

## Data Erasure Procedure

### 1. Scope of the Procedure

#### 1.1 Purpose of the Procedure

Compliance with this procedure is required to ensure the University's compliance with data protection law and particularly the General Data Protection Regulation (EU) 2016/679, which gives data subjects the right to request erasure of their personal data ("the right to be forgotten"), subject to certain limitations. Failure to comply with this legislation can result in financial penalties being levied against the University.

This procedure should be read in conjunction with the University's Data Protection Policy.

#### 1.2 What is covered by the Procedure

This procedure must be followed in cases where a data subject requests erasure of their personal data.

This procedure does not apply to any request for the erasure of personal data in relation to gender reassignment.

#### 1.3 Who is covered by the Procedure

All those who access personal data held by the University, including staff, must familiarise themselves with this procedure and comply with it when dealing with personal data.

Failure to comply with the procedure will be dealt with in accordance with the Data Protection Policy and may involve disciplinary action.

### 2. Detailed Procedures Statement

2.1 Any request for erasure of a data subject's personal data should be notified immediately to the Compliance Officer ([dp\\_officer@aston.ac.uk](mailto:dp_officer@aston.ac.uk)), who will log the request.

2.2 The Compliance Officer will contact the relevant University data processor to ascertain whether any exemptions apply which preclude the erasure of the personal data. If no exemptions apply, the personal data will be erased without undue delay.

2.3 Where the identity of the person making the request is in doubt, they may be asked to provide proof of identity for example, passport or driving licence. This must be done without undue delay and within one month of the original request.

2.4 The Compliance Officer will notify the data subject either (a) that the University will not be erasing the personal data, or (b) that the personal data is being erased and the ramifications of this. The data subject will be informed of their right to make a complaint to the Information Commissioner's Office or another supervisory authority and their ability to seek to enforce their rights through a judicial remedy. The data subject will be informed without undue delay and within one month of receipt of their request.

2.5 The Compliance Officer may, with the approval of the Head of Legal Services, decide to treat the request as manifestly unfounded or excessive and to either (a) request a reasonable fee to deal with the request, or (b) refuse to deal with the request. The request may also be refused on the grounds of exemptions available in the relevant legislation (the GDPR, the Data Protection Act 1998 and successor legislation). In either case this decision will be

communicated to the data subject, with reasons. The data subject will be informed without undue delay and within one month of receipt of their request.

2.6 The University employee responsible for dealing with the personal data must identify whether the personal data has been disclosed to any third parties and inform the Compliance Officer, who will inform any such third parties that the personal data has been rectified or completed. The data subject will be informed about this. Where personal data has been made public in an online environment reasonable steps will be taken to inform other controllers who are processing the personal data to erase links to, copies or replication of that data.

2.7 All communications and decisions will be logged by the Compliance Officer.

3. **Version Control**

Reference Number	Version Letter	Executive Sponsor	Officer Responsible for Policy/ Procedures	Consultation Process	Date of Approval and Committee and/or Executive Officer	Effective Date
DEP001	1	Chief Financial Officer	Head of Legal Services	GDPR Working Party	30 April 2018	24 May 2018