

To be sent via email to: [REDACTED]

Dear [REDACTED],

Thank you for your email of 21 September 2018.

The ICO's role

Part of our role is to consider complaints from individuals who believe their data protection rights have been infringed.

Complaint raised with us

[REDACTED] has complained that he wrote to [REDACTED] via email and post to advise that he no longer wished to receive marketing emails from the organisation, however he continued to receive marketing emails from [REDACTED]. In response to [REDACTED]'s complaint, [REDACTED] has advised that the email account which the marketing emails were sent from was not a monitored account. This was the email address that [REDACTED] sent his request to. [REDACTED] has stated that all marketing emails contained an unsubscribe button. It has also advised that the postal address [REDACTED] sent written correspondence to is an old address and not the address which was on [REDACTED]'s privacy policy/website.

Our view

I have considered the information available in relation to this complaint and I am of the view that [REDACTED] has not complied with its data protection obligations.

Although [REDACTED] did provide individuals with an opportunity to unsubscribe using the relevant button, the email address for the account [REDACTED] is not clearly recognisable as a 'no-reply' email address.

It is therefore understandable that some individuals may have thought they could respond to this email address directly to request that they are unsubscribed. In light of this I consider that [REDACTED] should have ensured that it monitored the email address to check whether it had received such requests. Alternatively, [REDACTED] could have ensured that it was clear to individuals that the email account was not monitored and should not be used for unsubscribe requests.

## Further action required

■ has confirmed that it has removed ■'s personal information from all marketing and any other databases. It has retained ■'s personal data only to the extent necessary to respond to this complaint.

■ has also advised that it has changed its processes so that the email address from which marketing communications are sent is now monitored.

We keep a record of all the complaints raised with us about the way you process personal information. The information we gather from complaints may form the basis for action in the future where appropriate.

Yours sincerely

■

Case Officer

Information Commissioner's Office

Direct dial number: ■

## ICO Statement

You should be aware that the Information Commissioner often receives request for copies of the letters we send and receive when dealing with casework. Not only are we obliged to deal with these in accordance with the access provisions of the data protection framework and the Freedom of Information Act 2000, it is in the public interest that we are open and transparent and accountable for the work that we do.

For information about what we do with personal data see our privacy notice at [www.ico.org.uk/privacy-notice](http://www.ico.org.uk/privacy-notice)