

# Right to Erasure Policy & Procedure

## Document Control

<b>Responsible Dept</b>	Performance & Engagement	<b>Author / Reviewer</b>	Data Protection Officer
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## Version Tracking Note: A maximum of the last 3 versions are to be tracked below.

Version No	Approval Date	Review Due Date	Approval Forum	Change(s) Summary
1.2	25 March 2026	March 28	SLT Monthly	DPO Review
1.2	Jan-24	Jan-26	SLT Monthly	Full Refresh.

## 1 Introduction

- 1.1 Under UK General Data Protection Regulations (UK GDPR) and the Data Protection Act Part 2, applicants have the right to request the erasure of personal data that an organisation holds about them. This right to erasure is also known as “the right to be forgotten.”
  
- 1.2 Applicants can make a request for erasure verbally or in writing and the Staffordshire Commissioner’s Office has one month to respond to the request.
  
- 1.3 The right is not an absolute and only applies in certain circumstances, however, the right is not the only way in which the UK GDPR places an obligation on the Staffordshire Commissioner’s Office to consider whether to delete personal data.

## 2 Aims and Scope of this Policy & Procedure

- 2.1 The purpose of this policy is to set out the procedure that should be followed to ensure that a consistent and effective approach is in place for managing the erasure or deletion of data across the Staffordshire Commissioner’s Office. This policy applies to all of the Commissioner’s Office staff, contractors and third-party agents handling Staffordshire Commissioner’s Office information assets. This policy is based on the guidance provided by the Information Commissioner’s Office.

### 3 Who can make the requests

- 3.1 Any living applicant whose personal data or information is stored, processed, or recorded through the Staffordshire Commissioner's Office.
- 3.2 A representative acting in a lawful capacity of another, such as a power of attorney.

### 4 Responding to Requests

- 4.1 The UK GDPR does not specify how to make a valid request. Therefore, an applicant can make a request to erasure verbally or in writing.
- 4.2 The request can be sent to any part of the Staffordshire Commissioner's Office, and staff will need to know how to process this. The request itself need not even include the phrase 'right to erasure', Article 17, as long the request to rectify or correct personal data is understood as the purpose. If there is any doubt clarification should be sought from the applicant. Any requests received should be forwarded to the Business Support Manager without delay.
- 4.3 Where a valid verbal request is received, all employees must be aware that the Staffordshire Commissioner's Office has a legal responsibility to identify that an applicant has made a request and to handle it accordingly. Therefore, each request must be forwarded to and logged through the Business Support Manager.
- 4.4 In most cases the Staffordshire Commissioner's Office cannot charge a fee to comply with a request for erasure, unless the request is manifestly unfounded or excessive, in which case a "reasonable fee" for the administration costs with complying with the costs may be made.

### 5 Time Limits

- 5.1 The Business Support Manager must act upon the request without undue delay and at the latest within one month of receipt. The time limit will start from the next working day. One month is defined as one calendar month of 30 days. If the corresponding date falls on a weekend or a public holiday, the Staffordshire Commissioner's Office will have until the next working day to respond.
- 5.2 The time to respond can be extended by a further two calendar months if the request is complex or if the Business Support Manager has received a number of requests from the applicant.
- 5.3 The applicant must be advised without undue delay and within one calendar month of receiving their request and explain why the extension is necessary. However, it is the

Information Commissioner's Office view that it is unlikely to be reasonable to extend the time limit if:

- it is manifestly unfounded or excessive;
- an exemption applies; or
- you are requesting proof of identity before considering the request.

## 6 Processing a Right to Erasure Request

6.1 A request cannot be accepted until:

- a) The Staffordshire Commissioner's Office has enough information to complete the request and
- b) Identity has been confirmed in accordance with Appendix A, Documentary Evidence of Identity.

This means that even though requests can be made verbally they will not be accepted until identity is confirmed.

6.2 Similar to the process of a Right of Access Request, all of the information that is held on the applicant needs to be identified and then established under what category it falls and whether there are any exemptions.

6.3 Applicants have the right to have their personal data erased if:

- the personal data is no longer necessary for the purpose which the Staffordshire Commissioner's Office originally collected or processed it for;
- the Staffordshire Commissioner's Office are relying on consent as the lawful basis for holding the data, and the applicant withdraws their consent;
- the Staffordshire Commissioner's Office are relying on legitimate interests as the basis for processing, the applicant objects to the processing of their data, and there is no overriding legitimate interest to continue this processing;
- the Staffordshire Commissioner's Office are processing the personal data for direct marketing purposes and the applicant objects to that processing;
- the Staffordshire Commissioner's Office have processed the personal data unlawfully (i.e. in breach of the lawfulness requirement of the 1st principle);
- the Staffordshire Commissioner's Office have to do it to comply with a legal obligation; or
- the Staffordshire Commissioner's Office have processed the personal data to offer information society services (e.g. social media) to a child.

6.4 Where data is to be erased it must also be ensured that further backup copies, or other information from emails, documents, or communications are likewise deleted or no longer retained.

6.5 While the right to erasure will remove most, if not all of the applicant's data, the Staffordshire Commissioner's Office must retain the request and the action, to show that the Staffordshire Commissioner's Office have attempted to comply with Article 17. Until case law demands that the information should not be retained.

## **7 How does the right to erasure apply to data collected from children?**

7.1 There is an emphasis on the right to have personal data erased if the request relates to data collected from children. This reflects the enhanced protection of children's information, especially in online environments, under UK GDPR.

7.2 Therefore, if the Staffordshire Commissioner's Office has processed data collected from children, particular weight will be given to any request for erasure if the processing of the data is based upon consent given by a child, especially any processing of their personal data on the internet. This is still the case when the applicant is no longer a child, because a child may not have been fully aware of the risks involved in the processing at the time of consent.

## **8 Do we have to tell other organisations about the erasure of personal data?**

8.1 UK GDPR specifies two circumstances where the Staffordshire Commissioner's Office should tell other organisations about the erasure of personal data:

- the personal data has been disclosed to others; or
- the personal data has been made public in an online environment (for example on social networks, forums or websites).

8.2 If the Staffordshire Commissioner's Office has disclosed the personal data to others, each recipient must be contacted and informed of the erasure, unless this proves impossible or involves disproportionate effort. If asked to, the Staffordshire Commissioner's Office must inform the applicants about the recipients of the information.

8.3 UK GDPR defines a recipient as a natural or legal person, public authority, agency or other body to which personal data is disclosed. The definition includes controllers, processors and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

8.4 Where personal data has been made public in an online environment reasonable steps should be taken to inform other controllers who are processing the personal data to erase links to, copies or replication of that data. When deciding what steps are reasonable the Staffordshire Commissioner's Office will consider available technology and the cost of implementation.

## 9 When Article 17 The Right to Erasure does not apply

9.1 The right to erasure does not apply if processing is necessary for one of the following reasons:

- to exercise the right of freedom of expression and information to comply with a legal obligation; this could include financial records or contracts that are required to be retained for a specific purpose of time period.
- for the performance of a task carried out in the public interest or in the exercise of official authority;
- for archiving purposes in the public interest, scientific research historical research or statistical purposes where erasure is likely to render impossible or seriously impair the achievement of that processing; or
- for the establishment, exercise or defence of legal claims.

## 10 Refusing a Right to Erasure Request

10.1 The Business Support Manager must inform the applicant without delay and within one month of receipt of the request about the following:

- The reason for refusal,
- The applicant's right to make a complaint to the Data Protection Officer (DPO), or where needed the details of the Information Commissioner's Office,
- The applicant's ability to seek to enforce this right through a judicial remedy.

## 11 Data Protection Officer

The DPO is responsible for ensuring compliance and can investigate breaches or failures of legal compliance. The DPO does not determine how data is managed or the purpose for which it is used. If you wish to contact the DPO you can do so, by using the details below.

By letter:           The Data Protection Officer  
                          Staffordshire Commissioner's Office  
                          Block 9  
                          Weston Road  
                          Stafford  
                          Staffordshire  
                          ST18 0YY

Email:               [dpo@staffordshire-pfcc.gov.uk](mailto:dpo@staffordshire-pfcc.gov.uk)

## 12 Further Information

You may find it useful to read this policy alongside the Staffordshire Commissioners Office Right of Access Request Policy and Procedure.

Further information can also be obtained from the Information Commissioners Office:  
<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/applicant-rights/right-to-erasure/>

## Appendix A

### Documentary Evidence of Identity

Please supply one from the following categories (copies only).

- current passport
- residence permit issued by Home Office to EU Nationals on sight of own country passport
- current UK photocard driving licence
- current benefit book or card or original notification letter from the Department for Work & Pensions confirming the right to benefit
- building industry sub-contractor's certificate issued by the Inland Revenue
- recent Inland Revenue tax notification
- current firearms certificate
- birth certificate
- adoption certificate
- marriage certificate
- divorce or annulment papers
- Application Registration Card (ARC) issued to people seeking asylum in the UK (or previously issued standard acknowledgement letters, SAL1 or SAL2 forms);
- Home Office letter
- police registration document
- HM Forces Identity Card