

SOP Title Reference: **DataErasureProcedure**

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Information Services Policies and Procedures

Data Erasure Request Procedure

Handling requests for the erasure of personal data

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1. Scope

Under the GDPR individuals have the right to request the erasure of their personal data. This is sometimes referred to as the 'right to be forgotten'.

The right of erasure is not absolute though, and there will be certain situations where the University will either not be required or not be able to delete data when requested.

1.1 The 'right of erasure' will apply if one or more of the following grounds is met:

- personal data is no longer necessary for the purpose for which it was originally collected
- the original processing relies on consent as the lawful basis and the individual withdraws their consent (and there is no other legal basis for the processing)
- the original processing relies on legitimate interests as the lawful basis, the individual objects to the processing and there is no overriding legitimate interest to continue processing
- the processing is for direct marketing purposes and the individual objects to this
- the processing is established to be unlawful
- there is a legal obligation to comply with the erasure request

1.2 The 'right of erasure' will not apply where the processing of the personal data is necessary for one of the following reasons:

- to comply with a legal obligation or for the performance of a task carried out in the public interest or in the exercise of official authority
- for public health purposes in the public interest
- for archiving in the public interest, scientific or historical research purposes or statistical purposes where erasure would seriously impair these objectives
- for the establishment, exercise or defence of legal claims
- to exercise the right of freedom of expression

This policy applies to requests from individuals regarding personal data SGUL processes about them and for which the University is the data controller.

2. Responsibilities

The Data Protection Officer is responsible for providing guidance on the handling of data erasure requests received by the University.

Requests may be dealt with by appropriate staff in any part of the University, subject to their following this guidance.

The Data Protection Officer is also responsible for ensuring this procedure is routinely reviewed and will report back to the Senior Information Risk Owner (SIRO) on any relevant issues.

3. Procedure

- 3.1 Requests can be directed to any member of SGUL staff anywhere within the University.
- 3.2 Requests can be made verbally, either in person or via telephone, or they can be made in writing, e.g. by email. However, it is strongly recommended that the individual submits their request in writing to ensure there is a clear documented record of the request and an audit trail of when and to whom it was submitted.
- 3.3 Requesters will be asked to provide details of all the data they would like to be deleted from our systems.
- 3.4 Requesters will be required to provide some form of photographic 'proof of identity', for example a passport or driving license, or for current members of the University their SGUL student / staff ID.
- 3.5 Requests will be completed 'without undue delay' and within one month of receipt.
 - 3.5.1 Where requests are 'complex' or 'numerous' the above period of compliance may be extended by a further 2 months, for example requests involving locating information from multiple sources or where the request is one of a series of requests from the same requester. In such instances the requester will be advised of the extension within the initial one month period, and the reason for the extension clearly explained.
- 3.6 In processing a data erasure request the SGUL staff member responsible for that request will:
 - record the details of the request
 - verify that there are grounds for the deletion (as section 1.1, 1.2)
 - identify all the relevant locations within the University that the data is located
 - notify any external service providers / suppliers and partner organisations of the erasure request
 - record confirmation of the deletion of the data from all locations
 - confirm the deletion with the requester in writing
- 3.7 There will be no charge for processing a request for erasure.
 - 3.7.1 The University may decide to charge a fee where the request is manifestly unfounded or excessive. This fee will be based on basic admin costs involved in complying with the request.

4. Complaints

- 4.1 Individuals are encouraged to direct complaints regarding the handling of their request to the Data Protection Officer in the first instance, who will investigate.
- 4.2 However, if the individual prefers, or if they are unhappy with the outcome of the University's own investigation, they can direct their complaint to the ICO.

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