

## DATA ERASURE POLICY

### 1. Purpose

1.1 This document sets out our policy for ensuring the right of individuals to have personal data erased, is enacted. This is commonly known as the 'right to be forgotten'. This right is not absolute, and only applies in certain circumstances.

### 2. When do you have a right to request that your personal data is erased?

2.1 Individuals have the right to have their personal data erased if:

- a) The personal data is no longer necessary for the purpose which we originally collected or processed it for;
- b) We are relying on consent as our lawful basis for holding the data, and you withdraw your consent;
- c) We are relying on legitimate interests as our basis for processing, you object to the processing of your data, and there is no overriding legitimate interest to continue this processing;
- d) We are processing the personal data for direct marketing purposes and you object to that processing;
- e) We have processed the personal data unlawfully;
- f) We have to do it to comply with a legal obligation; or
- g) We have processed the personal data to offer information society services to a child.

2.2 The right to erasure does not apply if processing is necessary for one of the following reasons:

- a) to exercise the right of freedom of expression and information;
- b) to comply with a legal obligation;
- c) for the performance of a task carried out in the public interest or in the exercise of official authority;
- d) for archiving purposes in the public interest, scientific research historical research or statistical purposes where erasure is likely to render impossible or seriously impair the achievement of that processing; or
- e) for the establishment, exercise or defence of legal claims.

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- 2.3 There are also two circumstances where the right to erasure will not apply to special category data (e.g. information on ethnicity or biomedical information):
- a) if the processing is necessary for public health purposes in the public interest (e.g. protecting against serious cross-border threats to health, or ensuring high standards of quality and safety of health care and of medicinal products or medical devices); or
  - b) if the processing is necessary for the purposes of preventative or occupational medicine (e.g. where the processing is necessary for the working capacity of an employee; for medical diagnosis; for the provision of health or social care; or for the management of health or social care systems or services). This only applies where the data is being processed by or under the responsibility of a professional subject to a legal obligation of professional secrecy (e.g. a health professional).

### **3. How does the right to erasure apply to data collected from children?**

- 3.1 The law places an emphasis on the right to have personal data erased if the request relates to data collected from children. This reflects the enhanced protection of children's information, especially in online environments, under the General Data Protection Regulation.
- 3.2 If we process data collected from children, we give particular weight to any request for erasure if the processing of the data is based upon consent given by a child. This is still the case when the data subject is no longer a child, because a child may not have been fully aware of the risks involved in the processing at the time of consent.

### **4. How do you make a request to your personal data erased?**

- 4.1 A request can be made either verbally or in writing to the Trust. If made in writing, this should be sent to the Trust's Lead for Data Protection at:

Eastlands Trust  
Head Office  
National Squash Centre  
Etihad Campus  
Manchester  
M11 3FF  
[dataprotection@eastlandstrust.org](mailto:dataprotection@eastlandstrust.org)

- 4.2 If you want to make the request verbally, you can call us on 0161 974 7837 or you can speak to any of our Operations Managers at any of our sites in person.
- 4.3 We will make a record of your request for erasure, whether we receive your request in writing or verbally. This helps us to monitor our performance and identify any service level issues. We will keep this record in accordance with our Data Retention Policy.

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## **5. What do we do when we receive a request?**

- 5.1 We will first check that we have enough information to be sure of your identity. Often we will have no reason to doubt a person's identity, for example, if we have regularly corresponded with you or if you are making the request in person. However, if we have good cause to doubt your identity we can ask you to provide any evidence we reasonably need to confirm your identity. For example, we may ask you for a piece of information held in your records that we would expect you to know, a witnessed copy of your signature, or proof of your address.
- 5.2 We will check that we have enough information to find your records. If we feel we need more information, then we will promptly ask you for this.
- 5.3 Once any queries around the request have been resolved, we will take the necessary action to either erase the personal data, or to inform you of the lawful reason as to why we will not be erasing the data.
- 5.4 If we have disclosed the personal data to others, we will contact each recipient and inform them of the erasure, unless this proves impossible or involves disproportionate effort. We will also inform you about these recipients.
- 5.5 Users of our services should be aware that if we erase your personal data, you may no longer be able to use our services going forward.

## **6. Will we charge a fee?**

- 6.1 In most cases, no, although please see paragraph 8 below.

## **7. What is the timeframe for responding to requests to erase your personal data?**

- 7.1 We have one calendar month starting from the day after we have received all the information necessary to identify you, to respond to your request. In many cases, it will be possible to respond in advance of the one month target, and we will aim to do so where possible.

## **8. Are there any grounds we can rely on for not complying with a request to erase personal data?**

- 8.1 We can refuse to comply with a request for erasure if the request is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature.
- 8.2 If we consider that a request is manifestly unfounded or excessive, we can either request a 'reasonable fee' to deal with the request, or we can refuse to deal with the request.

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## 9. Our complaints procedure

9.1 If you are not satisfied by our actions, you can seek recourse through our internal complaints procedure, the Information Commissioners Officer, or the courts.

9.2 Our Chief Operating Officer will deal with any written complaint about the way a request has been handled and about what information has been disclosed. The Chief Operating Officer can be contacted at:

Eastlands Trust  
Head Office  
National Squash Centre  
Etihad Campus  
Manchester  
M11 3FF  
Telephone: 0161 974 7837

9.3 If you remain dissatisfied, you have the right to refer the matter to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Telephone: 01625 545 745  
Fax: 01625 524 510  
Email: [enquiries@ico.gsi.gov.uk](mailto:enquiries@ico.gsi.gov.uk)

*Next annual review date: 1<sup>st</sup> April 2019*

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