

SELKIRK BIDS – DESTRUCTION POLICY 30.01.23

DESTRUCTION POLICY

In specific circumstances, data subjects' have the right to request that their personal data is erased. However, Selkirk BIDS recognise that this is not an absolute 'right to be forgotten'. Data subjects only have a right to have personal data erased and to prevent processing if one of the below conditions applies:

- 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
- The personal data must 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

Where one of the above conditions applies and Selkirk BIDS received a request to erase data, we first ensure that no other legal obligation or legitimate interest applies. If we are confident that the data subject has the right to have their data erased, this is carried out under instruction by the Data Protection Officer in conjunction the IT team to ensure that all data relating to that individual has been erased.

These measures enable us to comply with a data subject's right to erasure, whereby an individual can request the deletion or removal of personal data where there is no compelling reason for its continued processing. Whilst our standard procedures already remove data that is no longer necessary, we still follow a dedicated process for erasure requests to ensure that all rights are complied with and that no data has been retained for longer than is needed.

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Where Selkirk BIDS receive a request to erase and/or remove personal information from a data subject, the below process is followed:

1. The request is allocated to the Data Protection Officer and recorded on the Data Erasure Request Register
2. The DPO locates all personal information relating to the data subject and reviews it to see if it is still being processed and is still necessary for the legal basis and purpose it was originally intended
3. The request is reviewed to ensure it complies with one or more of the grounds for erasure: -
 - the personal data is no longer necessary in relation to the purposes for which it was collected or otherwise processed
 - the data subject has withdrawn consent on which the processing is based and where there is no other legal ground for the processing
 - the data subject objects to the processing and there are no overriding legitimate grounds for the processing
 - the personal data has been unlawfully processed
 - the personal data must be erased for compliance with a legal obligation
 - the personal data has been collected in relation to the offer of information society services to a child
4. If the erasure request complies with one of the above grounds, it is erased within 28 days of the request being received
5. The DPO writes to the data subject and notifies them in writing that the right to erasure has been granted and provides details of the information erased and the date of erasure
6. Where Selkirk BIDS has made any of the personal data public and erasure is granted, we will take every reasonable step and measure to remove public references, links and copies of data and to contact related controllers and/or processors and inform them of the data subjects request to erase such personal data

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If for any reason, we are unable to act in response to a request for erasure, we always provide a written explanation to the individual and inform them of their right to complain to the ICO to a judicial remedy. Such refusals to erase data include:

- Exercising the right of freedom of expression and information
- Compliance with a legal obligation for the performance of a task carried out in the public interest
- For reasons of public interest in the area of public health
- For archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, in so far as the right to erasure is likely to render impossible or seriously impair the achievement of the objectives of that processing
- For the establishment, exercise or defence of legal claims

Special Category Data

In accordance with GDPR requirements and Schedule 1 Part 4 of The Data Protection Act 2018, organisations are required to have and maintain appropriate policy documents and safeguarding measures for the retention and erasure of special categories of personal data and criminal convictions etc.

Our methods and measures for destroying and erasing data are noted in this policy and apply to all forms of records and personal data, as noted in our Data Retention policy.

Compliance and Monitoring

Selkirk BIDS is committed to ensuring the continued compliance with this policy and any associated legislation and undertake regular audits and monitoring of our records, their management, archiving and retention. Information asset owners are tasked with ensuring the continued compliance and review of records and data within their remit.

Responsibilities

Selkirk BIDS Data Protection Officer has overall responsibility for the management of records and data generated by the council's activities namely, to ensure that the records created, received and controlled within the purview of their organisation, and the systems (electronic or otherwise) and procedures they adopt, are managed in a way which meets the aims of this policy.

Where a DPO has been designated, they must be involved in any data retention processes and records or all archiving and destructions must be retained. Individual volunteers/employees must ensure that the records for which they are responsible are complete and accurate records of their activities, and that they are maintained and disposed of in accordance with Selkirk BIDS protocols.

Prior to the destruction of any documents, confirmation should be sought from the DPO.

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Data destruction

Selkirk BIDS has processes in place to ensure any personal and confidential is destroyed securely (including at the end of data retention periods).

- On-site paper shredder for secure shredding
- Confidential waste collection from a certified third party.
- Once deleted from the online database recycle bin, individual data records cannot be retrieved by users.
- Electronic files deleted from company servers are only recoverable by third party IT service provider.
- CCTV footage is deleted/overwritten after 28 days (with the exception of flood information which will be retained for 90 days)

FURTHER HELP AND ADVICE

For more information and advice about this policy contact

Data Protection Officer

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