

## **Privacy notice for DC schemes in wind-up**

This privacy notice describes what personal data we (the Trustees of your Scheme) collect about you and other people whose personal data may be provided to us in connection with your Scheme membership.

This privacy notice also describes how we process (i.e. handle) your personal data, the basis upon which we process it, with whom it is shared, how it is stored and certain other important information relating to the protection of your personal data.

### **Please read this privacy notice carefully as it contains important information.**

#### **1. What personal data do we collect about you and how?**

1.1 We collect personal data from you in a number of different ways:

(a) you may share information with us (for example, when you respond to letters seeking confirmation of your personal data);

(b) we may collect certain personal data from third parties (for example, your current or former employer);

(c) we may also generate certain personal data in our running of the Scheme (for example, information relating to your benefits).

1.2 We collect personal data from the following third parties:

(a) your current or former employer;

(b) any financial or other adviser or representative acting on your behalf;

(c) providers of services that allow us to verify the accuracy of your personal data (for example, to trace your current address or to verify your continuing existence); and

(d) government agencies (for example, HM Revenue and Customs or the National Insurance Contributions Office).

1.3 In certain circumstances, we may ask you for information relating to your health; for example, if you are applying for ill health benefits. We will only ask for as much health information as we need. We will explain to you at the time why we need that information and how we intend to use it. When we need to, we will ask for your consent to use your health information. There are some cases in which we do not need your consent to use your health information; in those cases, we will still explain to you how we intend to use it.

1.4 You may also need to provide us with personal data relating to other people (for example, your spouse, civil partner or dependants). When you do so, you will need to check with them that they are happy for you to share their personal data with us and for us to use it in accordance with this privacy notice.

#### **2. How do we use your personal data?**

2.1 We primarily use your personal data for the purposes of operating the Scheme; for example, to calculate and pay your benefits, to communicate with you and to make decisions about you and your entitlements (as well as about the Scheme more generally).

2.2 We will also use your personal data for the purposes of complying with any laws, procedures and regulations which apply to us and to establish, exercise or defend our legal rights.

2.3 We may occasionally use your personal data for the purposes of statistical analysis or to respond to government surveys (for example, questionnaires sent to us by the Pensions Regulator or the Office of National Statistics) but this is usually completed on an anonymous basis.

2.4 If we wish to use your personal data for any other purpose, we will update this privacy notice.

#### **3. What is our lawful basis for using your personal data?**

3.1 Under laws which are designed to protect your personal data, we need to

have what is called a lawful basis each time we use, share or otherwise process your personal data.

3.2 We have certain duties and powers which are conferred on us by law or by the Scheme's governing documents. In most cases, our processing of your personal data is necessary for the performance of those duties and exercise of those powers.

3.3 Certain uses of your personal data, or other processing activities, will not be strictly necessary to perform our legal duties, or to exercise our powers; however, they will be necessary for the purposes of our legitimate interests or the legitimate interests of a third party. They may also be in your interests.

3.4 When we say "legitimate interests", we mean ours (or a third party's) interests in operating the Scheme as efficiently and securely as possible. For example, we may choose to use a third party to store your personal data; we may do this in part because our use of that service means that your personal data is more secure.

3.5 In certain circumstances, we will need your consent to collect and use your personal data; this is most likely where we are collecting information relating to your health (for example, in applying for ill health benefits) or where we obtain information that may reveal your racial or ethnic origin, religious or similar beliefs, sex life or sexual orientation for the payment of death benefits (for example, an expression of wishes form or an application for pension sharing on divorce or dissolution of civil partnership). If we have asked for your consent, you may withdraw your consent at any time. However, withdrawing this consent may influence your ability to receive certain benefits from the Scheme.

#### 4. **In what circumstances do we share your personal data?**

4.1 We will share your personal data with the following categories of third parties:

(a) your current or former employer;

(b) the Insurer – we delegate some of our duties; they are effectively responsible for the day-to-day administration of the Scheme;

(c) our benefit consultants (if relevant) – they provide advice on all aspects of running the Scheme, including the level and form of benefits to be provided to members of the Scheme, investment, member communication and strategies for managing and mitigating the risks associated with the Scheme;

(d) our indemnity insurers;

(e) any staff we employ and other companies that provide services to us (or to the Insurer or our other suppliers), such as communications consultants, printers, suppliers of data cleansing, verification and tracing services and information technology systems suppliers and support, including providers of data storage, email archiving, back-up and disaster recovery and cyber security services;

(f) government agencies (for example, HM Revenue and Customs, and the National Insurance Contributions Office);

(g) any other advisors who may be appointed by the Trustees from time to time; and

(h) any individuals or corporate trustees who are appointed to act alongside or in place of the Trustees.

4.2 Some of these third parties process your personal data in countries which are outside of the European Economic Area (EEA).

4.3 We will also disclose your personal data to third parties:

(a) if we are under a duty to disclose or share your personal data in order to comply with any legal obligation, or any lawful request from any legal or regulatory authority; or

- (b) to respond to any claims, and to establish, exercise or defend our legal rights.
- 4.4 Most third parties with whom we share your personal data are limited (by law and by contract) in their ability to use your personal data for the specific purposes identified by us.
- 4.5 Certain third parties are themselves subject to certain legal or regulatory obligations (including professional codes of practice). They will be responsible for their own processing of personal data to the extent that processing is subject to, or relates to, those obligations.
- 4.6 We will always ensure that any third parties with whom we share your personal data are subject to privacy and security obligations consistent with this privacy notice and applicable laws.
5. **Do we transfer your personal data outside the UK and the EEA?**
- 5.1 In certain circumstances, your personal data may be processed outside of the UK and the EEA.
- 5.2 If we (or our service providers) process personal data outside of the UK and the EEA, we will take appropriate measures to ensure that your personal data is adequately protected in a manner which is consistent with this privacy notice and in accordance with applicable laws.
- 5.3 Further details on the steps we take to protect your personal data in these cases are available on request by writing to us.
6. **How long do we retain your personal data?**
- 6.1 We keep your personal data for no longer than is necessary for the purposes set out above.
- 6.2 We will need to keep most of your personal data for as long as you are a member of the Scheme. If you die, we will continue to hold your personal data because we may need to pay benefits to your spouse, civil partner, partner or dependants. If your spouse or dependants subsequently die or you transfer out of the Scheme during your lifetime, we may also keep your personal data for a period of at least six years for the purposes of defending any future claims or establishing, exercising or defending our legal rights.
7. **What are your rights in relation to your personal data?**
- 7.1 You have certain rights in relation to your personal data; those rights will not necessarily apply in all cases or to all personal data which is processed by us. For example, certain rights will not apply where we need to process personal data to comply with our legal duties.
- 7.2 You have the right to request that we:
- (a) provide you with a copy of any personal data which we hold about you;
  - (b) update any of your personal data which is out of date or incorrect;
  - (c) delete any personal data which we hold about you, although in these circumstances it would be difficult to provide you with continued Scheme membership;
  - (d) restrict the way that we process your personal data;
  - (e) consider any valid objections which you have to our use of your personal data; or
  - (f) provide your personal data to a third party provider of services.
- 7.3 We will consider all such requests (including whether they apply in a particular case) and provide our response within 30 days of receipt of your request, unless there is a good reason for delay.
- 7.4 When you make a request, we may ask you to provide us with some further

information to allow us to confirm your identity.

## 8. **How do we keep your personal data secure?**

8.1 We are committed to protecting your personal data from loss, misuse, disclosure, alteration, unauthorised access and destruction. We take all reasonable precautions to safeguard the confidentiality of personal data.

8.2 Although we make every effort to protect the personal data which you provide to us, the transmission of information over the internet is not completely secure. As such, you acknowledge that we cannot guarantee the security of personal data transmitted to us over the internet, and that any such transmission is at your own risk.

8.3 Once we have received your personal data, we will use strict procedures and security features to prevent unauthorised access (and take steps to ensure that any third parties with whom we share your personal data do the same).

## 9. **Changes to this privacy notice**

9.1 We may amend this privacy notice from time to time. Any changes we make to our privacy notice in the future will be notified to you in the next communication from us to you.

## 10. **Further questions or making a complaint**

10.1 If you have any queries or complaints about how we handle your personal data, or if you wish to exercise any of your rights in relation to your personal data, please write to us.

10.2 We will investigate and attempt to resolve any such complaint or dispute regarding the use or disclosure of your personal data.

10.3 If you are not satisfied with our response, you may also make a complaint to the UK Information

Commissioner's Office  
(<https://ico.org.uk/>), the UK's data protection regulator.

## 11. **Personal data we process**

11.1 We may collect and use the following types of personal data about you and, in some circumstances, your spouse, civil partner, partner or dependants:

(a) name(s);

(b) national insurance number;

(c) date of birth;

(d) home address, telephone number and personal e-mail address;

(e) marital status and family / dependants;

(f) dates on which you joined and left pensionable service, including details of any adjustments that may be required to this service (eg any periods of absence/leave);

(g) your history of contributions into the Scheme;

(h) information relating to your health (for example, if you request ill health benefits);

(i) information relating to any pension sharing or earmarking order (if your marriage or civil partnership ends);

(j) information related to your other pension entitlements;

(k) tax information including your income tax band and any protections that you may have in relation to your pension benefits; and

(l) your bank account details.

## 12. **Defined terms**

In this privacy notice, the following terms have the following meanings:

**Insurer** means [*Insurance Company's name*];

**Scheme** means the [*Scheme name*];  
and

**Trustees, us, we** or **our** means the trustee of the Scheme, Open Trustees Limited;

### **Contacting us**

We may be contacted either by email or by post using the contact details set out below:

**Email:** GDPR@opentrustees.com

**In writing:** Open Trustees Limited  
2 Temple Back East  
Temple Quay  
Bristol  
BS1 6EG

Please include the Scheme name as a reference in any correspondence with us.

**This privacy notice was last reviewed and updated in June 2021.**