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**CORNWALL RURAL COMMUNITY CHARITY**

**Right to Erasure and Restriction Policy**

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| **Version** | **Author** | **Date** | **Changes** |
| V1.0 | Nicki Sweeney | 26.2.21 | Creation |
|  |  | 2.3.21 | Ratification by SMT |
| V1.1 | Nicki Sweeney | 16.6.22 | Updated with new HO address; criminal conviction erasure information; minor formatting changes, incl adding version control |
| V1.2 | Nicki Sweeney | 16.9.22 | Added clarification around when the right to erasure applies; re-ordered paragraphs for easier reading; updated Compliance Lead job title to Compliance Manager |
|  |  | 2.10.23 | Reviewed. No changes made |

Right to Erasure or Restriction Policy

**Policy Statement**

As part of our business, CRCC captures personal data about the people who use our services, employees, suppliers and volunteers. We take protecting your information seriously and comply with the EU’s General Data Protection Regulations (GDPR) and the UK’s Data Protection 2018 (DPA).

This policy informs you of your rights, under Article 15 of the GDPR, when requesting that your information be deleted by us – the **right to erasure** - or if you wish to restrict what we do with your information – **the right to restrict processing**.

You can request the erasure or restriction of your information by contacting CRCC by email, in writing or over the phone. Contact details can be found at the end of this document.

In order to deal with your request, CRCC must be able to verify your identity to prevent the erasure or restriction of personal information by an unauthorised person. We may also need to ask for additional information in order to accurately locate your records with us.

**Personal information**

Personal information can be anything that identifies and relates to a living person. This can include information that, when put together with other information, can then identify a person. For example, this could be your name, contact details, or national insurance number.

**Why do we have your personal information?**

We may need to have some information about you to:

* Deliver services and support to you (e.g. information and advice services, training, email newsletters).
* Contact you in relation to the service you are providing us (suppliers).
* Manage those services we provide to you.
* Recruit, train and manage the employment of our workers who deliver those services.
* Help follow up any feedback or concerns you have about our services.
* Monitor the effectiveness of our services.
* Check the quality of services (internally and by external organisations).
* Help with research and planning of new services.

CRCC is the Data Controller with regards to your information, which means we determine the manner in which personal data is used and stored, and for what purposes; this can either be alone, or can be jointly with another organisation, where we are in a partnership within a particular project or service. We will have told you about partner organisations, if relevant, before you gave us your information in a privacy notice.

**Your rights**

As defined in Article 15 of the GDPR, your rights as an individual ( or ‘data subject’) are:

* **Right to Be Informed**: the right to confirmation as to whether or not we have your personal data;
* **Right to Access**: to be able to obtain a copy of the personal information we hold (this is known as Subject Access Request);
* **Right to Erasure**: the right to have your data deleted (although this will not apply where it is necessary for us to continue to use the data for a lawful reason);
* **Right to Rectification**: the right to have inaccurate data rectified;
* **Right to Restrict Processing**: to request that we hold your data but do not use it for any further purpose;
* **Right to Object**: the right to object to your data being used for marketing or profiling;
* **Right to Data Portability**: where technically feasible, you have the right to have the personal data you have provided to us (which we process automatically on the basis of your consent or the performance of a contract) to be provided in a commonly used and machine-readable format and to reuse it for your own purposes;
* **Rights Related to Automated Decision Making and Profiling**: we do not use automated decision making or profiling.

This policy relates to the ***Right to Erasure*** and the ***Right to Restrict Processing.***

These rights are not absolute and we will explain below when and how we are able to comply. All rights request must be complied with within one calendar month, unless the request is excessive or complex; in which case, we can extend the timeframe by a further two months.

**Erasure**

Individuals have the right to request their personal data is erased if:

* the personal data is no longer necessary for the purpose which CRCC originally collected or processed it for; and
* CRCC relied on ‘consent’ as its lawful basis for processing the personal data, and the individual has withdrawn their consent, and there is no other legal ground to retain it; and
* CRCC relied on ‘legitimate interests’ as its lawful basis for processing the personal data, but the individual has objected to the processing and there is no overriding legitimate interest to continue the processing;
* the personal data has to be erased in order to comply with a legal obligation.

We can refuse your request under these circumstances:

* To comply with a legal obligation (e.g. for tax purposes)
* For vital interests (where the information is necessary to safeguard someone’s life)
* For archiving, where it is in the public interest, for scientific, historic or statistical research)
* For tasks carried out in the public interest (e.g. for NHS research purposes)
* For the exercise of legal claims.

**Erasing your information – what this will mean**

If you ask us to remove some or all of your personal information from our records, once we have complied with this request, the information we delete will no longer be available to anyone. This will mean physically destroying the data (such as paper records) or permanently removing the data from electronic systems or devices, so that it can never be restored. If you were to contact us again at a later date to ask us about any information we have held about you in the past, we will no longer have access to it. You can, of course, give us your personal information to us if you decide you would like to use our services once again. If, for legal reasons, we are not permitted to erasure your information, we will, instead, restrict its processing.

**Criminal Offences and Convictions Information**

For staff and volunteers, if you are going to be employed in a role which is listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (this would include anybody working with children or vulnerable adults), we have a legal obligation to carry out a standard or enhanced DBS check. Generally, we delete this information after six months, but HR have to keep a record of the certificate number and date for our single central record (required as a training provider and sometimes requested by other funders and audit).

We have a separate ***Handling DBS Certificate Information Policy*** that sets out how we process this information

**Other partner organisations**

Where your information is shared with other organisations in certain partnership contracts, CRCC will tell these organisations about your request for erasure. If other organisations we work with to support you share the same database with us, we will ensure you are fully aware of who these organisations are and ensure you understand that you will stop receiving a service from them too.

If a partner organisation holds their own records about you, or where we have simply passed on your information, with your permission, to another organisation as part of a referral process, we are not the data controller with regards to this information. Should you wish to have the information that a referral organisation holds about you deleted, you would need to contact them separately to make a request for erasure.

**Restriction of processing**

Individuals have the right to request the restriction of processing of their personal data if:

* You think the information we hold about you is inaccurate
* Where you do not agree that we have legitimate reasons to process your information and where verification is pending
* Where you think the processing of your information is unlawful and you oppose the erasure of your information
* Where there is a need to hold the information for the exercise of a legal claim.

**Restricting the processing of your information – what this will mean**

If you ask us to restrict the processing of your information - i.e. you tell us that we can hold your information but not use it for any purpose – this will mean that we will not be able to offer a service to you; we will not be able to send you any information about what we do, or support you in any way once we have complied with your request. You can change your mind and ask us to cancel this request if you decide you would like to continue to receive a service from us.

**How CRCC will carry out your request**

CRCC is responsible for ensuring that individuals are able to exercise their right to request the restriction of the processing of their personal data and we shall ensure that systems and processes enable personal data to be restricted or to be put beyond use where the right applies. CRCC are required to restrict its processing, within 1 calendar month of a valid request, once all necessary information has been received.

In circumstances where CRCC cannot meet this deadline, we will notify you within that month, providing an explanation for the delay and a realistic estimate of when you should expect the information. This must be no longer than 3 months from the request being made.

**How to make a request for erasure or restriction**

To make a request for erasure of restriction, please contact us at [dataadmin@cornwallrcc.org.uk](mailto:dataadmin@cornwallrcc.org.uk) or contact the member of staff who normally works with you, who will forward your request to our Compliance Manager. We have a **standard form** that you can fill out that will help us with your request. You do not have to use the form but please ensure we have as much detail as possible about what you want deleted to enable us to respond promptly.

We need to know:

* your full name, including any other names by which we might know you.
* Your contact details, e.g. postal address, email address, phone number.
* What information you wish to have deleted, e.g. if it is in relation to a particular service you have used.
* How you would like us to confirm the erasure or restriction, e.g. in writing or by email.
* Why you would like to request your information is erased or restricted.

If you are unhappy with the way your request has been carried out or the accuracy of the process, you can raise these concerns by contacting CRCC’s Compliance Manager at:

CRCC

1st Floor

The Chambers

Penryn Street

Redruth

TR15 2SP

Or call 01872 273952

Or email [dataadmin@cornwallrcc.org.uk](mailto:dataadmin@cornwallrcc.org.uk)

If you are still unhappy with the outcome and would like to complain to the ICO, then you can do so at:

The Information Commissioner’s Office

Wycliffe House

Water Lane

Wilmslow

SK9 5AF

[www.ico.org.uk/make-a-complaint/](http://www.ico.org.uk/make-a-complaint/)