

RMB Automotive

## **GDPR Right to be Forgotten Policy**

Last updated 30/04/2018

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### **Summary**

The right to erasure is also known as ‘the right to be forgotten’. The broad principle underpinning this right is to enable an individual to request the deletion or removal of Personal Data where there is no compelling reason for its continued processing.

### **When does the right to erasure apply?**

The right to erasure does not provide an absolute ‘right to be forgotten’. Individuals have a right to have Personal Data erased and to prevent processing in specific circumstances:

- Where the Personal Data is no longer necessary in relation to the purpose for which it was originally collected/processed.
- When the individual withdraws consent.
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing.
- The Personal Data was unlawfully processed (i.e. otherwise in breach of the GDPR).
- The Personal Data has to be erased in order to comply with a legal obligation.
- The Personal Data is processed in relation to the offer of information society services to a child.

Under the GDPR, this right is not limited to processing that causes unwarranted and substantial damage or distress. However, if the processing does cause damage or distress, this is likely to make the case for erasure stronger. There are some specific circumstances where the right to erasure does not apply and you can refuse to deal with a request.

### **When can RMB Automotive refuse to comply with a request for erasure?**

We can refuse to comply with a request for erasure where the Personal Data is processed for the following reasons:

- To exercise the right of freedom of expression and information.
- To comply with a legal obligation for the performance of a public interest task or exercise of official authority.
- For public health purposes in the public interest.
- Archiving purposes in the public interest, scientific research historical research or statistical purposes.
- The exercise or defense of legal claims.

### **Do we have to tell other organisations about the erasure of Personal Data?**

If we have disclosed the Personal Data in question to others, we must contact each recipient and inform them of the erasure of the Personal Data - unless this proves impossible or involves disproportionate effort. If asked to, we must also inform the individuals about these recipients.

The GDPR reinforces the right to erasure by clarifying that organisations in the online environment who make Personal Data public should inform other organisations who process the Personal Data to erase links to, copies or replication of the Personal Data in question.

While this might be challenging, if we process personal information online, for example on social networks, forums or websites, we must endeavour to comply with these requirements.

## **Right of Access**

All Data Subjects have the “Right of Access”, the Subject Access Request is the formal process for a Data Subject requesting “Right of Access” to the PII (Personally Identifiable Information) held about them. The Data Subject may respond with a “Corrective Action Request” based on their GDPR Rights. It is important to process these requests correctly, accurately and in a timely fashion.

## **Rights**

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making and profiling

If the Data Subject requests rectification, erasure, restricted processing, data portability, objection or the right restrict/stop automated decision making and profiling. Ensure the corrections are made in a timely fashion and a record of the action taken for future reference.

GDPR rules require that proof be demonstrated that the action has taken place as requested, this can be problematic if not documented correctly. Remember to provide proof of any amendments with the response when you send it.

Make sure the Data Management team is kept informed at all stages and is kept up to date throughout the whole process; they will be able to advise and assist if required.

The Data Management Team should be contacted at [GDPR@rmbauto.co.uk](mailto:GDPR@rmbauto.co.uk) with all requests.

## **Version History**

01 – Right to be Forgotten Policy 30/04/2018 – initial document approved by Chris Jennings