# UK GDPR Individual Rights: The right to object

**What is the right to object?**

The GDPR 2018 gives individuals the right to object to the processing of their personal data in certain circumstances. This effectively allows individuals to stop or prevent you from processing their personal data. An individual can make an objection verbally or in writing.

**When does the right to object apply?**

An individual can object where you are relying on one of the following lawful bases:

* ‘public task’ (for the performance of a task carried out in the public interest),
* ‘public task’ (for the exercise of official authority vested in you), or
* legitimate interests.

An individual must give specific reasons why they are objecting to the processing of their data, which must be based upon their particular circumstance. An objection may be in relation to all of the personal data you hold about an individual, or only certain information.

In these circumstances this is not an absolute right, and you can refuse to comply if:

* you can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual; or
* the processing is for the establishment, exercise or defence of legal claims.

If you are deciding whether you have legitimate grounds which override the interests of an individual, you should consider the reasons why they have objected to the processing of their data. In particular, if an individual objects on the grounds that the processing is causing them substantial damage or distress (e.g. the processing is causing them financial loss), the grounds for their objection will have more weight. In making your decision, you need to balance the individual’s interests, rights and freedoms with your own legitimate grounds. During this process you should remember that the responsibility is for you to be able to demonstrate that your legitimate grounds override those of the individual.

**Direct marketing**

An individual can object to the processing of their personal data for direct marketing at any time. This includes any profiling of data that is related to direct marketing. This is an absolute right and there are no exemptions or grounds for you to refuse. If you receive an objection to processing for direct marketing, you must not process the individual’s data for this purpose.

**Do we need to tell individuals about the right to object?**

Yes. The GDPR is clear that you must inform individuals of their right to object (at the latest) at the time of your first communication with them, presenting this information clearly and separately from any other information.

Privacy notices published on the College website inform individuals of the type of data which is processed and of their right to object. Privacy notes are reviewed every 2 years and staff are asked to inform the College of any data processing activity which is not included in the privacy notice to assist in keeping notices up to date.

**Do we always need to erase personal data to comply with an objection?**

No. Erasure may not be appropriate if you process the data for other purposes as you need to retain the data for those purposes. For example, when an individual objects to the processing of their data for direct marketing, you can place their details onto a suppression list to ensure that you continue to comply with their objection. However, you need to ensure that the data is clearly marked so that it is not processed for purposes the individual has objected to.

**Can we charge a fee?**

In most cases you cannot charge a fee to comply with an objection, but you can charge a “reasonable fee” for the administrative costs of complying with the request if it is manifestly unfounded or excessive. You should base the reasonable fee on the administrative costs of complying with the request.

If you decide to charge a fee you should contact the individual promptly and inform them. You do not need to comply with the request until you have received the fee. Alternatively, you can refuse to comply with a manifestly unfounded or excessive request.

**How long do we have to comply?**

You must comply with an objection without undue delay and at the latest within one month of receipt of the request or (if later) within one month of receipt of:

* any information requested to confirm the requester’s identity; or
* a fee (only in certain circumstances, as noted above).

The time limit should be calculated from the day you receive the request (whether it is a working day or not) until the corresponding calendar date in the next month. If this is not possible because the following month is shorter (and there is no corresponding calendar date), the date for response is the last day of the following month. If the corresponding date falls on a weekend or a public holiday, you have until the next working day to respond. This means that the exact number of days you have to comply with a request varies, depending on the month in which the request was made.

For practical purposes, it may be helpful to work to a 28-day period to ensure compliance is always within a calendar month.

**Refusing a request**

If you are satisfied that you do not need to comply with the request, you should let the individual know, explaining your decision and inform them of their right to make a complaint to the College’s Data Protection Officer (Office of Intercollegiate Services) or the ICO.

**Further information**

Refer to the ICO website for more detailed guidance: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-object/>