

## **Data Protection Policy Privacy Notice**

Atkin Trustees Ltd, trading as Atkin Pensions or Atkin Trustees, provides, actuarial, trustee, investment, consultancy and administration services to pension schemes. For the purposes of data protection legislation, we are data controllers where we act as Trustee or Scheme Actuary, and data processors where we act as administrators.

### **Purposes for which data is held and used**

Information on Scheme members is held to allow us to pay pension and death benefits in line with Scheme rules and overriding pension legislation. Each individual is a 'data subject' who has rights in relation to the data held by the Trustee or Scheme Actuary data controller and the data processors. The purposes include, but are not limited to:

- Writing, calling or sending e-mails to members with information concerning their benefits or the pension scheme.
- Calculating and paying pensions at normal, late or early retirement.
- Calculation and payment of trivial commutation and small lump sum benefits.
- Calculating and paying death benefits.
- Calculating and settling transfer payments.
- Calculating and adjusting benefits in relation to divorce proceedings.
- Answering member queries or those of their professional advisers.
- Calculating and paying pension increases.
- Providing data to the Scheme Actuary for actuarial purposes such as triennial valuations, transfer values and insufficiency reports.
- Preparation of annual scheme accounts and provision of information to the Scheme auditor.
- Correspondence with government agencies, local government agencies and official bodies, including HM Revenue & Customs, the Department for Work and Pensions, National Insurance Contributions Office, the Pensions Regulator and the Pensions Ombudsman.
- Using tracing agencies where contact with members or beneficiaries has been lost.
- Carrying out mortality screening to check if pensioners are still alive.
- Verifying the identity of members and beneficiaries.

### **Basis of processing data**

There are a number of legal bases for processing data under GDPR. Atkin Trustees Ltd, processes data for the following legal reasons.

- Processing is necessary for the performance of a contract with the data subject or to take steps to enter into a contract.
- Processing is necessary for compliance with a legal obligation.
- Processing is necessary for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests, rights, or freedoms of the data subject.
- Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.

### **Categories of Personal Data Processed**

For the purposes of operating the pension scheme the following items of data may be held and processed:

- Personal details such as your name, gender, date of birth, national insurance number, address, telephone numbers, email address.
- Employment information such as service dates, salary information.
- Other financial information such as income tax information, bank account details, other, earnings details, protections relating to your pension.
- Data may also be held about your marital status, next of kin and dependents for the purposes of paying spouse's, civil partner or dependent's pensions as required by the rules of the pension scheme.
- Information about your health, for example, to assess eligibility for benefits payable on ill health.

We may from time to time also need to process your personal data which is deemed by law to be 'special category' (or 'sensitive') and requires a further level of protection. In most cases sensitive data will only be required where a request for ill-health retirement benefits is made under the rules of the pension scheme. Such data would only be used to satisfy the requirements of HM Revenue & Customs and the pension scheme's rules.

You should ensure that such sensitive personal data and information is only provided where it is absolutely necessary.

The data held comes from either the Sponsoring Employer of the scheme, or information you have provided to the Trustees either directly or via one of their service providers. Some information may come from other third parties such as HMRC.

### **Updating member data**

It is important that the data held for each data subject is accurate and up to date. Members may notify us of changes in their circumstances (marriage, divorce, change of address etc.). All notices relating to such changes must be made in writing to Atkin Trustees Limited and provide the members name, date of birth, address and national insurance number. All notices should be signed by the member. Notices concerning changes in name or marital status will need to include the original certificate as evidence of the change (marriage certificate, deed poll, decree absolute etc.)

### **Rectifying data errors**

If any data held is proved to be incorrect we will change it. Documentary evidence that confirms the correct details will be required before data is changed for example original payslips, P60s/P45s, letters from HMRC or government agencies, birth, marriage and death certificates.

### **Requests for copies of data**

We will provide you with a copy of the personal (and where applicable sensitive personal data) we hold about you on written request.

In most cases, copies of data will be provided within one calendar month of a request being made (via post, telephone call or e-mail) from a member. For security purposes, data will be issued via recorded delivery to the member's home address. Alternatively, data will be sent in electronic format using M-Files secure file exchange system to the personal e-mail address of the member.

Before any data is issued, Atkin Trustees Limited will require proof of identity from the data subject to reduce the risk of personal data being sent to a third party who is not entitled to it. If a request for data is made via a third party, such as a solicitor or independent financial adviser, Atkin Trustees Limited will require an original letter of authority as well as proof of identity from the data subject.

Where a request for data is complex, for example if Atkin Trustees limited needs to take specialist legal advice, an additional period of up to 2 months may be allowed to comply with your request. Where a data request is complex, we will write to notify you of this within one month of your original data request.

### **Holding data when processing no longer takes place**

If you no longer wish the Trustee to process or store your personal data then you may make a request in writing to the Trustees. You should be aware that deleting your data may mean that the Trustees are unable to fulfil their obligations in terms of any benefits you are entitled to. If the Trustees are unable to consent to your request for your data to be deleted, they will confirm the reasons to you in writing.

**Sharing data with other parties** Atkin Trustees Limited may share your information with others in limited circumstances connected to the vital interests of the members and the purposes of the pension scheme. We may need to disclose member information if required by law. We will not seek to share your information, other than for the purposes related to the operation of the pension scheme and the interests of the members, without taking steps to obtain your consent. If we are unable to obtain instructions, we may share information where we believe it is in your legitimate interests for us to do so, or there is a legal basis to do so. We will seek at all times to ensure that your information is shared in a secure manner. Whilst we will make best efforts to protect your information, we cannot guarantee the security of data transmitted by website, e-mail, post or phone. We have strict procedures in place to uphold the security of information and will continue to monitor and develop the protection provided over time. The parties with whom data may be shared include:

- The Trustees of the pension scheme;
- The sponsoring employer of the pension scheme;
- The pension scheme's actuary;
- The pension scheme's administrator;
- The pension scheme's auditor;
- The pension scheme's legal adviser;
- The pension scheme's investment manager;
- Insurance companies (where benefits are secured or insured with an insurance company);
- HM Revenue & Customs;
- The Department for Work & Pensions;
- The Pensions Regulator;
- The Pensions Ombudsman (where members have raised complaints);
- The Pensions Advisory Service (where members have approached them for guidance);
- Tracing and mortality screening agencies;

### **Direct marketing**

Atkin Trustees Limited holds data for the purposes highlighted above. It does not use pension scheme or member data for purposes of direct marketing and does not provide it to any other party for such purposes.

### **Transferring data outside of the United Kingdom**

In most cases, data will not be transferred outside of the UK. If data is transferred outside of the European Economic Area (EEA) this will only be completed where your data controller has provided us with authority and consent to do so and has informed you of the transfer. We will ensure that any such transfer is legitimate and in accordance with data protection legislation. The information sent as part of such a transfer will be minimised to the greatest extent possible.

### **Automated decision making and profiling**

Atkin Trustees Limited does not make significant decisions about individuals by wholly automated means. Staff work on all individual cases. Atkin Trustees Limited does not carry out 'profiling' which is automated processing intended to evaluate certain personal aspects of an individual (for example, health, location or economic situation).

### **Queries and Complaints**

If any member has concerns about the data that is held on them by Atkin Trustees Limited or the way that it has been stored or transferred they should contact Atkin Trustees Limited directly using the contact details given below. Atkin Trustees Limited are registered as data processors with the Information Commissioner's Office (ICO) Any member that has concerns about the way in which Atkin Trustees Limited has handled your personal information may contact the ICO directly. The ICO's website can be found at <https://ico.org.uk/> Their telephone number is 0303 123 1113.

### **Contact Details**

Atkin  
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