

## 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 and updated based on an understanding of the law and guidance as at the date of issue. 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 a controller of personal data relating to the Local Government Pension Scheme fund for which they are responsible, to satisfy their obligation under data protection legislation 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 European Data Protection Board (previously known as 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.
- 6 Please note that we have made some amendments to the template Summary Privacy Notice as at 15 May 2018, which was issued on 25 May 2018 (version 2). Administering authorities should note that the updates that have been made to the template do not

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necessitate an immediate re-issue of the privacy notice and instead could be included in an annual update of the privacy notice.

- 7 Please note that we have made some amendments to version 2 of the template Summary Privacy Notice (version 3). Administering authorities should note that the updates that have been made to the template do not necessitate an immediate re-issue of the privacy notice and instead could be included in an annual update of the privacy notice. However, since the GDPR came into effect, the direction of travel is towards greater transparency. Administering authorities therefore may want to revisit how frequently and in what circumstances they circulate hard copies of the privacy notice to members and consider how they will bring the most up to date version of the privacy notice to members' attention. The changes are noted below to assist administering authorities who have already issued their privacy notice in determining whether and when to issue an update to the privacy notice.
- (a) We have inserted a new reference to "data protection legislation" in the first paragraph rather than referring to specific legislation throughout and have added a footnote to explain what the legislation is for the benefit of administering authorities. We have also included references to the GDPR and the UK GDPR as there are now effectively "two GDPRs"; the EU version of the GDPR and the UK GDPR as incorporated into UK law. As at today's date, those provisions are near identical for most purposes. However, they may diverge over time following the UK's exit from the EU.
  - (b) In the section headed, "**What will we do with your personal data?**" we have amended the wording to reflect the fact that following Brexit, the UK now falls outside the European Economic Area. As such, appropriate safeguards must be implemented whenever there is a transfer of personal data from the UK to jurisdictions which may not offer an adequate level of protection to personal data as is required by the UK Government / EEA countries. Under the GDPR, there is a requirement to specify where data will be transferred to a third country and the existence or absence of an adequacy decision or reference to the appropriate safeguards used to protect it and the means by which the individual can obtain a copy of them. To comply with the GDPR, administering authorities will need to identify in the privacy notice the particular transfers involved and the safeguard used for them (e.g. model clauses).
  - (c) In the section headed "**Your rights**", we have expanded the wording about a data subjects' right to ask administering authorities to restrict the processing of their personal data, as described in Article 18 GDPR.
  - (d) Footnotes have been inserted to reflect the footnotes that are set out in version 4 of the template Full Privacy Notice which apply to this template Summary Privacy Notice and updated to ensure that all legislative references are correct and complete following the updates made.
- 8 Please note that we have made some amendments to version 3 of the template Summary Privacy Notice (version 4), which was last issued on 20 September 2021. Administering authorities should note that the updates that have been made to the template do not necessitate an immediate re-issue of the privacy notice and instead could be included in an annual update of the privacy notice. However, since the GDPR came into effect, the direction of travel is towards greater transparency. Administering authorities therefore may want to revisit how frequently and in what circumstances they

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circulate hard copies of the privacy notice to members and consider how they will bring the most up to date version of the privacy notice to members' attention. The changes are noted below to assist administering authorities who have already issued their privacy notice in determining whether and when to issue an update to the privacy notice.

- (a) We have inserted some wording in the section titled, "**What will we do with your personal data?**" which is intended to cover situations where additional information is required by administering authorities to rule out pension scam activity and process a transfer request in light of the Occupational and Personal Pension Schemes (Conditions for Transfers) Regulations 2021.
- (b) Footnote 3 has been updated as administering authorities should conduct a separate review of the correspondence and documentation provided to members and beneficiaries at the point in time that the personal data is requested, which includes transfer applications, expression of wish forms and applications for early retirement.

**Squire Patton Boggs (UK) LLP**  
**27 January 2022**

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## PRIVACY NOTICE (SUMMARY)

### for the members and beneficiaries of the Dumfries & Galloway Council Pension 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. Further information can be found in the Full Privacy Notice at the following link:

[www.dumgal.gov.uk/pensions](http://www.dumgal.gov.uk/pensions)

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.

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.

### 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

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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 legal basis for our use of your personal data?**

The legal 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 legal basis does not apply then the legal 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.

### **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; or
- 100 years from a member's date of birth; or
- 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 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

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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](http://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).

Please contact the Pensions Section [Pensions@dumgal.gov.uk](mailto:Pensions@dumgal.gov.uk) or 01387 273855 or Pensions Section, Dumfries & Galloway Council HQ, English Street, Dumfries, DG1 2DD for further information.

### **Data Protection Officer**

You may also contact our data protection officer for further information.

Data Protection Officer  
Dumfries and Galloway Council Headquarters  
English Street  
Dumfries  
DG1 2DD