

**CAMBRIDGESHIRE  
PENSION FUND**



**Pension Fund Board**

**Date:** 20 April 2018

**Report by:** Head of Pensions

<b>Subject:</b>	<b>General Data Protection Regulation</b>
<b>Purpose of the Report</b>	To provide the Pension Fund Board with an update on the work undertaken to achieve compliance with the General Data Protection Regulation
<b>Recommendations</b>	<b>That the Pension Fund Board notes the contents of this report</b>
<b>Enquiries to:</b>	Jo Walton – Governance and Regulations Manager, LGSS Pensions Email: <a href="mailto:jwalton@northamptonshire.gov.uk">jwalton@northamptonshire.gov.uk</a>

**1. Introduction**

- 1.1. The General Data Protection Regulation is regulation by which the European Parliament, the Council of the European Union and the European Commission intend to strengthen and unify data protection for all individuals within the European Union.
- 1.2. The primary objectives of the General Data Protection Regulation (GDPR) are to give control back to citizens over their personal data and to simplify the regulatory environment for international business by unifying the regulation within the EU.
- 1.3. The regulation was adopted on 27 April 2016 and becomes enforceable from 25 May 2018 after a two year transition period.
- 1.4. This report provides an update on the progress made by officers of the Northamptonshire Pension Fund towards achieving compliance with the GDPR.

**2. Progress as at last report**

- 2.1. At the last meeting of the Local Pension Board, a progress report was presented along with the following draft documents that demonstrated work undertaken to comply with the principles of the GDPR:
  - Privacy Notice
  - Information Asset Register
  - Record of Processing Activities

- 2.2 The reported also noted that the administering authority had not yet appointed a Data Protection Officer.

### **3. Progress since the last report**

#### **3.1 Frequently Asked Questions**

- 3.1.1 On 6 March 2018, the Local Government Pensions Committee (LGPC) issued a set of Frequently Asked Questions for funds to use to help members understand their rights under the GDPR. The Frequently Asked Questions will be available on the Fund's new website. This document can be found in appendix one of this report.

#### **3.2 Privacy Notice**

- 3.2.1 On 13 March 2018 the LGPC issued a template Privacy Notice, as constructed by LGPC's legal advisors, Squire Patton Boggs in full length and in a summary version to be tailored as appropriate by each LGPS Fund.
- 3.2.2 At the time of writing this report, both forms of the Privacy Notice were being drafted with reference to the Cambridgeshire Pension Fund and will require oversight by the Fund's legal advisors, LGSS Law and Cambridgeshire County Council's Information Governance Team before being made available to scheme members and stakeholders via the new website and through appropriate signposting. Both the untailored full length and summary versions as provided by LGPC can be found in appendix two and three respectively.

#### **3.3 Memorandum of Understanding**

- 3.3.1 On 1 April 2018 the LGPC issued a template Memorandum of Understanding (MoU), as produced by Squire Patton Boggs for funds to issue to their participating employers. The aim of the document is to set out that participating employers in the LGPS are able to share data with the LGPS administering authority without a data sharing agreement being in place (i.e. that there is no legal requirement for employers to have a data sharing agreement with LGPS administering authorities as they are both data controllers).
- 3.3.2 As with the Privacy Notice the MoU will need to be tailored to the Fund's specific circumstances with oversight of LGSS Law and the Council's Information Governance Team before it is released to the employers in the Fund. The template MoU as issued by LGPC can be found in appendix 4.

#### **3.4 GDPR compliant contract terms**

- 3.4.1 LGSS Pensions has started to receive revised contract terms from the Fund's suppliers of services and to whom personal data is supplied and processed. These revised contract terms have been passed to LGSS Law to provide confirmation of appropriateness and amendments were required.
- 3.4.2 Whilst it is expected that suppliers will make the first contact with the Fund to agree revised contract terms, officers will be writing to all suppliers who have not done so with effect from 23 April 2018.

- 3.4.3 Confirmation has also been sought from the County Council's Information Governance Team as to whether the Council's corporate contract terms for services such as printing (i.e. printing of pensioner payslips) are or will be GDPR compliant by 25 May 2018. The Local Pension Board will be updated as to the current status of this during this meeting.

### **3.5 Appointment of a Data Protection Officer**

- 3.5.1 It is the responsibility of the data controller, i.e. the administering authority (County Council) to appoint a Data Protection Officer. At the time of writing this report no appointment has been made.

## **4. Next steps**

- 4.1 Officers of LGSS Pensions will progress the activities as detailed in section 3 of this report with the exception of 3.5 which is the responsibility of the County Council.
- 4.2 A report will be presented at the next meeting of the Local Pension Board detailing the extent of compliance with GDPR and the completed documents as detailed in 3.1 to 3.3 of this report.

## **5. Relevant Pension Fund Objectives**

1. Have robust governance arrangements in place, to facilitate informed decision making, supported by appropriate advice, policies and strategies, whilst ensuring compliance with appropriate legislation and statutory guidance.
2. Manage the Fund in a fair and equitable manner, having regard to what is in the best interest of the Fund's stakeholders, particularly the scheme members and employers.
3. Ensure the relevant stakeholders responsible for managing, governing and administering the Fund, understand their roles and responsibilities and have the appropriate skills and knowledge to ensure those attributes are maintained in a changing environment.
5. Continually monitor and manage risk, ensuring the relevant stakeholders are able to mitigate risk where appropriate.
11. Maintain accurate records and ensure data is protected and used for authorised purposes only.

## **6. Finance & Resources Implications**

- 6.1 The cost of implementing the GDPR, such as LGSS Law's fees, will be met via normal operating activities of the administration budget.

## **7. Risk Implications**

- a) Risk(s) associated with the proposal

<b>Risk</b>	<b>Mitigation</b>	<b>Residual Risk</b>
There is no risk associated with preparing for and complying with the requirements of the GDPR.	N/A	Green

b) Risk(s) associated with not undertaking the proposal

<b>Risk</b>	<b>Risk Rating</b>
Failure to understand the implications of the GDPR may result in a fine of up to £17m or 4% of global turnover to be paid by the administering authority.	Red

## **8. Communication Implications**

<b>Website</b>	Privacy notices will be published on the Fund's website
<b>Communications</b>	Scheme members will be contacted at appropriate times as to their rights under the GDPR.
<b>Training</b>	All officers of LGSS Pensions will receive training as to the requirements and provisions of the GDPR.

## **9. Legal Implications**

9.1 Legal advice will be sought where deemed necessary during the implementation of the GDPR.

## **10. Consultation with Key Advisers**

10.1 Consultation will take place as the project progresses.

## **11. Alternative Options Considered**

11.1 Not applicable

## **12. Background Papers**

12.1 Previous reports presented to the Local Pension Board on 27 October 2017 and 23 February 2018 which can be found here:

[https://cmis.cambridgeshire.gov.uk/ccs\\_live/Committees/tabid/62/ctl/ViewCMIS\\_CommitteeDetails/mid/381/id/18/Default.aspx](https://cmis.cambridgeshire.gov.uk/ccs_live/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/18/Default.aspx)

## **13. Appendices**

- 13.1 Appendix one – LGPC Frequently Asked Questions
- 13.2 Appendix two – LGPC Privacy Notice (full length)
- 13.3 Appendix three – LGPC Privacy Notice (summary)
- 13.4 Appendix four – LGPC Memorandum of Understanding

<b>Checklist of Key Approvals</b>	
Has this report been cleared by Head of Pensions?	Mark Whitby – 09/04/2018