



Right to Erasure AKA Right to be Forgotten – Guidance Notes

The following information is provided as guidance only. It is not exhaustive and is provided to assist individuals who wish to make a right to erasure request application to the RSPCA. It sets out how to make an application.

If you wish your personal data to be erased to stop receiving fundraising materials from the RSPCA, the better option may be to have your contact details suppressed on our contact database, so that we know not to contact you in the future. Your record will be held on our system, but it will have a note that would prevent contact. If your details are erased permanently, then we would not know that you do not wish to be contacted and may contact you in the future. Should you wish to have your contact details suppressed, you may get in touch with our Supporter Services on 0300 123 0346 or by email supportercare@rspca.org.uk to request this.

1. Under the UK General Data Protection Regulation (“UK GDPR”) and subject to the Data Protection Act 2018 (“the Act”) individuals have the right to obtain the erasure of the personal data, held by the RSPCA, that relates to them without undue delay where one of the following grounds applies:

- (a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- (b) the data subject withdraws consent on which the processing is based, and where there is no other legal ground for the processing;
- (c) the data subject objects to the processing pursuant to Article 21(1) UK GDPR and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2) UK GDPR;
- (d) the personal data have been unlawfully processed;
- (e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject;
- (f) the personal data have been collected in relation to the offer of information society services referred to in Article 8(1) UK GDPR.

2. The right to erasure does not apply when the processing of personal data is necessary *inter alia* :

- (a) for exercising the right of freedom of expression and information;
- (b) for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- (c) for reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9(2) UK GDPR as well as Article 9(3) UK GDPR;
- (d) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) UK GDPR in so far as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing; or
- (e) for the establishment, exercise or defence of legal claims.

3. The Act also provides further exemptions from the right to be forgotten, such as *inter alia* prevention/detection of crime or apprehension/prosecution of offenders (Schedule 2 Para 2 of the Act), or Information required to be disclosed by law etc or in connection with legal proceedings (Schedule 2 Para 5 of the Act).

4. In order to help the RSPCA retrieve the personal data you have requested, we ask you to detail the information you seek to have erased.

5. Any requests for erasure of personal data that is held by Freedom Food Limited should be submitted directly to this organisation, through their own application process.

6. This application does not cover RSPCA branches as they are separate affiliated charities. Requests for erasure of personal data, held by a branch, must be directed to the branch concerned.

7. If you wish to have any other personal data erased, the RSPCA must be satisfied as to the identity of the person making the request. Photocopies of identification documents should be provided from the following lists (one from each).

List A – valid proof of name & signature:

- Driving licence (photocard)
- Passport
- Government ID card

List B – current proof of address:

- Council tax payment book (current tax year)
- Utility bill
- Driving licence (if not already provided as proof of name)
- Bank/Building Society statement or credit card statement (within the last 3 months). ●
- House/Car Insurance document
- Solicitor's Letter
- Mortgage statement

8. You will receive a response as soon as possible and within the statutory deadline of one calendar month.

9. Please be advised that your request to be removed and any relevant information will be kept on our records in accordance with our retention schedule (for six years) for audit trail purposes.

10. Please send any questions and/or your request and proof of identity, marked PRIVATE & CONFIDENTIAL, to: Data Protection Team, RSPCA, Parkside, Chart Way, Horsham RH12 1GY or email us at data.protection@rspca.org.uk.

11. Please see the Information Commissioner's website to see what information rights you are entitled to - <https://ico.org.uk>.

12. The RSPCA Privacy Notice can be found here: <https://www.rspca.org.uk/utilities/privacy>.

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