentation/Version_5.4</p> <p>Deleting a Producer from Rosetta</p> <p>Producers can be deleted from the UI by the user manager. The deleted user’s data will not be removed from the preserved METS file.</p> <p>Please see ‘Managing Producers’ section at the ‘Rosetta Staff User’s Guide.pdf’ available at https://knowledge.exlibrisgroup.com/Rosetta/Product_Documentation/Version_5.4</p> |
| <p>Right to Restrict Processing</p> | <p>There are methods for delivering METS files content to users. Institutions can configure the system so that personal producer data will be omitted from the delivered file by setting the ‘anonymize_mets’ General Parameter to true. See ‘General Parameters’ section at the ‘Rosetta System Administration Guide.pdf’ available at https://knowledge.exlibrisgroup.com/Rosetta/Product_Documentation/Version_5.4</p> |
| <p>Right to Data Portability</p> | <p>Rosetta provides an export mechanism of all deposited material in the system. A staff member can export any METS file deposited on behalf of the producer which will contain all the personal data associated with the producer by creating a set</p> |

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| | (based on Producer info) and running Rosetta’s export process. The exported files will be placed on an exports directory on the server and the producer can then parse the exported XML files and extract the information for use in other systems. |
| Right to Object | Rosetta provides you with the full ability to determine which producers to include in the data stored in Rosetta. Producers that exercise their “right to object” could be excluded from the producer data load into Rosetta. |
| 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 Rosetta are designed to be used by humans for decision making. |
| Right related to Data Breach Notification | When required by the GDPR, the institution/library as Data Controller, is responsible for notifying the Supervisory Authorities and the affected data subjects in case of a data breach to the on-premise storage or DB. |

Data Fields used in Rosetta

The following are the data fields that contain information about the data subject.

| Producer | Data |
|---------------------------|---------------------------------------|
| userName | Rosetta userName |
| address1..5 | All address of the producer (up to 5) |
| emailAddress | Email address |
| firstName | First name |
| jobTitle | Job title |
| lastName | Last name |
| middleName | Middle name |
| telephone1, telephone2 | Producer's telephone numbers |
| authorativeName | Authorative name |
| producerId | Internal Rosetta producer ID |
| userIdAppId | User ID application ID |
| webSiteUrl | Producer's website URL |
| zip | ZIP code |

Scheduled Reports

Rosetta includes the following reports, including personal data:

- List of all Producer Profiles
- List of all producers