

# **GDPR Subject Erasure Policy 1.0**

**Monday, 21 May 2018**



## **A) AIM**

You have a right, under the General Data Protection Regulation, to request that the personal data we hold on you be erased. To do so, you should make a subject erasure request, and this policy sets out how you should make a request, and our actions upon receiving the request.

## **B) DEFINITIONS**

“Personal data” is any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier, including your name.

“Special categories of personal data” includes information relating to:

- a) race
- b) ethnic origin
- c) politics
- d) religion
- e) trade union membership
- f) genetics
- g) biometrics (where used for ID purposes)
- h) health
- i) sex life or
- j) sexual orientation.

## **C) MAKING A REQUEST**

Although subject erasure requests may be made verbally, we would advise that a request may be dealt with more efficiently and effectively if it is made in writing.

Requests that are made directly by you should be accompanied by evidence of your identity. If this is not provided, we may contact you to ask that such evidence be forwarded before we comply with the request.

Requests made in relation to your data from a third party should be accompanied by evidence that the third party is able to act on your behalf. If this is not provided, we may contact the third party to ask that such evidence be forwarded before we comply with the request.

## **D) TIMESCALES**

Usually, we will comply with your request without delay and at the latest within one month. Where requests are complex or numerous, we may contact you to inform you that an extension of time is required. The maximum extension period is two months.

## **E) OUR PROCESS**

On receipt of your erasure request our Data Protection Officer will decide if the request is appropriate and should be agreed. There are specific situations in which we are not obliged to comply with an erasure request. If we believe one of those criteria applies to your request, we will write to you and explain. If it is not appropriate for your data to be erased, it may be appropriate for us to agree a restriction request instead. Whilst we will endeavour to make these decisions by strict application of the criteria set out in the appropriate legislation, we will always begin from the presumption that your request should be agreed unless there is pressing reason not to.

## **F) FEE**

The erasure of personal data can take place at different levels, some very much more demanding than others in terms of resource. Our fee (if any) will be determined by the level of effort your erasure request requires. For example:-

- i. A simple request to remove your data from our marketing database will usually be carried out at no charge.
- ii. A more resource intensive request from a long-established customer to remove ALL data from ALL our databases is likely to incur a fee – and it will not be legally possible for us to remove accounting data from our accounting database for seven years.
- iii. Quintadena Ltd operates with three primary business systems, one of which is a “Cloud” system, and one of which is backed-up to a “Cloud” Service for purposes of disaster recovery. These “Cloud” provisions are themselves backed up to various locations for purposes of redundancy. It will not be technologically possible to guarantee the erasure of your data from every backup of every Cloud system on which it may be held.

If your erasure request is other than i. above, or if it is manifestly unfounded or excessive, or if it is repetitive, we may contact you requesting a fee. This fee must be paid in order for us to comply with the request. The fee will be determined at the relevant time and will be set at a level which is reasonable in the circumstances.

## **G) CIRCUMSTANCES IN WHICH YOUR REQUEST MAY BE REFUSED**

We may refuse to deal with your erasure request if it is manifestly unfounded or excessive, or if it is repetitive or technologically unachievable. Where it is our decision to refuse your request, we will contact you without undue delay, and at the latest within one month of receipt, to inform you of this and to provide an explanation. You will be informed of your right to complain to the Information Commissioner and to a judicial remedy.

MOC

Monday, 21<sup>st</sup> May 2018