

Policy— restriction of processing requests

1 Introduction

1.1 The Canada-UK Foundation holds personal data (or information) about candidates, employees, trainees, clients, suppliers, business contacts and other individuals for a variety of business purposes.

1.2 Under the General Data Protection Regulation (GDPR), individuals (known as 'data subjects') have the right to obtain from The Canada-UK Foundation the restriction of the processing personal data concerning him or her. The Canada-UK Foundation shall have the obligation to restrict the processing of the personal data without undue delay where one of the following grounds applies:

- a) the accuracy of the personal data is contested by the data subject, for a period enabling us to verify the accuracy of the personal data;
- b) the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
- c) we no longer need the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;
- d) the data subject has objected to processing pending the verification whether our legitimate grounds override those of the data subject.

1.4 The *Executive Director* is responsible for ensuring:

- 1.3.1 that all restriction requests are dealt with in accordance with the GDPR; and
- 1.3.2 that all staff have an understanding of the GDPR in relation to restriction requests and their personal responsibilities in complying with the relevant aspects of the GDPR.

1.4 This policy provides guidance for staff members on how restriction requests should be handled and is intended for internal use. It is not a privacy policy or statement and is not to be made routinely available to third parties.

1.5 This policy is aimed primarily at those members of staff who are authorised to handle restriction requests. For other staff members, it provides guidance on what to do if you receive a restriction request.

1.6 Failure to comply with the GDPR puts both staff and The Canada-UK Foundation at risk, and so The Canada-UK Foundation takes compliance with this policy very seriously. Failure to comply with any requirement of the policy may lead to disciplinary action, which may result in dismissal.

If you have any questions regarding this policy, please contact admin@canadaukfoundation.org

2 Receiving a restriction request (non-authorised staff)

2.1 If you receive a restriction request and you are not authorised to handle it, you must immediately take the steps set out in paragraphs 2.2 (request received by email) or 2.3 (request received by letter). We must respond to a request without undue delay. A lengthy delay could lead to enforcement action by the Information Commissioner and/or legal action by the affected individual.

2.2 If you receive a restriction request by e-mail, you must immediately forward the request to the Executive Director at this e-mail address: admin@canadaukfoundation.org.

2.3 If you receive a restriction request by letter you must:

2.4.1 scan the letter;

2.4.2 send the original to the Executive Director at this address: [admin@canadaukfoundation.org and marked for the attention Executive Director]; and

2.4.3 send a scanned copy of the letter to this e-mail address: [admin@canadaukfoundation.org].

2.4 You will receive confirmation when the request has been received by the [Executive Director]. If you do not receive such confirmation, you should contact the [Executive Director] to confirm safe receipt.

2.5 You must not take any other action in relation to the request unless the [Executive Director] has authorised you to do so.

3 Requirements for a request

3.1 We prefer a restriction request to be in writing, but this is not always required. The staff member taking the request must use their best judgment as to whether the request needs to be in writing. If in doubt, request it in writing.

3.2 Requests that should be in writing include anything that might be contentious, such as HR issues.

5 Time limit for responding to a request

Once a restriction request is received, we must comply without undue delay.

6 Assessment of a restriction request

The staff member assessing the request will authorize the restriction of the personal data where:

- a) the accuracy of the personal data is contested by the data subject, for a period enabling us to verify the accuracy of the personal data;
- b) the processing is unlawful, and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
- c) we no longer need the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;
- d) the data subject has objected to processing pending the verification whether our legitimate grounds override those of the data subject.

6 Consequences of failing to comply with a request

If we fail to comply with a restriction request, we may be in breach of the GDPR. This may have several consequences:

6.1 the individual may complain to the Information Commissioner and this may lead the Commissioner to investigate the complaint. If we are found to be in breach, enforcement action could follow (which could include monetary penalties);

6.2 if an individual has suffered damage, or damage and distress, as a result of our breach of the GDPR, he or she may take us to court and claim damages from us; and/or

6.3 a court may order us to comply with the restriction request if we are found not to have complied with our obligations under the GDPR.