

## PRIVACY NOTICE (SUMMARY)

### for the members and beneficiaries of the Shropshire County Pension Fund<sup>1</sup>

As the Administering Authority of the Fund we hold certain information about you and from which you can be identified (“personal data”) which we need to administer the Fund.

In this privacy notice, we have summarised some of the key ways in which we collect and use personal data in accordance with our requirements under data protection legislation<sup>2</sup>. Further information can be found in the Full Privacy Notice at the following link:

<https://shropshirecountypensionfund.co.uk/data-protection-privacy-notice/>

It is important that you read this privacy notice together with any other privacy notice or fair processing policy we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy notice replaces any general privacy notice we may have previously issued and supplements any other notices and privacy policies we issue that are specific to particular data collection / processing activities.

### What personal data do we hold<sup>3</sup>?

The types of data we hold and process about you can include:

- Contact details, including name, address, telephone numbers and email address.
- Identifying details, including date of birth and national insurance number.
- Information relating to your benefits in the Fund, including length of service or membership and salary.
- Other information in relation to your membership of the Fund or to enable the calculation or payment of benefits, for example bank account details.
- Information about your family, dependants or personal circumstances, for example, marital status and information relevant to the distribution and allocation of benefits payable on death.
- Information about your health, for example, to assess eligibility for benefits payable on ill health, or where your health is relevant to a claim for benefits following the death of a member of the Fund.<sup>4</sup>

<sup>1</sup> Please insert name of the Fund.

<sup>2</sup> Please note that the relevant data protection legislation includes:

- the UK Data Protection Act 2018;
- the UK GDPR (as defined in the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019/419);
- the Privacy and Electronic Communications (EC Directive) Regulations 2003 (SI 2426/2003) (as amended and incorporated into the laws of England & Wales, Scotland and Northern Ireland);
- the General Data Protection Regulation 2016/679; and
- all other legislation and regulatory requirements in force from time to time which apply to a party relating to the use of personal data (including, without limitation, the privacy of electronic communications).

<sup>3</sup> Please consider whether any personal data other than that listed is held or processed. Please note that Article 9 of the UK GDPR applies different treatment to the processing of special categories of personal data. In addition, the Administering Authority should conduct a separate review of the correspondence and documentation provided to members and beneficiaries at the point in time that the personal data is requested, such as new joiner forms, transfer applications, expression of wish forms and applications for early retirement etc. In particular: (a) the documentation will need to flag why there is a requirement to provide the information, whether the individual is obliged to do so and the possible consequences of failing to provide that data (see Article 13 of the UK GDPR) - this isn't explicitly covered in the template privacy notice which is drafted on the basis that the Administering Authority already holds personal data about the data subject; and (b) the Administering Authority will also need to consider how the privacy notice is incorporated into the data collection process.

<sup>4</sup> Explicit consent may be required in the processing of health data and ill health early retirement applications. This privacy notice does not seek such consent, which should be obtained at the time of any application. It should not generally be necessary to renew consents obtained under the Data Protection Act 1998 in respect of past ill health early retirement applications provided that the requirements of the UK GDPR/ new UK data protection legislation were complied with.

- Information about a criminal conviction if this has resulted in you owing money to your employer or the Fund and the employer or Fund may be reimbursed from your benefits.<sup>5</sup>

We obtain some of this personal data directly from you.<sup>6</sup> We may also obtain data from your employer (for example, salary information) and from other sources including public databases and the advisers and service providers that we may share your personal data which are listed in the Full Privacy Notice.

### **What will we do with your personal data?**

We will use this personal data to administer the Fund and to calculate and provide you (and, if you are a member of the Fund, your beneficiaries if you die) with benefits. We will also use this personal data for statistical and financial modelling and reference purposes (for example, when we assess how much money is needed to provide members' benefits and how that money should be invested), and to comply with our legal obligations.

From time to time we will share your personal data with third parties, including our contractors, advisors, government bodies and dispute resolution and law enforcement agencies and insurers in order to comply with our obligations under data protection legislation, and in connection with the provision of services that help us carry out our duties, rights and discretions in relation to the Fund. These organisations are listed in the Full Privacy Notice.

We may also process your personal data to assess and, if appropriate, action a request you make to transfer your benefits out of the Fund.<sup>7</sup>

In some cases these recipients may be outside the UK. If this occurs, we will make sure that additional safeguards are in place to protect your data in accordance with applicable data protection laws. Please use the contact details below if you want more information in connection with this.<sup>8</sup>

### **What is the legal basis for our use of your personal data?**

The legal basis<sup>9</sup> for our use of your personal data will usually be that we need to process your personal data to satisfy our legal obligations as the Administering Authority of the Fund.

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However, legal advice should be taken. As a pragmatic approach, Administering Authorities should consider renewing consent when communicating with individuals about special category data collected prior to 25 May 2018. An appropriate policy document may also be required where special category information is processed.

<sup>5</sup> Explicit consent may also be needed to process information about criminal convictions/offences. An appropriate policy document will also be required in almost all cases where information about criminal convictions is processed. Extra information will have to be provided to the individual as and when the consent is obtained or the Administering Authority receives personal data concerning criminal convictions/offences. The Administering Authority may wish to review and update any current communications and documentation and/or take legal advice in relation to the same. See note 4 above.

<sup>6</sup> Please note that where members or beneficiaries are asked to provide health related data, explicit consent to the processing of that data should be obtained at the time it is requested. See note 4 above.

<sup>7</sup> This is intended to cover situations where additional information is required by Administering Authorities to rule out pension scam activity and process a transfer requests. However, additional information will need to be provided to the data subject at the time the information is collected to fully comply with the UK GDPR. See note 3 above.

<sup>8</sup> This generic wording does not fully meet the requirements of the UK GDPR and the standards of the ICO but is intended to address the requirements of Articles 13(1)(f) and 14(1)(f) of the UK GDPR. The European Data Protection Board (previously Article 29 Working Party) guidelines state that known third countries should be specified, along with the UK GDPR-compliant mechanism that is being used to protect the personal data, but this may not be practical. If Administering Authorities have further details about the international transfers of personal data and the safeguards in place to protect that data, then this paragraph should be amended. Administering Authorities should consider their own circumstances and take legal advice where appropriate.

<sup>9</sup> This is intended to address the requirements of Articles 13(1)(c) and 14(1)(c) of the UK GDPR. However, please note it is possible this may contain insufficient detail. Given the ICO's increasing focus on transparency, where Funds have carried out extensive, detailed mapping of their processing activities (which we recommend), consider including further information (for example, a detailed table that identifies each of the processing activities carried out by the Fund) in this section or at the end of this privacy notice.

However, where that legal basis does not apply then the legal basis for our use of your personal data will be one or more of the following<sup>10</sup>:

- a) we need to process your personal data to carry out a task in the public interest or in the exercise of official authority in our capacity as a public body; [and
- b) we need to process your personal data for the legitimate interests of administering and managing the Fund and liabilities under it, calculating, securing and paying benefits and performing our obligations and exercising any rights, duties and discretions the Administering Authority has in relation to the Fund/; and/or<sup>11</sup>]
- c) because we need to process your personal data to meet our contractual obligations in relation to the Fund (for example, under an agreement that you will pay additional voluntary contributions to the Fund), or to take steps, at your request, before entering into a contract.]

### How long will we hold your data?

We will only keep your personal data for as long as we need it to administer the Fund and to deal with any questions or complaints that we may receive about this, unless the law requires us to keep it for a longer period. In practice, this means that your personal data may be retained for the greater of<sup>12</sup>

- Such period as you (or any beneficiary who receives benefits after your death) are entitled to benefits from the Fund and for a period of 100 years after those benefits stop being paid. For the same reason, your personal data may also need to be retained where you have received a transfer, or refund, from the Fund in respect of your benefit entitlement.
- [or] 100 years from a member's date of birth<sup>14</sup>; [or]
- 100 years from the date of birth of any beneficiary who received benefits from the Fund after the member's death.

### Your rights<sup>15</sup>

You have a right to access and obtain a copy of the personal data that we hold about you and to ask us to correct your personal data if there are any errors or it is out of date or incomplete.

In very limited circumstances, you may also have a right to ask us to restrict<sup>16</sup> the processing

<sup>10</sup> We have assumed that the Administering Authority or its advisers/service providers are not carrying out any automated decision making (including profiling). Administering Authorities should check the position because any automated decision making that is being carried out will need to be flagged in the privacy notice (see Article 13(2)(f) and Article 14(2)(g) of the UK GDPR). The Administering Authority should also be made aware that if they carry out automated decision making in the future then that further information will need to be provided to the individuals concerned. The Administering Authority should take legal advice before undertaking any automated decision making (including profiling).

<sup>11</sup> The UK GDPR does not permit public authorities to rely on legitimate interests for any processing they undertake in their capacity as a public authority. However, where the public authority has other legitimate purposes outside of their tasks as a public authority e.g. a contract between the Administering Authority and individual where AVCs are being made, it may be possible to rely on legitimate interests as a legal basis for collecting and processing that personal data. Legal advice should be taken.

<sup>12</sup> The greater of "100 years from date of birth" and "last payment of benefits to the Member/Beneficiary plus 15 years", is intended to ensure that Administering Authorities are acting in line with the Pensions Regulator's Code of Practice 14 (Public Service Pension Schemes) which notes that data will need to be held for long periods of time and schemes will need to retain some records for a member even after that individual has retired, ensuring that pension benefits can be properly administered over the lifetime of the member and their beneficiaries (paragraph 135).

<sup>13</sup> The suggested period of "last payment of benefits plus 15 years" is based on the current maximum statutory limitation period, as any complaints about the payment of those benefits would usually need to be brought within that timeframe.

<sup>14</sup> The suggested period of "100 years from date of birth" is based on the guidelines by the National Archives and the ICO's retention policy.

<sup>15</sup> This is intended to address the requirements of Articles 13(2)(b) and 14(2)(c) of the UK GDPR. The privacy notice will need to be amended and simplified if it is to be sent to children (and potentially other vulnerable individuals) in order to ensure they can understand the content.

<sup>16</sup> See Article 18 of the UK GDPR. The Administering Authority should restrict the processing of the personal data (subject to certain exceptions e.g. storage or to defend a legal claim or for reasons of important public interest) where the individual

of your personal data or to transfer or (in extremely limited circumstances, such as where your personal data is no longer needed for the purpose for which it is being processed) erase<sup>17</sup> your personal data. You should note that we are not obliged to erase your personal data if we need to process it for the purposes of administering the Fund.

In certain circumstances you have the right to object to the processing of your personal data; for example you have the right to object to processing of your personal data which is based on the public interest or legitimate interests identified in the section above headed "What is the legal basis for our use of your personal data?", or where the processing is for direct marketing purposes.

You can obtain further information about your rights from the Information Commissioner's Office at: [www.ico.org.uk](http://www.ico.org.uk) or via their telephone helpline (0303 123 1113).

If you wish to exercise any of these rights, please contact the Fund Administrator below.<sup>18</sup> You also have the right to lodge a complaint in relation to this summary notice, the Full Privacy Notice or our processing activities with the Information Commissioner's Office, which you can do through the website above or their telephone helpline.<sup>19</sup>

One of the reasons we collect and hold your personal data is to administer your benefits from the Fund<sup>20</sup>. If you do not provide the information we request or ask that the personal data we already hold is deleted or that the processing of the personal data be restricted, this may affect our ability to administer your benefits, including the payment of benefits from the Fund. In some cases it could mean that we are unable to put your pension into payment or have to stop your pension (if already in payment).<sup>21</sup>

## Contacting us

Please contact the Fund administrator Shropshire County Pension Fund for further information.<sup>22</sup>

## Data Protection Officer

You may also contact our data protection officer for further information.<sup>23</sup>

<https://www.shropshire.gov.uk/access-to-information/>

**information.request@shropshire.gov.uk**

**01743 252774**

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has contested the accuracy of the personal data. The processing would also have to be restricted in this way where the individual has raised an objection for any reason, and the Administering Authority's justification is based on the necessity to: perform a task in the public interest or pursuant to an official authority; or (if applicable) in its legitimate interests. In practice we anticipate Administering Authorities are likely to have another justification for processing data (i.e. to satisfy their legal obligations under the LGPS regulations) and so members will not be able to restrict processing of accurate data. However, any applicable restriction will last until the Administering Authority is able to verify the accuracy of the personal data or demonstrate the justification for its processing respectively. For reference, note: Article 21(1) contains the right of the data subject to object to the processing of personal data in circumstances relating to the individual, where the controller is relying on the justifications in Article 6(1)(e) or (f), which includes those mentioned immediately above. Under Article 21(2), the right to object also includes where personal data is used for direct marketing purposes and profiling for that purpose.

<sup>17</sup> See Articles 17(1) and 17(2) of the UK GDPR. This information has to be included notwithstanding that in relation to the LGPS it is not anticipated that members/beneficiaries will in practice have a right of erasure (due to the legal basis for which personal data is collected and processed).

<sup>18</sup> The controller is also under an obligation to inform other data recipients that personal data has been rectified, restricted or erased, and inform the individual of such data recipients on request. See Article 19 of the UK GDPR.

<sup>19</sup> This is intended to satisfy the requirements of Articles 13(2)(d) and 14(2)(e) of the UK GDPR.

<sup>20</sup> In order to satisfy Article 13(2)(e) of the UK GDPR, correspondence/documentation asking for personal data should contain specific information about why such information needs to be provided and whether the individual is obliged to provide the information. Legal advice should be taken to ensure any such correspondence/documentation is compliant.

<sup>21</sup> See Article 17(3) of the UK GDPR. Article 18(2) and 18(3) provide exceptions to the right of the individual to restrict the processing of personal data in certain circumstances.

<sup>22</sup> Details on how the Fund administrator can be contacted e.g. a contact number/email address should be provided here. This is intended to satisfy the requirements of Articles 13(1)(a) and 14(1)(a) of the UK GDPR.

<sup>23</sup> Details on how the data protection officer can be contacted e.g. a contact number/email address should be provided here This is intended to satisfy the requirements of Articles 13(1)(b) and 14(1)(b) of the UK GDPR