

Managing requests for data deletion

Guidance for staff

Under the General Data Protection Regulation (GDPR), individuals can request that their personal data is deleted, in the following circumstances:

1. You no longer need the data for the purpose it was collected;
2. You collected the data under the consent lawful bases;
3. The individual has a legitimate right to object to processing;
4. You had no right to be processing the data in the first place;
5. Another law requires you to delete the data.

This guidance takes you through what you need to do to comply with the right to erasure in Article 17 of the GDPR and when you can refuse to delete.

When you should comply with the right to deletion

As mentioned above, there are five occasions where it is possibly at the School that you will need to comply with a request for deletion of personal data. There is a sixth mentioned in Article 17 of the GDPR, but this relates to providing social media services for children, so is unlikely to apply at the School.

If you no longer need the data

If you no longer need the data and are only keeping it because it hasn't reached the end of its retention period yet, you can delete it on request from the individual concerned.

If you collected data under consent

If you collected the data (normal or special categories) under the consent lawful bases, you will have to comply with a request to delete it. Consent can be withdrawn at any time, so you must delete data when consent has been withdrawn. This does not mean that you shouldn't have processed data when you had consent, but you can no longer process it once consent is withdrawn. For example, all requests to be deleted from a newsletter should lead to the destruction of the data or a stub saying do not contact (see below).

If the individual has a legitimate right to object to processing

Another right that individuals have related to their data is the right to object to processing (Article 21 of the GDPR). If someone objects to processing you have to stop unless you have an overwhelming legitimate reason to keep processing. This could be for example that you are fighting a legal case and need the data in your defence.

If you shouldn't have been processing the data in the first place

Aside from being a disciplinary matter, if you have no reason to have been processing the data and have been doing so illegally, you should not just delete on an individual request, but should delete any such data immediately.

If another law requires you to delete the data

There may be other UK legislation that requires you to delete data. This may relate to the condition above where a retention period is set. There is very little law that sets retention periods for universities, but you may have contractual requirements to delete data e.g. secondary research data that you will need to comply with. If you receive a request for deletion of data that you are required to delete anyway, you should comply with a request for deletion from an individual.

When you don't have to comply with the right to deletion

If you are processing under any lawful basis other than consent, you won't have to comply with a request for deletion. For example, student and staff data is mainly processed under contract, so we would not comply with a request from a student to have bad marks deleted from their record. The only exception is when we receive a right to object and are relying on legitimate interests and these legitimate interests are not strong enough.

How should you delete data to be compliant with a request?

A request may be as simple as 'please no longer send me emails', in which case you can delete their email address. You can keep a 'stub' record which includes a name and/or identifier that means your system will not be automatically updated from another system or to remind you that the individual said they did not want to be contacted any longer.

More complicated requests should be sent to the Information Rights team if you receive them directly. This would include any requests where you think data should not be deleted. Responses to requests for deletion that are not being complied with should come from the Information Rights team.

Review schedule

Review interval	Next review due by	Next review start
3 years	28/02/2026	1/02/2026

Version history

Version	Date	Approved by	Notes
1	22/1/2019	Information Governance Committee	
1.1	7/3/2023	IGMB	Minor changes

Contacts

Position	Name	Email	Notes
Data Protection Officer	Rachael Maguire	r.e.maguire@lse.ac.uk	

Communications and Training

Will this document be publicised through Internal Communications?	Yes/ No
Will training needs arise from this policy	Yes/ No
If Yes, please give details	