

## 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](http://www.falkirkpensionfund.org).

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

Falkirk Council is the data controller. 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:

- to discharge its legal obligations as an Administering Authority within the terms of the Local Government Pension Scheme (Scotland) and to comply with the scheme rules; and
- as part of the performance of a task being carried out in the public interest.

Legal Basis	Purpose
Consent	
Performance of a Contract	
Legal Obligation	✓
Vital Interests	
Task to be carried out in the public interest	✓
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 is as follows:

- 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 Superannuation (Scotland) Regulations 1987

- Local Government Superannuation (Scotland) Regulations 1974
- 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 obligations under employment law. As eligibility for scheme membership derives from employment contracts the Fund relies on this provision to process sensitive personal data.

### 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 desensitized 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, or you ask that the personal data we already hold is deleted or restricted, 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.

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 ask us to correct your personal data if there are any errors or it is out of date; and
- 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](mailto: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](mailto:casework@ico.org.uk)*

### **Version Control**

Version Number	Purpose/Change	Author	Date
1.0	Initial Draft	Pensions Manager	3.5.2018