

## **The Millennium and Copthorne Pension Plan (the Plan)**

### **Data protection policy**

This policy sets out the Trustee's approach to complying with its obligations under the data protection laws which apply from 25 May 2018.

The Trustee recognises that it is important to keep personal information about the Plan's beneficiaries secure and to process this information in accordance with the data protection laws. This policy has been adopted to explain how the Trustee will comply with these laws.

#### **Controller**

The Trustee recognises that it is a controller for the purpose of the data protection laws. As such, the Trustee is responsible for compliance with the data protection laws and for overseeing those who process data on the Trustee's behalf. Those who process data on the Trustee's behalf are known as its processors.

The Trustee understands that, for some purposes, some of its professional advisers, including the Plan actuary, legal adviser and auditors, will also be controllers.

#### **Processors**

The Trustee's processors include the Plan administrators and other service providers who are not themselves controllers.

The Trustee will ensure that its processors have provided suitable guarantees about their compliance with the data protection laws and have entered into an agreement with the Trustee that meets the requirements of the data protection laws.

#### **Overriding principles when acting as controller**

The Trustee will ensure that personal information is:

- processed in a lawful, fair and transparent manner;
- collected for specified, explicit and legitimate purposes and not processed in a manner incompatible with those purposes;
- limited to what is necessary;
- accurate and kept up to date;
- kept no longer than necessary; and
- kept secure and protected against unauthorised or unlawful use and against loss, destruction or damage by using technical or organisational measures.

The Trustee will also ensure that data subjects' rights are honoured where appropriate.

#### **Basis for processing personal information**

The Trustee will usually process personal information because it is necessary for compliance with its legal obligations and/or because it has a legitimate interest in doing so. This is because the data is required for the administration of the Plan. In particular, it is required to calculate and pay benefits, to advise members about their options and to deal with any queries that they have. It is also needed to ensure that the Plan operates efficiently and provides accurate information to members.

Sometimes, the Trustee may rely on other grounds for processing personal information, such as it being necessary to comply with contractual obligations.

Occasionally, information may be processed on the basis that the members have consented to this, for example where information relates to 'special category data', such as health data.

In the case of 'special category data', processing may also take place without consent where this is permitted by the data protection laws. For example, such processing may take place where processing is necessary for the purpose of exercising obligations or rights under laws in connection with employment, social security or social protection, for the purpose of assessing working capacity or for medical diagnosis.

The processing of information relating to criminal convictions (if these relate to money owed to the Plan's employers) may also take place where the member has consented to this or where it is necessary for the purpose of the establishment or exercise of a legal claim.

Where consent is relied upon, it must be explicitly given and not implied. Members will be told about their right to withdraw their consent at any time. As consent must be specific, the Trustee will generally take professional advice before seeking consent from members, to ensure that the consent is properly given. The Trustee will also generally take professional advice before processing 'special category data' without consent or before processing information relating to criminal convictions.

Information about this will be set out in the Trustee's privacy notice.

The policies set out below apply in all cases, including in relation to 'special category data' and information relating to criminal convictions.

### **Privacy notice**

The Trustee will issue a privacy notice to all existing members and to individuals in receipt of survivor's benefits from the Plan. The privacy notice will set out:

- the Trustee's contact details;
- the purposes of the processing and the legal basis for this;
- the categories of data held;
- the recipients or categories of recipients of the data;
- information about transferring data outside of the UK or the European Economic Area (EEA) and the safeguards in place;
- details of the period for which data will be retained;
- the existence of the right to access data and of the right to have it rectified or erased;
- the right to withdraw consent (where consent is being relied upon);
- the right to complain to the ICO; and
- details of where the data originates from if collected from a third party.

The Trustee will usually review the privacy notice on an annual basis and will review it before undertaking any new processing activity. If necessary, an updated notice, or other form of communication, will be issued before any new processing activity is carried out.

## **Retention of personal information**

The Trustee recognises that personal information should only be retained for so long as necessary.

Where a person retires on a pension under the Plan, the Trustee believes that it is necessary to retain their personal information until the member's death. If a pension death benefit becomes payable, the information will be retained until that pension ceases. Once there is no further liability, the information will be kept indefinitely in case any future claims are made.

Where a member transfers out of the Plan or takes all benefits as a cash sum, the member's personal information will be kept indefinitely in case any future claims are made.

The Trustee believes that retaining personal information for this length of time is in line with its obligations, its legitimate interests and the interests of the Plan as a whole and is also in the interests of the people concerned. This is because it is important to be able to demonstrate that benefits have been paid correctly and that the Plan has discharged its liabilities and to be able to deal with any queries raised about this in the future.

## **Right to access personal information**

The Trustee will seek to comply with access requests and to provide the appropriate data within one month of a request being made. Where this is not possible, the member will be kept informed. The Trustee will take professional advice about how to comply with any request, to ensure that appropriate information is provided. Usually there will be no charge for providing the information.

In the unlikely event of manifestly unfounded or repetitive requests, the Trustee may decide not to provide information. However professional advice will be taken in those circumstances.

## **Right to rectify personal information**

It is important that personal information is accurate. The Trustee shall seek to verify data at appropriate times. The Trustee shall also ensure that members are regularly reminded of the need to update their contact details and any expression of wishes forms.

## **Right to have personal information deleted and to object to processing**

The Trustee recognises that the right to have personal data deleted (the right to be forgotten) is not an absolute right and is subject to any overriding interest that the Trustee may have which justifies the retention and processing of the information. As such, during the period referred to in the section '**Retention of personal information**' above, the Trustee is unlikely to be required to honour a request for data to be deleted.

Similarly, members have the right to object to the Trustee's legitimate interest in processing data. If they do this during the period referred to in the section '**Retention of personal information**' above, the Trustee is likely to conclude that it has an overriding interest which justifies the retention and processing of the information.

## **Records of processing activities**

The Trustee will maintain a written record of its processing activities as controller. This will set out:

- names and contact details and those of any joint controller;
- the purpose of the processing;
- the categories of data subjects and the categories of personal data;

- the categories of recipients to whom data has been or will be disclosed;
- details about transfers of data outside the EEA, including the name of the recipient country, and of the safeguards in place;
- the time limit for retention of the data;
- a general description of the technical and organisational security measures implemented; and
- information relating to the conditions under which special category data and information relating to criminal convictions is processed.

The Trustee's processors must maintain similar records.

### **Measures to ensure data security**

The Trustee must take appropriate technical and organisational measures to ensure personal information is kept secure and protected against unauthorised or unlawful use and against loss, destruction or damage.

The Trustee's policy is that the following measures should usually be taken:

- all paper-based documentation containing personal information should be disposed of in a confidential manner, eg using confidential shredding bins;
- those working with personal information should maintain a clear desk and clear screen when they leave their workstation;
- all storage facilities which contain personal information should be locked when unattended or be within locked premises;
- personal data should be kept secure whenever it is outside of the premises, e.g. on a password protected device;
- access to personal data should be limited to access for legitimate business purposes only;
- where possible, personal data should be transferred by encrypted means; and
- where possible, personal information should be anonymised before it is used, especially where it is being shared amongst the Trustee directors or with third parties.

The Trustee will seek to ensure that the Trustee's processors comply with its policies or otherwise take measures which are acceptable to the Trustee.

The Trustee will monitor its processors by a combination of:

- carrying out due diligence prior to appointment (for any new processors);
- contractual arrangements which include the mandatory contractual provisions;
- periodic assessments; and
- audit requirements.

## **Transfers of data outside the UK**

The Trustee will seek to ensure that data is not transferred outside the UK without appropriate safeguards being in place. The Trustee may transfer your data outside the UK to a country which the UK government considers ensures an adequate level of protection of personal data. These “adequacy regulations” currently apply to a number of countries, including countries within the European Economic Area (EEA). If there are no adequacy regulations in place, the Trustee may only transfer your data if there are adequate safeguards and if you would have enforceable legal rights and effective legal remedies in respect of your data.

Professional advice will be taken if it is proposed that personal information be transferred outside the UK directly by the Trustee. Transfers outside the UK may be made by the Trustee's processors where this is permitted by their agreement with the Trustee.

## **Dealing with breaches of the data protection laws**

The Trustee recognises that breaches of the data protection laws can have serious consequences and must be dealt with quickly.

As such, the Trustee has delegated authority to deal with data breaches to Val Simpson and Natalie Pinnington or if they are unavailable to any other two members of the trustee board.

Professional advice will be sought about how to deal with the breach and whether the Information Commissioner's Office (ICO) and the members concerned need to be notified.

Notification to the ICO is required without delay (and in any event within 72 hours) unless the breach is unlikely to result in a risk to the member concerned. Members must be notified without undue delay where the breach causes a high risk to them.

Those who process data on behalf of the Trustee are required to notify the Trustee of any breach without undue delay after becoming aware of it.

## **Data protection impact assessments**

If the Trustee believes that a new form of processing will carry a high risk, for example if it uses new technologies, an impact assessment may be carried out.

However, in many cases the Trustee expects that its processors will have carried out assessments in those circumstances as to the level of risk involved.

## **Board supervision**

Reflecting the importance of its data protection obligations, the Trustee will ensure that data protection is reviewed on at least an annual basis.

Dated December 2022