

LOCAL GOVERNMENT ASSOCIATION

TEMPLATE FULL PRIVACY NOTICE FOR LGPS FUNDS

- 1 This template privacy notice has been prepared for the Local Government Association. We understand that copies will be provided to the administering authorities of Local Government Pension Scheme funds in England and Wales. **This template will need to be tailored to the specific circumstances of each fund.** Accordingly we accept no liability to individual funds or their administering authorities unless we provide formal advice specific to that authority.
- 2 This template is not advice to other connected or stakeholder parties, their auditors or other advisers, or other third parties ("**Third Parties**"). Other than as noted in paragraph 1 above, no part of this template may be passed on to Third Parties without our written agreement but, if it is so passed, we accept no responsibility, and will have no liability in contract, tort or otherwise, to those Third Parties in relation to this template.
- 3 This template has been prepared and updated based on an understanding of the law and guidance as at the date of issue. Accordingly, it is possible that this template will need to be updated if the law changes or guidance is revised. However, we will only do so if the Local Government Association specifically give us written instructions to do so.
- 4 This template is intended to enable administering authorities, in their capacity as controller of personal data relating to the Local Government Pension Scheme fund for which they are responsible, to satisfy their obligation under data protection legislation to inform affected individuals what personal data is held and how it is used for the purposes of the pension fund. We have not considered or advised on any tax or commercial implications that individual funds may wish to consider in conjunction with this notice.
- 5 This template takes into account guidance issued by the Information Commissioner and the European Data Protection Board (previously known as the EU Article 29 Data Protection Working Party) as at the date of issue. In some cases we have taken a pragmatic view as to the level of detail included in the template, bearing in mind the need for the notice to be succinct and easy to understand. Individual funds will need to consider whether their own circumstances are such that more detail should be included. It is likely that best practice in this area will continue to develop and individual funds should review their privacy notices regularly and consider whether they should be updated and reissued.
- 6 Please note that we have made some amendments to the template Full Privacy Notice as at 15 May 2018, which was last issued on 21 June 2018 (version 3). Administering authorities should note that the updates that have been made to the template do not necessitate an immediate re-issue of the privacy notice and instead could be included in an annual update of the privacy notice.

- 7 Please note that we have made some amendments to version 3 of the template Full Privacy Notice (version 4). Administering authorities should note that the updates that have been made to the template do not necessitate an immediate re-issue of the privacy notice and instead could be included in an annual update of the privacy notice. However, since the GDPR came into effect, the direction of travel is towards greater transparency. Administering authorities therefore may want to revisit how frequently and in what circumstances they circulate hard copies of the privacy notice to members and consider how they will bring the most up to date version of the privacy notice to members' attention. The changes are noted below to assist administering authorities who have already issued their privacy notice in determining whether and when to issue an update to the privacy notice.
- (a) We have inserted a new reference to "data protection legislation" in the first paragraph rather than referring to specific legislation throughout and have added a footnote to explain what the legislation is for the benefit of administering authorities. We have also included references to the GDPR and the UK GDPR as there are now effectively "two GDPRs"; the EU version of the GDPR and the GDPR as incorporated into UK law. As at today's date, those provisions are near identical for most purposes. However, they may diverge over time following the UK's exit from the EU.
 - (b) In the section headed, "**Organisations that we may share your personal data with**", we have inserted some additional wording to cover instances where administering authorities and their advisers and service providers act as joint controllers in respect of personal data. Article 26 GDPR provides that the essence of an arrangement between joint controllers shall be made available to the data subject.
 - (c) In the section headed, "**Transferring information outside the UK,**" we have inserted a new heading and updated this section to reflect the fact that following Brexit, the UK now falls outside the European Economic Area ("**EEA**"). As such, appropriate safeguards must be implemented whenever there is a transfer of personal data from the UK to jurisdictions which may not offer an adequate level of protection to personal data, as is required by the UK Government or EEA countries. Under the GDPR, there is a requirement to specify where data will be transferred to a third country and the existence or absence of an adequacy decision or reference to the appropriate safeguards used to protect it and the means by which the individual can obtain a copy of them. To comply with the GDPR, administering authorities will need to identify in the privacy notice the particular transfers involved and the safeguard used for them (e.g. model clauses).
 - (d) In the section headed "**Your rights**", we have expanded the wording about a data subjects' right to ask administering authorities to restrict the processing of their personal data, as described in Article 18 GDPR.
 - (e) Footnotes have been amended to ensure that all legislative references are correct and complete following the updates made to version 3 of the template Full Privacy Notice in ~~this~~ version 4. In particular:
 - (i) They have been expanded to provide more guidance in relation to data protection legislation (footnote 4), tracing bureaus (footnote ~~22~~23), AVC

providers (footnote ~~24~~²⁵), the use of personal data for direct marketing processes as addressed in Article 21 of the GDPR (footnote ~~27~~²⁸).

- (ii) Footnote 6 has been expanded in light of the ICO's increasing focus on transparency. The wording included in the section titled, "The technical bit", is intended to address the requirements of Articles 13(1)(c) and 14(1)(c) GDPR. However, it is possible this may contain insufficient detail. Where Funds have carried out extensive, detailed mapping of their processing activities (which we recommend), they should 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.
- (iii) Footnote 13 has been expanded as it has become clearer since 2018 that one of the key focuses from a regulatory perspective, as mentioned above, is on transparency and that includes on sources of data and on who it is shared with. Funds should identify specific sources of types of data where they are not obtaining it from a Member or beneficiary of the Fund and should consider including further information (for example, a detailed table either in the section titled, "**What personal data we hold, and how we obtain it**", or at end of this privacy notice)

8 Please note that we have made some amendments to version 4 of the template Full Privacy Notice (version 5), which was last issued on 20 September 2021. Administering authorities should note that the updates that have been made to the template do not necessitate an immediate re-issue of the privacy notice and instead could be included in an annual update of the privacy notice. However, since the GDPR came into effect, the direction of travel is towards greater transparency. Administering authorities therefore may want to revisit how frequently and in what circumstances they circulate hard copies of the privacy notice to members and consider how they will bring the most up to date version of the privacy notice to members' attention. The changes are noted below to assist administering authorities who have already issued their privacy notice in determining whether and when to issue an update to the privacy notice.

- (a) We have inserted some wording in the section titled, "**How we will use your personal data**" which is intended to cover situations where additional information is required by administering authorities to rule out pension scam activity and process a transfer request in light of the Occupational and Personal Pension Schemes (Conditions for Transfers) Regulations 2021.
- (b) Footnote 9 has been updated as administering authorities 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, which includes transfer applications, expression of wish forms and applications for early retirement.

Squire Patton Boggs (UK) LLP
~~17 September 2021~~
26 January 2022

FULL PRIVACY NOTICE

for the members [and beneficiaries] of the [-]¹

This privacy notice is for members [and beneficiaries] of the [-]² (the "Fund"). It has been prepared by [-]³ (the "Administering Authority", or "we") in its capacity as the administering authority of the Fund. This privacy notice describes how we collect and use personal data in accordance with data protection legislation.⁴

This privacy notice will also be made available on [online] / [on the Fund's website] at the following link:

[Insert link to relevant area of website]

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.

Why we are providing this notice to you

As the Administering Authority of the Fund we hold certain information about you and from which you can be identified ("**personal data**") which we use to administer the Fund and to pay benefits from it. In line with data protection legislation, we are required to give you specified information about the personal data we hold about you, how we use it, your rights in relation to it and the safeguards that are in place to protect it. This notice is designed to give you that information.

¹ Please insert name of the Fund. Please note that this notice will not be suitable for issue to vulnerable individuals, including children. Administering Authorities may wish to take legal advice on what would be suitable to be supplied to vulnerable individuals, including children, and the changes that should be made order to ensure that the content can be understood. The European Data Protection Board (previously known as the Article 29 Data Protection Working Party) guidelines state that where information previously provided to data subjects (for example, in privacy notices) is being updated to comply with the UK GDPR, it should be made clear to the data subjects that changes have been made in order to comply with the UK GDPR – Administering Authorities may wish to consider the extent to which wording is included in the privacy notice in this regard.

² Please insert name of the Fund.

³ Please insert name of the Administering Authority.

⁴ 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).

The technical bit

The Administering Authority holds personal data about you, in its capacity as a controller, for the proper handling of all matters relating to the Fund, including its administration and management. This includes the need to process your data to contact you, to calculate, secure and pay your benefits, for statistical and financial modelling⁵ and for reference purposes (for example, when we assess how much money is needed to provide members' and beneficiaries' benefits and how that money should be invested), and to manage liabilities and administer the Fund generally. Further information about how we use your personal data is provided below.

The legal basis⁶ 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. 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:⁷

- 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/or]
- 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/or⁸]
- c) [because we need to process your personal data to meet our contractual obligations to you 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].

What personal data we hold, and how we obtain it⁹

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

- Contact details, including name, address, telephone numbers and email address.

⁵ The European Data Protection Board (previously Article 29 Data Protection Working Party guidelines) suggest that more detail of any statistical and financial modelling should be provided where known.

⁶ 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.

⁷ 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).

⁸ 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.

⁹ 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.

- Identifying details, including date of birth, national insurance number and employee and membership numbers.
- Information that is used to calculate and assess eligibility for benefits, for example, length of service or membership and salary information.
- Financial information relevant to the calculation or payment of benefits, for example, bank account and tax 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.¹⁰
- Information about a criminal conviction if this has resulted in you owing money to your employer or the Fund and the employer or the Fund may be reimbursed from your benefits.¹¹

We obtain some of this personal data directly from you.¹² We may also obtain data (for example, salary information) from your current or past employer(s) or companies that succeeded them in business, from a member of the Fund (where you are or could be a beneficiary of the Fund as a consequence of that person's membership of the Fund) and from a variety of other sources including public databases (such as the Register of Births, Deaths and Marriages), our advisers and government or regulatory bodies, including those in the list of organisations that we may share your personal data with set out below.¹³

Where we obtain information concerning certain "special categories" of particularly sensitive data, such as health information, extra protections apply under the data protection legislation. We will only process your personal data falling within one of the special categories with your consent, unless we can lawfully process this data for another reason permitted by that legislation. You have the right to withdraw your consent to the processing at any time by notifying the Administering Authority in writing¹⁴. However, if you do not give consent, or subsequently withdraw it, the Administering Authority may not be able to process the relevant information to make decisions based on it, including decisions regarding the payment of your benefits.

¹⁰ 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. 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.

¹¹ 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 10 above.

¹² 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 10 above.

¹³ Please note Article 14 of the UK GDPR sets out specific information obligations on the Administering Authority where it obtains information from a third party unless one of the exceptions under Article 14(5) apply. The European Data Protection Board (previously Article 29 Working Party) guidelines state that where possible specific sources of personal data should be listed – consider if any more need to be added (particularly any that a member/beneficiary might not generally be aware of). It has become clearer since 2018 that one of the key focuses from a regulatory perspective is on transparency and that includes on sources of data and on who it is shared with. Funds should identify specific sources of types of data where it is not obtaining it from a Member or beneficiary of the Fund. Funds should consider including further information (for example, a detailed table either in this section or at end of this privacy notice).

¹⁴ If pre- UK GDPR consents did not inform individuals of this right (which is likely, given that it is a new explicit right under the UK GDPR) then it may not be possible to rely on them. Retrospectively informing members/beneficiaries may not be adequate therefore legal advice should be taken. See note 10 above.

Where you have provided us with personal data about other individuals, such as family members, dependants or potential beneficiaries under the Fund, please ensure that those individuals are aware of the information contained within this notice.

How we will use your personal data¹⁵

We will use this data to deal with all matters relating to the Fund, including its administration and management¹⁶. This can include the processing of your personal data for all or any of the following purposes:

- To contact you.
- To assess eligibility for, calculate and provide you (and, if you are a member of the Fund, your beneficiaries upon your death) with benefits.
- To identify your potential or actual benefit options and, where relevant, implement those options.
- **[To allow alternative ways of delivering your benefits, for example, through the use of insurance products and transfers to or mergers with other pension arrangements.]**
- For statistical and financial modelling and reference purposes (for example, when we assess how much money is needed to provide members' and beneficiaries' benefits and how that money should be invested).
- To assess and, if appropriate, action a request you make to transfer your benefits out of the Fund.¹⁷
- To comply with our legal and regulatory obligations as the administering authority of the Fund.
- To address queries from members and other beneficiaries and to respond to any actual or potential disputes concerning the Fund.
- The management of the Fund's liabilities, including the entering into of insurance arrangements and selection of Fund investments.
- In connection with the sale, merger or corporate reorganisation of or transfer of a business by the employers that participate in the Fund and their group companies.¹⁸

Organisations that we may share your personal data with¹⁹

From time to time we will share your personal data with advisers and service providers so that they can help us carry out our duties, rights and discretions in relation to the Fund. Some of those organisations will simply process your personal data on our behalf and in accordance with our instructions; they are referred to as processors. Other organisations will be responsible to you directly for their use of personal data that we share with them; they are referred to as controllers. The controllers may be obliged under the data protection legislation to provide you with additional information regarding the personal data they hold about you and how and why they process that data. Further information may be provided to you in a separate notice or may be obtained from the advisers and service providers direct, for example via their websites²⁰.

¹⁵ This is intended to satisfy requirements of Articles 13(1)(c) and 14(1)(c) of the UK GDPR.

¹⁶ Reference to the external pension provider in respect of AVCs should be added if applicable.

¹⁷ This is intended to cover situations where additional information is required by Administering Authorities to rule out pension scam activity and process a transfer request. 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 9 above for further details.

¹⁸ Please insert and identify any other purposes for which the personal data may be used in individual circumstances.

¹⁹ This is intended to satisfy requirements of Articles 13(1)(e) and 14(1)(e) of the UK GDPR.

²⁰ This is suggested as a pragmatic approach in order to keep the Fund's privacy notice as succinct and easy to understand as possible, rather than adding any specific information another controller may ask the Administering Authority to include on

Whenever one of our advisers or service providers acts as a joint controller with us in respect of your personal data, because we jointly determine the purposes and means of processing it, we will agree with them how we are each going to meet our respective and collective obligations under the data protection legislation. If you would like more information about how such an arrangement works please contact us using the contact details below.²¹

The organisations that we may share your personal data with may include the following advisers and service providers:²²

Processors	Controllers ²⁴
<ul style="list-style-type: none"> • Administrator – (currently [-]) • [Third party administrators – (currently [-])] • Accountants – (currently [-]) • Communications adviser – (currently [-]) • Tracing bureaus for mortality screening and locating members and beneficiaries²³ – (currently [-]) • Overseas payments provider to transmit payments to Fund members and beneficiaries with non-UK accounts – (currently [-]) • Printing companies – (currently [-]) • Pensions software provider – (currently [-]) • Suppliers of IT, document production and distribution services 	<ul style="list-style-type: none"> • Actuarial consultant – (currently [-]) • Fund benefit consultant – (currently [-]) • Investment adviser – (currently [-]) • [Additional Voluntary Contribution providers – (currently [-])]²⁵ • Legal adviser – (currently [-]) • Fund Actuary – (currently [-]) • Statutory auditor – (currently [-]) • External auditor – (currently [-]) • Internal auditor – (currently [-]) • Insurance companies in connection with ill health benefits – (currently [-]) • LGPS National Insurance database – (South Yorkshire Pensions Authority) • Administering authorities of other LGPS funds (or their agents, such as third party administrators) where you have been a member of another LGPS fund and the

its behalf. However, Administering Authorities should consult with their own providers (e.g. the Fund actuary). Controllers will have their own, separate obligations under data protection legislation to provide a privacy notice to any individuals whose personal data they receive when providing services to the Administering Authority. In practice, it is likely the Administering Authority will be asked to assist with that process, either by sending the adviser's privacy notice to members/beneficiaries or by including a link in the Administering Authority's own privacy notice to the adviser's website, where a copy of the adviser's privacy notice can be accessed. This link could be included within the table of current advisers set out above.

²¹ We have assumed that none of the service providers are claiming to be joint controllers (but please seek legal advice if this assumption is incorrect). Notwithstanding the assumption that none of the service providers are claiming to be joint controllers, we have included this wording in the privacy notice in case in the future we have further clarity regarding the definition of "joint controller" (including actuaries' status as joint controllers, which is particularly controversial). We have deliberately kept this brief and not named specific service providers as potential joint controllers. Guidance has been issued on the distinction between controllers and processors which includes some guidance on joint controllership. However, it's still not particularly clear. The wording as drafted will not be compliant with a strict reading of Article 26 of the GDPR if there are any joint controller relationships. Article 26 requires joint controllers to have an "arrangement" between them setting out their respective responsibilities and that the "essence of the arrangement shall be made available to the data subject". Administering Authorities will therefore need to assess this on a case by case basis and then include any details of any joint controllership in this privacy notice in order to comply.

²² Administering Authorities should carry out assessments as to controller, processor and joint controller and then complete this table as appropriate. As an alternative, this could be included in a separate table at end of this privacy notice. We have included some examples as illustrations of some bodies and of possible categorisation but note that Administering Authorities will need to assess on a case by case basis. However, this will depend on precise facts of appointment of each adviser and services provider, including the approach taken by individual entity.

²³ The tracing bureaus may consider themselves to be data controllers – the Administering Authority may wish to check this with the tracing bureau directly.

²⁴ See note 2021.

²⁵ This may require amendment depending on the pension arrangement used for AVCs and whether AVC providers may consider themselves to be controllers – the Administering Authority may wish to check this with the AVC provider directly.

	<p>information is needed to determine the benefits to which you or your dependants are entitled</p> <ul style="list-style-type: none">• The Department for Work and Pensions• The Government Actuary's Department• The Cabinet Office – for the purposes of the National Fraud Initiative• HMRC• The Courts of England and Wales – for the purpose of processing pension sharing orders on divorce
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Where we make Fund investments or seek to provide benefits for members and beneficiaries in other ways, such as through the use of insurance, then we may also need to share personal data with providers of investments, insurers and other pension scheme operators.²⁶

From time to time we may provide some of your data to your employer and their relevant subsidiaries (and potential purchasers of their businesses) and advisers for the purposes of enabling those entities to understand the liabilities and obligations of the employer regarding the Fund. Your employer would generally be a controller of the personal data shared with it in those circumstances. For example, where your employment is engaged in providing services subject to an outsourcing arrangement, the Administering Authority may provide information about your pension benefits to your employer and to potential bidders for that contract when it ends or is renewed.

Where requested or if we consider that it is reasonably required, we may also provide your data to government bodies and dispute resolution and law enforcement organisations, including those listed above²⁷, the Pensions Regulator, the Pensions Ombudsman and Her Majesty's Revenue and Customs (HMRC). They may then use the data to carry out their functions.

The organisations referred to in the paragraphs above may use the personal data to perform their functions in relation to the Fund as well as for statistical and financial modelling (such as calculating expected average benefit costs and mortality rates) and planning, business administration and regulatory purposes. They may also pass the data to other third parties (for example, insurers may pass personal data to other insurance companies for the purpose of obtaining reinsurance), to the extent they consider the information is reasonably required for a legitimate purpose.

[We do not use your personal data for marketing purposes and will not share this data with anyone for the purpose of marketing to you or any beneficiary.]²⁸

²⁶ The paragraph may be required where, for example, the Administering Authority secures benefits via insurance or a transfer to another pension arrangement.

²⁷ Please confirm names of other organisations, including government agencies, with whom personal data may be shared.

²⁸ The use of personal data for direct marketing purposes is addressed at Article 21 of the UK GDPR and automated processing and profiling at Article 22. We assume there will be no automated processing which has a legal effect or significant impact on the data subject's rights subject but Administering Authorities should assess whether that is in fact the case and include appropriate wording where necessary to satisfy Articles 13(2)(f) and 14(2)(g) of the UK GDPR. We have assumed that Administering Authorities and their advisers/service providers are not using personal data for direct marketing purposes. However, if direct marketing is taking place then the members/beneficiaries should be informed about their right to object to this. Administering Authorities may wish to seek legal advice.

Transferring information outside the UK

In some cases recipients of your personal data may be outside the UK. As such, your personal data may be transferred outside the UK to a jurisdiction that may not offer an adequate level of protection as is required by the UK Government.

If this occurs, additional safeguards must be implemented with a view to protecting your personal data in accordance with applicable laws. Please use the contact details below if you want more information about the safeguards that are currently in place.²⁹

How long we keep your personal data³⁰

We will only keep your personal data for as long as we need to in order to fulfil the purpose(s) for which it was collected and for so long afterwards as we consider may be required to deal with any questions or complaints that we may receive about our administration of the Fund, unless we elect to retain your data for a longer period to comply with our legal and regulatory obligations. In practice, this means that your personal data will be retained for the greater of:

- 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 [15 years]³¹ 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]³²; [or]
- [100 years from the date of birth of any beneficiary who received benefits from the Fund after the member's death].

²⁹ 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 known as the 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, ensure that they can answer any requests for further information and take legal advice where appropriate.

³⁰ This is intended to satisfy the requirements of Articles 13(2)(a) and 14(2)(a) of the UK GDPR. The European Data Protection Board (previously known as Article 29 Working Party) guidelines on retention periods state that meaningful information about the likely period of retention should be provided and a generic statement is not appropriate ("It is not sufficient for the controller to generically state that personal data will be kept as long as necessary for the legitimate purposes of the processing"). While data protection legislation does not prescribe a time period beyond which data must not be kept, the controller is under an obligation to inform individuals of the period for which data will be kept or, if this is not possible, the criteria that will be used to determine the retention period. The UK GDPR states that while the data is being retained, the controller is also under an obligation to keep personal data up to date and to take every reasonable step to ensure that inaccurate data is either erased or rectified without delay. Further, that data must not be kept in a form that is capable of identifying an individual for longer than is necessary. In practice, we anticipate that Administering Authorities will need to retain personal data held for the purposes of the Fund for extended periods because of the long-term nature of the pension liabilities. Consideration should, however, be given to "filleting" the data held so that individual items are not retained for longer than actually required. The suggested period of "last payment of benefits plus 15 years" was based on the current maximum statutory limitation period, as any complaints about the payment of those benefits would need to be brought within that timeframe. It does, however, suggest that at some point data would actually be deleted. If in practice the Administering Authority does not currently operate such a practice and does not propose to do so going forwards as a response to the new data protection legislation, then the wording will need to be amended. However, Administering Authorities should be aware that if they do not attempt to give a defined period for which personal data will be held, strictly speaking this is unlikely to comply with the UK GDPR. Administering Authorities will need to consider the extent to which the suggested wording matches their actual practice.

See Articles 5(1) and 5(2), and in particular Article 5(1)(c) - (e) of the UK GDPR. Please also see Recital 39 of the UK GDPR.

³¹ 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.

³² 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.

Your rights³³

You have a right to access and obtain a copy of the personal data that the Administering Authority holds about you and to ask the Administering Authority 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 the Administering Authority to restrict³⁴ the processing 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) erase³⁵ 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 "*The technical bit*", or where 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 or via its telephone helpline (0303 123 1113).

If you wish to exercise any of these rights or have any queries or concerns regarding the processing of your personal data, please contact the Fund Administrator as indicated below.³⁶ You also have the right to lodge a complaint in relation to this privacy notice or the Administering Authority's processing activities with the Information Commissioner's Office which you can do through the website above or their telephone helpline.³⁷

As explained in the section above headed "*How we will use your personal data*", one of the reasons we collect and hold your personal data is to administer your Fund benefits.³⁸ 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

³³ This is intended to satisfy the requirements of Articles 13(2)(b) and 14(2)(c) of the UK GDPR. As mentioned above, 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.

³⁴ 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) in a number of circumstances specified in Article 18. These include where the individual has contested the accuracy of the personal data. The processing would also have to be restricted where the individual has raised an objection, and the Administering Authority's justification for the processing is based on Article 6(1)(e) or (f) i.e. 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 an overriding 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.

³⁵ 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).

³⁶ 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.

³⁷ This is intended to satisfy the requirements of Articles 13(2)(d) and 14(2)(e) of the UK GDPR.

³⁸ 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.

could mean the Administering Authority is unable to put your pension into payment or has to stop your pension (if already in payment).³⁹

Updates

We may update this notice periodically. Where we do this we will inform members [and beneficiaries] of the changes and the date on which the changes take effect.

Contacting us⁴⁰

Please contact the Fund administrator [-] for further information.

Data Protection Officer

You may also contact our data protection officer [-] for further information.⁴¹

³⁹ 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.

⁴⁰ 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.

⁴¹ 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.