

Chicks Objection to processing requests policy

1 Introduction

1.1 CHICKS holds personal data (or information) about job applicants, employees, clients, customers, suppliers, business contacts and other individuals for a variety of business purposes.

1.2 Under the General Data Protection Regulation (GDPR), individuals (known as 'data subjects') have the right to object to CHICKS's processing of personal data concerning him or her where that processing is based upon the legal basis of legitimate interest. CHICKS shall no longer process the personal data unless we can demonstrate 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.

1.3 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.

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

1.5 The *DPO* is responsible for ensuring:

1.5.1 that all objection requests are dealt with in accordance with the GDPR; and

1.5.2 that all staff have an understanding of the GDPR in relation to objection requests and their personal responsibilities in complying with the relevant aspects of the GDPR.

1.6 This policy provides guidance for staff members on how objection requests should be handled and is intended for internal use. It is not a privacy policy or statement and is not to be made routinely available to third parties.

1.7 This policy is aimed primarily at those members of staff who are authorised to handle objection requests. For other staff members, it provides guidance on what to do if you receive an objection request.

1.6 Failure to comply with the GDPR puts both staff and CHICKS at risk, and so CHICKS takes compliance with this policy very seriously. Failure to comply with any requirement of the policy may lead to disciplinary action, which may result in dismissal.

1.7 If you have any questions regarding this policy, please contact the DPO.

2 **Receiving an objection request (non-authorised staff)**

2.1 If you receive an objection request and you are not authorised to handle it, you must immediately take the steps set out in paragraphs 2.2 (request received by email) or 2.3 (request received by letter). We must respond to a request without undue delay. A lengthy delay could lead to enforcement action by the Information Commissioner and/or legal action by the affected individual.

2.2 If you receive an objection request by e-mail, you must immediately forward the request to the DPO at this e-mail address: DPO@chicks.org.uk.

2.3 If you receive an objection request by letter you must:

2.4.1 scan the letter;

2.4.2 send the original to the DPO at this address:
FTAO DPO, Moorland Retreat, Bonnaford,
Brentor, Tavistock, PL19 0LX and

2.4.3 send a scanned copy of the letter to this e-mail address: DPO@chicks.org.uk.

2.4 You will receive confirmation when the request has been received by the DPO. If you do not receive such confirmation, you should contact the DPO to confirm safe receipt.

2.5 You must not take any other action in relation to the request unless the DPO has authorised you to do so.

3 Requirements for a request

3.1 We prefer an objection request to be in writing but this is not always required. The staff member taking the request must use their best judgment as to whether the request needs to be in writing. If in doubt, request it in writing.

3.2. Requests that should be in writing include anything that might be contentious, such as HR issues.

4 Time limit for responding to a request

Once an objection request is received, we must comply without undue delay.

5 Assessment of an objection request

The staff member assessing the request will consider the following:

- a) Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.
- b) Where the processing of the data concerning the data subject is based upon legitimate interest, we will assess that legitimate interest in comparison the interests, rights and freedoms of the data subject.
- c) If the processing of the data is for the establishment, exercise or defence of legal claims, we do not need to stop the processing of the personal data.

6 Consequences of failing to comply with a request

If we fail to comply with an objection request, we may be in breach of the GDPR. This may have several consequences:

6.1 the individual may complain to the Information Commissioner and this may lead the Commissioner to investigate the complaint. If we are found to be in breach, enforcement action could follow (which could include monetary penalties);

6.2 if an individual has suffered damage, or damage and distress, as a result of our breach of the GDPR, he or she may take us to court and claim damages from us; and/or

6.3 a court may order us to comply with the objection request if we are found not to have complied with our obligations under the GDPR.