

## **The rights of the user with regard to unwanted electronic mail**

*This is an unofficial translation of the Information Notes on the Protection of Personal Data in Belgium  
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### **How did the sender come into possession of your electronic address?**

It is possible that, even when such practices are prohibited by law, your address may be obtained from a public Internet site, for example from a discussion forum or an e-mail address book on the Internet.

It is also possible that you communicated your electronic address for an order via the Internet and thereafter this address was passed on to third parties.

If your address has been incorporated in a list (a 'mailing list'), it is possible that these were re-sold to other professionals who use it for themselves to send commercials to you. Sometimes the latter themselves do not know where your address was initially obtained from.

It is important to take precautionary measures to ensure that your email address cannot be obtained by third parties on the Internet: do not fill in online forms which ask for more information from you than necessary, or which do not make it clear that this information will not be passed on to third parties. When you take part in a discussion forum, use an alias (separate e-mail address), and use a pseudonym rather than your real name.

### **What rights do you have with regard to the sender of such messages?**

The law on the protection of privacy of 8 December 1992 gives you several rights, which you can immediately exercise against the person who is responsible for the unwanted mail.

- You can object to the use of your electronic address for marketing purposes free of charge and without any reason against the sender of the message (article 12 of the law).
- You can request from the sender of the message information which he keeps concerning you: which of these data, why is the sender keeping such data, has he passed on the data to other persons, how has he obtained your data? (article 10 of the law)
- You can request from the data controller who keeps your data to rectify incorrect information (article 12 of the law)
- The person responsible for the sending has legally one month to reply to you.
- When your request remains unanswered, you can refer to the Commission who will take over your requests.