

Article 17 - Right to Erasure (also known as Right to be Forgotten)

Exercising the right to erasure involves a request by a person to delete personal data. This means deleting their record altogether and this is applicable to both paper and electronic records.

In the majority of cases, (refer to the lawful processing summary document on the Surrey and Borders website for details) the Trust is unlikely to be required to comply with such requests. This is because one of the bases for exercising the right to erasure is that a person no longer consents to their data being processed. However, it is unlikely that the Trust will rely on this as a lawful basis for using data.

In order to provide care, we must record and maintain personal information.

In deciding whether to retain health records, we have to consider the applicable retention period:

- To ensure it is in line with [NHS Records Management Code of Practice 2016](#), retention is 20 years after discharge or last seen, or 8 years after the person has died for adult's mental health.
- For children's health records, the basic retention requirement is to retain until 26th birthday.

We will check for any other involvements that could extend the retention. All records must be reviewed prior to destruction taking into account any serious incident retentions.

This Right should not to be confused with the Right of Rectification ([Article 16](#)) where the person can request for the deletion of inaccurate information. Further details are available [here](#).