

Privacy Notice

Royal County of Berkshire Pension Fund



Privacy Notice for the members and beneficiaries of the Royal County of Berkshire Pension Fund

Privacy Notice – This notice explains when we collect personal data, what we use it for, who we share it with and your rights.

Who are we – The Royal County of Berkshire Pension Fund, Zone C, Town Hall, St Ives Road, Maidenhead, Berkshire, SL6 1RF.

The lawful basis for processing the information – The main legislation governing the Local Government Pension Scheme (LGPS) and provides the lawful basis for processing information is the following:

Principal Regulations

- The Local Government (Discretionary Payments) Regulations 1996
- The Local Government (Early termination) (Discretionary Compensation) (England and Wales) Regulations 2006
- The Local Government Pension Scheme (Amendment) Regulations 2015
- The Local Government Pension Scheme (Miscellaneous Amendments) Regulations 2014
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014
- The Local Government Pension Scheme Regulations 2013 (as amended)
- The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009
- The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016

Historical Regulations

- The Local Government and other Officers' Superannuation Act 1922
- The Local Government Superannuation Act 1937
- The Local Government Superannuation Act 1953
- The Local Government Superannuation Regulations 1974
- The Local Government Superannuation Regulations 1986
- The Local Government Pension Scheme Regulations 1995
- The Local Government Pension Scheme Regulations 1997

- The Local Government Pension Scheme Transitional Provisions Regulations 1997 (as amended)
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007
- The Local Government Pension Scheme (Administration) Regulations 2008
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008

All LGPS regulations may be subject to overriding legislation, consisting of, but not limited to, the following:

Relevant Overriding Legislation

- Pensions Increase Review Orders
- Section 148 Orders
- Income and Corporation Taxes Act 1988 (c1)
- Pensions Schemes Act 1993 (c48)
- Pensions Act 1995 (c26)
- Welfare Reform and Pensions Act 1999 (c30)
- Finance Act 2004 (c12)
- Pensions (Increase) Act 1971
- Pensions (Increase) Act 1974
- Disclosure of Information (Occupational Pension Schemes) Act 2006
- The Registered Pension Scheme (Provision of Information) Regulations 2006
- Public Service Pension Act 2013
- Pensions Act 2004
- Pensions Act 2021
- The Public Service Pensions (Record Keeping and Miscellaneous Amendments) Regulations 2014

This privacy notice explains how and for what purpose(s) Royal Borough of Windsor and Maidenhead (RBWM) (the "**Administering Authority**", or "**we**") uses personal data about for members and beneficiaries (referred to as "**you**") of the [Royal County of Berkshire Pension Fund (the "**Fund**"). As the Administering Authority of the Fund we hold certain information about you and from which you can be identified ("**personal data**") which we need to administer the Fund.

In this privacy notice, we have summarised some of the key ways in which we collect and use personal data in accordance with our requirements under data protection legislation.

It is important that you read this privacy notice together with any other privacy notice or fair processing policy we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy notice replaces any general privacy notice we may have previously issued and supplements any other notices and privacy policies we issue that are specific to particular data collection/processing activities

What personal data do we hold?

The types of data we hold and process about you can 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, dependants 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.
- Information about any previous membership of other public service pension schemes and other LGPS administering authorities, including your date leaving and whether the previous scheme/authority assessed your eligibility for underpin protection.

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 and the advisers and service providers that we may share your personal data which are listed in the Full Privacy Notice.

Where we obtain information concerning certain "special categories" of particularly sensitive data, such as health information, extra protections apply under the data protection legislation. We will 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 that legislation. You have the right to withdraw your consent to the processing at any time by notifying the Administering Authority in writing. However, if you do not give consent, or subsequently withdraw it, the Administering Authority may not be able to process the relevant information to make decisions based on it, including decisions regarding the payment of your benefits.

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 data protection legislation, 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.

We may also process your personal data to assess and, if appropriate, action a request you make to transfer your benefits out of the Fund.

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

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

The lawful basis for our use of your personal data will usually be that we need to process your personal data to satisfy our legal obligations as the Administering Authority of the Fund. However, where that lawful basis does not apply then the lawful basis for our use of your personal data will be one or more of the following:

- a) 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
- b) 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
- c) 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.

Please note that where we indicate that our processing of your personal data is necessary for us to comply with a legal obligation, or for us to take steps, at your request, to potentially enter into an employment contract with you, or to perform it, and you choose not to provide the relevant personal data to us, we may not be able to enter into or continue our contract with you.

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 **the greater of:**

- Such period 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;
- 100 years from a member's date of birth
- 100 years from the date of birth of any beneficiary who received benefits from the Fund after the member's death

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 or complete your personal data if there are any errors or it is out of date or incomplete. In very limited circumstances, you may also have a right to ask us to restrict the processing of your personal data or to transfer or (in extremely limited circumstances, such as where your personal data is no longer needed for the purpose for which it is being processed) erase your personal data. You should note that we are not obliged to erase your personal data if we need to process it for the purposes of administering the Fund.

In certain circumstances you have the right to object to the processing of your personal data; for example you have the right to object to processing of your personal data which is based on the public interest or legitimate interests identified in the section above headed "*What is the legal basis for our use of your personal data?*", or where the processing is for direct marketing purposes.

You can obtain further information about your rights from the Information Commissioner's Office at: www.ico.org.uk or via its 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.

One of the reasons we collect and hold your personal data is to administer your benefits from the Fund. If you do not provide the information we request, or ask that the personal data we already hold is deleted or that the processing of the personal data be restricted, this may affect our ability to administer your benefits, including the payment of benefits from 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 on 01628 796 668 for further information or email info@berkshirepensions.org.uk

Data Protection Officer

You may also contact our data protection team dpo@rbwm.gov.uk for further information.