

Graham & Brown Retirement Benefits Scheme – General Data Protection Regulations Privacy Notice

Data protection regulation is extremely important to ensure that personal information is kept securely and used only for the right purposes. The Trustees and their advisers have been complying with the current laws since they came into force in 1998.

From 25 May 2018 the law changed to tighten further the protection of personal data. This doesn't just apply to pension schemes; every company and organisation in Europe that has access to personal data will need to comply with the law.

Under these laws one of the things, we must do is to write formally to all the members of the Scheme to explain how your personal data will be used, who will have access to it and what new rights you will have.

The pension scheme member data that our advisers hold on our behalf is never sold on to other organisations and is never used so that other organisations can sell you their products or services.

Why are the Trustees writing to me?

Under the regulations the trustee board are "Data Controllers". This means that we decide how and why your data is used and it is therefore the Trustees who need to write to you. As Data Controllers, the Trustees collect and process your personal data for the purposes of complying with their legal duties to administer the Scheme, and for other legitimate purposes relating to the operation of the Scheme.

What is personal data?

This is information that could be used to identify you as an individual. So things like National Insurance number, date of birth, home address and bank details are all examples of personal data.

Some forms of personal data are especially sensitive and therefore require a higher level of protection. This data includes "special categories of personal data" and personal data relating to criminal convictions and offences. In the context of your membership to the Scheme, we may hold special categories of personal data in relation to your physical and mental health; sexual orientation; or trade union membership. This data is obtained for the purposes of calculating benefits payable from the Scheme, the funding of the Scheme and where consultation is required with members.

Who has access to my data?

The administrator, XPS Group, who looks after your member records and calculates your benefits is the organisation that holds complete records of all the members of the Scheme. The Scheme Actuary needs access to some of that data in order to assess how well funded the Scheme is and sometimes in order to assist in calculating benefits. From time to time, other organisations will also need access to your data. For example, the Scheme Auditor will see a limited amount of personal data in order to ensure that the Scheme's finances are in order and the correct benefits are being

paid out. The Scheme's legal adviser may need to be consulted on individual cases. If you are a pensioner, we have to provide information to HMRC so that they know what tax has been deducted from your pension.

Graham & Brown Limited ('the Company') also holds your data to comply with its legal obligations as the sponsoring employer of the Scheme. It also has a legitimate interest in the Scheme being run in a cost-effective way and may have an interest in offering certain options to members, such as the recent transfer value exercises.

All of the organisations that need access to your personal data will have to comply with the new regulations, but the Trustees and their advisers will also check to make sure that they are confident that your data will be secure.

We also receive information from you about your proposed beneficiaries, who would be eligible to receive benefits on your death. We assume that you have the consent of those individuals to provide us with this information and that you will share this privacy notice with them.

What will the Trustees do with my personal data?

The reason we hold individual member records (that contain personal data) is so that the correct pension benefits can be calculated when members retire and once retired, members continue to be paid the correct pension. The Trustees' advisers will need access to that information to ensure that everyone receives the correct pension and in the event of a member's death that dependants are also paid the correct benefit. The data we hold includes your name, address, salary, years of service with the Scheme, date of birth, National Insurance number and contact details.

We will only process your personal data when data protection law allows us to. Most commonly we will use your personal data in the following circumstances:

- Where the processing is necessary for us to comply with a **legal obligation** or **contract** which we are subject to. This will apply due to our legal and fiduciary duties to administer the Scheme according to its Trust Deed and Rules and in accordance with any relevant legislation. If we should enter into any contractual arrangements with you, we shall be entitled to process your data to comply with our obligations under those contractual arrangements; and
- Where the processing is necessary for the purposes of pursuing our **legitimate interests** (or the legitimate interests of our advisers) relating to the operation of the Scheme, provided that such interests are not overridden by your interests or your fundamental rights and freedoms. We have a legitimate interest to process your personal data so that we can: administer the Scheme correctly and in accordance with best administrative or regulatory practice; to manage the assets and liabilities of the Scheme's fund; and to calculate, secure and pay the correct benefits that are due to you. We believe that in the majority of cases, your interests will not override our legitimate interests, but we will keep this under regular review.

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original

purpose. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Lawful processing of special categories of personal data and criminal offence data

When processing special categories of personal data, which is especially sensitive and requires a higher level of protection, we must comply with the extra protections under the Data Protection Law.

We will therefore 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 the Data Protection Law.

You have the right to withdraw that consent at any time. To withdraw your consent, please see the relevant contact details at the end of this communication. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law. However, please be aware that if we do not hold all the data we need to calculate or administer your benefits (because you have withdrawn your consent), we may not be able to pay out the benefits you are entitled to.

Very occasionally we may also need to process any criminal conviction and offence data in relation to you such as where you owe money to your employer or the Scheme. We will only use information relating to criminal convictions where Data Protection Law allows us to do so.

How long will you keep my personal data?

We will need to hold personal data for many years, probably until (long after your own death) any dependants pension ceases. In practical terms, there are often occasions when a review of historical member information is necessary. One of the most recent examples of this is HMRC's decision to cease the practice of contracting out of the State Pension Scheme. In this case the Scheme administrators are looking back at records held up to 40 years ago to make sure that every member's contracted out record is correct and is in line with what HMRC hold.

What will the Trustees do with data I have given about members of my family or other third parties?

Where you have provided us with personal data about other individuals, such as family members, dependants or potential beneficiaries under the Scheme, we will keep that information confidential and will advise the individual of their data protection rights if a benefit becomes payable from the Scheme.

How does XPS Group use my information?

The current XPS Group Scheme Actuary, Steve Morris FIA, and XPS Group Consulting Limited when providing defined benefits actuarial consulting services, are Data Controllers in common with the Scheme Trustees. We share your personal information with XPS Group in order for them to provide these services. The XPS Group Privacy Notice is available at <https://www.xpsgroup.com/privacy-policy/>.

The relevant notice for you is labelled “Combined Scheme Actuary & Actuarial Consulting privacy information”.

XPS Group may make changes from time to time so you should check the latest version of this Privacy Information occasionally.

We take your privacy very seriously and we ask that you read XPS Group’s Privacy Information carefully as it contains important information on:

- The personal information we share with XPS Group in relation to the services provided,
- What XPS Group does with your information,
- Who XPS Group may share your information with, and
- What rights you have regarding XPS Group’s holding of your information.

The Scheme Actuary may change. If you wish to know who the current Scheme Actuary is, please refer to the most recent scheme accounts, or contact the Trustees.

What rights do I have?

You already have the right to see your own pension scheme records (this is known as a Subject Access Request) and require that we rectify any errors in the data that we hold but in addition, you will (under certain limited circumstances) have the right to be forgotten or have your personal information deleted. However, as far as the Scheme is concerned, without your personal information the administrator would not be able to calculate your benefits.

For pension schemes there are legal and valid reasons why your data is kept and used for all the purposes associated with managing a pension scheme. If you are asked to provide consent (to agree that another organisation can have access to your data, or for us to use especially sensitive information such as health records) then you have the right to withdraw that consent at any time. However, if we do not hold all the data we need to administer your benefits, we may not be able to pay out the benefits you are entitled to.

If you are unhappy with the way your data has been used you can complain to the Information Commissioner’s Office (ICO). Their address is shown below:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate).

What changes will I see?

As we explained at the start of this letter, the Trustees and their advisers have been complying with the Data Protection laws since 1998 and you will therefore only see minimal changes to the wording on letters and information that are usually sent to you in the normal course of events such as at retirement or upon leaving the Scheme.

In future, when there are significant changes to the Scheme (or projects) that require us to use your personal data we will explain in more detail why it is being used and whether you need to consent to that particular use of your data.

Contact details

Your benefits are not affected, and you do not need to take any action. However, if you have any questions the Trustee can be contacted via

Scheme Secretary: Chido Mwayera

Email: chido.mwayera@xpsplc.com

Telephone: 0113 521 6741

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