



ACE Schools Multi Academy Trust

# Erasure or the 'Right to be Forgotten' Requests Policy

Issue	Date	Author/Reviewer Job Role	Comments	Signed by DPO
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# 1 Introduction

- 1.1 ACE Schools MAT holds personal data (or information) about job applicants, employees, suppliers, business contacts, pupils, parents, governors and trustees and other individuals for a variety of business purposes.
- 1.2 Under the General Data Protection Regulation (GDPR), individuals (known as 'data subjects') have the right to obtain from ACE Schools MAT without undue delay the erasure of personal data concerning him or her. ACE Schools MAT shall have the obligation to erase personal data without undue delay where one of the following grounds applies:
  - 1.2.1 the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
  - 1.2.2 the data subject withdraws consent on which the processing is based and where there is no other legal ground for the processing;
  - 1.2.3 the data subject objects to the processing and there are no overriding legitimate grounds for the processing;
  - 1.2.4 the personal data have been unlawfully processed;
  - 1.2.5 the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject;
- 1.3 Where ACE Schools MAT has made the personal data public and is obliged to erase the personal data, ACE Schools MAT shall take reasonable steps to inform other organisations which are processing the personal data that the data subject has requested the erasure by them of any links to, or copy or replication of, those personal data.
- 1.4 When personal data must be erased, it must be deleted from all sources.
- 1.5 The Data Protection Officer is responsible for ensuring:
  - 1.5.1 that all erasure requests are dealt with in accordance with the GDPR; and
  - 1.5.2 that all staff have an understanding of the GDPR in relation to erasure requests and their personal responsibilities in complying with the relevant aspects of the GDPR.

- 1.6 This policy provides guidance for staff members on how erasure requests should be handled and is intended for internal use. It is not a privacy policy or statement and is not to be made routinely available to third parties.
- 1.7 This policy is aimed primarily at those members of staff who are authorised to handle erasure requests. For other staff members, it provides guidance on what to do if you receive an erasure request.
- 1.8 Failure to comply with the GDPR puts both staff and ACE Schools MAT at risk, and so ACE Schools MAT takes compliance with this policy very seriously. Failure to comply with any requirement of the policy may lead to disciplinary action, which may result in dismissal.
- 1.9 If you have any questions regarding this policy, please contact the Data Protection Officer.

## 2 Receiving an erasure request (non-authorised staff)

- 2.1 If you receive an erasure request and you are not authorised to handle it, you must immediately take the steps set out in paragraphs 2.2 (request received by email) or 2.3 (request received by letter). We must respond to a request without undue delay. A lengthy delay could lead to enforcement action by the Information Commissioner and/or legal action by the affected individual.
- 2.2 If you receive an erasure request by e-mail, you must immediately forward the request to the DATA PROTECTION OFFICER .
- 2.3 If you receive an erasure request by letter you must:
  - 2.3.1 scan the letter;
  - 2.3.2 send the original to the Data Protection Officer at this address: ACE Schools MAT, Unit 3 Ensign House, Parkway Court, Longbridge Road, Plymouth PL6 8LR marked for the attention of the Data Protection Officer; and
  - 2.3.3 send a scanned copy of the letter to this e-mail address: [chris.humphries@acemat.uk](mailto:chris.humphries@acemat.uk)
- 2.4 You will receive confirmation when the request has been received by the Data Protection Officer . If you do not receive such confirmation, you should contact the Data Protection Officer to confirm safe receipt.
- 2.5 You must not take any other action in relation to the request unless the Data Protection Officer has authorised you to do so.

### 3 Requirements for a request

- 3.1 We prefer an erasure request to be in writing but this is not always required. The staff member taking the request must use their best judgment as to whether the request needs to be in writing. If in doubt, request it in writing.
- 3.2 Requests that should be in writing include anything that might be contentious, such as HR issues.

### 4 Time limit for responding to a request

- 4.1 Once an erasure request is received, we must comply without undue delay.

### 5 Assessment of an erasure request

- 5.1 The staff member assessing the request will authorize the erasure of the personal data where:
  - 5.1.1 the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed. This means that ACE Schools MAT no longer needs the data.
    - 5.1.1.1 the data subject withdraws consent on which the processing is based and where there is no other legal ground for the processing. This means that the individual no longer consents to ACE Schools MAT processing their data and we do not have any other grounds to do so.
    - 5.1.1.2 the data subject objects to the processing and there are no overriding legitimate grounds for the processing. This means that the individual objects to our processing of their personal data and we don't have any other reasons to process it.
    - 5.1.1.3 the personal data have been unlawfully processed. In this case, we are processing the data unlawfully (eg. We no longer have a legal basis) and must delete the data.
    - 5.1.1.4 the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject. For example, we might be ordered by the ICO to delete the data.

## 6 Consequences of failing to comply with a request

- 6.1 If we fail to comply with an erasure request, we may be in breach of the GDPR. This may have several consequences:
  - 6.1.1 the individual may complain to the Information Commissioner and this may lead the Commissioner to investigate the complaint. If we are found to be in breach, enforcement action could follow (which could include monetary penalties);
  - 6.1.2 if an individual has suffered damage, or damage and distress, as a result of our breach of the GDPR, he or she may take us to court and claim damages from us; and/or
  - 6.1.3 a court may order us to comply with the erasure request if we are found not to have complied with our obligations under the GDPR.