

8. RIGHT TO BE INFORMED

The right to information is part of the essential core of the right to personal data protection, since it allows to exercise the power of control or disposition that subjects have over their personal data. This right that everyone has to control their personal information will only be effective if concerned subjects are informed in advance about the uses of the data, and other details that will be explained below.

In general, it is the responsibility of the controller to assert the right to information, although if the data collection is carried out by the processor, it can be set out in the contract of the controller who assumes the function to inform.

If the data is collected from the same data subject, the information must be provided at the time of collection. In these cases, the information to be provided to the concerned data subject is contained in [Article 13 of the GDPR](#).

If, on the other hand, the data are not obtained from the concerned data subject, but from another source (e.g. another Administration), the information to be provided is contained in Article 14 of the European Data Protection Regulation, which states that it must be provided within a reasonable time, but in any case within 1 month of receiving the data, at the most.

The GDPR provides cases where it is not necessary to inform the concerned data subject, such as when the person already has the information. Or it is not necessary to report whether the data is not collected directly from the concerned data subject, but from another source, and the communication of the information is impossible or involves a disproportionate effort, or whether the collection or transmission of data is provided by EU Law or Member State law.

With regard to the content of the information to be provided, in the event that the data are obtained directly from the concerned data subject, Article 13 of the European Regulation obliges the Controller to inform at the time of collection about various issues: who is responsible and how to contact him; the contact details of the Data Protection Officer, the purposes of the processing and its legal basis; the recipients or category of recipients to whom the data may be communicated; the period of retention of the data; the possibility of exercising the rights set out below; the right to withdraw consent; the right to claim against a Control Authority; etc.

Therefore, if personal data is collected through a form, the concerned data subjects should be informed of all these details.

If the data was not obtained directly from the concerned data subject, Article 14 of the GDPR states that the concerned data subject must also be informed of the categories of data in question; and the source or origin of the personal data and, where appropriate, whether they come from publicly accessible sources, such as the Internet.