

LOCAL GOVERNMENT ASSOCIATION

TEMPLATE SHORT FORM 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 based on an understanding of the law as at the date of issue. In particular, the Data Protection Bill is still going through Parliament and the Information Commissioner is expected to issue further guidance which may be relevant. 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, together with the template full privacy notice, is intended to enable administering authorities, in their capacity as data controller of personal data relating to the Local Government Pension Scheme fund for which they are responsible, to satisfy their obligation under the General Data Protection Regulations ("GDPR") to inform affected individuals what personal data is held and how it is used for the purposes of the pension fund. Depending on the context in which this short form template is used, individual administering authorities may wish to include more or less information than is suggested. The footnotes in this short form template and the template full privacy notice should both be considered when tailoring this template. 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 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.

Squire Patton Boggs (UK) LLP
8 March 2018

PRIVACY NOTICE (SUMMARY)

for the members and beneficiaries of the [-]¹

As the Administering Authority of the Fund we hold certain information about you (“personal data”) which we need to administer the Fund.

We have summarised some of the key ways in which we deal with this information below. Further information can be found in the Full Privacy Notice at the following link:

[Insert link to relevant area of website]

What personal data do we hold?

The types of data we hold and process will typically include:

- Contact details, including name, address, telephone numbers and email address.
- Identifying details, including date of birth and national insurance number.
- Information relating to your benefits in the Fund, including length of service or membership and salary.
- Other information in relation to your membership of the Fund or to enable the calculation or payment of benefits, for example bank account details.
- Information about your family, dependents 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.
- Information about a criminal conviction if this has resulted in you owing money to your employer or the Fund and the employer or Fund may be reimbursed from your benefits.

We obtain some of this personal data directly from you. We may also obtain data from your employer (for example, salary information) and from other sources including public databases.

What will we do with your personal data?

We will use this personal data to administer the Fund and to calculate and provide you (and, if you are a member of the Fund, your beneficiaries if you die) with benefits. We will also use this personal data for statistical and financial modelling and reference purposes (for example, when we assess how much money is needed to provide members’ benefits and how that money should be invested), and to comply with our legal obligations.

From time to time we will share your personal data with third parties, including our contractors, advisors, government bodies and dispute resolution and law enforcement agencies and insurers in order to comply with our obligations under law, and in connection with the provision of services that help us carry out our duties, rights and discretions in relation to the Fund. These organisations are listed in the full Privacy Notice.

In some cases these recipients may be outside the UK. If this occurs, we will make sure that appropriate safeguards are in place to protect your data in accordance with applicable laws. Please use the contact details below if you want more information in connection with this.

¹ Please insert name of the Fund.

What is the legal basis for our use of your personal data?

The legal basis for our use of your personal data will generally be one or more of the following:

- a) we need to process your personal data to satisfy our legal obligations as the Administering Authority of the Fund; **[and/or]**
- b) 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]**
- c) **[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/or²]**
- d) **[because we need to process your personal data to meet our contractual obligations 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.]**

How long will we hold your data?

We will only keep your personal data for as long as we need it to administer the Fund and to deal with any questions or complaints that we may receive about this, unless the law requires us to keep it for a longer period. In practice, this means that your personal data may be retained for as long 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]** 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.

Your rights

You have a right to access and obtain a copy of the personal data that we hold about you and to ask us to correct your personal data if there are any errors or it is out of date. In some circumstances you may also have a right to ask us to restrict the processing of your personal data until any errors are corrected, to object to processing or to transfer or (in very limited circumstances) erase your personal data. You can obtain further information about these rights from the Information Commissioner's Office at: www.ico.org.uk or via their telephone helpline (0303 123 1113).

If you wish to exercise any of these rights, please contact the Fund Administrator below. You also have the right to lodge a complaint in relation to this summary notice, the full Privacy Notice or our processing activities with the Information Commissioner's Office, which you can do through the website above or their telephone helpline.

We may from time to time ask for further information from you. If you do not provide such information, or ask that the personal data we already hold is deleted or restricted, this may affect the benefits payable to you under the Fund. In some cases it could mean that we are unable to put your pension into payment or have to stop your pension (if already in payment).

Contacting us

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

² The 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.

Version 1: valid from **[insert date]**

Data Protection Officer

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