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Right to Erasure Policy

Purpose

This policy explains how Pure Resourcing Solutions Limited handles requests for erasure of personal data under the UK GDPR.

The right to erasure, also known as the "right to be forgotten", applies only in certain circumstances.

This policy sets out how requests are received, assessed, recorded, responded to, and escalated.

Scope

This policy applies to all employees, workers, contractors, and other personnel who receive or handle requests for erasure.

It applies to personal data held in live systems, shared records and, where relevant, backup systems.

It also applies to requests made verbally, in writing, by email, by post, or through any other contact point within the organisation.

Right to Erasure (Article 17 UK GDPR)

Under Article 17 of the UK GDPR, individuals have the right to request the erasure of personal data in certain circumstances.

The right is not absolute and each request must be assessed on its own merits.

A request for erasure only applies to personal data held at the time the request is received and does not apply to personal data that may be created in the future.

Grounds for Erasure

An individual may have the right to erasure where one or more of the following applies:

- The personal data is no longer necessary for the purpose for which it was originally collected or processed.
- The organisation is relying on consent and the individual withdraws that consent.
- The organisation is relying on legitimate interests, the individual objects, and there is no overriding legitimate interest to continue processing.
- The data is being processed for direct marketing and the individual objects.
- The personal data has been processed unlawfully.
- The organisation must erase the data to comply with a legal obligation.
- The data was collected in relation to information society services offered to a child.

Exemptions

The right to erasure does not apply where 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.



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- 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 would likely make the processing impossible or seriously impair it.
- For the establishment, exercise or defence of legal claims.
- To meet legal, regulatory, tax, payroll or employment obligations.
- Where another lawful basis requires continued retention of the personal data.

Where a valid exemption applies, the request may be refused in whole or in part.

Recruitment Records

As a recruitment business, the organisation may retain certain recruitment records where continued processing is necessary to:

- comply with employment, tax or regulatory obligations;
- establish, exercise or defend legal claims;
- demonstrate compliance with equality or employment legislation;
- maintain records required by regulators or professional bodies.

Where only part of the information requires retention, all remaining personal data will be erased wherever possible.

Requesting Erasure

An individual may make a request verbally or in writing and does not need to use the words "right to erasure" or "right to be forgotten".

Requests may be made to any employee or department.

Employees receiving a verbal request must record the request and forward it to the Data Protection Lead without delay.

Identity Verification

Where there are reasonable doubts about the identity of the requester, the organisation may request additional information necessary to confirm identity.

Only information that is necessary and proportionate will be requested.

Where identity verification is reasonably required, the one-month response period begins once sufficient information has been received to verify the individual's identity.

Assessment of Requests

Each request will be assessed individually.

Where appropriate, processing of the personal data may be restricted while the organisation determines whether the right to erasure applies.



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If only some of the personal data can be erased because another lawful basis for processing remains, the organisation will erase the data that no longer requires retention and explain to the individual what information has been retained and why.

Time Limits

The organisation will respond without undue delay and within one month of receiving the request, or, where identity verification is reasonably required, within one month of verifying the individual's identity. If the request is complex or multiple requests have been received from the same individual, the response period may be extended by up to a further two months.

Where an extension is required, the individual will be informed within the initial one-month period together with the reasons for the extension.

Recipient Notifications

Where personal data has been disclosed to other organisations, the organisation will notify each recipient of the erasure request unless this proves impossible or involves disproportionate effort.

If requested, the organisation will inform the individual of those recipients.

Where personal data has been made public online, reasonable steps will be taken to inform other controllers to erase links to, copies of or replications of that data.

Backup Systems

Where an erasure request is accepted and no exemption applies, reasonable steps will also be taken in relation to backup systems.

Where immediate deletion from backups is not technically possible, the personal data will be placed beyond operational use, will not be restored into live systems except where required for disaster recovery, and will be permanently removed through the normal backup overwrite cycle in accordance with the organisation's retention schedule.

Individuals will be informed where this applies.

Suppression Records

Where an individual requests that they are not contacted again, the organisation may retain a minimal suppression record, such as name and email address, solely to ensure that the individual is not contacted in future.

This information will be retained only where necessary and processed under the organisation's legitimate interests.



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Refusing Requests

A request may be refused where:

- an exemption under Article 17(3) UK GDPR applies;
- the request is manifestly unfounded; or
- the request is manifestly excessive.

Each request will be assessed individually and where a request is refused, the organisation will clearly explain its reasons.

Where a request is manifestly unfounded or excessive, the organisation may either:

- charge a reasonable administrative fee; or
- refuse to act on the request.

Refusal Notification

Where a request is refused, the organisation will notify the individual without undue delay and within one month.

The response will explain the reasons for the refusal and the right to complain to the Information Commissioner's Office (ICO).

The same information will be provided where a reasonable fee is charged or further information is required before the request can proceed.

Record Keeping

All erasure requests, including verbal requests, must be recorded centrally.

Records should include:

- date received;
- nature of the request;
- identity verification undertaken;
- assessment completed;
- any restriction applied during assessment;
- decision reached;
- Article 17 exemption relied upon (where applicable);
- reasons supporting the decision;
- recipients notified;
- date of response.

Responsibilities

Data Protection Lead

The Data Protection Lead is responsible for:

- overseeing all erasure requests;
- ensuring compliance with UK GDPR;
- recording decisions;
- approving refusals;
- maintaining request records.



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IT Function

The IT function is responsible for:

- securely deleting personal data from live systems where instructed;
- implementing secure deletion from storage media;
- ensuring backup processes comply with this policy.

Managers and Employees

Managers and employees must:

- recognise requests made in any format;
- promptly forward requests to the Data Protection Lead;
- not attempt to resolve requests informally;
- cooperate with investigations where required.

Related Policies

This policy should be read alongside:

- Privacy Notice
- Data Retention Policy
- Subject Access Request Policy
- Data Breach Response Procedure
- Legitimate Interests Statement
- Records Management Policy

Contact Details

Requests for erasure should be sent to:

Email: privacy@prsg.co.uk

Telephone: 01223 209888

Post:

Pure Resourcing Solutions

The Workspace, Pioneer Court, Vision Park, Histon, Cambridge, CB24 9PT.

Policy Review

This policy will be reviewed annually, or sooner where there are changes to legislation, ICO guidance or the organisation's processing activities.