



EN

Article 21.

Right to object

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1. The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on point (e) or (f) of Article 6(1), including profiling based on those provisions. The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.

Recitals

(69) Where personal data might lawfully be processed because processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller, or on grounds of the legitimate interests of a controller or a third party, a data subject should, nevertheless, be entitled to object to the processing of any personal data relating to his or her particular situation. It should be for the controller to demonstrate that its compelling legitimate interest overrides the interests or the fundamental rights and freedoms of the data subject.

Expert commentary

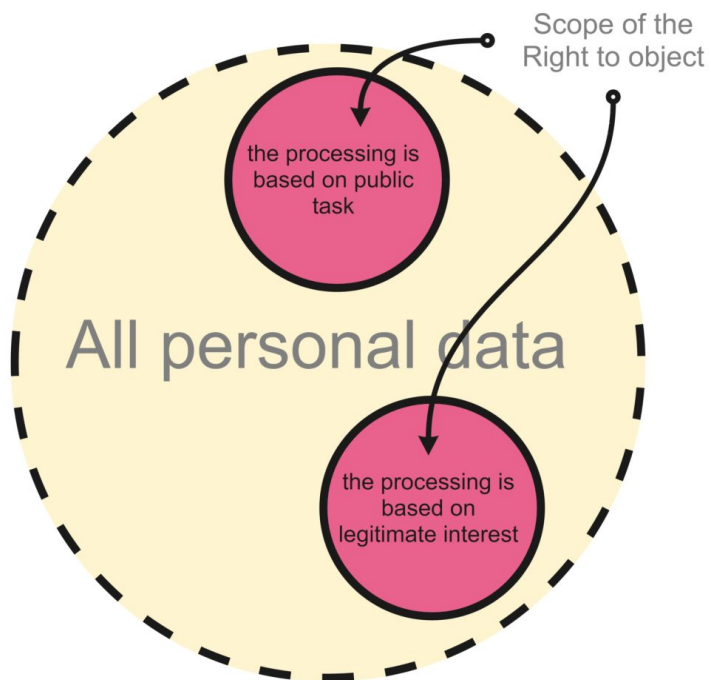
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2. Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him or her for such marketing, which includes profiling to the extent that it is related to such direct marketing.

3. Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.

Recitals

(70) Where personal data are processed for the purposes of direct marketing, the data subject should have the right to object to such processing, including profiling to the extent that it is related to such direct marketing, whether with regard to initial or further processing, at any time and free of charge. That right should be explicitly brought to the attention of the data subject and presented clearly and separately from any other information.

4. At the latest at the time of the first communication with the data subject, the right referred to in paragraphs 1 and 2 shall be explicitly brought to the attention of the data subject and shall be presented clearly and separately from any other information.

5. In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, the data subject may exercise his or her right to object by automated means using technical specifications.

6. Where personal data are processed for scientific or historical research purposes or statistical purposes pursuant to Article 89(1), the data subject, on grounds relating to his or her particular situation, shall have the right to object to processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

General Data Protection Regulation (EU GDPR)

The latest consolidated version of the Regulation with corrections by Corrigendum, OJ L 127, 23.5.2018, p. 2 ((EU) 2016/679). Source: EUR-lex.

Related information Article 21. Right to object

Expert commentary

Data Subject Request Letter Sample

Concern: Request to stop processing my personal data

Dear Madam, Dear Sir,

You have data concerning me that I am asking you to stop processing.

Pursuant to Article 21(1) of the *General Data Protection Regulation* (GDPR), please stop processing my personal data *[to perform a task carried out in the public interest, according to Article 6(1)(e) of the GDPR]* *[based on a legitimate interest, according to Article 6(1)(f) of the GDPR]*.

In consequence, I ask you to delete my personal data and notify every recipient to whom you have disclosed my personal data, pursuant to Articles 17(1)(c) and 19 of the GDPR.

Thank you for confirming as soon as possible that you stop processing my personal data, and in any event within one month of the receipt of my request, according to Article 12(3) of the GDPR.

In the absence of any action taken upon my request in a timely manner, I reserve my right to lodge a complaint with the relevant supervisory authority and seek judicial remedy.

Sincerely,

Data Subject

Author



Louis-Philippe Gratton

PhD, LLM

Privacy Expert

Recitals



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(70) Where personal data are processed for the purposes of direct marketing, the data subject should have the right to object to such processing, including profiling to the extent that it is related to such direct marketing, whether with regard to initial or further processing, at any time and free of charge. That right should be explicitly brought to the attention of the data subject and presented clearly and separately from any other information.

Guidelines & Case Law

Documents

EDPB, *Guidelines 3/2019 on Processing of Personal Data through Video Devices* (2020).
