

Right to Erasure Policy

1. Purpose of the Policy

- 1.1. The purpose of this document is to outline our policy in relation to the management of 'right to erasure' (also known as 'right to be forgotten') requests.
- 1.2. It promotes the right of data subjects to request the removal of personal data held about them, in electronic or hard copy form, by Gower Enterprises Limited trading as E-Cigarette Direct (ECD), as the data controller. It also outlines the procedure to be followed by data subjects when submitting a right to erasure request to ECD.

2. Scope of this document

- 2.1. This policy outlines how ECD will meet its legal obligations under Article 17 of the European Union General Data Protection Regulation (GDPR) upon receipt of a right to erasure request.

3. Ownership

- 3.1. The Right to Erasure Policy is maintained by ECD's Legal Director, who is responsible for leading the team who deal with all 'right to erasure' requests received by the organisation. All questions or comments related to this policy or a specific "right to erasure" requests should be directed to the Legal Director.

4. What is personal information?

- 4.1. Personal information is any data, in both physical and electronic form, related to an identified or identifiable person. It includes anything that can be used to identify a person, directly or indirectly, by means of his or her physical, physiological, mental, economic, cultural or social identity.

5. What is a 'right to erasure' request?

- 5.1. A data subject right to erasure request is a written or verbal request for personal information (known as personal data) held about you by ECD.
- 5.2. Under Article 17 of the EU General Data Protection Regulation (GDPR) you have the right to request the removal of personal data stored by ECD without undue delay. Data subjects have the right to have their personal data erased if:

- 5.2.1. The controller no longer needs the data for the purpose that it was originally collected;
- 5.2.2. The individual withdraws consent;
- 5.2.3. The individual objects to the processing and the organisation has no overriding legitimate interest in the data;
- 5.2.4. The controller or processor collected the data unlawfully;
- 5.2.5. The data must be erased to comply with a legal obligation; or
- 5.2.6. The data was processed in relation to the offer of information society services to a child.

6. Can a right to erasure request be refused?

- 6.1. ECD can refuse to comply with a request for erasure if:
 - 6.1.1. The processing is protected by the right to freedom of expression;
 - 6.1.2. Processing the data is necessary to comply with a legal obligation for the performance of a public interest task or exercise of official authority;
 - 6.1.3. The data is for health purposes in the public interest;
 - 6.1.4. The data is being used for archiving purposes in the public interest, scientific or historical research, or statistical purposes; or
 - 6.1.5. The processing is necessary to exercise or defend legal claims.
- 6.2. ECD considers that the retention of certain data regarding the purchase from us of e-cigarettes and related products is both in the public interest for health purposes and also that we have a legitimate interest in retaining this data in the event of future legal obligations. To balance these interests against those of the individual data subject, we will retain only the minimum data about our customers who have requested erasure of their personal data. This personal data will include the customers name, email address, first line of address and postcode together with the date and outcome of the right to erasure request and a unique identifier that will act as the pseudonymisation key for the customer's purchase data. This personal data will be securely stored separately from any other personal or data and would only be processed if necessary for the above purposes.
- 6.3. Purchase history data will stored in pseudonymised form with access to the pseudonymisation key held by the Legal Director and only granted if the Legal Director believes that the business has a legitimate interest in processing the personal data (e.g. to defend a claim or to give important information to the data subject).
- 6.4. ECD can also refuse to comply with a request for erasure if it is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature. We may also refuse a request for erasure where we consider the purpose of the request is to take unfair advantage of discounts or offers.

6.5. If we consider that a request is manifestly unfounded or excessive we reserve the right to:

6.5.1. request a "reasonable fee" to deal with the request; or

6.5.2. refuse to deal with the request.

7. How do you make a Right to Erasure request?

7.1. To allow us to respond promptly to any right to erasure request we ask you to complete the Right to Erasure Request Form, [available here](#). In certain cases, we might ask you to provide further information and/or evidence of identity and/authority.

7.2. If you cannot complete the online form please write to us requesting a form from: The Privacy Team, Gower Enterprises Limited, Units 4-5 Bell Court, Felinfach, Fforestfach, Swansea, SA5 4HP and we shall send you a copy by return post.

7.3. Use of the Right to Erasure Request Form is not mandatory. However, completing the form should enable us to process your request more efficiently.

8. What do we do when we receive a valid 'right to erasure' request?

8.1. We will first check that we have enough information to be sure of your identity. Usually we will have no reason to doubt a person's identity. However, in rare cases we may request additional evidence we reasonably need to confirm your identity. We do this to ensure that the correct data will be identified for erasure. We will then check that we have enough information to find the records you requested for erasure. If we feel we need more information, then we will promptly ask you for this.

8.2. Next, we will conduct a full search of all our relevant databases and filing systems and locate all data relevant to the data subject. We will also use reasonable endeavours to identify all third-party processors that may also have the personal data and, where possible, instruct them to remove the data from their environments and to confirm erasure. It is not possible for example for us to require delivery companies and/or the Royal Mail to delete personal data used for delivery of items purchased.

8.3. At this point we remove the personal data from our day to day digital and physical environments. If the data subject has purchased products from us previously then their purchase data will be separated from their personal data and stored as set out above. Purchase data will also be anonymised and used in its anonymised form for data analysis and research.

8.4. If you have an account with loyalty points accrued, your loyalty points will be deleted on removal of your account and cannot be added back at a later date.

8.5. Only limited personal data will be retained for the legitimate interests set out above with access to this personal data controlled by the Legal Director. The data subject's personal data and purchase history data would only be reconstituted if necessary for the legitimate interests set out above. Finally, we will respond to the data subject to confirm data erasure from our environment and all associated third parties.

9. Are there any fees payable?

- 9.1. While in most instances there is no charge we reserve the right, in accordance with Article 12 of the GDPR to charge a “reasonable fee” for administrative costs or refuse the request if it is considered to be “manifestly unfounded or excessive”.

10. How soon will my ‘right to erasure request’ be dealt with?

- 10.1. All valid ‘right to erasure requests’, accompanied by valid proof of identity, received by ECD will be dealt with within 30 days of the latest of the following:

10.1.1. Our receipt of your request; or

10.1.2. Our receipt of any further information we may ask you to provide to enable us to comply with your request.

11. Right to Erasure Policy Review

- 11.1. This policy will be reviewed at least annually by the Legal Director to ensure alignment to appropriate risk management requirements and its continued relevance to current and planned operations, or legal developments and legislative obligations.