



North East Scotland Pension Fund

**nespf**

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## Privacy Notice

February 2022

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## 1. Overview

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We hold certain information about you (“personal data”) which we use to administer the Fund and pay benefits from it. This privacy notice explains why we collect personal data; what we use it for, who we share it with and what your rights are.

## 2. Who We Are

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Aberdeen City Council is the administering authority for the North East Scotland Pension Fund. We also maintain the Aberdeen City Council Transport Fund and the principles in this document should be treated as applying to that Fund.

The Fund can be contacted at Level 1, 2MSq, Marischal Square, Broad Street, Aberdeen, AB10 1BL.

## 3. Our Lawful Basis for Processing your Personal Information

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The Fund collects and holds various information about members to:

- administer your pension benefits, and
- to maintain or improve our service

This includes the need to process your data to contact you, to calculate, secure and pay your benefits, for reference purposes (e.g. when we assess how much money is needed to provide members’ benefits and how that money should be invested) and to manage liabilities and administer the Fund in general.

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. 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:

- 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/or
- 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 Fund has; and/or
- We need to process your personal data to meet our contractual obligations to you in relation to the Fund (e.g. under an agreement that you will pay additional voluntary contributions to the Fund).

## 4. What Kind of Information do we Hold?

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The types of personal data we hold and process about you include:

- Contact details including name, address, telephone numbers and email address
- Personal details such as date of birth, national insurance number and employee/payroll numbers
- Information that is used to calculate and assess your pension rights e.g. length of membership, salary information
- Financial information relevant to the calculation or payment of benefits e.g. bank account and tax details
- Information about your family, dependants or personal circumstance, for example marital status and information relevant to the distribution and payment of benefits payable upon your death.
- Information about your health when undertaking ill health retirement
- 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.

## 5. How do we Collect Your Information?

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### To administer your pension benefits

We collect some of this personal data directly from you. We will also obtain data (for example, salary information) from your current or previous employer(s). This information is typically collected via paper-based documentation (e.g. forms), electronically (e.g. email or our secure online portals), over the telephone or face to face. We may also obtain some personal data from our advisers, government or regulatory bodies (e.g. HMRC for tax codes) and public databases such as the Register of Birth, Deaths and Marriages.

### To maintain or improve our service

The data we collect in this respect is gathered through surveys, member feedback and our websites' analytics. Our surveys are anonymous, unless a member provides us contact detail with which to respond to any comments they made. We do not share the data with any external third parties.

For information on data collected through the Pension Fund websites please see our [Privacy & Cookies page](#) on our website.

## 6. How will we use your personal data?

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We will use the data to deal with matters relating to the Fund, including its administration and management. This can include processing your personal data for the following reasons:

- To contact you
- To assess eligibility for, calculate and provide you (and any beneficiaries upon your death) with pension benefits
- To identify your potential or actual benefit options and when required put these into payment
- To allow alternative ways of delivering your benefits, for example, through the use of insurance products and transfers to or mergers with other pension arrangements
- For statistical and financial modelling for example when we assess how much money is needed to provide members' and beneficiaries' benefits and how that money should be invested
- To comply with our legal and regulatory obligations e.g. mandatory participation in the National Fraud Initiative
- To address queries from members or other beneficiaries and to respond to any actual or potential disputes
- The management of the Fund's liabilities including entering into of insurance arrangements and selection of the Fund investments
- In connection with the sale, merger or corporate reorganisation or transfer of a business by the employers that participate in the Fund and their group companies

## 7. How long do we store your data

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The Fund will aim to periodically review the data it collects and holds electronically to determine whether it is adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.

Information will only be held for as long as it is necessary in order:

- to enable the administration of pension services,
- to meet our statutory obligations and
- to prevent, detect and monitor crime.

Should we determine that it is no longer necessary to hold the personal data, it will be removed from our database and securely destroyed.

In practice, this means that your personal data will 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

Paper documentation received by the Fund is scanned and indexed digitally against your membership record. The original paper documentation is stored securely on site and destroyed after a period of 3 months from the date we received it (except in circumstances whereby the original documentation needs returned to a member e.g. birth, death or marriage certificates).

Data held on our network complies to regulatory timescales with internal processes in place to ensure it is not retained for longer than required.

## 8. Sharing your personal Information

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The information we hold is used to administer your pension benefits and is held securely on our pension administration database. We do not sell, trade or rent your information and we will not use your personal data for marketing purposes.

However from time to time we will share your personal data with advisers and service providers so that they can help us carry out our duties, rights and discretions in relation to the Fund. Some of the organisations and providers we share information with include:

- Other public service bodies
- Third parties who provide or carry out an administrative or processing function on behalf of the Pension Fund e.g. AVC providers or printers
- Professional advisers appointed to the Fund
- Investment managers, banks and other service or pension providers; and
- Third parties with whom we are legally permitted to enter into arrangements to hedge investment and/or longevity risk (including insurers in the context of a buy-in arrangement). To explain further, the anticipated cost of providing Fund benefits is determined by our actuary based on a number of assumptions (broadly by reference to economic conditions and life expectancy). These 'risk hedging' types of arrangements are complex but enable us to guard against the cost of providing the relevant benefits being greater than originally anticipated. To enter into such arrangements, we would typically need to engage with our third party service providers (referred to in the section headed 'Third Parties' and in the table below), provide data to prospective providers/insurers as part of a procurement exercise and, once put in place, share data as part of the ongoing operation of the arrangement itself.

A summary of the main bodies/organisations the Fund shares data with can be found below.

Data Processors	Data Controllers
<ul style="list-style-type: none"> <li>• Tracing bureaus for mortality screening and locating members – (currently ATMOS)</li> <li>• Overseas payments provider to transmit payments to scheme member with non-UK accounts – (currently Western Union)</li> <li>• Printing companies – (currently Adare, J. Thomson)</li> <li>• Pensions software provider – (currently Heywoods)</li> <li>• Suppliers of IT, document production and distribution services</li> <li>• AWS</li> </ul>	<ul style="list-style-type: none"> <li>• Additional Voluntary Contribution providers – (currently Prudential &amp; Standard Life)</li> <li>• Legal adviser – (currently Aberdeen City Council. External Advice: Brodies, Burness Paull and Pinsent Masons)</li> <li>• Fund Actuary – (currently Mercer)</li> <li>• External auditor – (currently Audit Scotland)</li> <li>• Internal auditor – (currently Aberdeenshire Council)</li> <li>• LGPS National Insurance database – (South Yorkshire Pensions Authority)</li> <li>• National Fraud Initiative (Audit Scotland)</li> <li>• The Department for Work and Pensions</li> <li>• The Government Actuary's Department</li> <li>• The Cabinet Office – for the purposes of the National Fraud Initiative</li> <li>• HMRC</li> <li>• Hymans Robertson</li> <li>• The Courts of England and Wales &amp; the Courts of Scotland – for the purpose of processing pension sharing orders on divorce</li> <li>• Participating employers in the North East Scotland Pension Fund</li> <li>• Insurers</li> </ul>

### What is the difference between a data controller and a data processor?

Not all organisations involved in the processing of data have the same degree of responsibility.

**Data Processor** means any person (other than employees of the data controller) who processes the data on behalf of the data controller. These organisations will simply process your personal data on our behalf and in accordance with our instructions.

**Data controller** means a person who determines the purpose for which and the manner in which any personal data are or are to be processed. They exercise control over the processing and carry data protection responsibility for it. They may be obliged to provide you with additional information regarding the personal data they hold about you and how and why they process that data. Further information may be provided to you in a separate notice or may be obtained from the advisers and service providers direct, for example via their websites.

Whenever one of our advisers or service providers acts as a joint controller with us in respect of your personal data, because we jointly determine the purposes and means of processing it, we will agree with them how we are each going to meet our respective and collective obligations under the data

protection legislation. If you would like more information about how such an arrangement works please contact us using the contact details below.

## **Participating Employers**

The NESPF administer the LGPS on behalf of its participating employers. As a result the employers within the Fund are also data controllers therefore there is no requirement to enter into a data sharing agreement with each of them. Personal data is regularly provided by the Fund to employers for redundancy exercises and early retirements in order to allow employer to make financial decisions.

## **Public Service Bodies**

The Fund participates in data sharing arrangements with the following public service schemes:

### **LGPS National Insurance Database**

This data sharing project involves all Local Government Pension Schemes (LGPS)s in the UK and allows them to meet regulatory requirements regarding death benefits. If a member of the LGPS dies, the Pension Fund must know if the individual has LGPS benefits elsewhere in the country so that the correct death benefits can be paid. As the LGPS is administered locally, each pension fund has its own records so this database allows pension funds to see if members have records elsewhere.

More information about the database and what data is shared can be found in the LGPS NI Database - Privacy Notice available on our [website](#).

### **Tell Us Once**

Tell Us Once is a service that allows you to report a death to several government organisations in one go, reducing the amount of time you have to spend contacting different organisations. The North East Scotland Pension Fund has signed up to the Tell Us Once system meaning we will be notified of deaths once registrars are informed. This service is linked to the Department for Work and Pensions (DWP).

For more information about the service and how it works visit [Tell Us Once](#).

### **National Fraud Initiative**

The Pension Fund has a legal obligation to protect public funds and in doing so is required by law to participate in the National Fraud Initiative (NFI). This is a counter fraud exercise led by Audit Scotland which uses computerised techniques to compare information held by different public bodies to identify circumstances that suggest the existence of fraud or error.



Where a match is found, it indicates that there may be an inconsistency that requires further investigation. No assumption can be made as to whether there is fraud, error or other explanation until an investigation is carried out. The exercise can also help bodies to ensure that their records are up to date.

For further information on the data we supply to Audit Scotland, how this data is used and Audit Scotland's legal powers visit their [website](#). Alternatively contact:

Jonathan Belford, Chief Officer – Finance, Aberdeen City Council, Resources, Business Hub 7, Level 1 West, Marischal College, Broad Street, Aberdeen, AB10 1AB.

## **HMRC**

The Pension Fund provides information to HMRC on a monthly basis for members whose pension has come into payment. This is done securely and ensures that the correct tax codes are applied.

## **Additional Public Service Bodies**

Where requested or if we consider that it is reasonably required, we may also provide your data to government bodies and dispute resolution and law enforcement organisations, including those listed above, the Pensions Regulator, the Pensions Ombudsman and HMRC.

## **Third Parties**

NESPF may transfer certain information to a third party if they are carrying out an administrative function on behalf of the Pension Fund such as our AVC providers, Scheme Actuary or printers.

Our Scheme Actuary, Mercer, may use this information for data analysis. However Mercer, and any third parties to whom the Fund passes personal data to, are required, like the NESPF, to comply with the UK General Data Protection Regulation. Only data which is required to carry out the work is provided and is done so through secure online portals.

Where we make Fund investments or seek to provide benefits for Fund members and beneficiaries in other ways, such as through the use of insurance, then we may also need to share personal data with providers of investments, insurers and other pension scheme operators

## **Mortality Screening**

A secure service provided by ATMOS to allow the monthly review of scheme member data to identify those who have deceased.

## **Zipporah - Booking System**

The Fund utilises Zipporah, Aberdeen City Council's online booking system for 1-2-1 appointments. More information on how and what data is stored on the system can be found in their [Privacy Notice](#)

## Hymans Robertson

The Fund has licenses for Hymans Robertson's Online Learning Academy. This provides training for our Committee and Board members on pensions and LGPS related topics. The online system allows reports to be generated on training records, which will be used by the Fund to demonstrate regulatory compliance e.g. to audit, and for monitoring purposes e.g. to address training issues. More information on how Hyman Robertson handle data can be found in their [Privacy Notice](#).

## Sharing Information with yourself or nominated representatives

For security purposes no documentation with personal information (e.g. quotes) are sent to members via email. These documents will either be provided electronically through My Pension— our secure online site for members or via post.

If you are using a representative on your behalf for example a financial advisor or family member, we must receive written authorisation from yourself before we can provide your representative with any information.

## Transferring information outside the UK

In some cases recipients of your personal data may be outside the UK. As such, your personal data may be transferred outside the UK to a jurisdiction that may not offer an adequate level of protection as is required by the UK Government. If this occurs, additional safeguards must be implemented with a view to protecting your personal data in accordance with applicable laws. Please use the contact details below if you want more information about the safeguards that are currently in place.

## 9. Your Rights

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Under the UK General Data Protection Regulation, you have rights as an individual which you can exercise in relation to the information we hold about you.

### Right to be Informed

You have the right to be informed about the collection and use of your personal data.

### Your Right to Access Your Information

You have the right to request a copy of the personal data we hold for you through a Subject Access Request. You can do so by writing to the Benefits Administration Manager/Governance Manager or by emailing [pensions@nespf.org.uk](mailto:pensions@nespf.org.uk)

### **Your Right to Rectification**

You have the right for your information to be accurate, complete and up to date. Therefore you can ask us to correct any personal information you believe is incorrect or does not meet these standards.

### **Your Right to Erasure**

You can request a company or body to delete any or all information they hold about you. However this is not the same as a 'right to be forgotten'. Individuals have the right for personal data to be erased when it is no longer necessary in relation to the purpose for which it was originally collected/processed; when individuals withdraw consent or objects to processing and there is no overriding legitimate interest for continuing with processes; when personal data was unlawfully processed; or when personal data has to be erased in order to comply with a legal obligation.

### **Your Right to Restrict Processing**

You can ask us to restrict how we use your personal information, including who we share it with.

### **Your Right to Data Portability**

This right enables you to obtain copies of the information we hold about you in a format that is easily transferred to either yourself or another organisation. This is relevant for members who are transferring their pension to another provider.

### **Your Right to Complain**

If you have a concern about the way we are managing your personal data, or if we have failed to respond to an information request we ask that you raise this with us in the first instance. Alternatively you have the right to complain to the Information Commissioners Office (ICO). Further information on their complaints process can be found [here](#).

**For more information on your rights visit <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>**

If you wish to request access to your data please complete and return a Subject Access Request form available on our [website](#).

## 10. Contact Us

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If you have any further questions or issues please contact us for further information:

NESPF  
Level 1, 2 Marischal Square  
Broad Street  
Aberdeen  
AB10 1LP

Tel: 01224 045 045  
Email: [pensions@nespf.org.uk](mailto:pensions@nespf.org.uk)  
Web: [www.nespf.org.uk](http://www.nespf.org.uk)