

# Right for Erasure

Pure Resourcing Solutions Limited

## Purpose

This policy outlines Pure Resourcing Solutions (Pure) response to erasure requests under the GDPR 2018.

## Definition of right to erasure

Individuals have the right to have personal data erased. This is also known as the 'right to be forgotten'. The right is not absolute and only applies in certain circumstances.

## Application of right to erasure

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

- The personal data is no longer necessary for the purpose which Pure Resourcing Solutions Limited (Pure) originally collected or processed it for
- Pure are relying on consent as their lawful basis for holding the data, and the individual withdraws their consent
- Pure are relying on legitimate interests as their basis for processing, the individual objects to the processing of their personal data, and there is no overriding legitimate interest to continue this processing;
- Pure are processing the personal data for direct marketing purposes and the individual objects to that processing;
- Pure have processed the personal data unlawfully (ie in breach of the lawfulness requirement of the 1st principle);
- Pure have to do it to comply with a legal obligation; or
- Pure have processed the personal data to offer information society services to a child.

## Pure's responsibility to tell other organisations about the erasure of personal data

The GDPR specifies two circumstances where it is necessary to tell other organisations about the erasure of personal data:

- The personal data has been disclosed to others; or
- The personal data has been made public in an online environment (for example on social networks, forums or websites)

If Pure have disclosed the personal data to others they will contact each recipient and inform them of the erasure request, unless this proves impossible or involves disproportionate effort. If asked to, Pure must also inform the individuals of these recipients.

The GDPR defines a recipient as a natural or legal person, public authority, agency or other body to which the personal data is disclosed. The definition includes controllers, processors and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

Where personal data has been made public in an online environment reasonable steps should be taken to inform other controllers who are processing the personal data to erase links to, copies or replication of that data. When deciding what steps are reasonable Pure will take into account available technology and the cost of implementation.



### When does the right to erasure not apply?

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

- To exercise the right of freedom of expression and information;
- To comply with a legal or contractual obligation;
- 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 is likely to render impossible or seriously impair the achievement of that processing; or
- For the establishment, exercise or defence of legal claims.

In the instance, that Pure is unable to comply with an erasure request, Pure's Data Protection Lead will communicate directly with the individual to explain the reason why and where appropriate the basis for continuing to process the personal data. Pure will also supply the date at which the request can be carried out.

### Refusal to comply with an erasure request

Pure can refuse to comply with a request for erasure if it is manifestly unfounded or excessive, taking into account whether the request is repetitive.

If Pure consider that a request is manifestly unfounded or excessive Pure can:

- Request a "reasonable fee" to deal with the request; or
- Refuse to deal with the request

In either case Pure will justify the decision.

Pure will base the fee on the administrative costs of complying with the request. If Pure does decide to charge a fee, they will contact the individual promptly and inform them.

Pure will not need to comply with the request until they have received the fee.

### What will happen if Pure refuse to comply with a request for erasure

Pure will inform the individual without undue delay and within one month of receipt of the request.

Pure will inform the individual about:

- The reason(s) no action is taken;
- The right to make a complaint to the ICO or another supervisory authority; and
- The ability to seek to enforce this right through a judicial remedy

Pure will also provide this information if a fee is due or need additional information to identify the individual.

### How to submit a request

An individual can make a request for erasure verbally or in writing. It can also be made to any part of the organisation and does not have to be to a specific person or contact point.

A request does not have to include the phrase 'request for erasure'.

If a request is made verbally a representative from Pure will contact the individual to identify that a valid request has been made.



All Pure employees have been made aware of this right and understand the process required to comply. All requests, specifically verbal are logged centrally in order to comply with the request.

### Charges

Under the GDPR Pure are unable to charge fee unless the request is manifestly unfounded or excessive

### Complying with right for erasure

Pure will act upon the request without undue delay and at the latest within one month of receipt.

Pure will calculate the time limit from the day after the request is received until the corresponding calendar date in the next month.

### Where time extensions apply

Pure are able to extend the time to respond by a further two months if the request is complex or a number of requests have been received from the individual. Pure will let the individual know without undue delay and within one month of receiving the request and explain why the extension is necessary.

An extension time limit is unlikely to be extended if:

- It is manifestly unfounded or excessive;
- An exemption applies; or
- Pure are requesting proof of identity before considering the request

### Confirming an individual's ID

If Pure has doubts about the identity of the person making the request they will ask for more information. However, Pure will only request information that is necessary to confirm who the individual is. Pure will take into account what data is held, the nature of the data, and what it is being used for.

Communication will be sent to the individual without undue delay and within one month confirming that Pure requires more information to confirm their identity.

Pure will not comply with the request until the additional information has been received.

### Contact details to make a request

Email: [privacy@prs.uk.com](mailto:privacy@prs.uk.com)

Phone: 01223 209888

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

<b>Responsible</b>	Nadia Mullins-Hills, IT & Projects Manager
<b>Accountable</b>	Gill Buchanan, Chief Operating Officer
<b>Informed</b>	All employees, candidates and contacts



Pure's Process for Right for Erasure

