

The background of the slide features a large, light blue crest of the University of Aberdeen. The crest is a shield divided into four quadrants. The top-left quadrant shows a castle tower. The top-right quadrant shows a stag's head with antlers. The bottom-left quadrant shows a three-masted sailing ship on wavy lines representing water. The bottom-right quadrant shows an eagle with spread wings. Above the shield is a crown with four floral motifs. A banner at the bottom of the shield contains the Latin motto 'ANNE FOR A'.

Agenda Item 7

General Data Protection Regulations (GDPR)

FALKIRK COUNCIL

Subject: General Data Protection Regulations (GDPR)

Meeting: Joint Meeting of Pensions Committee and Pension Board

Date: 21 June 2018

Submitted by: Director of Corporate and Housing Service

1. Purpose of Report

- 1.1 This report updates the Committee and Board on the actions taken in response to the introduction of the General Data Protection Regulations (GDPR).

2. Recommendation

- 2.1 **The Pensions Committee and Board are invited to note the contents of this report.**

3. Background

- 3.1 The EU General Data Protection Regulations (GDPR) came into effect on 25 May 2018 extending the legal measures in place to safeguard personal data.

- 3.2 The regulations have been transposed into UK law by the Data Protection Act 2018 and build on the six existing data protection principles which require data to be:

- processed lawfully, fairly and transparently
- collected only for specific legitimate purposes
- adequate, relevant and limited to what is necessary
- accurate and kept up to date
- stored only as long as is necessary
- stored with appropriate security, integrity and confidentiality

- 3.3 The new regulations require organisations to:

- identify and document their legal basis for processing data
- carry out data impact assessments for high-risk processing operations
- report data breaches within 72 hours

- ensure staff are appropriately trained
- appoint a Data Protection Officer

3.4 The regulations also require that organisations explain:

- why personal data is being held
- with whom it is likely to be shared
- for how long it will be stored, and
- what rights of access are available to a data subject

The information should be collated in a Privacy Notice and presented in a concise plain english format.

4. Pension Fund Data

- 4.1 As a body which is required by law to operate the Local Government Pension Scheme, the Fund holds vast quantities of personal data relating to over 30,000 scheme members. Data includes, names, addresses, dates of birth, payroll information, marital statuses and death grant nominations. Data is held in both in paper and electronic format.
- 4.2 Data in paper format is contained within a secured area of the Municipal Buildings. Data held electronically is either stored i) on Council servers and therefore protected by the Council's IT security arrangements or ii) on servers maintained by the supplier of the Pensions Administration System. The servers for the Administration System are located in the UK and are governed by security arrangements that comply with International Standards (ISO).

5. Actions Taken

- 5.1 Following consultation with the Council's legal team, a Fund Privacy Notice has been compiled and published on the Fund website. Pensioners have been advised of the Privacy Notice via a message on their May pension advice slip. Other members will be advised of the Notice when benefit statements are next issued. Various letters and emails have been amended to carry a reference to the Privacy Notice.
- 5.2 In addition, Memoranda of Understanding have been issued to the 35 employers participating in the Fund. These set out the data protection standards that are expected of employers as well as the standards that the Fund will apply. Similar documents have been exchanged with key contacts and service providers such as the Fund Actuary and the suppliers of the Pensions Administration System.

- 5.3 Pensions staff have been briefed on the new arrangements and reminded of the need to observe good data protection housekeeping, including the need to:
- dispose of paper containing personal data in a secure way (i.e. by shredding)
 - only divulge personal information where this is consistent with our obligations to administer the Scheme
 - only use encrypted memory sticks
 - always verify the identity of telephone callers
- 5.4 Copies of the Privacy Notice and Memorandum are attached as appendices to the report.

6. Implications

Financial

- 6.1 There is a small administrative overhead associated in complying with the new arrangements.

Resources

- 6.2 No additional resources have been required.

Legal

- 6.3 There is a statutory requirement for the Council (and the Fund) to comply with the terms of the General Data Protection Regulations.

Risk

- 6.4 A data breach involving personal information could have serious financial and reputational consequences for the Fund. Having robust data protection arrangements in place will substantially reduce the risk to the Fund.

Equalities

- 6.5 None.

Sustainability/Environmental Impact

- 6.6 None.

7. Conclusion

- 7.1 Consistent with the introduction of the General Data Protection Regulations, the Fund has put in place measures to meet the increased data security demands. This includes

publishing a Privacy Notice and engaging with Fund employers and key suppliers on data security matters.

Director of Corporate & Housing Services

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Date: 31 May 2018

Appendices

Appendix 1 – Pension Fund Privacy Notice

Appendix 2 – Sample Memorandum of Understanding

List of Background Papers:

None

PRIVACY NOTICE

For the Members and Beneficiaries of the Falkirk Council Pension Fund

This notice summarises the key ways in which we deal with personal data and provides details of what information we collect from you, what we do with it, and who it might be shared with. Further information can be found on the Falkirk Council Pension Fund (the “Fund”) website at www.falkirkpensionfund.org.

Identity and contact details of the data controller and the data protection officer

Falkirk Council is the data controller in its capacity as data controller under the Local Government Pension Scheme. You can contact the data protection officer at:

*Data Protection Officer
Municipal Buildings
Falkirk
FK1 5RS
data.protection@falkirk.gov.uk*

Why do we collect this information?

The information is collected by the Council for the following purposes:

1. to provide pensions, lump sums and death benefits to scheme members under the terms of the Local Government Pension Scheme

Legal Basis	Purpose
Consent	
Performance of a Contract	
Legal Obligation	1
Vital Interests	
Task to be carried out in the public interest	1
Legitimate Interests	

To comply with the legal and public interest obligations, the Council needs to hold information about you (“personal data”).

This includes using your personal data to allow us to calculate and provide you and your beneficiaries with scheme benefits. We will also use your data for statistical and financial modelling purposes (for example, to work out how much money is needed to provide members’ benefits and how Fund assets should be invested).

In terms of Article 6(1)(c) of the General Data Protection Regulations, the processing of data is necessary for compliance with a legal obligation which at the time of writing, was Regulation 51 of the Local Government Pension Scheme (Scotland) Regulations 2014 (SI 2014/164).

Other legislation which may require the holding and processing of personal data includes the:

- Public Service Pensions Act 2013
- Public Service Pensions (Record Keeping and Miscellaneous Amendments) Regulations 2014
- Local Government Pension Scheme (Scotland) Regulations 2008
- Local Government Pension Scheme (Scotland) Regulations 1998
- Local Government (Disc. Payments and Injury Benefits) (Scotland) Regulations 1998
- Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013

What information do we collect about you?

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 about 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 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 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

Personal data relating to matters of health or children is classed as Sensitive Personal Data. Legislation requires that additional conditions are met in order for this type of data to be lawfully processed. Article 9(2)(b) of the General Data Protection Regulations permits processing of sensitive personal data where this is necessary for carrying out rights and obligations under employment, social security and social protection law..

Where do we collect information from?

We obtain some of this personal data directly from you. We also obtain data from your employer (for example, salary information), Government agencies (e.g. HM Revenue) and, potentially from other pension schemes.

With whom might we share your information?

From time to time we will share your personal data with third parties, 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. The main bodies with whom we will share data are:

	Body	Reason for Sharing
1.	Fund Employers	To enable employers to maintain accurate records of fund membership and to provide information relevant to potential retirement scenarios
2.	Fund Actuary and Government Actuary	To carry out financial and demographic analysis of the Fund in order to establish how much employers need to contribute to maintain Fund solvency
3.	AVC providers - Prudential and Standard Life Aberdeen	To enable AVC providers to maintain accurate records and ensure AVCs are processed in accordance with member instructions
4.	HM Revenue & Customs;	To comply with PAYE arrangements in relation to pension payments and to comply with tax legislation that relates to pension schemes
5.	The administrators of pension schemes in the UK and Overseas	To facilitate the transfer of pension rights between the Fund and other Schemes. In some cases, recipients of the data may be outside the UK. This may be where a member wishes to transfer pension rights abroad or wishes a retirement pension paid

		into a non UK bank account. If this occurs, we will make sure that appropriate safeguards are in place in accordance with applicable laws. Please use the contact details on Page 4 if you want more information in connection with this.
6.	Strathclyde Pension Fund (SPF)	In connection with adjudication service which SPF provide in relation to member appeals
7.	Scottish Public Pensions Agency	In connection with member appeals or complaints
8	Heywood	Software Providers of the Computerised Pensions Administration System – personal data is sent in a desensitised format
9.	Independent Financial Advisers	To facilitate a transfer of pension rights for the member or assist in their financial planning
10.	Police Scotland and other law enforcement or regulatory bodies	The Council has a duty to protect public funds and as such may check your information within the Council (e.g. with HR or Payroll) for verification purposes and/or for the prevention of fraud. We may share your information with other organisations where we are required to do so for the purposes of the prevention or detection of crime
11.	Audit Scotland / Cabinet Office	In relation to the National Fraud Initiative and the prevention and detection of fraud
12.	LGPS National Insurance database	To maintain an accurate database of LGPS membership nationally to facilitate the administration of the Scheme in the UK
13.	Secretary of State for Work and Pensions	In relation to the “Tell Us Once” Service

Do I have to provide my personal data to you?

Yes. Your personal data is held in order to enable the Council to comply with the terms of the Local Government Pension Scheme and wider pensions legislation. Unless you have a contract for less than 3 months, the Scheme rules require you to be automatically enrolled into the Scheme in which case you and your employer are required to provide certain personal data to the Fund.

If you do not provide the relevant personal information 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).

You should be aware that even if you were to opt out of the scheme, the Council would still be obliged to retain certain information as confirmation of your membership record in the Fund.

How long do we keep hold of your information?

We will keep your personal data for as long as is needed in order to administer the Fund in accordance with the law and to deal with any questions or complaints that we may receive about your entitlement.

In practice, this means that your personal data may be retained for as long as you (or any dependant beneficiary who receives benefits after your death) are entitled to benefits from the Fund and normally a period of 5 years after this.

Your personal data needs to be retained even if you have transferred your rights out of the Fund, opted out or had a refund of contributions. This is to evidence how your liabilities have been discharged.

Do you use any automated processes to make decisions about me?

No. We do not use any automated decision making processes in administering scheme benefits.

What are my rights in relation to the information held about me?

You have the following rights:

- To see any information held about you by making a [subject access request](#).
- To withdraw consent at any time, where the legal basis for processing is consent.
- To data portability, where the legal basis for processing is (i) consent or (ii) performance of a contract.
- To request rectification or erasure of your information, where data protection legislation allows this.

Do I have a right to complain about the way information has been used?

If you have a concern about the way we are collecting or using your personal data, please let us know and we will try to resolve this. The Pensions Section address is;

*Pensions Section
PO Box 14882
Falkirk Council
Municipal Buildings
Falkirk FK1 5ZF*

*Tel: 01324-506333
Email: pensions@falkirk.gov.uk*

If, having raised the matter, you are still concerned, you can contact the Information Commissioner:

*Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF*

*Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number
Fax: 01625 524 510
Email: casework@ico.org.uk*

Version Control

Version Number	Purpose/Change	Author	Date
0.1	Initial Document	Pensions Manager	21.5.2018
0.2	Comments and revisals	Senior Solicitor	24.05.2018



Falkirk Council

FALKIRK COUNCIL PENSION FUND

LOCAL GOVERNMENT PENSION SCHEME

**Memorandum of Understanding
regarding Compliance with Data
Protection Law**

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Version Control

Version No	Date Published	Comments
1.0	14 th May, 2018	Initial Version

LOCAL GOVERNMENT PENSION SCHEME

Memorandum of Understanding regarding Compliance with Data Protection Law

1 INTRODUCTION

1.1 The Local Government Pension Scheme (“**LGPS**”) in Scotland is an occupational pension scheme registered under section 153 of the Finance Act 2004 and its rules are currently set out in the Local Government Pension Scheme (Scotland) Regulations 2014 (SI 2014/164) as amended (“**LGPS Regulations**”).

1.2 The LGPS is administered locally by administering authorities which are defined in Regulation 2 of the LGPS Regulations and listed in Schedule 3 of the same.

1.3 Falkirk Council (“**Administering Authority**”) is an administering authority under the LGPS Regulations. The Administering Authority manages and administers the Falkirk Council Pension Fund within the LGPS (the “**Fund**”) in accordance with its statutory duty under Regulation 51 of the LGPS Regulations. Employers with employees who are eligible to be members of the LGPS will participate in the Fund as a “**Scheme Employer**” (as defined in Schedule 1 of the LGPS Regulations). The Administering Authority and the Scheme Employer (together the “**Parties**”) are required to share personal data relating to the Scheme Employer’s current and former employees (the “**Members**”) and their dependants, in order for the Administering Authority to fulfil its statutory duties to manage and administer the Fund under Regulation 51 and to provide the Members with benefits upon retirement, pay death grants and dependants benefits upon the death of the Member, pay refunds and transfers, and offer Members the option of paying additional voluntary contributions.

1.4 Scheme Employers are also under a statutory obligation, as detailed in Regulation 78 of the LGPS Regulations, to provide certain personal data relating to its Members on not more than an annual basis to the Administering Authority, including the Member’s name, gender, date of birth, national insurance number, pensionable pay and hours, employer and employee pension contributions, details of any additional pension contributions and additional voluntary contributions.

1.5 The sharing of personal data is also required to enable the Administering Authority to meet its obligations under the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 and the Public Service Pensions (Record Keeping and Miscellaneous Amendments) Regulations 2014.

1.6 This Memorandum of Understanding sets out:

- (a) the basis on which data will be shared between the Parties;
- (b) the Administering Authority’s expectations of the Scheme Employer (and vice versa) during the Scheme Employer’s participation in the Fund;

in order to comply with Data Protection Law, including the General Data Protection Regulation (2016/679) (“**GDPR**”) which will have direct legal effect in the UK on and after 25 May 2018.

1.7 More detail regarding the purpose and legal basis for which personal data and sensitive personal data is held and shared is set out in Appendix 1.

1.8 References to “**Data Protection Law**” in this Memorandum of Understanding mean the Data Protection Act 1998, the Data Protection Directive (95/46/EC), the Electronic Communications Data Protection Directive (2002/58/EC), the Privacy and Electronic Communications (EC Directive) Regulations 2003 (SI 2426/2003) (as amended), the General Data Protection Regulation (2016/679) and all applicable laws and regulations relating to personal data and privacy which are enacted from time to time, including (where applicable) the guidance and codes of practice issued by the Information Commissioner’s Office and any other competent authority.

1.9 References to “personal data” in this Memorandum of Understanding have the meaning ascribed to them in Data Protection Law.

2 DATA CONTROLLERS

2.1 The Parties are classed as Data Controllers under Data Protection Law as they collect, store and control how personal information relating to the Members is managed.

2.2 The Parties acknowledge that they will:

- (a) not hold a pool of joint data;
- (b) be separate and independent data controllers in relation to the copies of the Members’ personal data they respectively hold;
- (c) act as data controller in relation to personal data transferred to them;
- (d) each be responsible for complying with the requirements in Data Protection Law that are applicable to them as data controllers.

2.3 References to Members’ personal data includes personal data relating to the Members’ dependants (including children) and spouses/civil partners/co-habiting partners (if applicable) and death benefit nominees.

2.4 The Administering Authority’s Data Protection Officer can be contacted at

Municipal Buildings
Falkirk Council
West Bridge Street
Falkirk FK1 5RS

3 DATA SHARING

3.1 The Parties confirm that they understand their respective obligations under Data Protection Law as data controllers and agree to only process personal data relating to the Members:

- (a) fairly and lawfully and in accordance with the data protection principles set out in Data Protection Law;
- (b) where there are lawful grounds for doing so; and
- (c) in accordance with Data Protection Law and best practice guidance (including the Data Sharing Code issued by the Information Commissioner’s Office and updated from time to time).

3.2 Each Party will separately inform the Members (as required under Data Protection Law) of the respective purposes for which they will each process their personal data in order to ensure that the Members understand how their personal data will be processed by the Administering Authority or Scheme Employer (as applicable). The Administering Authority's privacy notice to Members will inform them that personal data will be received from and may subsequently be shared with their Scheme Employer in order to meet the legal requirements of the Scheme. The Scheme Employer's privacy notice to Members will inform them that their personal data will be provided to the Administering Authority in order to meet the legal requirements of the Scheme. Copies of the privacy notices of the Parties will be provided to the other party on request.

3.3 Each Party confirms that it understands its respective obligations under Data Protection Law to ensure that the Members' personal data of which it is a data controller is kept and used securely at all times and to take such technical and organisational security measures against unauthorised and unlawful processing of, accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to the Members' personal data transmitted, stored or otherwise processed as may be required.

3.4 Measures taken should be commensurate with the harm that could result from the occurrence of a data breach or multiple data breaches. Measures must therefore ensure:

- (a) the ongoing confidentiality, integrity, availability and resilience of processing the Members' personal data;
- (b) the ability to restore the availability and access to the Members' personal data in a timely manner in the event of a physical or technical incident;
- (c) carrying out of regular testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing.

3.5 In particular, the Parties must have in place:

- (a) data security arrangements aligned to ISO 27001 or equivalent;
- (b) appropriate measures to control systems and premises such that only those with legitimate business needs have access
- (c) procedures for the safe disposal of electronic devices no longer required and which contain personal data
- (d) up to date anti-virus software on all PCs used in supporting the service
- (e) procedures to safeguard all personal data held in paper format
- (f) procedures for the physical destruction of personal data held in paper format (including cross shredding and confidential waste destruction systems)
- (g) regular staff training on information security and a record thereof

3.6 Each Party undertakes to notify the other as soon as practicable if an error is discovered in the Members' personal data of which it is a data controller and which was received from or a copy of which has been provided to the other Party, to ensure that such other Party is then able to correct its own records. This will happen whether the error is discovered through existing data quality initiatives or is flagged up through some other route (such as the existence of errors being directly notified to the Administering Authority or Scheme Employer (as appropriate) by the Member (or the Member's dependants, spouse/civil partner) themselves).

4 TRANSFER OF MEMBERS' PERSONAL DATA

4.1 The Parties agree that Members' personal data will only be transferred from one Party to the other via a mutually acceptable method which may include any of the following:

- (a) Face to Face
- (b) By Post or Courier
- (c) Secure Email
- (d) Secure FTP link (i.e. SFTP)
- (e) encrypted removable media
- (f) website with secure access and valid certificate (i.e. HTTPS)
- (g) third party solution as agreed by the Parties (e.g. i-connect, egress, objective connect)

4.2 Each Party will, when transferring the Members' personal data of which it is the data controller to the other Party, ensure that that data is secure during transit (whether physical or electronic).

4.3 Each Party agrees that it shall not transfer any personal data outside the UK, other than where a transfer of the Member's own data has been requested by the Member and this can be legally complied with by the Party concerned

4.4 If either the Administering Authority or the Scheme Employer appoints professional advisers, third party administrators or another entity which provides other services involving the transfer of Members' personal data, those third parties will be data processors or data controllers in their own right. The Administering Authority or the Scheme Employer (as applicable) will comply with its own obligations in accordance with Data Protection Law (in particular, by ensuring that any entity to which it transfers Members' personal data also complies with Data Protection Law) and shall ensure that nothing in the terms of engagement between the Administering Authority or the Scheme Employer (as applicable) and such third party would contradict this Memorandum of Understanding.

5 RIGHTS OF MEMBERS (INCLUDING THE MEMBER'S DEPENDANTS, SPOUSES/CIVIL PARTNERS/PARTNERS (WHERE APPLICABLE))

5.1 Each Party shall, in respect of the personal data of which it is a data controller, respond to any requests from Members to have access to any of their personal data or a complaint or enquiry relating to that Party's processing of the Members' personal data received by that Party in line with its own obligations under the Data Protection Law.

5.2 Each Party agrees to provide reasonable assistance to the other as is necessary to enable the other Party to comply with any such requests in respect of Members' personal data of which that Party is a data controller and to respond to any other queries or complaints from Members.

6 DATA SECURITY BREACHES AND REPORTING PROCEDURES

6.1 Each Party confirms that it understands its respective obligations under Data Protection Law in the event of any personal data breach, unauthorised or unlawful processing of, loss or destruction of or damage to any of the Members' personal data, including (where necessary) an obligation to notify the Information Commissioner's Office and/or the Member(s).

6.2 Each Party shall, promptly (and no later than 36 hours after becoming aware of the breach or suspected breach), notify the other Party of any unauthorised or unlawful processing of personal data and any other loss, damage or destruction of the data. Such notification shall specify (at a minimum):

- (a) the nature of the breach or suspected breach;
- (b) the date and time of occurrence;
- (c) the extent of the data and Members that are affected or potentially affected and the likely consequences of any breach
- (d) any other relevant information including steps taken by the party responsible to contain the breach.

7 RESPONSIBILITIES OF SCHEME EMPLOYERS

7.1 Notwithstanding the statutory obligations which apply to Scheme Employers under the LGPS Regulations and as a data controller under Data Protection Law, the Administering Authority, as Administering Authority for the Fund, expects Scheme Employers participating in the Fund to comply with the responsibilities set out below in relation to Members' personal data and sensitive personal data. For the avoidance of doubt, the Scheme Employer will be responsible for ensuring the safe, secure and legal processing of personal data in relation to any activities that have been outsourced to a third party or parties. (Employers may of course wish to agree their own protocols with such counterparties).

7.2 On request, the Scheme Employer will inform the Pensions Manager of the Administering Authority of any appointed qualified person to fulfil the role of data protection officer ("**DPO**") together with their contact details. If the Scheme Employer has not appointed a DPO, the Scheme Employer, on request, will inform the Pensions Manager at the Administering Authority of the details of a nominated person for GDPR compliance purposes.

7.3 The Scheme Employer will demonstrate to the Administering Authority's satisfaction when dealing with ill health early retirement enquiries and applications for current and former employees that the Member explicitly gives permission to processing by both the Scheme Employer and the Administering Authority. Once there is explicit Member interest, the legal basis for the processing will remain legal obligation. In the absence of confirmation of such permission, the Administering Authority may not be able to process an application.

7.4 The Scheme Employer acknowledges the financial penalties that can be imposed by the Information Commissioner's Office in relation to breaches of Data Protection Law

8 COMPLIANCE WITH THE MEMORANDUM OF UNDERSTANDING

8.1 Failure by the Parties to comply with the terms set out in this Memorandum of Understanding may result in the any or all of the following actions:

- (a) a Party being reported to and fined by the Information Commissioner's Office for non-compliance; and
- (b) the matter being reported to the Pension Board of the Fund.

9 REVIEW AND AMENDMENT OF MEMORANDUM OF UNDERSTANDING

9.1 The Administering Authority will review the Memorandum of Understanding from time to time. The Administering Authority reserves the right to amend the Memorandum of Understanding, but will only do so having consulted with Scheme Employers. The Administering Authority will provide written notice of not less than 1 month to Scheme Employers of any such amendment.

Signed on behalf of Falkirk Council Pension Fund



Chief Finance Officer
14th May, 2018

10 ACKNOWLEDGEMENT AND RECEIPT

We hereby acknowledge receipt of this document and accept the contents on behalf of

AUTHORISED SIGNATORY	
NAME	
POSITION	
ORGANISATION	
DATE	

If applicable, we confirm that we have authorised the undernoted third party / third parties (e.g. a payroll provider) to process personal data or sensitive personal data on our behalf and have made them aware of the contents of this Memorandum.

NAME OF PROVIDER 1	
NAME OF PROVIDER 2	

APPENDIX 1: PURPOSE AND LEGAL BASIS FOR PROCESSING

Purpose

The Parties are sharing data in order to comply with their obligations in terms of the Local Government Pension Scheme and associated legislation.

The roles of the respective Parties necessitate the transfer of personal data between the Parties and to and from external organisations, including:

1. The Fund's actuary;
2. AVC providers - Prudential and Standard Life;
3. The administrators of other pension schemes in the UK and Overseas
4. HM Revenue & Customs;
5. Scottish Public Pensions Agency;
6. Government Actuary Department;
7. Software Providers of the Computerised Pensions Administration System;
8. Independent Financial Advisers authorised by the Member
9. Audit Scotland / Cabinet Office in relation to the National Fraud Initiative
10. Police Scotland and other law enforcement or regulatory bodies;
11. LGPS National Insurance database; and
12. Secretary of State for Work and Pensions as provider of the "Tell Us Once" Service.

Legal Basis

Personal data:

Under Data Protection Law, the Parties assert that the legal basis for the sharing of Personal Data further to this Memorandum is that the processing is necessary:

1. for compliance with the legal obligations pertaining to the provision of pensions and benefits under the Local Government Pension Scheme and associated legislation as detailed below (Article 6(1)(c)); and
2. as part of performance of a task carried out in the public interest (Article 6(1)(e))

Sensitive personal data/Special categories of personal data:

Under Data Protection Law, the Parties assert that the legal basis for the sharing of Sensitive Personal Data/Special Categories of Personal Data further to this Memorandum is that:

1. processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the Members under employment, social security and social protection law (Article 9(2)(b)); and
2. processing is necessary for the establishment, exercise or in defence of legal claims or where courts are acting in their judicial capacity (Article 9(2)(f)).

Statutes:

The Data referred to in this document is being shared further to statutory duties and powers contained in the following:

1. Public Service Pensions Act 2013
2. Local Government Pension Scheme (Scotland) Regulations 2014 (and pending 2018 Regulations)
3. Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014
4. Local Government Pension Scheme (Membership, Benefits and Contributions) (Scotland) Regulations 2008
5. Local Government Pension Scheme (Scotland) Regulations 1998
6. Local Government Superannuation (Scotland) Regulations 1974 and 1987
7. Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998