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Right to Erasure Policy

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on request

NEWBURY COLLEGE

Right to Erasure Policy

Newbury College as a controller is committed to ensuring that it meets its obligations under the General Data Protection Regulation *Article 17*. As such, individuals have new and extended rights under the act. This policy provides Newbury Colleges' instruction for Right to Erasure (the right to be forgotten). This policy is designed to cover all aspects of the business and therefore erasure will be applied differently dependent on the identity of the data subject i.e. Staff / Student.

1. Purpose and objective

The purpose of this policy is to ensure that:

- Staff/contractors are able to identify what is 'Right to Erasure'
- Staff/contractors are aware when the right to erasure may apply
- Staff /contractors are aware how to action the request
- Staff /contractors are aware if/when Newbury College can refuse a request

2. What is right to erasure (the right to be forgotten)

An individual (data subject) has the right to request the deletion or removal of personal data where we have no compelling reason to storing or continued processing.

3. When does right to erasure apply?

Obviously there are many functions the College undertakes where personal data is completely necessary and, for obvious reasons, offering deletion of these records would hinder activities such as:

- Paying staff / Pensions etc
- Student access
- Securing funding for students
- Access to the library
- Ability to communicate

However individuals do have the right to have personal data erased and to prevent processing in specific circumstances:

- The personal data is no longer necessary in the relation to its original collection purpose
- Withdrawal of consent (such as marketing)
- There is no overriding legal obligation for processing
- We have processed the personal data unlawfully(i.e. breach of GDPR)
- Personal data has to be erased to comply with a legal obligation (i.e. court order)

Note: Our retention policy should remove the requirement for erasure in most cases.

4. **How to action the request**

Many elements of what Newbury College collects is required under a legal basis for performance of a contract. Depending on the requester, or nature of the request, there will be personal data processed where we can provide erasure.

Examples of where erasure is possible:

- Anytime where consent has been withdrawn provided that the data is not essential for the performance of a contract
- Personal data not vital to the performance of a contract
- Personal data automated to provide a service (i.e. library access / Moodle)

In all cases, if you receive a request for erasure, you should pass it onto the Data Protection Officer for processing. Newbury College, in some cases, may be able to refuse a request – see point 5.

Newbury College has a 5Ws document, which clearly highlights elements of personal data where we are able to provide erasure.

As personal data for the data subject may be present in multiple systems it is vital all systems/paper and devices are considered when dealing with request. If the person making the request's personal data has been provided to 3rd party organisations, it is the Newbury College's responsibility to actively inform such organisations of the request and seek erasure.

Note: While this may be challenging you must endeavour to comply with the above.

Example: Data subject removes consent for marketing, Newbury College has passed personal data to a 3rd Party survey company. Not only must we remove the consent from our records but actively contact any 3rd parties we may have data shared with to also remove consent.

5. **Can Newbury College refuse a request**

In some cases, Newbury College may refuse to comply with a request for erasure. Newbury College only collects personal data for performance of a contract or official reasons. Therefore, if erasure would infringe on such activities, Newbury College has the right to refuse a request.

However no data should be kept indefinitely and the person making the request should be made aware of our retention policy relevant to their request.

Date: July 2018,
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