

## **Right to restrict processing**

### **At a glance**

- Individuals have the right to request the restriction or suppression of their personal data.
- This is not an absolute right and only applies in certain circumstances.
- When processing is restricted, you are permitted to store the personal data, but not use it.
- An individual can make a request for restriction verbally or in writing.
- You have one calendar month to respond to a request.
- This right has close links to the right to rectification (Article 16) and the right to object (Article 21).

### **Checklists**

#### **Preparing for requests for restriction**

We know how to recognise a request for restriction and we understand when the right applies.

We have a policy in place for how to record requests we receive verbally.

We understand when we can refuse a request and are aware of the information we need to provide to individuals when we do so.

We have processes in place to ensure that we respond to a request for restriction without undue delay and within one month of receipt.

We are aware of the circumstances when we can extend the time limit to respond to a request.

We have appropriate methods in place to restrict the processing of personal data on our systems.

We have appropriate methods in place to indicate on our systems that further processing has been restricted.

We understand the circumstances when we can process personal data that has been restricted.

We have procedures in place to inform any recipients if we restrict any data we have shared with them.

We understand that we need to tell individuals before we lift a restriction on processing.

### **In brief**

#### **What is the right to restrict processing?**

Article 18 of the GDPR gives individuals the right to restrict the processing of their personal data in certain circumstances. This means that an individual can limit the way that an organisation uses their data. This is an alternative to requesting the erasure of their data.

Individuals have the right to restrict the processing of their personal data where they have a particular reason for wanting the restriction. This may be because they have issues with the content of the information you hold or how you have processed their data. In most cases you will not be required to restrict an individual's personal data indefinitely, but will need to have the restriction in place for a certain period of time.

When does the right to restrict processing apply?

Individuals have the right to request you restrict the processing of their personal data in the following circumstances:

- the individual contests the accuracy of their personal data and you are verifying the accuracy of the data;
- the data has been unlawfully processed (ie in breach of the lawfulness requirement of the first principle of the GDPR) and the individual opposes erasure and requests restriction instead;
- you no longer need the personal data but the individual needs you to keep it in order to establish, exercise or defend a legal claim; or
- the individual has objected to you processing their data under Article 21(1), and you are considering whether your legitimate grounds override those of the individual.

Although this is distinct from the right to rectification and the right to object, there are close links between those rights and the right to restrict processing:

- if an individual has challenged the accuracy of their data and asked for you to rectify it (Article 16), they also have a right to request you restrict processing while you consider their rectification request; or
- if an individual exercises their right to object under Article 21(1), they also have a right to request you restrict processing while you consider their objection request.

Therefore, as a matter of good practice you should automatically restrict the processing whilst you are considering its accuracy or the legitimate grounds for processing the personal data in question.

How do we restrict processing?

You need to have processes in place that enable you to restrict personal data if required. It is important to note that the definition of processing includes a broad range of operations including collection, structuring, dissemination and erasure of data. Therefore, you should use methods of restriction that are appropriate for the type of processing you are carrying out.

The GDPR suggests a number of different methods that could be used to restrict data, such as:

- temporarily moving the data to another processing system;
- making the data unavailable to users; or
- temporarily removing published data from a website.

It is particularly important that you consider how you store personal data that you no longer need to process but the individual has requested you restrict (effectively requesting that you do not erase the data).

If you are using an automated filing system, you need to use technical measures to ensure that any further processing cannot take place and that the data cannot be changed whilst the restriction is in place. You should also note on your system that the processing of this data has been restricted.

Can we do anything with restricted data?

You must not process the restricted data in any way except to store it unless:

- you have the individual's consent;
- it is for the establishment, exercise or defence of legal claims;
- it is for the protection of the rights of another person (natural or legal); or

- it is for reasons of important public interest.

Do we have to tell other organisations about the restriction of personal data?

Yes. If you have disclosed the personal data in question to others, you must contact each recipient and inform them of the restriction of the personal data - unless this proves impossible or involves disproportionate effort. If asked to, you must also inform the individual about these recipients.

The GDPR defines a recipient as a natural or legal person, public authority, agency or other body to which the personal data are disclosed. The definition includes controllers, processors and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

When can we lift the restriction?

In many cases the restriction of processing is only temporary, specifically when the restriction is on the grounds that:

- the individual has disputed the accuracy of the personal data and you are investigating this; or
- the individual has objected to you processing their data on the basis that it is necessary for the performance of a task carried out in the public interest or the purposes of your legitimate interests, and you are considering whether your legitimate grounds override those of the individual.

Once you have made a decision on the accuracy of the data, or whether your legitimate grounds override those of the individual, you may decide to lift the restriction.

If you do this, you must inform the individual before you lift the restriction.

As noted above, these two conditions are linked to the right to rectification (Article 16) and the right to object (Article 21). This means that if you are informing the individual that you are lifting the restriction (on the grounds that you are satisfied that the data is accurate, or that your legitimate grounds override theirs) you should also inform them of the reasons for your refusal to act upon their rights under Articles 16 or 21. You will also need to inform them of their right to make a complaint to the ICO or another supervisory authority; and their ability to seek a judicial remedy.

Can we refuse to comply with a request for restriction?

You can refuse to comply with a request for restriction if the request is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature.

If you consider that a request is manifestly unfounded or excessive you can:

- request a "reasonable fee" to deal with the request; or
- refuse to deal with the request.

In either case you will need to justify your decision.

You should base the reasonable fee on the administrative costs of complying with the request. If you decide to charge a fee you should contact the individual promptly and inform them. You do not need to comply with the request until you have received the fee.

## GDPR DATA REQUESTS

### Export Personnel Data from Intrastats,

Find the Contact In Intrastats.  
Click the Contact name

**Viamed Limited.**  
CID4400 Opera 10000002 Type:  
Viamed Limited, 15 Station Road, Crosshills, Nr Keighley, West Yorkshire, BD20 7DT,  
Tel 01535634542 GBP End User (0001) Log Call Add Issue  
Credit Credit Limit 0.00GBP

Account Home Main Details Account Memos Sales History Stock References Cust/Supp. Returns Service Visits Distributor Agreements Documents Files Linked Issues Regulatory Agreements

### CONTACTS

Add New Contact Merge Contacts Hidden/Removed Contacts

ID	Contact	Sales Order	Purchase Order	Contact Actions	Department	Position	Direct Phone	Email	Head of
28284	No Name	M Viamed Add S.O.							
21146	Cathy Green	M Viamed Add S.O.							
30574	Catrin Hollings	M Viamed Add S.O.							
7234	Derek Lamb	M Viamed Add S.O.			Information Systems	Manager	0153 564 3542	derek.lamb@viamed.co.uk	
30572	Helen Lamb	M Viamed Add S.O.							

### Active Sales Projects

Lead ID	Description	Company	Contact
Details 1194	Test Sales Leads	Viamed Limited.	Derek Lamb

### Customer Orders

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Then Click the Pen next to the name

**Viamed Limited.**  
CID4400 Opera 10000002 Type:  
Viamed Limited, 15 Station Road, Crosshills, Nr Keighley, West Yorkshire, BD20 7DT,  
Tel 01535634542 GBP End User (0001) Log Call Add Issue  
Credit Credit Limit 0.00GBP

Account Home Main Details Account Memos Sales History Stock References Cust/Supp. Returns Service Visits Distributor Agreements Documents Files Linked Issues Regulatory Agreements

### CONTACTS Filtered to Derek Lamb

Add New Contact Merge Contacts Hidden/Removed Contacts

ID	Contact	Sales Order	Purchase Order	Contact Actions	Department	Position	Direct Phone	Email	Head of
7234	Derek Lamb	M Viamed Add S.O.			Information Systems	Manager	0153 564 3542	derek.lamb@viamed.co.uk	

### Active Sales Projects

Lead ID	Description	Company	Contact
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