

Regulation (EU) 2016/679 of the European Parliament and of the Council  
of 27 April 2016 on the protection of natural persons with regard to the  
processing of personal data and on the free movement of such data (United  
Kingdom General Data Protection Regulation)(Text with EEA relevance)

*CHAPTER III*

*Rights of the data subject*

*Section 4*

*Right to object and automated individual decision-making*

*Article 21*

**Right to object**

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.

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.

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, <sup>F1</sup>... the data subject may exercise his or her right to object by automated means using technical specifications [<sup>F2</sup>, notwithstanding domestic law made before IP completion day implementing Directive [2002/58/EC](#) of the European Parliament and of the Council of 12th July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector].

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.

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/679 of the European Parliament and of the Council, Section 4. (See end of Document for details)*

### Textual Amendments

- F1** Words in Art. 21(5) omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 17(a)** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 21(5) inserted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 17(b)** (with reg. 5) (as amended by [S.I. 2020/1586](#), regs. 1(2), **4(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**

## Article 22

### Automated individual decision-making, including profiling

1 The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.

2 Paragraph 1 shall not apply if the decision:

- a is necessary for entering into, or performance of, a contract between the data subject and a data controller;
- b is [<sup>F3</sup>required or authorised by domestic law] which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or
- c is based on the data subject's explicit consent.

3 In the cases referred to in points (a) and (c) of paragraph 2, the data controller shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.

[<sup>F4</sup>3A. Section 14 of the 2018 Act, and regulations under that section, make provision to safeguard data subjects' rights, freedoms and legitimate interests in cases that fall within point (b) of paragraph 2 (but not within point (a) or (c) of that paragraph).]

4 Decisions referred to in paragraph 2 shall not be based on special categories of personal data referred to in Article 9(1), unless point (a) or (g) of Article 9(2) applies and suitable measures to safeguard the data subject's rights and freedoms and legitimate interests are in place.

### Textual Amendments

- F3** Words in Art. 22(2)(b) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 18(2)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 22(3A) inserted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 18(3)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EU) 2016/679 of the European Parliament and of the Council, Section 4.