

# **Teachers Pensions and data protection**

## **Privacy Notice**

### **For the members and beneficiaries of the Teachers Pension Scheme - London Borough of Hillingdon**

As the Administering Authority of the Teachers Pensions Scheme (TP) we hold certain information about you ("personal data") which we need to administer the scheme.

We have summarised some of the key ways in which we deal with this information below. Further information will be available in the Full Privacy Notice once this has been published by Teachers Pensions.

#### ***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 scheme, 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 scheme 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 scheme and to calculate and provide you (and, if you are a member of the scheme, your beneficiaries if you die) with benefits. Teachers Pensions may 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 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 Scheme.

***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:

1. we need to process your personal data to satisfy our legal obligations as the Administering Authority of the scheme; and
2. 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
3. we need to process your personal data for the legitimate interests of administering and managing the scheme 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 scheme; and
4. Because we need to process your personal data to meet our contractual obligations in relation to the scheme

(for example, under an agreement that you will pay additional voluntary contributions to the scheme), or to take steps, at your request, before entering into a contract.

### ***How long will we hold your data?***

Under the GDPR, data protection principles set out the main responsibilities for organisations. Article 5 of the GDPR requires that personal data should not be retained longer than necessary in relation to the purpose which the data is processed.

There's a requirement under the Teachers' Pensions regulations for employers to provide data which may relate to historic pension and employment details so this information should be retained. Like the Data Protection Act, GDPR does not specify any timeframes for data retention; this would be a decision for individual employers to make. For more information on GDPR, visit the [ICO website](#).

### ***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](http://www.ico.org.uk) or via their telephone helpline (0303 123 1113).

If you wish to exercise any of these rights, please contact the Scheme 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 scheme. 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 Teachers Pensions administrator for further information

Elaine Hill, Teachers Pensions Administrator

Schools Finance, 4W/04 Civic Centre, Uxbridge UB8 1UW

ehill@hillington.gov.uk

### **Data Protection Officer**

You may also contact our data protection officer for further information

Raj Alagh, Borough Solicitor and Monitoring Officer

Data Protection Officer

Civic Centre

High Street

Uxbridge

UB8 1UW

E-Mail: [ralagh@hillington.gov.uk](mailto:ralagh@hillington.gov.uk)

Telephone: 01895 250617

### **What is the GDPR?**

The General Data Protection Regulation (GDPR) is a new set of European Union (EU) regulations due to come into force on 25 May 2018. It will change how organisations process and handle data, with the key aim of giving greater protection and rights to individuals.

### **What laws currently govern data protection in the UK?**

Currently in the UK the Data Protection Act 1998 sets out how your personal information can be used by companies, government and other organisations. The GDPR will replace the Data Protection Act 1998 when it comes into force on 25 May 2018.

## **Will the GDPR still apply to the UK after Brexit?**

The UK is in the process of implementing a new Data Protection Bill which largely includes all the provisions of the GDPR. There are some small differences, but once the Bill has passed through Parliament and become an Act, UK law on data protection will largely be the same as that of the GDPR.

## **So what's new?**

There are new and extended rights for individuals in relation to the personal data an organisation holds about them, for example, an extended right to access and a new right of data portability. You can obtain further information about these rights from the Information Commissioner's Office at: or via [www.ico.org.uk](http://www.ico.org.uk) their telephone helpline (0303 123 1113).

In addition, organisations will have an obligation for better data management and a new regime of fines will be introduced for use when an organisation is found to be in breach of the GDPR.

## **What are the main principals of the GDPR?**

The GDPR states that personal data must be:

- processed lawfully, fairly and in a transparent manner
- collected only for specified, explicit and legitimate purposes
- adequate, relevant and limited to what is necessary
- accurate and kept up to date
- held only for the absolute time necessary and no longer
- processed in a manner that ensures appropriate security of the personal data

## **What is personal data?**

The GDPR applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people.

## **How will the GDPR affect TP members?**

The London Borough of Hillingdon Teachers Pension Scheme already has procedures in place which comply with similar data protection principles under the Data Protection Act 1998. The new regulations will reinforce these existing requirements, and members are unlikely to notice a change in the service they receive from the Teachers Pension Scheme.

## **How will members know that their Teachers Pensions Scheme is GDPR compliant?**

The Teachers Pension Scheme have updated their privacy notice in line with the new requirements setting out, among other things, why certain data is held, the reason for processing the data, who they share the data with and the period for which the data will be retained. Within the notice, members will also be provided with additional information about their rights under the legislation.

## **Why do Teachers Pensions hold personal data?**

Teachers Pensions require various pieces of personal data provided by both the individual member and their employer in order to administer the pension scheme. This data includes, but is not limited to, names, addresses, National Insurance numbers and salary details which are required to maintain scheme records and calculate member benefits.

## **Who do Teachers Pensions share personal data with?**

On occasion, TP are required to share personal data with third parties in order to meet regulatory and government requirements, to gather necessary information for the accurate payment of member benefits and to ensure scheme liabilities are met. Each scheme's privacy notice will set out who they share data with; this is likely to include bodies such as scheme employers, fund actuaries, auditors and HMRC.

## **Can TP members ask for their data to be deleted?**

The GDPR provides individuals with the 'right to be forgotten' in certain limited circumstances. However, in practical terms the exercise of this right in relation to Teachers Pensions is limited as the deletion of data can prevent the scheme from carrying

out its duties. Teachers Pensions are required to process personal data to comply with legal obligations under pension legislation, therefore, the 'right to be forgotten' is unlikely to apply to data held by Teachers Pensions.

### **What happens if there is a data breach?**

Data breaches are a rare occurrence within LGPS funds. However, should a security breach concerning a member's personal data occur that is likely to result in a risk to that member's rights and freedoms, there will be a direct obligation under the GDPR for the fund to inform the Information Commissioners Office within 72 hours of the breach taking place.