Data subject access rights and transparency

Clients are responsible for ensuring their own compliance with various laws and regulations, including the European Union General Data Protection Regulation. Clients are solely responsible for obtaining advice of competent legal counsel as to the identification and interpretation of any relevant laws and regulations that may affect the clients' business and any actions the clients may need to take to comply with such laws and regulations. The products, services, and other capabilities described herein are not suitable for all client situations and may have restricted availability. Merative™ does not provide legal, accounting or auditing advice or represent or warrant that its services or products will ensure that clients are in compliance with any law or regulation.

This document is intended to provide guidance to help you in your preparations for GDPR readiness. It provides information about features of this offering, and aspects of the product's capabilities, that may help your organization with GDPR requirements. This information is not an exhaustive list, due to the many ways that clients can choose and configure features, and the large variety of ways that the product can be used in itself and with third-party applications and systems.

The GDPR and data subject access rights and transparency

The following are some of the key principles relating to processing of personal data as set out by Article 5 of the GDPR.

"Personal data shall be:

- processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency') …
- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy')".

Chapter 3 of the GDPR outlines the following in relation to the rights of the data subject.

Article 12 Transparent information, communication and modalities for the exercise of the rights of the data subject:

"The controller shall take appropriate measures to provide any information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language…The controller shall facilitate the exercise of data subject rights under Articles 15 to 22. "

Article 16 Right to rectification:

"The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her.

Please refer to the GDPR for the full text of these articles and also this relevant recital: "Recital 58 The principle of transparency".

Social Program Management (SPM) and data subject access and transparency

SPM provides customisable functionality that enables support of many key aspects of data subject access and transparency.

Note: In this section, references to "client" mean those data subjects who avail of the products and services of an SPM customer. The customer can enable multiple channels for a client to view or modify their personal data.

Self service

The Universal Access application module provides a configurable online client-facing application that enables agencies to offer a web self-service solution to their clients. Universal Access can provide a greater number of clients with access to programs and services by allowing them to complete key tasks on the web without the assistance of a case worker.

- Triaging a client to determine their needs.
- Screening a client for programs.
- Facilitating client application submissions.
- Managing client applications and life events from a Citizen Account (*).
- Submitting a request for appeal from a Citizen Account (*).

(*) Citizen Account is a feature in Universal Access that enables additional services for clients. Clients can create Citizen Accounts themselves or case workers can create them on their behalf.

Clients who have Citizen Accounts can access a range of relevant information and can track and manage their interactions with the agency through the account.

How clients can enter their data

Clients can build their data profile by following the triage, screening or application processes.

Thereafter clients with a Citizen Account can view their data within their secure account.

How clients can view their data with Citizen Account

The following information is available to clients with a Citizen Account.

- Payments issued to them in respect of the programs they have or are receiving.
- Notices or correspondence that have been sent to them from the agency.

- Activities such as services they may have been referred to or meetings that have been scheduled for them.
- Applications they have submitted.
- Contact Information with their contact information and contact information of agency workers who are dealing with their cases.
- Client Information which provides a view of information relating to the client's household (some of this information can be updated using the Life Events feature).
- Citizen Account Messages which contains several categories of messages that explain to the client, procedures in the account process.

When using the Information and Activities pages, a client is viewing a copy of a subset of their data pulled from one or more data stores.

As Universal Access is customisable and fully configurable, the customer can control the range of data that a client can view.

Adding, updating or rectifying client data with Citizen Account

Customers can configure and customise Universal Access to enable their clients with Citizen Accounts to resume or delete an incomplete application, withdraw an application that was submitted, or start a new application.

With the Life Events feature, these clients can view or update a subset of the evidence associated with their cases.

Note: When these clients access their evidence data, they never read from or write to case evidence directly. The data that clients read from or write to is a copy of the evidence in an XML format stored in a data store. See Life Events for the implementation details.

Alternative channels available to clients

Customers can also provide the following channels (in addition to or instead of Universal Access) to enable their clients to view or update their data: In person, paper based or email.

Some SPM features, such as the Communications feature, can be used when providing these alternatives. The topic of client-customer communication is covered in more detail in the document on purpose limitation.

Transparency in data processing

Informing clients of their rights on collection of data

The documents on consent management and purpose limitation discuss how customers can use features in SPM and Universal Access to present a client with the text of a consent agreement and the text of a purpose specification. Customers can use the same methods to present the text of the list of the client’s rights to the subject, as well as an explanation of the logic behind automated decisions.

Transparency in processing.

In SPM the mechanism available to customers for coding automated decision-making logic is Cúram Express Rules (CER), implemented by a developer and written in XML

For the scenario where a client is seeking an explanation as to why a specific CER-based decision was made:

- A case worker can access case determination information for an explanation of why a given case determination was made and the case worker can communicate this to the client.
- Customers can implement Eligibility and Entitlement Engine Hooks that issue notifications to clients whenever the result of an ongoing case assessment changes due to either a client evidence change or system changes that lead to a bulk reassessment.
- The self-screening feature in Universal Access, which also uses CER rules to determine which programs the client is potentially eligible for based on the captured data, provides a textual explanation (in the client's language) of why that client is or is not potentially eligible. See the How it can be used? page of the Knowledge Centre for more details.

Further Information

The GDPR Text

The text of the GDPR in full http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.119.01.0001.01.ENG&toc=OJ:L:2016:119:TOC

SPM GDPR technotes

Social Program Management is in the process of releasing documents that cover various GDPR related topics. All documents will be attached to the following tech note:

- https://www.merative.com/support/spm/news/gdpr-information

Other Links

Universal Access
https://www.ibm.com/support/knowledgecenter/en/SS8S5A_7.0.2/com.ibm.curam.content.doc/UniversalAccess/c_UA_Overview.html

Life Event Management
https://www.ibm.com/support/knowledgecenter/en/SS8S5A_7.0.2/com.ibm.curam.content.doc/UniversalAccess/c_UA_AccountLifeEvents.html

Citizen Account
https://www.ibm.com/support/knowledgecenter/SS8S5A_7.0.2/com.ibm.curam.content.doc/UniversalAccess/c_UA_Account.html

Cúram Express Rules (CER)
https://www.ibm.com/support/knowledgecenter/SS8S5A_7.0.2/com.ibm.curam.content.doc/CERReference/ctr_CERReferenceManual.html