

Privacy Notice

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1. Introduction

This is the privacy notice of the Advertising Standards Authority for Ireland a Company Limited by Guarantee of 7 Herbert Street, Dublin 2, D02 K838 (“ASAI”, “we”, “our” and “us”). The ASAI is the independent, self-regulatory body for and financed by the advertising industry in Ireland. This privacy notice explains: who we are; how and why we collect your personal data; how and why we process your personal data and your data protection rights.

If you wish to contact us about the information in this privacy notice, about how we collect and use your personal data or to exercise your data protection rights please use the contact details provided in the **Contact Us** section below.

2. Children

Our website and the services provided on our website are not intended for access or use by children under the age of 13 years. If you are a Complainant Individual or Complainant Organisation (as such terms are defined below) and you submit to us a complaint which relates to a person under the age of 16 who received advertising for unsuitable products or services (e.g. gambling, alcohol, tobacco, or direct marketing without consent) we will process such personal data only for the purpose of investigating your complaint, and we rely on our legitimate interest to ensure Advertisers (which may be Member Organisations (as defined below)) comply with the Code for this purpose.

If as part of any investigation of a Respondent Organisation it is necessary to disclose information that may contain the relevant child’s personal data to a Respondent Organisation or to any other organisation we will obtain your prior written **consent** before making such a disclosure. If you do not give your consent, we will not disclose the child’s personal data to any such Respondent Organisation or any other organisation. **Your consent may be withdrawn at any time** by contacting us using the **Contact Us** details below. This will not affect the lawfulness of any processing of personal data carried out before consent is withdrawn.

3. Whose personal data do we receive?

The type of personal data received and used by us depends upon whether you are submitting a complaint to us; whether you are the subject of a complaint or a compliance monitoring exercise; whether you seek advice from us; whether you or whether you just browse our website. The categories of persons from whom we receive personal data are as follows:

- **Complainant Individual:** Persons who make a complaint on their own behalf and/or on behalf of another.
- **Complainant Organisation:** Persons who make a complaint on behalf of or through a legal entity, which may be a Member Organisation.
- **Respondent Organisation:** Persons working with or representing an advertiser; promoter, advertising agency or other organisation, which may be a Member Organisation, which is the subject of one or more complaints by a Complainant Individual and/or Complainant Organisation or the subject of a general enquiry;
- **Member Organisation:** means an organisation that is a member of ASAI, which may also be a Complainant Organisation or a Respondent Organisation;
- **Other Organisations:** means an advertiser; promoter, advertising agency organisation or other organisation (such as representative associations, Public and Government Authorities) that may also be a Member Organisation, Complainant Organisation or a Respondent Organisation;
- **Website Visitors:** Persons who access pages of our website.

4. What personal data do we collect?

Depending on the type of user of our website and services (as described in section 3 above), we will process different kinds of personal data which we have grouped together as follows:

- **Contact Data** such as name; postal address, email address; contact number; and job title (if you are in a Complainant Organisation, Respondent Organisation or other Organisation)
- **Complaint Data** namely the types of personal data provided in respect of a complaint by a Complainant Individual or Complainant Organisation.
- **Investigation Data** namely the types of personal data disclosed during an investigation of a complaint and the issuing of determinations and sanctions.
- **Transaction Data** namely details about Member and Other Organisations' Levy/ subscriptions and purchases of any of our products and services.
- **Consultation/Project Data** namely any personal data you choose to furnish when you respond to an ASAI consultation or partake in an ASAI project.
- **Technical Data** namely internet protocol (IP) address, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website.
- **Usage Data** namely information about how you use our website and services.
- **Marketing and Communications Data** namely your preferences in receiving newsletters promoting our services and your communication preferences.

We also collect, use and share aggregated data such as statistical or demographic data for various purposes. Aggregated data may be derived from personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity.

5. How we collect your personal data

Direct Interactions: You may give us your personal data by filling in forms or by corresponding with us by post, phone, email or by other means. This includes the following circumstances:

- When you or your organisation seeks to become an ASAI member;
- When you request information from us, use any of our services and/or subscribe for our newsletter;
- When you submit to us a complaint regarding a Respondent Organisation;
- When you assist us with an investigation;
- When you are the subject of an investigation.
- When you submit a copy advice query to us
- When you assist us with compliance monitoring
- When you or someone on your behalf communicates with us regarding services to /from us or about the advertising levy.

Automated interactions: As you interact with our website, we automatically collect Technical Data and Usage Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies and other similar technologies. Please see our [cookie policy](#) for further details.

Third party sources: We may receive personal data about you from third parties as set out below:

- If you are a Respondent Organisation, we receive your Contact Data and Complaint Data and Investigation Data from a Complainant Individual and/or Complainant Organisation.
- Complaints regarding Advertisers are sometimes transferred to ASAI from Irish and foreign regulatory bodies so that we may pursue a complaint which falls within the Code. In these circumstances we receive Contact Data, Complaint Data and Investigation Data relating to Respondent Organisation and the Complainant Individual and/or the Complainant Organisation.
- Technical Data from the following parties:
 - analytics providers such as Google based outside the EU;
 - search information providers
- Contact Data from publicly available sourced such as the Companies Registration Office, whois.com, websites and other reputable sources, to ensure that the records we hold about individuals is accurate.
- Contact Data from providers of technical services

6. How do we use your personal data?

We will only use your personal data when the law allows us to. We have set out below a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate. We may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your personal data. Please **Contact Us** if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

CONSENT: Complainant Individuals, when submitting a complaint and/or assisting ASAI with an investigation, may choose themselves to provide ASAI information containing one or more **special categories of personal data** that reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, data concerning health or data concerning a natural person's sex life or sexual orientation. We ask you refrain from providing us this type of personal data. If your provision to us of such types of personal data is imperative to your complaint we will receive it and process it only for the purpose of handling your complaint and the investigation (if any) and we rely on your (or if you are a minor, your parent/legal guardian's) **explicit consent** to do so. **Your consent may be withdrawn at any time** by contacting us using the **Contact Us** details below. This will not affect the lawfulness of any processing of personal data carried out before consent is withdrawn.

Purpose/activity	Type of Data	Lawful basis for processing your personal data
To respond to the enquiries you send us through our website, via email, post, telephone, letter	Contact Data	(a) Necessary for our legitimate interest in responding to the enquiry that you have submitted to us.
To handle instances where you behave in an unacceptable way towards our staff .	Contact Data; Complaint Data; Investigation Data	(a) Necessary for our legitimate interest to process personal data on individuals who behave in an unacceptable way towards our staff and where (b) compliance with a legal obligation, such to provide a safe place to work for our employees

Purpose/activity	Type of Data	Lawful basis for processing your personal data
To register your organisation as a Member Organisation, and to process personal data in the context of subscription fees and renewals.	Contact Data; Transaction Data	<p>(a) Necessary for performance of a contract with you</p> <p>(b) Necessary for our legitimate interests (to recover debts due to us)</p> <p>(c) Necessary for our legitimate interest in ensuring that the system which ensures the highest standards in advertising is sufficiently funded to carry out its regulatory role</p>
To register your organisation as a levy subscriber and to process personal data in the context of the advertising levy on media spend	Contact Data; Transaction Data	(a) Necessary for our legitimate interest in ensuring that the system which ensures the highest standards in advertising is sufficiently funded to carry out its regulatory role
To receive and process complaints from Complainant Individuals and/or Complainant Organisations and to communicate with them in respect of such complaints, investigations and their outcome.	Contact Data; Complaint Data; Investigation Data	(a) Necessary for our legitimate interests to ensure the highest standards of advertising in Ireland, preventing advertising that is misleading, offensive or otherwise in breach of the ASAI Code.
To pass complaints received from Complainant Individuals and/or Complainant Organisations to another advertising regulator in or outside the European Union if the advert or practice falls within their jurisdiction.	Contact Data; Complaint Data	(a) Necessary for our legitimate interests to ensure that complainant's concerns about advertising they have seen in non-Irish media are addressed.
To investigate complaints from Complainant Individuals and/or Complainant Organisations, to correspond with Respondent Organisations as part of any investigation, determine and sanction (including enforcement of sanctions), and to publish rulings on such investigations	Contact Data; Complaint Data; Investigation Data	(a) Necessary for our legitimate interests to ensure the highest standards of advertising in Ireland, preventing advertising that is misleading, offensive or otherwise in breach of the ASAI Code.

Purpose/activity	Type of Data	Lawful basis for processing your personal data
To provide copy advice, when you use our copy advice service	Contact Data	(a) Necessary for our legitimate interests (to run our business and to provide you the information you requested).
To carry out our monitoring function	Contact Data Investigation Data	(a) Necessary for our legitimate interest to ensure compliance generally with the ASAI Code, to ensure a level playing field for all advertising companies and to protect society from misleading or harmful advertising.
To allow you to book a place and attend at an ASAI event	Contact Data; Transaction Data	(a) Necessary for performance of a contract with you (b) Necessary for our legitimate interests (to provide a service to you)
If you respond to an ASAI consultation or you participate in an ASAI project: (a) to consider your submission or participation; (b) to publish all relevant significant comments made by respondents; (c) to anonymise your submission or participation for inclusion in aggregated statistical summary of numbers of comments received	Contact Data; Consultation/Project Data	(a) Necessary for our legitimate interests (to ensure that consultations and projects are offered to a wide audience so as to obtain meaningful learnings, and to provide respondents' views as part of the outcome of the consultation (unless you choose to make a confidential submission) and to ensure that the consultation process is transparent
To manage our relationship with website visitors which will include notifying you about changes to our terms, privacy notice and/or cookies policy	Contact Data	(a) Necessary to comply with a legal obligation

Purpose/activity	Type of Data	Lawful basis for processing your personal data
To administer and protect our organisation and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	Contact Data and Technical Data	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation
To use data analytics to improve our website, services, customer relationships and experiences	Technical Data and Usage Data	(a) Necessary for our legitimate interests (to define types of users for our services, to keep our website updated and relevant, to develop our business and to inform our business strategy)
To send newsletters and other marketing communications	Contact Data; Marketing and Communications Data	(a) Necessary for our legitimate interests (to inform users of current activity and to develop our services and grow compliance with the ASAI Code)

Newsletters. Our e-newsletters are used to inform you of news related to the ASAI and including events and other useful resources to further support the drive for compliant advertising. We will use your Contact Data and Marketing and Communications Data to send you newsletters that promote the activities and services of ASAI if you have requested information from us. You can opt out of any marketing communications from us at any time. Please see the “Contact Us” section.

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so. Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

7. Disclosures of your personal data

We may share your personal data with the categories of parties set out below for the purposes set out in the table in paragraph 6 above.

- **External third parties:** Third parties that provide products and services to us such as professional advisors, IT systems suppliers and support, helpdesk services, venues that host ASAI events you attend, marketing platforms, public relations companies, survey tools, data

storage, IT developers, payment processors, analytics companies, website hosting providers, courier /postage services and other service providers.

- **Consultations and Projects:** If you respond to an ASAI consultation or participate in an ASAI project, we may include as part of the outcome of any consultation and/or project the fact you took part and/or details of your submission or contribution, which may reveal your personal data. When making your submission or contribution you can notify us in writing that you do not want your personal data disclosed in the outcome. If you do not do so, your personal data will be disclosed in any published outcome and received by anyone who chooses to access it.
- **Investigations:** Details of an investigated complaint, including any views received in response to the ASAI's recommendation, is submitted to an independent complaints committee, which decides whether or not the ASAI Code has been breached. We rarely need to share personal data concerning Complainant Individuals or Complainant Organisations with Respondent Organisations or any third party involved in an investigation. However, when we do this we will seek to obtain the consent of the complainant before doing so. Your **consent may be withdrawn at any time** by contacting us using the **Contact Us** details below. This will not affect the lawfulness of any processing of personal data carried out before consent is withdrawn.
- **Sanctions bodies:** If a Respondent Organisation does not follow any sanction or agreement further to an investigation, ASAI may pass Contact Data, Complaint Data and Investigation Data to other regulatory bodies or organisations located inside or outside the European Economic Area which enforce sanctions and we may publicise any such referral. The sanction bodies include the European Advertising Standards Alliance (www.easa-alliance.org). We will ensure, where permitted and appropriate, that you are informed about these disclosures. You should read the privacy notice of the sanction partner that we pass your personal data onto to see how they will process your personal data and the nature of any safeguards they have in place to protect your personal data.
- **Clearance Centre:** ASAI works with organisations which act as advert clearance centres. When we receive complaints about an advert we may need to contact the clearance centres to understand their rationale for clearing the advert. This may involve sharing correspondence that may include the personal data of named contacts at the Respondent Organisation.
- **Social Media:** Depending on your settings and the privacy policies for social media and messaging services like Twitter, LinkedIn, Facebook and WhatsApp, you might give us permission to access personal data about you from those accounts or services.

We use a third party service provider to manage our social media interactions such as responding to general enquiries made to us or distributing useful information on advertising practice and compliance. If you send us a message through these mediums, that information will be stored and securely deleted after three months. We do not share any of this information with any other third parties.

- **Public and Government Authorities:** Entities that regulate or have jurisdiction over us such as regulatory authorities, law enforcement, public bodies and judicial bodies. In addition, we pass Contact Data, Complaint Data and Investigation Data regarding Respondent Organisations to other regulatory bodies in other countries to enforce sanctions/to investigate complaints about advertising seen by Irish Complainants.

8. International transfers

Some of our partner organisations may run their operations outside Ireland or the EU. The European Commission has assessed a number of countries and determined that their data protection legislation has sufficient safeguards and is adequate to enable the transfer of personal data to recipients in these countries. Where a recipient of your personal data is based in a country which has not been declared adequate by the European Commission we will take all reasonable steps to implement appropriate safeguards in accordance with EU law on data protection. We have a legitimate interest in the transfer of your personal data to a location outside the EU where it furthers the satisfactory resolution of your complaint.

We may also transfer your personal data to recipients in circumstances where it is requested under the laws of that country. In such cases, we will review the level of personal data being requested and if it is considered appropriate to transfer the data, we will inform you that this is the case. If you have any questions about the transfer of personal data outside the EU, you can contact us using the **Contact Us** details below.

9. How we protect your personal data

We have access to shared systems and data; all access to personal data is managed through individual access permissions, which means that individuals only have access to personal data when it is appropriate for them to do so (this is known as the principle of least privilege). Where an individual is unable to access personal data that they believe they have the right to, for their role, the requirement for their access to personal data is checked with their line management.

Your personal data is held on secure servers in Ireland and we ensure that there are appropriate technical controls in place to protect your personal data. For example, our network is protected and routinely monitored. The transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your personal data when you transmit it to our site.

If we use external companies to collect or process personal data on our behalf, we undertake checks before we begin work with them, and put a contract in place that sets out our expectations and requirements e.g. non-disclosure agreements and expected levels of security; especially regarding how they manage the personal data they collect or have access to.

10. How long we keep your personal data

When you supply personal data to us to handle your complaint or enquiry, we will retain it in line with our data retention policy. Personal data is retained for the purpose and the length of time necessary for which it was collected i.e. to handle the complaint and pursue our investigation. We may also be under a legal obligation to retain personal data for a specific period and compliance with our legal obligation may limit the right of an individual to have their personal data erased. Where you exercise your rights under data protection law (e.g. the right to have your personal data erased) and this conflicts with any requirement or need for us to retain personal data you will be advised that this is the case and we will give you the timeframe within which we expect to comply with your right.

11. Third party websites

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do

not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy policy of every website you visit.

12. Your rights in relation to your personal data

Under certain circumstances data subjects have rights under data protection law in relation to personal data, namely:

- **Request access to your personal data.** This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction of the personal data that we hold about you.** This enables you to have any incomplete or inaccurate personal data we hold about you corrected.
- **Request erasure of your personal data.** This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below), where we may have processed your personal data unlawfully or where we are required to erase your personal data to comply with local law. We may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- **Object to processing of your personal data** where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your personal data which override your rights and freedoms.
- **Request restriction of processing of your personal data.** This enables you to ask us to suspend the processing of your personal data in the following circumstances: (a) if you want us to establish the data's accuracy; (b) where our use of the personal data is unlawful but you do not want us to erase it; (c) where you need us to hold the personal data even if we no longer require it as you need it to be retained to establish, exercise or defend legal claims; or (d) you have objected to our use of your personal data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer of your personal data to you or to a third party.** We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the personal data to perform a contract with you.
- **Withdraw consent at any time** if and to the extent we are relying on consent as the legal basis to process your personal data. This will not affect the lawfulness of any processing of your personal data carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain services to you. We will let you know if this is the case at the time you withdraw your consent.

13. Exercising your rights

To exercise one or more of your rights in respect of your personal data, please contact us using the **Contact Us** details below. We will respond to your request(s) as soon as reasonably practicable, but

in any case within the legally required period of time. If you want to access your personal data, please send a description of the personal data you want to access. We may request proof of identity to ensure that we only provide the personal data to the right person.

14. Updating your personal data

It is important that the personal data we hold about you is accurate and current. Please keep us informed, by using the **Contact Us** details below, if any of your personal data changes during your relationship with us.

15. Changes to this Privacy Notice

If we decide to change our Privacy Notice, we shall post changes on this webpage and update the relevant sections in our publications where we display how we use your personal data so that you are always aware of how and the use your personal data. If we make significant changes to our Privacy Notice, we will use reasonable efforts to contact you to notify you of such changes.

16. Contact Us

If you have any questions or wish to exercise any of your rights please contact us by email at data.protection@asai.ie or write to Assistant Chief Executive at 7 Herbert Street, Dublin 2, D02 K838. You have the right to lodge a complaint with the Data Protection Commission at www.dataprotection.ie.