

RIGHT TO BE FORGOTTEN PROCEDURE

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RIGHT TO BE FORGOTTEN (RTBF) PROCEDURE

1. SCOPE

This procedure outlines the process for handling Right to be Forgotten (RTBF) requests at Dornan. It applies to all entities under the Dornan umbrella, including all wholly owned subsidiaries. The RTBF allows individuals to request the erasure of their personal data when certain conditions are met, in accordance with the General Data Protection Regulation (GDPR).

2. RESPONSIBILITIES

2.1. DATA PROTECTION OFFICER FUNCTION

Dornan's Legal, Compliance and Data Protection (LCD) Department, under the guidance of the Data Protection Officer (DPO), will be responsible for managing and coordinating all activities required to administer DSARs and RTBF requests.

- Manage and coordinate all activities required to administer RTBF requests.
- Oversee compliance with data protection laws and this procedure.
- Approve all RTBF responses before release.
- Act as the primary point of contact for data subjects and supervisory authorities.
- Ensure that destruction of personal data is completed within statutory timelines.
- Retain documentation of actions taken to meet GDPR accountability requirements.

2.2. ALL EMPLOYEES

It is the responsibility of all employees within Dornan to recognise a RTBF and understand the process in responding to one. This process is managed by Dornan's Legal, Compliance and Data Protection Department under the direction of the DPO. Any requests for personal information must be raised immediately with the DPO by emailing dpo@dornangroup.com.

3. WHAT IS THE RIGHT TO BE FORGOTTEN?

Under the GDPR, individuals have the right to request the erasure of their personal data. This is also known as the RTBF or right to erasure. Dornan must facilitate these requests when the applicable criteria are met.

4. PROCEDURE STEPS

4.1. STEP 1 – RECOGNISE AN RTBF REQUEST

- Any individual can request the erasure of their personal data.
- The same identification and procedural steps as for a DSAR apply, with the difference that data must be destroyed rather than shared with the data subject, if the request meets all applicable criteria.

4.2. STEP 2 – INFORM THE DPO

- All RTBF requests must be immediately escalated to the Legal, Compliance & Data Protection Department for processing.
- The DPO will determine the applicability of the request and coordinate the process.

4.3. STEP 3 – VERIFY IDENTITY

- Sufficient information must be obtained to confirm the requester's identity before erasing any personal data.
- If the requester's identity cannot be confirmed from existing records, two forms of identification must be provided (one photographic ID and one proof of address).

A third party may submit a DSAR on behalf of an individual, such as a solicitor acting for a client or a relative acting for a family member. Before processing such a request, DPO must ensure that the individual has provided clear and explicit consent for the third party to act on their behalf. This consent must be documented in the form of an authority letter that is duly signed and dated by the data subject. The letter must clearly state the name of the authorised third party, their address and confirm their authority to make the request on the individual's behalf.

4.4. STEP 4 – ACKNOWLEDGE OR REFUSE THE REQUEST

- Dornan must respond to the RTBF request without undue delay and at the latest within one calendar month.
- If the request is accepted, the requester is informed that their data will be erased within the statutory timeframe.
- If the request is refused (in cases such as but not limited to data is required to be retained by law, or the data has already been destroyed), the requester is informed of the reason and their right to lodge a complaint with the supervisory authority.

4.5. STEP 5 – PLAN, FIND, AND RETRIEVE DATA

- The DPO coordinates with relevant departments to identify all personal data subject to erasure.
- The Records of Processing Activities (ROPA) should be used to locate personal data efficiently.

4.6. STEP 6 – DESTROY DATA

- All personal data identified for erasure must be securely destroyed, following Dornan's data destruction and retention policies.
- Both physical and electronic data must be destroyed using secure methods.
- The DPO must approve and document the destruction process.

4.7. STEP 7 – DOCUMENT AND LOG ACTIVITIES

- A log of the RTBF request and actions taken must be maintained, including the date of receipt, actions performed, and confirmation of destruction.
- The log should contain the minimum amount of personal data necessary to verify that the RTBF request has been actioned.

5. LEGITIMATE REASONS FOR REFUSAL OF A RIGHT TO BE FORGOTTEN (RTBF) REQUEST

Dornan may lawfully refuse a RTBF request under certain circumstances, in accordance with the GDPR and applicable data protection laws. Legitimate reasons for refusal include, but are not limited to:

Legal Obligation

The personal data must be retained to comply with a legal obligation, such as statutory record-keeping requirements or regulatory mandates.

Exercise or Defence of Legal Claims

The data is necessary for the establishment, exercise, or defence of legal claims.

Public Interest

Erasure would adversely affect tasks carried out in the public interest or in the exercise of official authority.

Freedom of Expression and Information

The request conflicts with the right of freedom of expression and information.

Archiving, Research, or Statistical Purposes

The data is required for archiving in the public interest, scientific or historical research, or statistical purposes, where erasure would seriously impair the achievement of these objectives.

Data No Longer Held

The personal data has already been deleted in accordance with Dornan's data Retention Policy and is no longer held by Dornan.

Manifestly Unfounded or Excessive Requests:

The request is manifestly unfounded or excessive, in particular because of its repetitive character.

6. BREACHES OF POLICY

Dornan must take appropriate measures to remedy any breach of this procedure through the relevant frameworks in place. In the case of an individual then the matter may be dealt with under the disciplinary process.

7. DOCUMENT OWNER AND APPROVAL

The DPO is the owner of this document and is responsible for ensuring that this Procedure is reviewed on an annual basis. For queries around any aspect of this document email dpo@dornangroup.com.