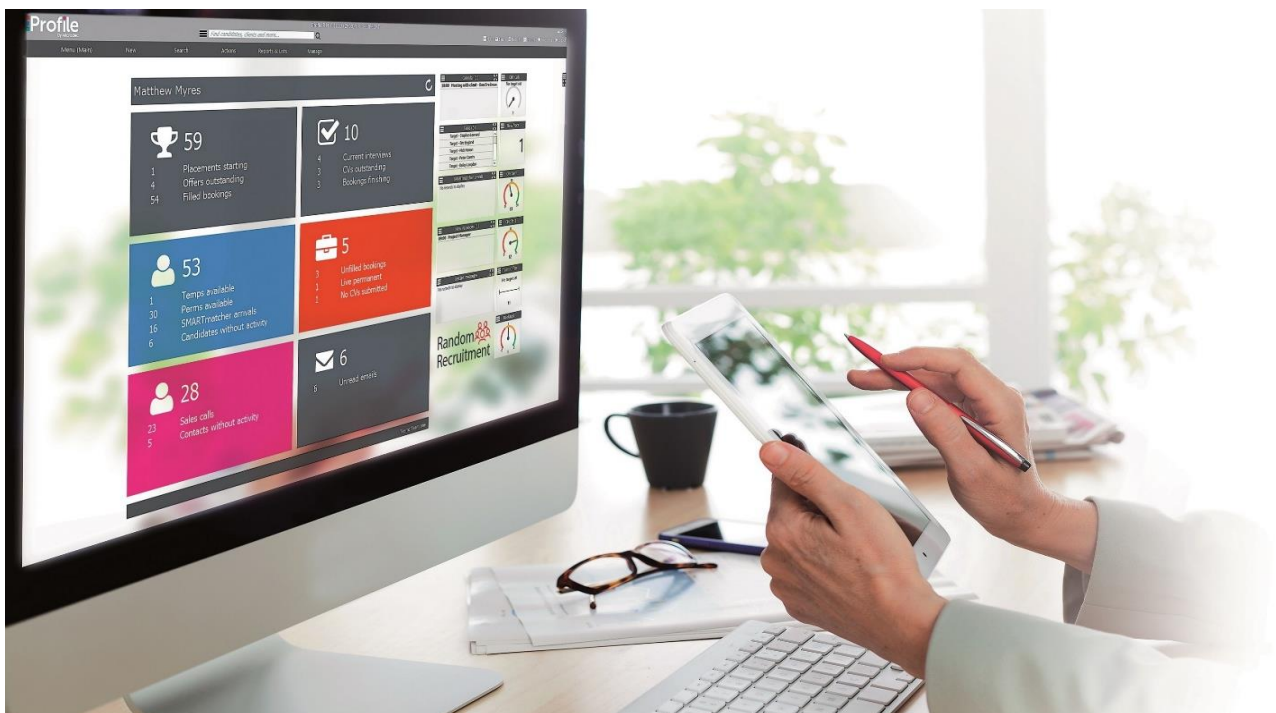




## RIGHT TO ERASURE OR RECTIFICATION REQUEST POLICY

*Details how we will handle a request from an individual to have their data  
erased or corrected*



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## 1. Purpose

Under Article 16, Article 17 and Article 18 of the GDPR an individual (data subject using the terminology of the Act) has the:

- Right to Rectification - have personal data rectified if it is inaccurate or incomplete.
- Right to Erasure - have personal data erased and to prevent processing in specific circumstances:
  1. Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.
  2. When the individual withdraws consent.
  3. When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing.
  4. The personal data was unlawfully processed (ie otherwise in breach of the GDPR).
  5. The personal data has to be erased in order to comply with a legal obligation.
  6. The personal data is processed in relation to the offer of information society services (eg. online services) to a child.
- Right to Restrict Processing – have the processing of personal data blocked/suppressed whilst still retaining the data with enough information about the individual to ensure that the restriction is respected in future.

The broad principle underpinning these rights is to enable an individual to request the deletion, removal or block the use of personal data where there is no compelling reason for its continued processing.

Microdec holds and processes personal data on behalf of its staff and clients and needs to be in a position to respond to these requests fully and promptly, given the GDPR sets a time period by which the request needs to be responded too. The Policy sets out the manner by which Microdec will respond to these requests.

## 2. Scope

This Policy relates to all personal and sensitive data controlled by the company regardless of format.

This Policy applies to all employees, contractors, consultants, temporary staff, and other workers at Microdec.

This Policy **does not** apply to requests from individuals whose data is controlled by Microdec's clients. See section below on Client Controlled Data.

## 3. Policy

- To make a request under any of the rights listed above, an individual has to submit the request in writing (including in electronic format), specifying the information they believe we hold about them
- When making a Request to Erasure the individual has stated under which of the 6 grounds, listed above, they are making the request.
- We have the right to ask for clarification if the initial request is vague or unclear but the requester does not have to provide this.
- We also have the right to require the requestor to prove their identity if we have any doubts before we process the request.

- In terms of time limits we have one calendar month to respond to the request from the date it was submitted in writing. If we fail to meet this timescale we are in breach of the Act and the requestor can make a complaint to the Information Commissioner's Office (ICO).
- Actions as a result of a request are provided free of charge. However, we can charge a 'reasonable fee' (based on the administrative cost of carrying out the request) when a request is manifestly unfounded or excessive, particularly if it is repetitive. This does not mean that we can charge for all subsequent requests.
- All Requests will go to the Data Protection Officer (DPO) and it is the responsibility of all staff to ensure they can recognise any one of these 3 types of request and to forward it onto the Data Protection Officer as soon as possible so that it can be processed.
- If we have disclosed the personal data in question to others, we must contact each recipient and inform them of the rectification, erasure or restriction on processing - unless this proves impossible or involves disproportionate effort. If asked to, we must also inform the individuals about these recipients.
- A Request to Erasure can be refused where the personal data is processed for the following reasons:
  1. to exercise the right of freedom of expression and information;
  2. to comply with a legal obligation for the performance of a public interest task or exercise of official authority.
  3. for public health purposes in the public interest;
  4. archiving purposes in the public interest, scientific research, historical research or statistical purposes;
  5. for the exercise or defence of legal claims.

### 3.1. Non-Microdec controlled data

The DPO will acknowledge the request and the request will be entered onto the Information Request Register so that it is easily trackable.

If the request is from an individual not known to Microdec, or identified to be known to a Microdec client and hence Microdec is not the data controller of any data held on this individual, a response will be sent back in writing confirming that Microdec does not process any personal data.

### 3.2. Microdec controlled data

#### 3.2.1. Erasure, Rectification or Restriction on Processing of data

The DPO will acknowledge the request and make the requestor aware of the final deadline date for the request to be actioned. The request will be entered onto the Information Request Register so that it is easily trackable.

The DPO will require the relevant managers of the teams, who are the owners of this information as per the Information Asset Register to ensure that the personal data of the individual to be immediately blocked or suppressed from any further processing.

Once the DPO has established the request can be fulfilled they will instruct the relevant managers of the teams, who are the owners of this information as per the Information Asset Register to carry out the required actions e.g.. delete the personal data held, rectify the data or ensure the personal data will not be processed in future.

The relevant managers of the team will also be instructed by the DPO to inform, in writing, any other parties/organisations who have received the individual's personal data that the request has been received.

Ideally the DPO should receive confirmation that the actions have been completed at least 7 working days before the month deadline.

Whilst the DPO will provide guidance and support it is ultimately the responsibility of staff members who are likely to hold the requested information to fulfil the request.

There is an appreciation that on occasions actioning these requests may be onerous and time consuming, however the regulations do not include an exemption for requests that relate to large amounts of data, but if the request is manifestly unfounded or excessive, it is possible to extend the period of compliance by a further two months and/or charge a reasonable fee taking into account the administrative costs of acting upon the request. If this is the case, the DPO must inform the individual within one month of the receipt of the request and explain why the extension and/or fee is necessary. Therefore, difficulties need to be flagged to the DPO at the earliest opportunity.

### **3.2.2. Notifying the Individual**

Once the above process has been completed the DPO will notify in writing the requestor of the actions that have been taken and if requested the details of the parties/organisations who have also been notified of the request. The format of the notification will be made in line with the requestor's preference whenever possible.



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