

Right of Rectification Policy and Procedure

Document Control

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

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1.3	25 March 2026	March 28	SLT Monthly	DPO Refresh
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 have inaccurate personal data rectified. An applicant may also be able to have incomplete personal data completed, although this will depend on the purposes for the processing. This may involve providing a supplementary statement to the incomplete data.

- 1.2 This right has close links to the accuracy principle of UK GDPR (Article 5(1)(d)). However, although the Staffordshire Commissioner’s Office may have already taken steps to ensure that the personal data was accurate when it was obtained, this right imposes a specific obligation to reconsider the accuracy upon request.

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 rectification of data across the Staffordshire Commissioner’s Office. This policy applies to all staff, contractors and third-party agents handling our 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 UK GDPR does not specify how to make a valid request. Therefore, an applicant can make a request for rectification 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 16, 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 employee's 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.

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 can be extended to respond by a further two months if the request is complex or if the Independent Review Manager has received a number of requests from the applicant.

5.3 The Business Support Manager will inform the applicant without undue delay and within one 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 Rectification Request

6.1 If not already supplied with the initial request, identification should be requested in line with Appendix A, Documentary Evidence of Identity.

6.2 The applicant should:

- State what they believe needs rectifying,
- How they want it correcting and;
- Provide evidence that shows why it needs rectifying.

6.3 Once the Business Support Manager receives a request for rectification, reasonable steps will be taken to satisfy that the data is accurate and to rectify the data if it is determined to be appropriate to do so. All arguments and evidence provided by the applicant will be considered as part of the process.

6.4 Determining what steps are reasonable will depend on the nature of the personal data and what it will be used for. The most important aspect is that the personal data is accurate and if necessary action is taken to rectify it. For example, the Staffordshire Commissioner's Office should make a greater effort to rectify inaccurate personal data if it is used to make significant decisions.

6.5 If the data has been rectified a copy will need to be obtained and prepared with the suitable redactions to supply to the applicant as would be given through the Right of Access process.

6.6 If the data is not being rectified then an explanation will be provided to the applicant as to why. The relevant records need to be updated with the request for rectification and the rationale for not rectifying, it is good practice to also record the applicants view.

7 Correct data or records that contain a mistake

7.1 Determining whether personal data is inaccurate can be more complex if the data refers to a mistake that has subsequently been resolved. It may be possible to argue that the record of the mistake is, in itself, accurate and should be kept. In such circumstances the fact that a mistake was made and the correct information should also be included in the applicant's data.

7.2 It is also complex if the data in question records an opinion. Opinions are, by their very nature, subjective, and it can be difficult to conclude that the record of an opinion is inaccurate. As long as the record shows clearly that the information is an opinion and,

where appropriate, whose opinion it is, it may be difficult to say that it is inaccurate and needs to be rectified.

7.3 Under UK GDPR, Article 18, an applicant has the right to request restriction of the processing of their personal data where they contest its accuracy and the Staffordshire Commissioner's Office are checking it. As a matter of good practice, the Staffordshire Commissioner's Office should restrict the processing of the personal data in question whilst its accuracy is being verified, whether or not the applicant has exercised their right to restriction. For more information, see the Staffordshire Commissioner's Office Policy on the Right to Restriction.

8 Can we refuse to comply with the request for other reasons?

8.1 The Staffordshire Commissioner's Office can refuse to comply with a request for rectification if the request is manifestly unfounded or excessive, also if the request is repetitive in nature.

8.2 If a request is considered as manifestly unfounded or excessive one of the following can apply:

- request a "reasonable fee" to deal with the request; or
- refuse to deal with the request.

8.3 In either instance any justification around decision making must be documented.

8.4 The reasonable fee will be based on the administrative costs of complying with the request. If it is determined that a fee is to be charged the Business Support Manager will contact the applicant without undue delay and within one month. Compliance with the request will only begin once the fee has been received.

9 Do we have to tell other organisations about the rectification of personal data?

9.1 If personal data has been disclosed to others, contact must be made with each recipient to inform them of the rectification or completion of the personal data, unless this proves impossible or involves disproportionate effort. If asked to, the applicant must be informed about these recipients.

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

9.3 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 rectify 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.

10 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 on the details below:

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

Email: dpo@staffordshire-pfcc.gov.uk

11 Further Information

You may find it useful to read this policy alongside the Staffordshire Commissioners Office:

- Right of Access Request Policy and Procedure.
- Right to Restriction 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-rectification/>

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