

Personal 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 Data Protection Act 2018 ("the DPA") and the GDPR as retained in UK law by the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 ("the UK GDPR"), which give 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 Privacy 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 ("Personal Data Erasure Request").

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 Privacy Policy and may involve disciplinary action.

2. Detailed Procedures Statement

2.1 Any Personal Data Erasure Request should be notified immediately to the Data Protection Officer at dp_officer@aston.ac.uk.

2.2 The Data Protection Officer (or their nominee) 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. During this process, all processing of the relevant personal data will be restricted and the University will identify whether the personal data has been processed by any authorised third parties. Any rectification will include reference to those third parties as required.

2.3 It may be that the data subject is required to provide proof of identity. The University will not be able to process the Personal Data Erasure Request if the data subject fails to provide proof of identity for whatsoever reason.

2.4 The Data Protection Officer (or their nominee) will notify the data subject of the outcome of the Personal Data Erasure Request. The outcome notification will state that on the basis of the information provided by the data subject in the Personal Data Erasure Request that either:

- the University will not be erasing the personal data, or
- the University will erase the personal data.

2.5 The data subject has a right of appeal in relation to the outcome of the Personal Data Erasure Request. If the data subject remains dissatisfied of the outcome of the appeal, the data subject will be has the 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 University will inform the data subject of this right without undue delay and within one month of receipt of their Personal Data Erasure Request.

2.6 The Data Protection Officer may decide to treat the Personal Data Erasure Request as manifestly unfounded or excessive and to either:

- request a reasonable fee to deal with the Personal Data Erasure Request, or
- refuse to process the Personal Data Erasure Request in accordance with the University’s statutory rights.

In either case this will be communicated to the data subject in accordance with the law. The data subject will be informed without undue delay and within one month of receipt of their Personal Data Erasure Request.

2.7 The Data Protection Officer (or their nominee) records Personal Data Erasure Requests and their outcomes on the Register of Personal Data Erasure Requests.

• **Version Control**

Reference No.	Version	Executive Sponsor	Officer Responsible	Consultation Process	Effective Date
DEP001	1	Chief Financial Officer	Head of Legal Services	GDPR Working Party	24 May 2018
DEP001	1.1	Chief Operating Officer	General Counsel	Chief Operating Officer	1 February 2019
DEP001	1.2	Chief Operating Officer	General Counsel	Information Security & Compliance Group	February 2021