

## COMP Article 19

14.10.2013

### Article 19

#### Right to object

1. The data subject shall have the right to object, ~~on grounds relating to their particular situation,~~ at any time to the processing of personal data which is based on points (d) ~~and~~ (e) ~~and (f)~~ of Article 6(1), unless the controller demonstrates compelling legitimate grounds for the processing which override the interests or fundamental rights and freedoms of the data subject.

2. Where ~~the processing of~~ personal data ~~is are processed for direct marketing purposes is based on points (d), (e) and (f) of Article 6(1),~~ the data subject shall have *at any time and without any further justification,* the right to object free of charge *in general or for any particular purpose* to the processing of their personal data ~~for such marketing. This right shall be explicitly offered to the data subject in an intelligible manner and shall be clearly distinguishable from other information.~~

*2a.* The ~~This~~ right ~~referred to in paragraph 2~~ shall be explicitly offered to the data subject in an intelligible manner *and form, using clear and plain language, in particular if addressed specifically to a child,* and shall be clearly distinguishable from other information.

*2b.* *In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, the right to object may be exercised by automated means using a technical standard which allows the data subject to clearly express his or her wishes.*

3. Where an objection is upheld pursuant to paragraphs 1 and-2, the controller shall no longer use or otherwise process the personal data concerned *for the purposes determined in the objection.*

#### Recitals

(56) In cases where personal data might lawfully be processed to protect the vital interests of the data subject, or on grounds of public interest, official authority or the legitimate interests of a controller, any data subject should nevertheless be entitled to object to the processing of any data relating to them, *free of charge and in a manner that can be easily and effectively invoked.* The burden of proof should be on the controller to demonstrate that their legitimate interests may override the interests or the fundamental rights and freedoms of the data subject.

(57) Where ~~personal data are processed for the purposes of direct marketing,~~ the data subject ~~should have~~ has the right to object to ~~such the~~ processing, ~~free of charge and in a manner that can be easily and effectively invoked~~ *the controller should explicitly*

*offer it to the data subject in an intelligible manner and form, using clear and plain language and should clearly distinguish it from other information.*