

1 Introduction

- 1.1 Under Article 16 of the GDPR individuals have the right to have inaccurate personal data rectified. An individual 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 the GDPR (Article 5(1)(d)). However, although you may have already taken steps to ensure that the personal data was accurate when you obtained it, 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 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 individual whose personal data or information is stored, processed, or recorded through the 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 GDPR does not specify how to make a valid request. Therefore, an individual can make a request for rectification verbally or in writing.
- 4.2 The request can be sent to any part of the Commissioner's Office, and staff will need to know how to process this and in the first instance forward to the Office Manager. 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 individual.
- 4.3 This presents a challenge as any Commissioner's Office employees could receive a valid verbal request. However, the Commissioner's Office has a legal

responsibility to identify that an individual has made a request to and handle it accordingly. Therefore each request must be logged through the Office Manager.

5 Time Limits

- 5.1 . The Commissioner's Office 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 day. One month is defined as one calendar month of 30 days. If the corresponding date falls on a weekend or a public holiday, you will have until the next working day to respond.
- 5.2 You can extend the time to respond by a further two months if the request is complex or if the Commissioner's Office have received a number of requests from the individual.
- 5.3 You must let the individual know without undue delay and within one month of receiving their request and explain why the extension is necessary. However, it is the ICO's 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 you receive a request for rectification you should take reasonable steps to satisfy yourself that the data is accurate and to rectify the data if necessary. You should take into account the arguments and evidence provided by the data subject.
- 6.2 What steps are reasonable will depend, in particular, on the nature of the personal data and what it will be used for. The more important it is that the personal data is accurate, the greater the effort you should put into checking its accuracy and, if necessary, taking steps to rectify it. For example, you should make a greater effort to rectify inaccurate personal data if it is used to make significant decisions that will affect an individual or others, rather than trivial ones.
- 6.3 You may also take into account any steps you have already taken to verify the accuracy of the data prior to the challenge by the data subject.

7 Correct data or records that contains 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 individuals 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 the GDPR, Article 18, an individual has the right to request restriction of the processing of their personal data where they contest its accuracy and you are checking it. As a matter of good practice, you should restrict the processing of the personal data in question whilst you are verifying its accuracy, whether or not the individual has exercised their right to restriction. For more information, see our guidance on the right to restriction.

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

8.1 You can refuse to comply with a request for rectification if the request is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature.

8.2 If you consider that a request is manifestly unfounded or excessive you can:

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

8.3 In either case you will need to justify your decision.

8.4 You should base the reasonable fee on the administrative costs of complying with the request. If you decide to charge a fee you should contact the individual without undue delay and within one month. You do not need to comply with the request until you have received the fee.

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

9.1 If you have disclosed the personal data to others, you must contact each recipient and inform them of the rectification or completion of the personal data - unless this proves impossible or involves disproportionate effort. If asked to, you must also inform the individual about these recipients

9.2 The 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.

10 Data Protection Officer

10.1 The Data Protection Officer 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 contacting The Data Protection Officer, Commissioner's Office, Block 9, Weston Road, Stafford, Staffordshire, ST18 0YY:
The DPO can also be emailed at dpo@staffordshire-pfcc.pnn.gov.uk

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Policy Lead: **David Morris**

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Document Author David Morris – Policy & Research Lead

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1.0 Policy	10/4/2018	David Morris	Policy	Rectification
0.1 Draft	6/4/2018	David Morris	Initial Draft	Rectification

Attachments:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-rectification/>