



THE 23ANDME GUIDE

Exercising Rights Under the GDPR

Right to Object. Right to Rectify. Right to Restrict.



Exercise Your Rights

The 23andMe Guide to Objecting, Rectifying, and Restricting

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Introduction

23andMe is committed to protecting our customers' personal data and complying with the EU's General Data Protection Regulation (GDPR). At its core, the GDPR enables individuals in the EU to find out what personal data we hold about them, why we hold it, and who we disclose it to. We developed this guide, and other guides in the Exercise Your Rights series, as a tool to help you better understand our information practices and exercise your rights as they relate to 23andMe held personal data.

The GDPR applies to the processing of personal data of individuals who are in the European Union, and where the processing activities are related to the offering of goods or services to individuals in the Union.

For this reason, **this guide is applicable to and intended only for 23andMe customers based in an EU member state who purchased 23andMe Services marketed and sold in that member state**. You can view a full list of the EU member states in which we provide our Personal Genetic Service (PGS) [here](#).

Important Information About This Guide

This guide is meant to help individuals located in the EU understand their personal data rights under the General Data Protection Regulation (GDPR) and provide an overview of some core components of our data handling practices. Please be sure to review our [Full Privacy Statement](#). This guide is suitable for informational purposes only, and is not intended to provide you with legal advice. In the event of any inconsistency between this guide and the 23andMe Privacy Statement and/or Terms of Service, the provision contained in the Privacy Statement and/or Terms of Service shall control.

If after reading this guide you require additional clarification or have questions, please contact us at privacy@23andMe.com.



Overview Of Our Personal Information Practices

In order to understand your personal data rights under the GDPR and how 23andMe supports them, it's important to understand what personal data we process, how we use your personal data, and what kinds of third party service providers we engage to provide, analyze, and improve our Services.

What is personal data?

As defined in the GDPR, "personal data" is any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Different jurisdictions may refer to personal data differently. In the U.S., the same or similar types of data are often called "Personal Information". As a result, our Privacy Statement and Terms of Service use the term Personal Information. For the purposes of this guide, the terms personal data and Personal Information can be used interchangeably.

What are the categories of personal data being processed by 23andMe and its third party service providers and collaborators?

23andMe collects and stores the following types of personal data:

- **Registration Information:** information you provide about yourself when registering for and/or purchasing our Services, for example:
 - Order information such as your name, shipping address, billing information; and
 - Account information such as your email address, date of birth, and sex.
- **Genetic Information:** information regarding your genotypes (the As, Ts, Cs, and Gs at particular locations in your genome), generated through the processing of your saliva by 23andMe or by its contractors, successors, or assignees; or otherwise processed by and/or contributed to 23andMe.
 - Our contracted, certified laboratory processes your saliva sample for the purposes of generating your Genetic Information.
- **Self-Reported Information:** information you provide directly to us, including your disease conditions, other health-related information, personal traits, ethnicity, family history, and other information that you enter into surveys, forms, or features while signed in to your 23andMe account.
 - For example, your height and weight as entered in your profile and the answers to survey questions within your account, such as the average number of times you brush your teeth in a week or your most recent LDL Cholesterol level, are considered Self-Reported Information.



- **User Content:** all information, data, text, software, music, audio, photographs, graphics, video, messages, or other materials, other than Genetic Information and Self-Reported Information, generated by users of 23andMe Services and transmitted, whether publicly or privately, to or through 23andMe.
 - Examples of User Content include any files, text, or other content posted to our Forums, sent to Customer Care, or sent to other customers through 23andMe tools like DNA Relatives.
- **Web Behavior Information:** information on how you use 23andMe website (e.g. browser type, domains, page views) collected through log files, cookies, web beacons, and similar technology.
 - Certain Web Behavior Information, including IP Address, device ID, browser and operating system information may be considered personal data.
 - If you choose to consent to allow Functionality and Advertising Cookies when using our website, we may generally collect information about your visit, including the duration of your visit, the links you clicked on, and the URLs you visited.
 - Please review our [Cookie Policy](#) for more information about cookies and how we use them on our website.

What are the categories of recipients your personal data has been or will be shared with?

Service providers

Service Providers are third parties (other companies or individuals) that help us to provide, analyze and improve our Services. While 23andMe directly conducts the majority of data processing activities required to provide our Services to you, we engage some third party service providers to assist in supporting our Services, including in the following areas:

- **Order fulfillment and shipping.** Our payment processor processes certain Registration Information related to your order, such as your billing address and credit card information, as necessary to enable you to purchase a 23andMe kit from the 23andMe.com online store. Our distribution centers ship your kit(s) to you and, in some countries, return your kit safely to our third party laboratory for analysis.
- **Our certified genotyping lab.** To use our genetic testing services, you must purchase, or receive as a gift, a 23andMe Personal Genetic Service testing kit, and ship your saliva sample to our third party laboratory. Once delivered, receiving personnel at the laboratory remove and discard kit packaging, which in some cases may contain "sender information" (e.g., name, address), before testing personnel receive the samples for processing. Receiving personnel do not perform testing, and testing personnel handle saliva samples that are only identified by a unique barcode. When the laboratory has completed their analysis, they securely send the resulting Genetic Information to us identified by your unique barcode.
- **Customer Care support.** Our Customer Care team uses a number of tools to help organize and manage the requests we receive. These tools help to ensure we provide timely, high quality support.



- **Cloud storage, IT, and Security.** Our cloud storage providers provide secure storage for information in 23andMe databases, ensure that our infrastructure can support continued use of our Services by 23andMe customers, and protect data in the event of a natural disaster or other disruption to the Service. Our IT and security providers assist with intrusion detection and prevention measures to stop any potential attacks against our networks.
- **Marketing and analytics.** When you visit our EU, UK, or International websites you will be presented with a cookie opt in. If you choose to consent to allow Functionality and Advertising Cookies our third party service providers may collect information about your visit, such as the links you clicked on, the duration of your visit, and the URLs you visited. This information can help us improve site navigability and assess our Marketing campaigns.

Qualified Research Collaborators

Customers in many EU countries have the option to share Genetic and Self-Reported Information with **23andMe Research** by providing additional, explicit consent. "23andMe Research" refers to research aimed at publication in peer-reviewed journals and other research funded by the United States government (such as the U.S. National Institutes of Health - NIH) conducted by 23andMe. If you are eligible to participate and give your consent to 23andMe Research by completing a consent document, your De-identified Genetic and Self-Reported Information may be used for 23andMe Research. If you have completed the [Main Research Consent Document](#):

- i. Your Genetic Information and/or Self-Reported Information may be used for research purposes, but it will be de-identified and will not be linked to your Registration Information.
- ii. 23andMe may use individual-level Genetic Information and Self-Reported Information internally at 23andMe for Research purposes.
- iii. 23andMe may share summary statistics, which do not identify any particular individual or contain individual-level information, with our qualified research collaborators.

If you have completed the [Individual Level Data Sharing Consent](#), or additional consent agreement, in addition to the uses above under the Main Consent Document, 23andMe may share De-identified Individual-level Genetic Information and Self-Reported Information with qualified third party research collaborators for 23andMe Research purposes. Qualified research collaborators range from academic institutions and non-profit organizations to pharmaceutical and diagnostic companies.

You can read more about our collaborations [here](#) and [here](#).

You can read more about the discoveries and publications made possible by 23andMe Research [here](#).



Exercising Your Right To Object

While there is no general right to object to the processing of personal data under the GDPR, you have the right to object to:

- the processing of personal data for direct marketing purposes;
- the processing of personal data for purposes of scientific research and statistics; and
- the processing of personal data based on legitimate interests.

23andMe has implemented tools to ensure you can effectuate your right to object in these circumstance in various ways. Learn more about your right to object below.

How to object to processing personal data for direct marketing purposes

There are three ways you can control whether or not you receive direct marketing from 23andMe. You can implement your preferences within your account, unsubscribe directly from any 23andMe marketing email, and control the use of cookies.

Within your account settings.

23andMe asks customers if they would like to opt-in to receive product and promotional emails from 23andMe during the account creation process. Customers who chose to receive these emails can update their preferences and opt-out of receiving marketing emails from 23andMe at any time within their account settings. If you are interested in reviewing your preference or opting out, visit your account settings, scroll down to the “Preferences” section and click on ‘Edit’. You will then be able to deselect the ‘marketing updates and newsletter’ checkbox in the ‘Email notifications’ section. You can also use this direct link to your [account settings](#).

Directly in marketing emails.

An “unsubscribe” link will be included in the footer of all of our marketing and promotional emails. Simply click this link to indicate your preference. Please note that you may not opt-out of receiving non-promotional messages regarding your account, such as technical notices, purchase confirmations, or Service-related emails.

You will no longer receive marketing emails from 23andMe once you opt out within your account settings or unsubscribe through an unsubscribe link.

By controlling the use of cookies.

23andMe also implements direct marketing campaigns through cookies placed on your browser when you visit the 23andMe website. You can control your 23andMe cookie settings at anytime by visiting our [cookie settings feature](#). From the settings feature, you can choose to opt in or out of having advertising and functionality cookies placed on your browser by 23andMe and our marketing service providers. You may also wish to clear any existing cookies through your browser settings.



How to object to processing personal data for scientific research purposes

Customers in certain regions have the opportunity to participate in [23andMe Research](#). Participation in 23andMe Research is completely voluntary, and choosing not to give consent or withdrawing from 23andMe Research will not affect your access to your Genetic Information or to the Personal Genetic Service. At any time, you may choose to change your consent status to either take part in 23andMe Research or to withdraw your Genetic & Self-Reported Information from 23andMe Research from the “Preferences” section of your [account settings](#). If you experience problems changing your consent status, please contact to the Human Protections Administrator at hpa@23andme.com for assistance.

If you withdraw your Genetic & Self-Reported Information, 23andMe will prevent that personal data from being used in new 23andMe Research initiated after 30 days from receipt of your request (it may take up to 30 days to withdraw your information after you withdraw your consent). Any research on your personal data that has been performed or published prior to this date will not be reversed, undone, or withdrawn.

Learn more about 23andMe Research [here](#).

How to object to processing based on legitimate interests

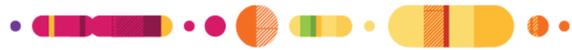
In addition to direct marketing, 23andMe processes some personal data based on our legitimate interests, including:

- Processing your personal data in order to transmit, escalate, process, and resolve customer complaints, requests, and inquiries;
- Processing your identification documents as necessary to authenticate and verify your identity for the purposes of fulfilling certain requests you submit to Customer Care;
- Collecting and analyzing Web Behavior Information, including website usage information, to monitor and uncover performance indicators, inform business decisions, such as marketing strategy, and improve 23andMe Services; and
- Collecting and analyzing Web Behavior Information, including site usage and other behavioral information, to evaluate and improve marketing strategy, inform website improvements, and enable targeted advertising through third party cookies.

Please review our full [Privacy Statement](#) for a full overview of our processing activities.

Processing this personal data is important for operating and providing our Services to you. If you object to processing personal data for any of the purposes detailed above, please contact our Customer Care team by emailing privacy@23andme.com. When submitting your request, you should:

- Submit your request from the email address associated with the account in question.
- Include “Data Subject Objection Request” in the email subject line.



- Include the account or profile name about which you're inquiring.
- Include the (1) category of personal data and specific personal data element(s) you object to us processing, (2) the grounds or specific circumstances surrounding your objection, and (3) any additional contextual information that may be helpful.
- Identify and provide information about any other open data subject rights requests you've submitted in conjunction with this request or would like to request.

23andMe will follow the procedure below upon receiving an objection request regarding your personal data:

1. We will perform an initial review to determine whether your submission includes all of the necessary information to handle your objection request. If it doesn't, we'll work with you via email to gather the relevant information.
2. If your request does include all of the necessary information, 23andMe will review your request and make a determination about whether or not your objection is valid under the GDPR. If we determine that it is not valid or if 23andMe has a compelling legitimate interest in the processing, which we believe override your interests, rights, or freedoms, we will notify you via email of our determination, the rationale, and your rights to make a complaint to the relevant supervisory authority contesting our determination within thirty (30) days.
3. If we determine that your objection request is valid, we will notify you within thirty (30) days and include a summary of any action that will be taken to complete the request.

Exercising Your Right To Rectify

Under the GDPR, you have the right to have inaccurate personal data rectified and incomplete personal data completed. 23andMe supports your rights in a variety of ways, depending on the type of data we hold. You can learn more about your right to rectify personal data below.

How to rectify personal data in your account

You can review and correct information directly within your account settings at anytime. Once you've logged into your account, navigate to the "Settings" link in the top right corner of the page. In your settings, you can modify many types of personal data including your email address, name, sex, height, weight, and location. For a full description of how to update your personal data in your account settings please review this [FAQ](#).

You can also review and correct the answers to any survey questions you've submitted within your 23andMe account at any time by navigating to the "Research" section of your account [here](#). Sign into your account and hover over the "Research" tab located at the top of your homepage until you can click on 'Search & Edit'. Once you click on 'Search & Edit', you will be directed to a list of all editable questions relevant to your profile.

To find and complete surveys and questions you left incomplete, you can use the filters located on the left side of the page to filter by incomplete surveys and/or quick questions. You can also



search for specific questions or surveys. If you search for a term that appears in both a quick question and a survey, both will be surfaced for you. If the topic or term appears in a survey, you can click on the name of the survey to see which questions in the survey match your search term.

Some surveys may not appear within your account, and can not be edited, if the survey has been closed. If you are interested in rectifying those survey responses, please follow the rectification request procedure outlined below.

How to request rectification of additional personal data

While the majority of 23andMe personal data can be updated within your account, not all 23andMe personal data is accessible there. Examples of personal data not accessible in your account include: your order information, including your shipping address, and information entered when your account was created such as your account name.

If you would like to rectify or complete personal data that is not accessible within your 23andMe account, please contact our Customer Care team by emailing privacy@23andMe.com. When submitting your request, you should:

- Submit your request from the email address associated with the account in question.
- Include “Data Subject Rectification Request” in the email subject line.
- Include the account or profile name about which you’re inquiring.
- Include the category of personal data and personal data element(s) you would like corrected or completed, and any additional contextual information that may be helpful.
- Include information about any other open data subject rights requests you’ve submitted in conjunction with this request or would like to request.

23andMe will follow the procedure below upon receiving a rectification request regarding your personal data:

1. We will perform an initial review to determine whether your submission includes all of the necessary information. If it doesn’t, we’ll work with you via email to gather the relevant information.
2. If your request does include all of the necessary information, 23andMe will review your request and make a determination about whether or not we’re required to rectify your personal data under the GDPR. If we determine that we are not required to rectify the personal data, we will notify you, within thirty (30) days, via email of our determination, the rationale, and your rights to make a complaint to the relevant supervisory authority contesting our determination.
3. If we determine that your rectification request is valid, we will notify you within thirty (30) days and include a summary of any action that will be taken to complete the request.



Limitations on your right to rectify

Not all personal data 23andMe holds can be rectified. For example, your Genetic Information, analyzed through 23andMe's Personal Genetic Service (PGS), is not eligible for rectification. The 23andMe PGS test uses qualitative genotyping to detect clinically relevant variants in the genomic DNA of adults from saliva collected using a collection device certified by the U.S. government for the purpose of reporting and interpreting genetic health risks and reporting carrier status and therefore cannot be modified. If you are interested in rectifying specific personal data and are unsure if it can or cannot be rectified, please contact Customer Care.

Exercising Your Right To Restrict

Under the GDPR, you have the right to restrict 23andMe from processing your personal data when:

- You are contesting the accuracy of the personal data and would request restriction for a period of time to enable 23andMe to verify the accuracy of the contested information;
- You believe 23andMe did not have the appropriate consent or other legal basis to collect and/or process the personal data but oppose the erasure of your information;
- You would like to close your 23andMe account, but need the personal data to establish, exercise, or defend legal claims and therefore don't want it deleted; or
- You have exercised your Right to Object and would like to restrict the processing pending the determination whether 23andMe's legitimate interests override your rights.

Placing a restriction on the processing of your personal data will freeze it in our systems, and we will not continue to process or transfer it until we resolve the underlying issue. For more information, you can review Article 18, right to restriction of processing, of the GDPR [here](#).

Requesting a processing restriction

If you believe one of the four situations above applies to you and you would like to restrict the processing of your personal data, please contact our Customer Care team by emailing privacy@23andMe.com. When submitting your request, you should:

- Submit your request from the email address associated with the account in question.
- Include "Data Subject Restriction Request" in the email subject line.
- Include the account or profile name about which you're inquiring.
- Include the basis for your request, or why you'd like us to stop processing the personal data, and any additional information that may be helpful.
- Include any relevant period of time for which you'd like your request to apply.
- Include any other related or relevant requests you've made, including a request to rectify or a request to object.

Once we receive a request to restrict the processing of your personal data, the following process will be followed by 23andMe:



1. We will perform an initial review to determine whether your submission includes all of the information necessary. If it doesn't, we'll work with you via email to gather the relevant information.
2. If your request does include all of the necessary information, 23andMe will review your request and make a determination about whether or not we're required to restrict processing under the GDPR. If we determine that we are not required to restrict the personal data, we will notify you, within thirty (30) days, via email of our determination, the rationale, and your right to make a complaint to the relevant supervisory authority contesting our determination.
3. If we determine that your restriction request is valid, we will stop processing your personal data, subject to our normal data retention policies, within thirty (30) days of receiving the request until the underlying issue is resolved. We will also inform you of any action taken to investigate or remediate the underlying issue you reported.
4. Once the restriction on processing your personal data has been placed, we will continue to correspond with you in order to resolve the issue you reported until it's resolved sufficiently to remove the restriction on processing. We will always notify you before we resume processing your personal data.

Frequently asked questions on restriction

How does restriction relate to the rights to object and rectification?

Although this right 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 you have challenged the accuracy of your data and asked for 23andMe to rectify it, you also have a right to request that 23andMe restrict processing while we consider your rectification request; or
- If you exercise your right to object, you also have a right to request you restrict processing while 23andMe reviews your objection request.

Therefore, you may want to request to restrict the processing of your personal data when requesting it's rectification or objecting to it's processing.

Are there limitations on my right to restrict?

Yes, there are exceptions to restrictions placed on processing your information as stated in Article 18 of the GDPR. Your data may be processed as described below:

- For the purposes of storage
- With your consent
- For the protection of the rights of another natural or legal person
- As necessary to fulfill your requests and in other specific circumstances which do not relate to our Services.



Frequently Asked Questions About Exercising Your Rights

Can 23andMe extend the time to respond to a request?

We work very hard to respond to your requests as soon as practical, and within thirty (30) days. We can extend the time to complete your request by a further two (2) months if the request is complex or we have received numerous requests from you. We will let you know within thirty (30) days of receiving your request if we need additional time to respond to your request and explain why the extension is necessary.

Can 23andMe refuse to comply with a request?

Yes, 23andMe can refuse to comply with a request if the request is manifestly unfounded or excessive. If we believe the request is unfounded or excessive, we will provide you with our justification when we respond to your request within thirty (30) days.

In which languages can you exercise your rights?

At this time, 23andMe communicates all information in our normal course of business with you in English. As such, we are only able to receive, process, and respond to requests in English. If we receive a request in a language other than English, we will request that you resubmit your request in English. We may otherwise make efforts to assist you, though we may not be able to do so.