

Oggetto: Individuals' right request (ref: [REDACTED])

Mittente: East Sussex County Council <inforequests-icw@eastsussex.gov.uk>

Data: 01/10/2024, 11:32

A: [REDACTED]

Individuals right request

Our reference: [REDACTED]

Dear Mr Gresta

Individuals' right requests

I am writing in response to your request to have all personal information related to the case, ESCC v Riccardo Gresta deleted from the Council's archives and online publication.

Your request specifically asked the Council to erase the publication made about the referenced case, delete all personal information related to the case in the Council's archive and the implementation of geo-restriction measures to limit access to these articles from the EU, including Italy.

[Privacy notice - Orbis Public Law | East Sussex County Council](#) and [Privacy notice - Adult Social Care: your information and you | East Sussex County Council](#) outlines how personal data is collected, used, and stored, and also outlines our lawful basis for processing personal data. The Blue Badge team has a legal power to investigate where a misuse of blue badge is suspected. The Council also has the legal power to prosecute offenders as well as defend legal claims. This is pursuant to s.222 of the Local Government Act 1972. The Council exercised its prosecutorial powers in the above referenced case and charged you under s. 2 and 7 of the Fraud Act 2006. The sentence (12-month sentence, suspended for two years) was given on 22 December 2022.

Deletion of Press Release and geo-restriction

Generally, in terms of retention of press releases made by the Council, where a person has not re-offended since conviction and all appeal avenues are exhausted, a qualifying period of two years would be appropriate to delete the data. Please see paragraph CN1.2 of the Council's retention schedule <https://www.eastsussex.gov.uk/media/heanu4df/accessible-retention-schedule-august-2024.xlsx> where it stipulates that Press releases are kept for business needs and can be updated. In this case, the referenced sentencing still stands as the suspended sentence ends in December 2024.

Furthermore, the Council is aware that the case is before the Criminal Cases Review Commission (CCRC). There is currently no decision that has re-opened the conviction. Hence the press release cannot currently be deleted.

Deletion of Personal Data related to the case

As stated above, the Privacy Notice for the Council's legal team and the Adult Social Care Department (which comprises of the Blue Badge team) outlines how a person's personal data is used and stored. The personal data related to the case was processed further to the Council's legal power to prosecute offenders. This legal power therefore provides the Council with a valid and legitimate lawful basis to process the personal data. In similar cases, the Councils retention schedule stipulates that information related to prosecution of offences be kept for a period of 6yrs from case closure or after length of sentencing or where appeal is out of time. The Council

thereafter archives the data collected in the case. Please see paragraphs CS2.3 and LS2.3 of the above retention schedule for guidance.

Exemption from complying with Erasure requests

Under data protection law, there are exemptions which limit when data subjects can exercise their rights to erasure. One of these exemptions, [Article 17.3\(b & e\)](#) of the UK GDPR, states that the right to erasure does not apply when information is required for the exercise of official authority and where it is required for the establishment, exercise or defence of legal claims. The Council was issued with a Notice under section 17 of the Criminal Appeal Act 1995 to produce to the CCRC all documents and other materials in its possession relating to this case. The Council has now responded to this request and awaiting the outcome.

This means in this instance; we are not able to comply with your request for erasure of personal information or deletion of the press release in respect of the case as East Sussex County Council is required to retain the information in line with its prosecutorial authority. This is also required to establish and defend the ongoing case which is now before the CCRC.

I hope the above helps to clarify the way in which your personal information has been processed and I am sorry that the Council is not able to satisfy your request for erasure.

NOTE: Please do not edit the subject line when replying to this email.

Yours sincerely

Bridget Osazuwa

Customer Services and Information Governance Officer
Communities, Economy and Transport Department

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eastsussex.gov.uk



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