

## Your Right to Object to Direct Marketing

This fact sheet is intended for the *data subject*, i.e. the individual whose personal data is being used.

THIS FACT SHEET WILL ANSWER THE FOLLOWING QUESTIONS:

When is directing marketing the case?

What does the right to object entail?

How can you lodge an objection?

What is the scope of the right to object?

How and when must an organisation inform you of your right to object?

What is the Infofilter?

Where can you go with your questions or complaints?

Which other rights do you have?

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This information is also available on [www.cbppweb.nl](http://www.cbppweb.nl).

Perhaps you regularly receive post from companies that you have never heard of before. A company or institution (hereinafter: organisation) may have a commercial interest in the maintenance of direct contact with you. An organisation may also have an interest in the acquisition of new customers. The Wet bescherming persoonsgegevens (WBP) [Dutch Data Protection Act] gives you the right to lodge an objection to the use of your data for direct marketing purposes.

### Direct marketing purposes

Direct marketing is geared towards the creation or maintenance of a direct relationship between you and an organisation. This term does not include door-to-door distribution and market research. If a bank adds a general information leaflet on new services and products to your bank statement, this does not constitute direct marketing since there is no direct relationship between you and the bank. However, direct marketing will be the case where a bank sends you your bank statements together with special offers for new products aimed specifically at you. Direct marketing will also be the case in situations where you use the Internet to view the services provided by a bank and are confronted with advertising aimed specifically at you.

### The right to object

The right to object to the use of your personal data for direct marketing purposes concerns the use of personal data from the time of its collection, up to the time of its destruction, and also includes its disclosure to third parties for this purpose. The right to object enables you to ensure that you are not sent unsolicited information, generated on the basis of a profile that an organisation has built up about you.

### How to lodge an objection

When lodging an objection to direct marketing, you are not required to indicate your interest in this respect. The controller (i.e. the party using your personal data) must always honour your objection and may not request payment for doing so. Request that the controller confirm your objection in writing within a period of two weeks. When you lodge an objection, a controller may opt to mark your data or add them to a non-mailing list.

In practice, it is advisable that objections be lodged in writing; should a controller refuse to correct your data and you decide to take your case to a court of law, you will be expected to indicate the steps already undertaken by you. Where you request the mediation of the Dutch Data Protection Authority (Dutch DPA) [College bescherming persoonsgegevens (CBP)], it too will ask you to provide it with copies of all correspondence. Please note that the Dutch DPA's model letter (in Dutch) can be used when submitting requests.

### Scope of the right to object

An objection does not necessarily mean that an organisation will no longer be able to use your data; it will no longer be able to use these data for direct marketing purposes. If, for example, you lodge an objection as a subscriber to a weekly magazine, the publisher may continue to use your data to send you the magazine and invoice you for the subscription fee due.

### **Informing you of your right to object**

Organisations must inform you of your right to object:

- In each marketing message. They could do this by mentioning an address, telephone number or e-mail address where you can lodge an objection should you wish to do so;
- by means of a general announcement, when disclosing personal data it has obtained to another organisation, or when using your personal data for the account of other organisations. A general announcement could be an advertisement placed in daily newspapers or free local papers.

Where you have lodged an objection to the use of your personal data for direct marketing purposes, organisations will no longer be permitted to ring you for these purposes. However, during commercial contacts, organisations will not be required to point out your right to lodge an objection. Of course, during a telephone call, you could object to the use of your data on your own initiative.

### **The Infofilter**

The Infofilter is an initiative of the Stichting Zelfregulering DM [the DM self-regulation association]. The Infofilter is the central notification centre for consumers wishing to object to the use of their data for direct marketing purposes (see [www.infofilter.nl](http://www.infofilter.nl)). For more information, please see the fact sheet entitled *Direct Mail* [Geadresseerde reclame].

### **If you have questions or complaints**

Your first course of action should always be to contact the organisation itself about your questions or complaints. Where a government body refuses to comply with your objection, you will be able to object to or appeal against this refusal. The government body is obliged to inform you of the options available to you. For information on your right to object in the event of a dispute, please see the fact sheet entitled *Mediation by the Dutch DPA in Respect of Your Data* [Bemiddeling door het CBP inzake uw gegevens]. If you believe that your personal data have been used wrongfully and the controller fails to respond to your complaints, or fails to respond to your satisfaction, refer to the fact sheet entitled *Your Complaint and the Dutch DPA* [Uw klacht en het CBP] for information on the subsequent actions open to you.

### **Your other rights**

In addition to your right to object to direct marketing, you are also entitled to lodge objections in connection with special personal circumstances. Since this will only be possible in a limited number of situations, this form of objection has not been discussed in this fact sheet. Finally, you are entitled to access to your personal data and the right to request the supplementation, correction, erasure or blocking of your personal data. For information on how to exercise these rights, see the fact sheets entitled *Access to Your Personal Data* [Inzage in uw persoonsgegevens] and *Correction of Your Personal Data* [Correctie van uw persoonsgegevens].