**Right to Erasure in the Data Protection Act 2018**

The Essex Police, Fire and Crime Commissioner Fire and Rescue Authority “The Authority” is always working towards compliance with the Data Protection Act 2018 (DPA 2018). Under Section47 of the DPA 2018, individuals have theRight to request complete removal of personal data stored by an organisation without undue delay (right of erasure). This right can be exercised when:

* The controller no longer needs the data for the purpose that it was originally collected;
* The individual withdraws consent;
* The individual objects to the processing and the organisation has no overriding legitimate interest in the data;
* The controller or processor collected the data unlawfully;
* The data must be erased to comply with a legal obligation; or
* The data was processed in relation to the offer of information or services to a child.

The “Authority” can refuse to comply with a request for erasure if:

* The processing is protected by the right to freedom of expression;
* Processing the data is necessary to comply with a legal obligation for the performance of a public interest task or exercise of official authority;
* The data is for health purposes in the public interest;
* The data is being used for archiving purposes in the public interest, scientific or historical research, or statistical purposes; or
* The processing is necessary to exercise or defend legal claims.

The “Authority” can also refuse to comply with a request for erasure if it is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature. If we consider that, a request is manifestly unfounded or excessive we reserve the right to:

* request a "reasonable fee" to deal with the request; or
* refuse to deal with the request.

We will endeavour to respond promptly and in any event within one month of the latest of the following:

* Our receipt of your written request; or
* Our receipt of any further information we may ask you to provide to enable us to comply with your request.

**Right to Erasure Request Form (Template)**

Download a PDF version of this template **here**

You are entitled to request an erasure any personal data we hold about you under the Data Protection Act 2018. We will do our best to respond promptly and in any event within one month of the following:

* Our receipt of your written request; or
* Our receipt of any further information we may ask you to provide to enable us to comply with your request, whichever happens to be later.

The information you supply in this form will only be used for the purposes of identifying the personal data you are requesting that we erase and responding to your request. You are not obliged to complete this form to make a request, but doing so will make it easier for us to process your request quickly.

**SECTION 1: Details of the person requesting information**

Full name:
Address:
Contact telephone number:
Email address:

**SECTION 2: Are you the data subject?**

Please tick the appropriate box and read the relevant instructions.

**YES**: I am the data subject. I enclose proof of my identity (see below). **(Please go to Section 4)**
**NO**: I am acting on behalf of the data subject. I have enclosed the data subject’s written authority and proof of the data subject’s identity and my own identity (see below). **(Please go to Section 3)**

To ensure that we are erasing data of the right person we require you to provide us with proof of your identity and of your address. Please supply us with a photocopy or scanned image (do not send the originals) of one or both of the following:

1) Proof of Identity
Passport, photo driver’s license, national identity card, birth certificate.

2) Proof of Address
Utility bill, bank statement, credit card statement (no more than 3 months old); current driver’s license;

If we are not satisfied, you are who you claim to be, we reserve the right to refuse to grant your request.

**SECTION 3: Details of the data subject (if different from section 1)**

Full name:
Address:
Contact telephone number:
Email address:

**SECTION 4: Reason for erasure request**

Given the sensitive nature of erasing personal data, Section 47 of the DPA 2018 requires certain conditions to be met before a request may be considered. Please supply us with the reason for your request. Also attach identification or other relevant documents.

Please tick the appropriate box:

You consider that your personal data is no longer necessary for the purposes for which we originally collected it.
You no longer consent to our processing of your personal data.
You object to our processing of your personal data as is your right under section 99 of the Data Protection Act 2018.
You are of the opinion that your personal data has been unlawfully processed.
You think that the “Authority” is subject to a legal obligation that requires the erasure of your personal data.
You are a child, you represent a child, or you were a child at the time of the data processing.

**SECTION 5: What information do you wish to erase?**

Please describe the information you wish to erase. Please provide any relevant details you think will help us to identify the information. Please note that in certain circumstances, where erasure would adversely affect the freedom of expression, contradict a legal obligation or act against the public interest in the area of public health. Erasure could also act against the public interest in the area of scientific or historical research, or prohibit the establishment of a legal defense or exercise of other legal claims, we may not be able to erase the information you requested in accordance with Section 47 of the Data Protection Act 2018. If any of these examples apply, you will be informed promptly and given full reasons for that decision.

While in most cases we will be willing to erase the personal data you request, we nevertheless reserve the right, in accordance with Section 53 of the DPA 2018, to charge a fee or refuse the request if it is deemed to be “manifestly unfounded or excessive.” However, we will make every effort to provide you with the erasure of your personal data if suitable.

**SECTION 6: Declaration**

Please note that any attempt to mislead may result in prosecution.

I confirm that I have read and understood the terms of this subject access form and certify that the information given in this application to \_\_\_\_\_\_\_\_\_\_\_\_\_\_ is true. I understand that it is necessary for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to confirm my/the data subject’s identity and it may be necessary to obtain detailed information in order to locate the correct personal data.

**Signed:** ………………………………………… **Date:** ……………..

**Documents that must accompany this application:**

* Evidence of your identity (see section 2)
* Evidence of the data subject’s identity (if different from above)
* Authorisation from the data subject to act on their behalf (if applicable)
* Justification for erasure of data (see section 4)

The information supplied in this form will only be used for the purposes of identifying the personal data that you are requesting deletion and responding to your request. You are not obliged to complete this form to make a request but doing so will make it easier for us to process your request quickly.