

## PAN TRUSTEES UK LLP

### PRIVACY NOTICE (POST-TRUSTEE ACTIVITY)

#### Background

PAN Trustees UK LLP (**PTUK**) is a professional independent trustee company that acts as an independent trustee of occupational pension schemes based in the UK.

PTUK may act either (a) as a named trustee of a pension scheme, either acting alongside other third party individuals or as the sole trustee of the relevant scheme, or (b) as a corporate director of a stand-alone corporate trustee of a pension scheme. In limited circumstances, a member of PTUK may act as a trustee or director of a stand-alone corporate trustee in their own individual name.

In this privacy notice, we use PAN Trustee to refer to PTUK or any member of it where it (or they) act or has acted as a trustee for an occupational pension scheme (**Trustee**) in the ways identified in the previous paragraph.

When a PAN Trustee is no longer a Trustee, PTUK will take responsibility for any personal data held by that PAN Trustee relating to or connected with beneficiaries of the relevant pension scheme.

This privacy notice explains what information PTUK holds (and may collect) about you and how it will use it. It will also explain who PTUK will share your information with and when, together with what it will do to make sure your personal data stays safe and secure.

To be clear, this privacy notice only applies when a PAN Trustee is no longer a Trustee. Prior to that, it is the privacy notice issued by the Trustee(s) of your pension scheme which explains how the relevant PAN Trustee holds and uses your information.

#### What Is The Purpose Of This Document?

PTUK is committed to protecting the privacy and security of any personal data held arising from or connected with a PAN Trustee's duties when it has acted as a Trustee.

This privacy notice applies to all members/beneficiaries/potential beneficiaries (including next of kin/family) including all pensioners as well as individuals in receipt of a benefit upon the death of a member, together with data from relevant third parties. This privacy notice describes how we collect and use personal data in accordance with the UK Data Protection Laws<sup>1</sup>.

When we say '**we**' in this privacy, we mean PTUK which acts as a controller in respect of your personal data. PTUK is a limited liability partnership incorporated in England and Wales with company number OC333840.

PTUK is a "controller" of the personal data that it holds as a result of a PAN Trustee acting as a Trustee and any further personal data it may collect subsequently in relation to Trustee activities. This means that we are responsible for deciding how we hold and use this personal data. We are required under UK Data Protection Laws to notify members of funds for which a PAN Trustee has been a Trustee (each, a **Fund**) of the information contained in this privacy notice.

It is important that you read this privacy notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal data about you, so that you are aware of how and why we are using such information.

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<sup>1</sup> UK Data Protection Laws means, as applicable (a) UK Data Protection Act 2018, the (b) General Data Protection Regulation 2016/679 (EU GDPR), the (c) UK GDPR which means the EU GDPR as amended and incorporated into UK law under the UK European Union (Withdrawal) Act 2018.

## Data Protection Principles

We will comply with UK Data Protection Laws which state that the personal data we hold about individuals must be:

1. Used lawfully, fairly and in a transparent way
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes
3. Relevant to the purposes we have told you about and limited only to those purposes
4. Accurate and kept up to date
5. Kept only as long as necessary for the purposes we have told you about
6. Kept securely

## The Type Of Information We Hold

Personal data (or personal information) means any information about a living individual from which that person can be identified, either on its own or with other information that we may hold. It does not include data where the identity has been removed so that it cannot be linked to any individual (anonymous data).

In certain circumstances, we may hold "special categories" of more sensitive personal data which require a higher level of protection.

We may collect, store, and use the following categories of personal data:

- Personal details such as an individual's name, gender, age, date of birth, email address, postal address, telephone or mobile number and identifiers such as national insurance number or passport number.
- Family, lifestyle and social circumstances such as details about current marriage or partnerships and marital history, details of family and dependants.
- Financial and bank account details to evidence payments made.
- Employment details relevant to the membership of a Fund, such as salary, length of service, employment and career history, recruitment and termination details, attendance record (including periods of maternity, paternity or other family leave or periods of temporary absence), job title and job responsibilities, financial details such as bank account details, payroll records and tax status information.
- Membership details such as the date of joining a Fund or a predecessor scheme, the section to which a member belongs, contribution records (including normal and additional voluntary contributions), accrued pension benefits and details about investment decisions in relation to membership of any Money Purchase (defined contribution) scheme or scheme section. Where relevant, details of any elections and options made in respect of the benefits to which a member is or was entitled on retirement, death or earlier date of ceasing to be in pensionable service and details of any election to cease to be a member.
- Details of past correspondence an individual had with a PAN Trustee and their appointed staff or advisers, including the administrators, a Fund's secretary and relevant company staff with pensions or other related responsibilities as well as correspondence and records generated in the course of managing a Fund.

In limited situations we may also collect, store and use the following "special categories" of more sensitive personal data where relevant to the operation and payment of benefits from a Fund:

- Information about a member's (or their families' or potential beneficiaries') health, including any medical condition, health and sickness records. including:
  - information about physical or mental health, or disability status, which may have been used when determining any ill health pension which may have been payable;
  - information relating to a leave of absence, which may include sickness absence or family related leave, may have been used to make any adjustments to a member's membership, contribution and benefits to comply with the temporary absence provisions under a Fund's Rules<sup>2</sup>;
- Information about a member's race or national or ethnic origin, religious, philosophical or moral beliefs, or a member's sexual life or sexual orientation, might be used to ensure a Fund was operated in compliance with equality laws; and
- We may also process these types of information incidentally in the course of ensuring that any benefits paid under a PAN Trustee's discretion (such as a lump sum on your death) were paid in accordance with your wishes.

We will collect such special category information if we need it to verify a member's rights and entitlement or level of benefits.

### **How Is Personal Data Collected?**

We typically collect personal data about members and their beneficiaries (including family/next of kin) as a result of a PAN Trustee having acted as a Trustee. Where you provided us or another Trustee with personal data about other individuals, such as family members, dependants or potential beneficiaries under the relevant scheme, you must ensure that those individuals are aware of the information contained within this privacy notice.

In addition, we may collect, and a PAN Trustee may have also collected, personal data from third party sources during the course of your membership when a member/beneficiary or the company contacts us, or contacted a PAN Trustee, or as a result of any other engagement or correspondence that a member / beneficiary or the sponsoring company may have with us or may have had with a PAN Trustee. Such third party sources may include your employer or previous employers, our professional advisors, tracing services, identity verification service providers, the providers of Disclosure & Barring Service checks and HMRC. This information may include issues such as changes in salary, service, contributions, tax payments and personal circumstances relevant to a member's benefits under a Fund or any elections a member may have made, information to confirm a member's identity and changes of address/contact details.

### **The Legal Bases That We Rely on When Using Personal Information**

We will only use personal data when the law allows us to. Most commonly, we will use personal data in the following circumstances:

- Where we need to comply with a legal obligation (including our obligations under UK pensions legislation).
- Where it is necessary for our legitimate interests (or those of a third party such as employers, service providers or regulators). We have specifically identified the running and administration of a Fund by a PAN Trustee as a legitimate interest of PTUK (and of the employing company and members) for the processing of Fund personal data.
- Where we need to perform any agreement we or another PAN Trustee have entered into with a member.

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<sup>2</sup> A "Fund's Rules" covers the complete governing documentation for the relevant occupational pension scheme.

We may also use personal data in the following situations, which are likely to be rare:

- Where we need to protect a member's vital interests (or someone else's vital interests).
- Where it is needed in the public interest or it is requested from us by a statutory authority.

In certain circumstances we may also rely on consent to process personal data for particular purposes. Further information about our use of consent as a basis for processing is set out below.

### **Situations In Which We Will Use Personal Data**

We will use a member's (or their family's or beneficiaries') personal data primarily to verify and audit his/her/their membership of a scheme for which a PAN Trustee was the Trustee, and to enable us to comply with our legal obligations.

So, for example, we will use personal data:

- to verify and audit contributions and benefits, and to respond to any correspondence with a member or the relevant company about member benefits;
- to evidence a PAN Trustee's obligations (when it was a Trustee) arising from any agreement that it had with, or concerning, a member and to provide a member with the information that a member requests from us;
- for the purposes of risk management;
- to permit third parties to undertake activities from time to time to help manage the liabilities of a Fund;
- to comply with or demonstrate compliance with any present or future law, rule, regulation, guidance or directive, and complying with any industry or professional rules and regulations or any applicable voluntary codes; and
- to comply with or demonstrate compliance with the requirements of – or the demands or requests made by - local and foreign regulators, governments and law enforcement authorities (including the police, the courts, the Pensions Regulator, the Pensions Ombudsman, the Pension Protection Fund and Her Majesty's Revenue and Customs (HMRC), and complying with any court order, subpoena or other court process, or in connection with any litigation, subject to compliance with applicable data protection laws. They may then use the data to carry out their functions.

### **If a Member Fails to Provide Personal Data**

If a member fails to provide certain information when requested, we may not be able to respond to requests relating to his/her/their membership of a Fund (for which a PAN Trustee was once Trustee) properly or fully. Our ability to calculate and verify payment of benefits due to or in respect of the member under a Fund may be prejudiced. We may also be prevented from complying with regulatory requirements or other legal obligations.

### **Change of Purpose**

We will only use personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use personal data for an unrelated purpose, we will notify the member and we will explain the legal basis which allows us to do so.

Please note that we may process personal data without the member's knowledge or express consent, in compliance with the above rules, where this is required or permitted by law.

## **How We Use Special Category Personal Data**

"Special categories" of particularly sensitive personal data (for example details of race or ethnicity, religious beliefs and sexual orientation or a member's mental or physical health) require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data. We may process these special categories of personal data in any of the following circumstances:

1. With the individual's explicit consent; or
2. Where it is necessary to carry out obligations under employment social security or social protection law (which may include obligations under pensions law); or
3. Where necessary for the establishment, exercise or defense of legal claims; or
4. Where there is substantial public interest in us carrying out this processing

Less commonly, we may process this type of information where it is needed to protect a member's vital interests (or someone else's vital interests) or where the member is not capable of giving consent, or where the member has already made the information public. We may also process this type of information where we are entitled to do so for another reason permitted by data protection legislation.

## **Do We Need A Member's Consent to Use These Special Categories of Data?**

We do not need a member's written consent if we use special categories of a member's information to carry out our legal obligations or if otherwise permitted by law. Where this is not the case, however, we will approach the member for written consent to allow us to process certain particularly sensitive data. If we do so, we will provide the member with full details of the information that we would like and the reason we need it, so that the member can carefully consider whether he/she/they wishes to consent. A member should be aware that it is not a condition of his/her/their membership of a Fund that he/she/they agrees to any request for consent from us and that he/she/they can withdraw their consent at any time; however, it may in some circumstances mean that we may not be able to verify the management of his/her/their membership of the relevant Fund properly or fully.

## **Data Sharing**

We may have to share personal data with third parties, including third-party service providers (such as a Scheme's administrators and actuary), and the sponsoring company (including any subsidiary, associated or successor companies that are relevant to an individual's membership of a Fund).

We require third party service providers to respect the security of personal data and to treat it in accordance with the law.

## **Why Might We Share Personal Data With Third Parties?**

We may share personal information with third parties where required by law, where it is reasonably required to administer and manage membership (because the third party processes personal data on our behalf or provides services to us) or where there is another legitimate reason to do so.

## **Who We May Share Information With**

We may share or disclose member information to any of the following categories of recipients as may be necessary or desirable with regards to the administration of a Fund (and/or comply with contractual or legal obligations relating to it):

- Fund administrators, the sponsoring employer and any members of its group of companies;
- Service providers, professional advisers and auditors (including a Fund's actuary);

- Local or foreign regulators, governments and law enforcement authorities and local and foreign courts,
- Tribunals and arbitrators, other judicial committees or enactments of laws, subject to compliance with UK Data Protection Laws; and
- Insurance companies (who may insure some death benefits payable under a Fund or who provide annuity policies in respect of any members).

We may also provide some of your personal data to a Fund's sponsoring employers and group companies of those employers, their advisers and potential purchasers of their businesses where they request it for use in connection with your employment or their obligations as employers or in connection with potential purchases of their businesses.

Where requested or if we consider that it is reasonably required, we may also provide your personal data to government bodies and dispute resolution and law enforcement organisations, including the courts, the Pensions Regulator, the Pensions Ombudsman, the Pension Protection Fund and HMRC. They may then use the data to carry out their functions.

### **How Secure Is Information Held By Third Party Service Providers?**

All third-party service providers are required to take appropriate security measures to protect personal data.

### **Transferring Information Outside the United Kingdom or EEA**

We may transfer, store, process or allow access to the personal data we collect to or in a country outside the UK/EEA, which may not have equivalent data protection laws to those in the UK. In order to safeguard your data, whenever we transfer your personal data out of the UK/EEA, we ensure a similar degree of protection is afforded to it by implementing one of the following safeguards:

- Where there is an adequacy decision by the Information Commissioner's Office ("ICO") or an adequacy decision by the European Commission that has been adopted by the UK in respect of that country this means that the country to which data is transferred is deemed to provide an adequate level of protection for any personal data held.
- Where there is not an adequacy decision in respect of that country, we may use specific contracts, including the Model Clauses (also known as Standard Contractual Clauses) or other safeguards provided for in data protection laws in order to protect the data.
- In specific circumstances, we may rely on a legal exception to transfer your personal data.

Please contact us if you want further information on the specific mechanisms used by us when transferring your personal data out of the UK.

### **Automated Decision Making**

We do not undertake any form of automated decision making (being decision solely by automated means without any human involvement) in relation to post-Trustee activities.

### **Data Security**

Under data protection laws, we and all third parties that we share your data with are required to implement technical and organisational security measures to protect personal data and ensure a level of security for it that is appropriate to the risks to it. In addition, we limit access to personal data to those employees and other third parties who have a business need to know the data.

We have put in place procedures to deal with any suspected data security breach and will inform an affected member or any applicable regulator of a suspected breach where we are legally required to do so.

## How Long Will We Retain Member Information?

Pension funds are, by their nature, long term arrangements and data is likely to be retained for a substantial period after the date that any benefits payable to you or your beneficiaries have ceased. General pension industry practice on data retention periods is still developing but it is anticipated that data could potentially be held for 75 years after the final benefit payment under a Fund.

We will retain personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. This means that we may continue to hold personal data after a member has opted out or ceased to have any pension benefit due under a Fund.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for which we process personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances, we may anonymise personal data so that it can no longer be associated with an individual, in which case we may use such information without further notice.

## An Individual's Responsibility to Inform Us of Changes

It is important that the personal data we hold is accurate and current. Individuals are required to keep us informed if their personal data changes during their membership in any capacity. Normally, this notification should be via the Fund's administrator.

## Your Rights in Connection with Personal Data

Under certain circumstances, by law an individual has the right to:

- *Request access* to his/her/their personal data (commonly known as a "data subject access request"). This enables an individual to receive a copy of the personal data we hold and to check that we are lawfully processing it.
- *Request correction* of the personal data we hold. This enables an individual to have any incomplete or inaccurate information we hold about him/her corrected.
- *Request erasure* of personal data. This enables an individual to ask us to delete or remove personal data where there is no good reason for us continuing to process it. An individual also has the right to ask us to delete or remove their personal data where the individual has exercised their right to object to processing (see below).
- *Object to processing* of personal data where we are relying on a legitimate interest (or those of a third party) and there is something about an individual's particular situation which makes them want to object to processing on this ground. An individual also has the right to object if they believe we are processing their personal data for direct marketing purposes.
- *Request the restriction of processing* of personal data. This enables an individual to ask us to suspend the processing of personal data about them, for example, if they want us to establish its accuracy or the reason for processing it.
- *Request the transfer* of the personal data to another party.

If an individual wants to review, verify, correct or request erasure of their personal data, object to the processing of their personal data, or request that we transfer a copy of their personal data to another party, please write to or email PTUK stating your National Insurance Number and the name of the Fund to which you belong or belonged..

Where we have a legitimate interest in holding or processing data, for example to verify the payment of benefits made, we will not be obliged to act on a request for erasure of data.

## **No Fee Usually Required**

An individual will not have to pay a fee to access their personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if a request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

## **What We May Need From An Individual/Member**

We may need to request specific information from to help us confirm an individual's identity and check a right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

## **Right to Withdraw Consent**

In the limited circumstances where an individual may have provided consent to the collection, processing and transfer of their personal data (for example, in relation to certain special categories of sensitive data) for a specific purpose, the individual has the right to withdraw consent for that specific processing at any time. To withdraw consent, please contact PTUK stating your National Insurance Number and name of the Fund to which you belong or belonged.

Once we have received notification that an individual has withdrawn consent, we will no longer process that individual's information for the purpose or purposes originally agreed to, unless we have another legitimate basis for doing so in law.

## **Questions & Complaints**

If an individual has any questions about this privacy notice or how we handle information, please contact PTUK quoting your National Insurance Number and name of the Fund.

If an individual thinks that we have misused personal data, or has have been affected by a breach of data security, they have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

An individual can contact the ICO on 0303 123 1113 or visit [www.ico.org.uk](http://www.ico.org.uk) or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 SAF.

## **Contact Details**

To contact PTUK please write to: PAN Trustees UK LLP, The Annex, Oathall House, 68-70 Oathall Road, Haywards Heath, West Sussex RH16 3EN or email [info@pantrustees.co.uk](mailto:info@pantrustees.co.uk).

## **Changes to this Privacy Notice**

We reserve the right to update this privacy notice at any time, and we will provide a new privacy notice when we make any substantial updates. We may also notify individuals in other ways from time to time about the processing of personal data.

Date: November 2022

Issued by PAN Trustees UK LLP