

Self-Check "Right to erasure"

The following catalogue of questions [originates from the coordinated action of European supervisory authorities](#) from 2025 and can serve companies as a means of self-regulation for the implementation of Art. 17 GDPR and thus as a "reality check".

[Comments from our side are shown in *red* to help you understand the meaning and purpose of the questions].

1. information on the person responsible

The first part of the questionnaire is designed to get an overview of how many applications would be made under which framework conditions (with regard to the type and scope of personal data processing). Without a real "right or wrong".

1.1 Name:

Address:

Contact details:

1.2 Please name the **area** in which your organisation is active (*please select only one*):

- Public
- private/non-public
- other (*please specify*)

1.3 Please indicate the specific sector ("core business") in which your organisation is **mainly** active (*please select only one*):

- | | |
|--|---|
| <input type="checkbox"/> Education sector | <input type="checkbox"/> Advertising industry |
| <input type="checkbox"/> Healthcare sector | <input type="checkbox"/> Marketing services |
| <input type="checkbox"/> Social sector | <input type="checkbox"/> Entertainment sector |
| <input type="checkbox"/> Insurance sector | <input type="checkbox"/> Information / journalism sector |
| <input type="checkbox"/> Financial sector / banking | <input type="checkbox"/> Scientific / historical research |
| <input type="checkbox"/> IT sector | <input type="checkbox"/> Credit agency |
| <input type="checkbox"/> retail trade | <input type="checkbox"/> public utility companies |
| <input type="checkbox"/> Logistics sector | <input type="checkbox"/> Housing industry |
| <input type="checkbox"/> Public transport (ÖPNV) | <input type="checkbox"/> Production |
| <input type="checkbox"/> Telecommunications | <input type="checkbox"/> Consultancy |
| <input type="checkbox"/> postal services | <input type="checkbox"/> Public administration |
| <input type="checkbox"/> other (<i>please specify</i>) | |

1.4 Which **category** does your organisation belong to? (*please select only one*):

- Micro-enterprises (< 10 employees and turnover/balance sheet of ≤ EUR 2 million)
- Small companies (< 50 employees and turnover/balance sheet of ≤ EUR 10 million)
- medium-sized company
(< 250 employees and turnover of ≤ EUR 50 million or total assets ≤ EUR 43 million)
- Large companies (> 250 employees)
- non-profit organisation
- Ministry
- Regional authority / municipal authority
- State or federal authority / agency (*e.g. job centre*)
- School/university/educational institution
- other (*please specify*)

1.5 Which group of persons is **mainly** affected by your processing activities? (*please select only one*):

- | | |
|--|---|
| <input type="checkbox"/> potential customers | <input type="checkbox"/> Applicants (for public services) |
| <input type="checkbox"/> Customers | <input type="checkbox"/> Citizens (for the public sector) |
| <input type="checkbox"/> Contractors | <input type="checkbox"/> Patients |
| <input type="checkbox"/> Applicants | <input type="checkbox"/> Employees |
| <input type="checkbox"/> other (<i>please specify</i>) | |

1.5.1 Are the following persons also affected by your processing activities?

(*select all that apply*):

- Children
- Vulnerable people (*e.g. elderly people, asylum seekers, ethnic minorities, people with disabilities*)
- not applicable

1.6 Please provide **an approximate number of all persons** affected by your processing activities for your organisation:

- < 100
- 101 to 1,000
- 1,001 to 10,000
- 10,001 to 100,000
- 100,001 to 500,000
- 500,001 to 1,000,000
- > 1.000.000

1.7 What types of personal data are **mainly** affected by your processing activities? (*multiple answers possible*)

- Contact details
- Payment data
- Identification data
- Marketing data
- Sensitive data within the meaning of Art. 9 GDPR
(*e.g. health data; data relating to sex life or sexual orientation; racial or ethnic origin; political opinions and religious beliefs; biometric and genetic data*)
- Data of a very personal nature within the meaning of Art. 10 GDPR
(*e.g. data on criminal convictions and offences*)
- other (*please specify*)

1.8 How many requests for erasure pursuant to Art. 17 GDPR has your organisation received in the period specified below (approximately)?

It is not decisive that the person making the request explicitly referred to Art. 17 GDPR. It is sufficient if they have asked for "erasure" (or any synonym) and this was recognisable to the company.

	2024	2023	2022
0	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1 to 10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11 to 50	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
51 to 100	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
101 to 500	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
more than 500	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1.9 What was the percentage of applications that your organisation rejected (approximately)?

	2024	2023	2022
0 %	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10 %	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20 %	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30 %	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
40 %	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
more than 50 %	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1.10 What was the percentage of erasure requests you received that were related to the exercise of the **right to object** under Art. 21 GDPR by the same data subject (including objection to marketing)?

	2024	2023	2022
0 %	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10 %	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20 %	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30 %	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
40 %	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
more than 50 %	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1.11 Who submitted cancellation requests during the period for which you provided information in questions 1.8 to 1.10 (multiple answers possible, please provide an estimate for each line)? Please do not collect / analyse / process any additional information to answer this question. If data of the named data subjects are processed, please indicate the percentage.

- Potential customers
- Customers
- Contractor
- Job applicants
- Employees
- Applicants (for public services)
- Citizens (for the public sector)
- Patients
- other

1.11.1 Are these affected persons also:

Again, please indicate the percentage.

- Parents or legal guardians on behalf of (a) child(ren)
- Vulnerable persons (e.g. elderly people, asylum seekers, ethnic minorities, people with disabilities) or authorised representatives on behalf of vulnerable persons

2. process flow

The second block of questions addresses the specific approach of the companies and also reveals a certain expectation on the part of the authorities.

2.1 Has your organisation developed specific **internal instructions/guidelines/recommendations** or similar documents on the right to erasure under Art. 17 GDPR? Does your organisation follow a previously established procedure for processing requests under Art. 17 GDPR?

With regard to accountability, this is understood to mean written specifications.

- Yes (please briefly describe the process; you can attach documents)
 No (please explain why not)

2.2 Which **organisational unit** is responsible for processing Art. 17 GDPR requests within your organisation? (please select only one)

- Data Protection Officer
 Legal / Compliance department
 Communication team
 Data Protection Coordinator
 Customer service
 other (please specify)

2.3 Does your organisation **train** staff in relation to requests under Art. 17 GDPR?

- Yes
 No

2.3.1 If yes, **how often/frequently** are the training courses planned (per year)?

2.3.2 **How** do you train your employees?

Face-to-face training, introductions, notices, e-learning etc. are all conceivable.

2.4 How does your organisation determine **which data** must be selected as part of a deletion request in accordance with Art. 17 GDPR?

As a rule, a deletion request cannot be complied with in full, as different retention periods apply to the various data records.

2.5 How does your organisation deal with a deletion request that relates to personal data that:

- a) processed jointly (with joint controllers)? [Please specify]
b) processed by a processor? [Please specify]

2.6 Does your organisation systematically **monitor or control** the processing of requests in accordance with Art. 17 GDPR?

- Yes (please describe process)
 No (please explain why not)

2.7 **How long does** it take on average (in weeks) for requests pursuant to Art. 17 GDPR to be fully processed (from receipt of the erasure request to the final response to the data subject)?

Please do not collect / analyse / process any additional information to answer this question.

2.8 How often has your organisation extended the one-month statutory deadline under Art. 12 para. 3 sentence 2 GDPR for the requests received?

The General Data Protection Regulation stipulates that in the case of high complexity or a large number of requests, the deadline for responding to data subject requests (such as erasure) can be extended by two months as an exception.

- always (e.g. 100 % of applications received)
- very frequently (e.g. around 75 %)
- frequently (e.g. 50 %)
- rare (e.g. 15 %)
- never (0 %)

2.8.1 If yes, for what main reasons?

Such an extension of the deadline must be justified on a case-by-case basis.

2.9 Are the procedures for implementing Art. 17 GDPR regularly reviewed and adapted?

- Yes (*if yes, how often is a check/adjustment carried out per year?*)
- No

3. case constellations

In the third part, the relevant specialised knowledge required in the specific constellations is tested.

3.1 How does your organisation assess that personal data (which is the subject of a request for erasure) **is no longer necessary** for the purposes for which it was collected or otherwise processed (Art. 17 (1) (a) GDPR)? *[still to be completed]*

3.2 How does your organisation proceed if the data subject **withdraws consent** (Art. 17 (1) (b) GDPR)?

Consent can be revoked by the data subject at any time and without giving reasons.

3.3 How does your organisation proceed if the data subject **objects to the processing** (Art. 17 (1) (c) GDPR)?

If processing is based on Art. 6 para. 1 lit. f GDPR ("legitimate interest"), the data subject may object.

3.4 In the case of a request for erasure based on Art. 17(1)(c) GDPR, has your organisation ever refused to erase data on the basis of its "**overriding legitimate grounds for processing**"? How do you understand the term "overriding legitimate grounds" and how are these grounds reconciled with the interests, rights and freedoms of the data subjects?

Please describe in detail the cases you have encountered, including the considerations made in each case

3.5 How does your organisation ensure the implementation of Art. 17 para. 2 GDPR if the personal data has been **made public**? In particular, what measures are taken to ensure the right to be forgotten?

3.6 Which **exemptions** pursuant to Art. 17 para. 3 GDPR or other national exemptions pursuant to Art. 23 para. 1 GDPR are most frequently applied by your organisation (*multiple selection*)?

- Exercising the right to freedom of expression and information
- To fulfil a legal obligation which requires processing under the law of the Union or of the Member States to which the controller is subject. If yes, please indicate the legal bases that are most frequently applied.
- for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. If yes, please indicate the legal bases that have been applied most frequently.
- for reasons of public interest in the area of public health
- for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in so far as the right to erasure is likely to render impossible or seriously impair the achievement of the objectives of that processing
- for the assertion, exercise or defence of legal claims
- other (*please specify*)

3.7 How does your organisation check whether the **conditions for exemptions** pursuant to Art. 17 para. 3 GDPR are met in certain cases?

3.8 Has your organisation ever refused to delete data on the basis of the "**right to freedom of expression and information**" (Art. 17 (3) (a) GDPR)? Please describe in detail the cases you have encountered, including the considerations made in each case *[to be completed]*

3.9 If the right to erasure cannot be granted immediately, e.g. due to legal or contractual retention obligations, **what other measures** does your organisation take to safeguard the rights of data subjects (*e.g. right to restriction of processing in accordance with Art. 18 GDPR*)?

3.10 How does your organisation comply with your **notification obligation** in connection with the erasure of personal data (Art. 19 sentence 1 and sentence 2 GDPR)?

3.11 How does your organisation proceed if the data subject submits a request that contains **both a request for access** (Art. 15 GDPR) **and a request for erasure** (Art. 17 GDPR)?

4. communication with the persons concerned

The fourth step - in line with the principle of transparency - is to check whether and how information is provided to those affected.

4.1 Does your organisation provide data subjects with instructions, **guidance or a description of the process for submitting** an erasure request? *If yes, please indicate where this assistance can be found.*

4.2 Contains the **privacy policy** (Art. 13, 14 GDPR) of your organisation (*multiple answers possible*):

- the specific retention period,
- the criteria for determining this period or
- none of the above points.

4.3 Through which communication channels does your organisation receive requests from data subjects in accordance with Art. 17 GDPR (*multiple answers possible*)?

- e-mail
- General online form
- Specific online form for Art. 17 GDPR
- Paper mail
- other (*please specify*)

4.4 How does your organisation respond to requests under Art. 17 GDPR (*multiple answers possible*)?

- e-mail
- Online user account
- Paper mail
- other (*please specify*)

4.5 Is an **acknowledgement of receipt** for cancellation requests sent to the data subject?

A confirmation of receipt is not explicitly provided for by the General Data Protection Regulation and is therefore optional for the controller.

- Yes
- No

4.5.1 If yes, is information on the (expected) processing time/ included?

- Yes
- No

5. technical aspects

5.1 Are there technical standards that your organisation adheres to or follows (*e.g. ISO/IEC*) when it comes to deleting personal data?

- Yes (*please specify the technical standard*)
 No

5.2 How does your organisation technically delete personal data so that it **cannot be recovered**?

5.3 Does your organisation use **technical tools** (*e.g. software*) to process requests in accordance with Art. 17 GDPR?

- Yes (*please specify*)
 No

5.4 Has your organisation commissioned a **service provider** to delete personal data?

- Yes (*please specify*)
 No

5.5 Does your organisation comply with the right to **erasure by anonymisation** (removal of information relating to an identified or identifiable natural person)?

- Yes (*if yes, why is anonymisation carried out instead of deletion and how is this implemented technically?*)
 No

5.6 Is personal data also deleted **from backups** (backup copies) or different databases?

- Yes
 No

5.6.1 If yes, do you apply **the same deletion processes to backups** (backup copies)?

- Yes
 No (*please explain the differences in the procedures*)

6. your experience

In the last section, you have the opportunity to provide individual details about your experience with the right to erasure.

6.1 What legal, technical and/or organisational challenges does your organisation face in implementing the right to erasure/right to be forgotten under Art. 17 GDPR?

6.2 What could help with the processing of Art. 17 GDPR requests (templates, tools, etc.)?

6.3 Do you have any further information or comments on this topic?

[Source: [State Commissioner for Data Protection and Information Security Baden-Württemberg](#)]