

# Data Subject Rights Policy (Rectification, Erasure, Objection)

<b>Policy Title</b>	<b>Data Subject Rights Policy (Rectification, Erasure, Objection)</b>
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## 1.0 Purpose and Legal Basis

1.1. Upholding the rights of individuals over their personal data is a cornerstone of ethical governance for the charity. It is essential for maintaining the trust of our beneficiaries, their families, and descendants, who require particular sensitivity and care. This policy affirms our commitment to empowering individuals and handling their data respectfully and lawfully.

1.2. The core purpose of this policy is to:

- Establish a clear and compliant framework for responding to requests from data subjects to exercise their statutory rights of rectification, erasure, and objection.
- Ensure all trustees, volunteers, and contractors understand their obligations under data protection law.
- Address a critical governance gap identified in the charity's formal compliance review (Gold.pdf), which mandated the creation of this policy to mitigate significant regulatory risk.

1.3. This policy is founded upon, and designed to comply with, the following key pieces of legislation:

- **The UK General Data Protection Regulation (UK GDPR):** Specifically, Chapter 3 of the UK GDPR, which grants individuals a set of fundamental rights over their personal data, including the right to have inaccurate data corrected, to have data deleted, and to object to certain types of processing.
- **The Data Protection Act 2018 (DPA 2018):** This Act supplements and is read in conjunction with the UK GDPR, providing the domestic legal framework for data protection in the United Kingdom.
- **The Equality Act 2010:** The charity will ensure that all procedures for exercising data rights are accessible and do not discriminate, directly or indirectly, against any individual based on protected characteristics.
- **The Data (Use and Access) Act 2025:** This policy is designed to be forward-looking, anticipating and aligning with the principles of emerging legislation such as The Data (Use and Access) Act 2025, which will govern the lawful re-use of data.

1.4. To ensure these legal principles are applied correctly and consistently, the following section defines the precise scope of this policy.

## 2.0 Scope

2.1. A clearly defined scope is strategically important for ensuring that this policy is applied consistently and correctly across all of the charity's operations. This section defines precisely who is covered by this policy and which information falls under its purview.

2.2. **Who: Individuals Covered** This policy applies to all individuals ("data subjects") whose personal data is processed by the charity. This includes, but is not limited to:

- **Beneficiaries:** Defined in Clause 3(1) of the constitution.
- **Trustees, Staff, and Volunteers:** All individuals involved in the governance, administration, and operation of the charity.
- **Contractors and Service Providers:** Individuals associated with third-party organisations who process personal data on behalf of the charity.

2.3. **What: Information Covered** This policy applies to all personal data that the charity processes, regardless of format. This includes electronic records held in databases, documents on computer systems, and paper files. The policy covers data related to all of the charity's activities, including grant applications, beneficiary support services, research activities, and communications.

2.4. This scope provides the foundation for the Board's formal policy statement, which articulates the charity's unwavering commitment to data subject rights.

## 3.0 Policy Statement

3.1. This section contains the Board of Trustees' formal and unequivocal commitment to upholding the data rights of every individual with whom the charity interacts. It serves as the guiding principle for all procedures detailed within this policy.

3.2. The charity is fully committed to:

- Respecting the fundamental rights of individuals concerning their personal data.
- Providing clear, straightforward, and accessible procedures for data subjects to exercise their rights to rectification, erasure, and objection.
- Responding to all data subject rights requests promptly, respectfully, and in full compliance with UK data protection law.
- Ensuring that the specific circumstances and potential vulnerabilities of its beneficiary community are considered when facilitating these rights.

3.3. To ensure this commitment is implemented consistently and correctly, the following section provides clear definitions for the key terms that govern this policy.

## 4.0 Definitions

4.1. Establishing clear, shared definitions for key terms is crucial for the consistent interpretation and practical application of this policy. This ensures that all trustees, volunteers, and contractors have a common understanding of their responsibilities.

4.2. The following terms are defined for the purpose of this policy:

<b>Term</b>	<b>Definition</b>
<b>Beneficiary Community</b>	As defined in Clause 3(1) of the charity Constitution:
<b>Data Subject</b>	An identified or identifiable individual to whom personal data relates, including members of the Beneficiary Community, trustees, volunteers, and contractors.
<b>Personal Data</b>	Any information relating to a Data Subject.

<b>Right to Rectification</b>	The right of a Data Subject to have inaccurate personal data corrected.
<b>Right to Erasure</b>	The right of a Data Subject to have their personal data deleted, also known as the "right to be forgotten." This right is not absolute and only applies in certain circumstances.
<b>Right to Object</b>	The right of a Data Subject to object to the processing of their personal data in certain circumstances.
<b>Trustee</b>	An individual appointed as a charity trustee of the charity, responsible for managing the affairs of the CIO as defined in the charity's constitution.

4.3. These definitions provide the foundation for the operational procedures required to put this policy into practice.

## 5.0 Procedures

5.1. These detailed, step-by-step procedures form the operational core of this policy. They are designed to ensure that every data rights request is handled in a consistent, compliant, and fully auditable manner, from initial receipt to final resolution.

5.2. **Common Procedures for All Requests** The following initial steps apply to all requests received under this policy:

1. **Receiving a Request:** A request can be made by a data subject verbally or in writing. All trustees, volunteers, or contractors who receive such a request must forward it immediately to the charity's designated Data Protection Officer (DPO).
2. **Logging the Request:** All requests will be logged in a central, confidential record. The log will note the date of receipt, the name of the data subject, the nature of the request, and the deadline for response.
3. **Verifying Identity:** The DPO will take reasonable steps to verify the identity of the person making the request before any action is taken. This is to ensure personal data is not disclosed to the wrong person. Only information necessary for verification will be requested.

5.3. **Procedure for the Right to Rectification**

1. **Assessment:** The DPO will assess the request and work with the data subject if necessary to clarify which data is considered inaccurate or incomplete.
2. **Action:** Once confirmed, the DPO will ensure the data is corrected across all relevant systems and records where it is stored.
3. **Confirmation:** The DPO will provide written confirmation to the data subject that their data has been rectified.

#### 5.4. Procedure for the Right to Erasure ("Right to be Forgotten")

1. **Assessment:** The DPO will assess the validity of the request against the specific grounds outlined in UK GDPR (e.g., the data is no longer necessary for the purpose it was collected, the data subject withdraws consent, etc.).
2. **Identify Limitations:** The DPO will determine if any legal exemptions apply that override the right to erasure. For example, the charity may have a legal obligation to retain financial records for a certain period, or the data may be necessary for establishing, exercising, or defending legal claims.
3. **Action or Refusal:** If the request is valid and no exemptions apply, the data will be securely and permanently erased. If an exemption applies, the DPO will formally document the reason for the refusal.
4. **Confirmation:** The DPO will provide a written response to the data subject, either confirming that their data has been erased or explaining the specific reasons for the refusal.

#### 5.5. Procedure for the Right to Object

1. **Assessment:** The DPO will assess the grounds for the objection based on the type of processing being challenged.
2. **Action:** If the objection relates to direct marketing, the charity must stop processing for this purpose immediately. For objections to other types of processing (e.g., based on the charity's legitimate interests), the DPO must weigh the charity's compelling legitimate grounds for the processing against the rights, interests, and freedoms of the individual.
3. **Confirmation:** The DPO will provide a written response to the data subject, detailing the outcome of their objection and the reasoning behind the decision.

5.6. **Timescales for Response** The charity will respond to all requests covered by this policy without undue delay and, at the latest, within one month of the receipt of the request.

5.7. The effective execution of these procedures is contingent upon the clear allocation of roles and responsibilities outlined in the next section.

## 6.0 Roles and Responsibilities

6.1. This section ensures accountability by defining who is responsible for each aspect of this policy's implementation, management, and oversight. A clear allocation of duties is essential for effective governance and compliance.

## 6.2. Delineation of Responsibilities

- **Board of Trustees** The Board has ultimate responsibility for ensuring the charity complies with data protection law and this policy. This includes formally adopting the policy, ensuring adequate resources are available for its implementation, and periodically reviewing its effectiveness as part of its governance oversight function.
- **Data Protection Officer (DPO)**, an Ordinary Trustee, in their Trustee Board appointed capacity as the designated lead for data protection, acts as the DPO. This individual is responsible for the day-to-day management of this policy, which includes receiving and logging all requests, conducting identity verification, assessing requests against legal requirements, coordinating all necessary actions, and providing the formal written response to data subjects. The DPO also provides advice to the Board and maintains the request log. The Board acknowledges the potential for a conflict of interest in this dual-role appointment, as highlighted in its governance review. The Trustee, when acting as DPO, must therefore ensure their decisions regarding data subject rights are made independently and are guided solely by legal requirements, documenting any complex judgements for Board review.
- **Volunteers and Future Staff:** All volunteers and any future staff are responsible for understanding their obligations under this policy. They must be able to identify a data subject rights request and are required to forward any such request immediately to the DPO without attempting to respond themselves.
- **Contractor:** Third-party contractors who process data on behalf of the charity are responsible for complying with data protection law and the charity's policies, as stipulated in their contractual agreements. They must cooperate fully and promptly with the DPO to enable the charity to respond to any data subject rights request.

6.3. These defined roles and responsibilities are brought to life through a clear implementation plan.

## 7.0 Implementation

7.1. A policy is only effective when it is properly embedded in the charity's culture and day-to-day operations. This section outlines the practical steps the Board will take to ensure this policy is understood and followed by all relevant individuals.

7.2. **Rollout and Communication** Upon formal approval by the Board of Trustees, this policy will be communicated to all current trustees and volunteers. It will also be made available to beneficiaries and other data subjects, either upon request or through publication on the charity's website, to ensure transparency.

7.3. **Training** Training on this policy and the specific procedures for identifying and forwarding data subject rights requests will be provided to all trustees. This training will form part of the induction process for any new volunteers or future staff members.

7.4. To ensure this implementation is successful, its effectiveness will be tracked through a robust monitoring and review process.

## 8.0 Monitoring, Review, and Audit

8.1. Continuous monitoring and periodic review are critical governance disciplines. They ensure that this policy remains legally compliant, effective in practice, and relevant to the charity's evolving operational needs and the expectations of its stakeholders.

8.2. **Monitoring Mechanisms** The DPO will monitor the charity's compliance with this policy. The following Key Performance Indicators (KPIs) will be tracked:

- Number of requests received for each right (rectification, erasure, objection).
- Percentage of requests responded to within the statutory one-month timeframe.
- Number of complaints, if any, related to the handling of data rights requests.

8.3. **Reporting and Review Schedule** The DPO will provide an annual report to the Board of Trustees summarising the KPIs and any issues arising from the handling of requests. The Board of Trustees will formally review this policy at least annually to ensure its continued suitability and effectiveness. The policy will be reviewed more frequently if there are significant changes to data protection legislation, the charity's operations, or official guidance from the Information Commissioner's Office (ICO) or the Charity Commission.

8.4. This policy's regular review will be conducted in the context of the charity's broader governance framework.

## 9.0 Related Policies and Documents

9.1. This policy does not exist in isolation. It forms part of a wider framework of governance and data protection policies and must be read in conjunction with other key documents to ensure a comprehensive and consistent approach to compliance.

9.2. This policy should be read alongside the following documents:

- The charity Constitution
- Privacy Notice Policy
- Information Security Policy
- Subject Access Request (SAR) Policy
- Data Breach Notification Policy
- Document Retention and Archiving Policy

9.3. Finally, the application of this entire policy framework must always be informed by the unique context of the charity and its beneficiaries.

## 10.0 Charity-Specific Considerations

10.1. This concluding section moves beyond generic compliance to address the specific operational context and unique beneficiary needs of the charity. This ensures our procedures are not only compliant but also compassionate and appropriate.

10.2. **Needs of the Beneficiary Community** In line with our core charitable object to "ease suffering, increase health, wellbeing and enhance social inclusion," all communications regarding data rights will be handled with the utmost sensitivity and clarity. We recognise that some beneficiaries may be vulnerable or may require additional support. Therefore, we are committed to providing clear, simple, and supportive communication throughout the process of exercising data rights, ensuring the experience is as straightforward and stress-free as possible.

10.3. **The Equality Act 2010** In line with our legal duties and ethical commitments, the charity will make reasonable adjustments to its procedures to ensure that beneficiaries with disabilities or other protected characteristics can exercise their rights without difficulty or disadvantage.

10.4. **Contractor and Third-Party Relationships** Where personal data is processed by external contractors on our behalf, the charity will ensure that legally binding contractual agreements are in place. These agreements will obligate the third party to provide all necessary assistance to the charity in fulfilling its responsibilities to data subjects under this policy.