



# Employee Data Privacy – Spain

## Employee Access Rights

### Do individuals have the right to access their personal information?

Data protective jurisdictions tend to guarantee the right of individuals to contact an organization directly and find out whether personal data is being tracked. Access procedures and acceptable exceptions (such as business secrecy) are determined by law and may be subject to the control of data protection authorities. In the context of HR, personal data access requests can include information tracked by the company as well as data tracked by third-party solutions, such as background check vendors.



Data subjects have the right to request and obtain confirmation as to whether their personal data is being processed. Where that is the case, individuals must be able to access their personal data and the following information:

- the purposes of the processing;
- the categories of personal data concerned;
- the recipients or categories of recipients to whom the personal data has been or will be disclosed, in particular recipients in third countries or international organizations;
- where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- the existence of the right to: request rectification or erasure of personal data; request restriction of processing data concerning the data subject; or, to object to such processing;
- the right to lodge a complaint with a supervisory authority.

Every person may directly request that the data be corrected, completed, clarified or erased.

Requests can be sent directly to the data controller or to any other actor in the chain of processing. The processors and sub-processors have the obligation to inform the data controller of any request regarding a data subject and shall only proceed with the request under the data controller's instructions. Therefore, the processor shall, whenever possible, assist the data controller with data subjects' requests.

# UKG HR COMPLIANCE ASSIST

As a general rule, the access request shall be provided free of charge. Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, a reasonable fee may be charged. Fees should take into account the administrative cost of providing the information or taking the action requested.

Requests must be answered within one month of receipt of the request. Any delay should be justified and accompany the request response. The format of the response should be based on the means used to make the request, unless otherwise requested by the data subject. In other words, if a request is emailed, the response should be via email unless the individual requests a mailed letter.

Where the controller has reasonable doubts concerning the identity of the natural person

making the request, the controller may request the provision of additional information necessary to confirm the identity of the data subject. However, a reasonable proof of identity is always recommended.

Every person may contact the relevant data protection authority within the European Economic Area to receive assistance in the exercise of his or her rights (particularly if the right of access has been denied).



## HR Best Practices:

When processing an access request from an employee, make sure not to disclose information connected to other employees. Processors and sub-processors should establish official procedures and contacts for employee requests.

Last updated May 2022.

DISCLAIMER: The information contained in this document is for general information purposes only and is not intended to be a source for legal, tax, or any other professional advice and should not be relied upon as such. This information is not intended to create, and the receipt of it by the reader does not constitute, an attorney-client relationship. All legal or tax questions or concerns should be directed to your legal counsel or tax consultant. Laws and regulations may change and UKG Inc. ("UKG") cannot guarantee that all the information in this document is accurate, current or complete. UKG MAKES NO REPRESENTATION OR WARRANTIES WITH RESPECT TO THE ACCURACY OR COMPLETENESS OF THE DOCUMENT OR THE INFORMATION OR CONTENT CONTAINED HEREIN AND SPECIFICALLY DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES INCLUDING BUT NOT LIMITED TO ANY EXPRESS OR IMPLIED WARRANTIES OF MERCHANTABILITY, SUITABILITY, OR COMPLETENESS OF THIS INFORMATION. TO THE EXTENT PERMITTED UNDER APPLICABLE LAW, NEITHER UKG, NOR ITS AGENTS, OFFICERS, EMPLOYEES, SUBSIDIARIES, OR AFFILIATES, ARE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY, OR CONSEQUENTIAL DAMAGES (INCLUDING PROCUREMENT OF SUBSTITUTE GOODS OR SERVICES, LOSS OF USE OR PROFITS, OR BUSINESS INTERRUPTION), EVEN IF THE UKG HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, ON ANY THEORY OF LIABILITY, WHETHER IN CONTRACT, STRICT LIABILITY, OR TORT, ARISING IN ANY WAY OUT OF THE USE OF OR INABILITY TO USE THIS INFORMATION. This document and the content are proprietary and confidential information of UKG. No part of this document or its content may be reproduced in any form, or by any means, or distributed to any third party without the prior written consent of UKG © 2022 UKG Inc. All rights reserved.