



# University of St Andrews Superannuation and Life Assurance Scheme Privacy notice

Author	C Milne: Scheme, Data Protection Officer, University of St Andrews
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## Purpose

The use of information that relates to people i.e. personal data, which is collected or received and then used by the University St Andrews Superannuation and Life Assurance Scheme (“the Scheme”) is legislated through the European and UK data protection laws, specifically:

- *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (“the GDPR”); and*
- *The Data Protection Act 2018 (“the DPA”).*

These data protection laws set out via a series of principles how organisations are expected to manage and safeguard personal data. In addition, the legislation provides a number of rights to individuals, so that they have a degree of control over their personal data, with access to rights of re-dress, if it is found that their personal data has not been managed correctly. The Scheme Trustees takes these obligations seriously.

One of the principles of data protection legislation is transparency, with one of the data protection rights being the right to be informed. This means that organisations that collect/receive personal data must clearly and fully inform the individuals concerned, in writing, normally when personal data is collected, how their personal data will be used. Organisations are expected to provide those details through a privacy notice.

A privacy notice should:

- confirm the identity of the organisation, that is responsible for making use of personal data in line with the data protection legislation, along with providing the contact details of who to approach with questions on how such data is managed;
- set out how personal data will be used and the legal basis underpinning that use;
- identify other organisations and/or individuals that personal data may be shared with (recipients);
- note when personal data may be transferred to a country outwith the European Economic Area (“the EEA”) and what protections will be put in place to safeguard those data;
- state how long personal data will be retained, or, where that is not possible, the criteria used to determine this;
- summarise the rights available to individuals under data protection legislation and explain how those rights can be exercised;
- advise on the right of complaint to the data protection regulator i.e. the UK Information Commissioner’s Office (“the ICO”);
- note where there are any statutory or contractual obligations to provide an organisation with personal data; and
- confirm where automatic decision-making takes place, including the provision of details of profiling and any consequences of such uses.

The purpose of this privacy notice is to inform Scheme members as to: how their personal data will be used by the Scheme and its Trustees and relevant third parties in the context of managing Scheme membership and associated benefits; the legal basis which underpins the use of personal data by the Scheme or the transfer of personal data to others; what rights are available to individuals and how those rights can be exercised; and who to contact should there be any questions or issues of concern on how personal data are being used. Certain benefits are paid from the Scheme to the beneficiaries of members; where this privacy notice refers to a “member”, that phrase includes any such beneficiary.

#### **The identity and the contact details of the controller**

The Trustees of the University of St Andrews Superannuation and Life Assurance Scheme, C/O Scheme of St Andrews, College Gate, North Street, St Andrews, KY16 9AJ, Fife, Scotland, UK.

#### **The contact details of the Scheme Data Protection Officer**

Mr Christopher Milne, Head of Information Assurance and Governance, Email [dataprot@st-andrews.ac.uk](mailto:dataprot@st-andrews.ac.uk)

#### **The purposes for which the Scheme will make use of members personal data**

The Scheme may make use of a member’s personal data, so that it can provide the pension services to members, beneficiaries and to the University of St Andrews as Scheme’s sponsoring employer. The personal data typically includes a member’s:

- Name;
- Date of birth;
- National Insurance number;
- Salary details;
- Hours of work;
- Marital status;
- Pensionable service history and contributions; and
- Nominated beneficiaries/dependants.

The following details are made available to Scheme for use on the member’s retirement:

- Bank details; and
- Address.

Specific uses of personal data are described, below.

#### ***Application to become a Scheme member***

- Scheme membership is available to University of St Andrews employees’ engaged on grades 1 through 5, and employees of the University of St Andrews Students’ Association. Details provided to the Scheme on applying to join will be used to assess whether an individual is eligible for membership; and on acceptance, for managing Scheme membership.

#### ***Pension contribution management and payments of benefits***

- Administering payments of employer and employees contributions to the Scheme.
- Adjudication by Trustees on applications made for specific benefits.

- Administering pension and lump sum payments to members.

### **Support Services**

- Providing and administering access to services and facilities provided by or through the Scheme as necessary to support members', beneficiaries and dependants'.

### **Communication with Scheme members or beneficiaries**

- The contact details provided, will be used by the Scheme to provide members with updates on the administration and operation of the Scheme, which can include information on changes to the regulation and governance of the Scheme, an annual statement on benefits and information about pensions in payment, as those fall due.

### **Liaison with Scheme employer**

- Information about members and beneficiaries may, only if appropriate, from time to time be passed to the University of St Andrews or to the University of St Andrews Students Association, in their respective capacity as the Scheme's sponsoring employer, for the purpose assessing the makeup and liabilities of the Scheme and communicating with members in respect of liability management exercises.

### **Legal Affairs/litigation Management**

- Handling claims by or against the Scheme under its internal dispute resolution procedure or at the Pensions Ombudsman, which may not proceed to litigation and/or which may result in out of court settlement.
- Managing legal actions by or against the Scheme.
  - Preparation of evidence such as witness statements and/or the supply of case materials to a solicitor, Court, Tribunal etc. This may include securing evidence from records/documentation held by the Scheme to pursue or defend a claim.

### **Auditing the scheme**

- The activities involved in auditing the operation and governance of the Scheme, which may involve reviewing how benefits were assessed and made.

### **Sector and Statutory Reporting**

- Statistical processing (compilation, monitoring and dissemination internally and externally to agencies/authorities to whom the Scheme has an obligation to report.

### **The legal bases for processing personal data**

- The Trustees of the Scheme are required to identify and document the legal basis for which personal data are used, these being -
  - **Compliance with a legal obligation to which the Scheme is subject.**
    - Scheme operations are governed by a series of laws, including –
      - The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013;
      - The Pensions Act 2011 (Transitional, Consequential and Supplementary Provisions) Regulations 2014;

- The Occupational and Personal Pension Schemes (Disclosure of Information) Amendment Regulations 2015;
  - The Public Service Pensions Act 2013; and
  - The Pensions Act 2004.
- The Trustees are also subject to a range of common law duties in their capacity as trustees of the Scheme, summarised as a fiduciary duty to act in the best interests of members.
- The bulk of member personal data are used by the Scheme and the Trustees to meet this range of legal obligations, which the legislation provides for, and to provide members with services such as paying out the benefits under the Scheme, including: retirement benefits; ill-health benefits and death in service benefits. In addition the Trustees' are required by law to: liaise with the Scheme's employer, to obtain permission to pay certain benefits; to obtain audited accounts for the Scheme and liaise with the Scheme actuary on the funding of the Scheme.
- **Processing when necessary for the purposes of carrying out obligations and exercising specific rights in the field of employment and social security and social protection law.**
  - The scheme may process health related details, to make assessments and provide benefits, where required to do so under the pensions related legislation, listed, above.
- **Legitimate interests**
  - Some use of personal data to manage and administer the Scheme and to assess whether particular benefits may be available, are undertaken on a discretionary basis. In those instances legitimate interests is the legal basis which the Scheme relies on. That legitimate interest has been documented and published on the Scheme's web pages.
- **Occupational pensions**
  - In some circumstances, the Scheme and the Trustees may be required to make use of what data protection legislation refers to as special categories of personal data, which are typically health related information, which may be used surrounding the assessment and management of ill-health claims. In such instances the Scheme will rely on the *Occupational pensions* condition, DPA 2018, schedule 1, part 2, paragraph 21.
- **Explicit consent**
  - In some circumstances, normally when no other lawful bases are available, the Scheme and the Trustees may be required to make use of what data protection legislation refers to as Special categories of personal data, which are typically health related information, which may be used surrounding the assessment and management of ill-health claims. In such instances the written consent from individuals will be requested.

#### [The recipients or categories of recipients of the personal data, if any](#)

The Scheme may share or disclose personal information with any of the following bodies or organisations as may be necessary to administer the Scheme in line with legal obligations and/or to comply with other obligations relating to it, e.g. statutory reporting.

Where the Scheme transfers personal data onto named agents/suppliers personal data as necessary to enable them to provide services to the Scheme; it will do so under contract. This may also include sub-contractors, engaged by agents/suppliers. Before an agent/supplier of the Scheme, or a sub-contractor(s) engaged by an agent/supplier, will be given access to personal data for which the Scheme is responsible as data controller, contractual terms will exist between the Scheme and the relevant parties which:

- specify and limit the uses that can be made of the personal data it is provided with or given access to through the Scheme; and
- establishes to the Scheme's satisfaction that the agent/supplier has in place sufficient organisational and technical means to protect personal information made available to them against accidental loss or any form of unauthorised access and subsequent use.

Disclosure for the purposes of, to Scheme agents/suppliers	Details
Employers, University of St Andrews, University of St Andrews Students' Association	Exchange of data of employees who are Scheme members, for purposes of data verification.
LGPS National Insurance Database.	To determine whether members have benefits in other Schemes.
Pension administration system provision, Aon.	The provision electronic pension records management, case management and benefit calculation system, procured by the Scheme.
Scheme actuary services, Aon.	To calculate the value of the Scheme's assets and liabilities based on its membership profile and to set employer contribution rates based on that information.
Scheme auditing services, KPMG.	To facilitate the statutory duty of auditing the Scheme's Annual Report and other reports required by law or regulation e.g. a statement of accounts; and to assess the effectiveness of governance and other internal controls.
Scheme legal services, Shepherd + Wedderburn.	The exchange member information, where legal advice on the application of pension law and regulation is required.
Voluntary Contributions providers ("AVC"), Prudential and Royal London.	To facilitate the creation and maintenance of individual member's AVC accounts.

#### Details of transfers of personal data to countries outwith the EEA

In some instances member Records may be transferred overseas to countries or territories outside the EEA, e.g. where electronic records are stored in data centres, by agents/suppliers to the Scheme. Such transfers will only take place where an agent/supplier has agreed, in written contract with the Scheme to have in place the appropriate protections, over personal data, as prescribed by UK or European data protection law.



### The period for which personal data will be stored, or if that is not possible, the criteria used to determine that period

The Scheme, in providing services to members, in cognisance of its statutory obligations, has determined that it cannot permanently delete a member's records. Member details and documentation are required to be retained to indefinitely to enable the Scheme and the Trustees to comply with legal and regulatory obligations. However, if a request is made to delete member details or elements of their records, this will be considered on a case-by-case basis.

### Rights available to individuals

European and UK data protection legislation provides individuals with a number of rights regarding the management of their personal data, these rights are:

- The right of access to your personal data, commonly referred to as a subject access request, which involves the following being carried out within a calendar month:
  - Confirmation that personal data is being processed.
  - Access being given to your personal data (provision of a copy), unless an exemption(s) applies; and
  - The provision of supplementary information e.g. an explanation of how your personal data is processed and who this is shared with.
- The right to rectification, which may involve:
  - The Scheme working to correct any inaccuracies in personal data or to address any omissions, which may require personal data to be annotated to acknowledge that this is incomplete.
- The right to erasure (the deletion of personal data, in specific circumstances), which is commonly referred to as the right to be forgotten, which may involve:
  - The Scheme destroying specific personal data. However, as noted above the Scheme's obligations to adhere to legal requirements may mean that this right is not always available to Scheme members.
- The right to restrict processing, which may involve:
  - The Scheme agreeing to stop making use of specified personal data, for a set period e.g. where those data are contested, in terms of accuracy.
- The right to data portability, which may involve:
  - The Scheme providing you with a copy of elements of your personal data that exist in machine readable form that you have given to the Scheme.
- The right to object. Individuals have the right to object to, the Scheme making use of personal data where:
  - Legitimate interests is the legal basis that the Scheme has relied on for making use of the said data.

In many instances, the rights introduced above are qualified i.e. in certain circumstances they are limited or they may not be available, and these may be further constrained by UK legislation, e.g. where personal data is required to comply with a legal obligation or to launch or defend a claim before the Courts. Details of note include:

- The right of subject access can be refused or an administrative fee charged, where a request is found to be manifestly unreasonable or excessive. In

addition, where a request is found to be complex or numerous requests are made, then the Scheme can extend the time for compliance by 2 months.

- The right of erasure does not provide an absolute right to be forgotten. This right is only available in limited circumstances. The Scheme does not have to comply with a request for erasure where personal data is processed for the following reasons:
  - to exercise the right of freedom of expression and information;
  - to comply with a legal obligation for the performance of a public interest task or exercise of official authority;
    - In many instances the Scheme processes personal data for the performance of its legal obligations, as introduced herein.
  - Or, the exercise or defence of legal claims.
- The data portability right is only available to personal data which an individual has directly provided to the Scheme and where the legal basis for processing that data is either contract or consent, and where the said personal data are processed by automatic means.

These rights have to be met by the Scheme and any other organisation that takes decisions about how or why your personal data is used. Details on how to access those rights are available from the Scheme website, or you can contact [dataprot@st-andrews.ac.uk](mailto:dataprot@st-andrews.ac.uk).

#### Where processing is based on consent (or explicit consent), the right to withdraw consent at any time

Circumstances may arise where it will be necessary for the Scheme to seek the explicit i.e. written consent of members so that it can process personal data. However, this is likely to be a relatively rare occurrence, as the majority of the information processed by the Scheme is done as part of fulfilling the Scheme's legal obligations and legitimate interests.

Where it is necessary to seek explicit consent to process their personal data, this will be made clear to individuals at the point of data collection. Consent is optional. Individuals are under no compulsion to provide their consent, and where consent is provided, you will have the right to withdraw consent at any time, from which point the Scheme's use of your personal data will stop.

The Scheme will only make use of explicit consent as a legal basis to process personal data, as a last resort, when no other legal basis are available.

For the avoidance of doubt, when signing to accept the terms and conditions of Scheme membership the Scheme ***is not*** asking a member for their consent to process personal data.

#### The right to lodge a complaint with a supervisory authority

If you believe that the Scheme has not made use of your personal data, in line with the requirements of the law, you have the right to raise this with the regulator i.e. the UK Information Commissioner Office's ("the ICO").

Details on how to contact the ICO are available online, at:

- <https://ico.org.uk/global/contact-us/>

### Whether there is a statutory or contractual requirement to provide personal data and the consequence where no personal data are provided

In the context of pension and trust law; and how this affects the operation of the Scheme and the benefits made available to individual members or any beneficiary, circumstances can arise where an individual has an obligation either under law, or via their membership of the Scheme to provide certain information. Failure to provide information in those circumstances may have consequences e.g. if correct bank details are not provided, then the Scheme is unlikely to be able to make any benefits payments that are due until such time as an error is corrected. If a person fails to disclose relevant information and/or inaccurate or misleading information are provided, which may have an impact on how entitlement to benefits are calculated, or dispersed then the Scheme may be ultimately unable to make available benefits in whole or in part thereof.

### The existence of automated decision-making including profiling

The Scheme does not make use of profiling or automated decision-making processes. Some processes are semi-automated but a human decision maker will always be involved before any decision is reached in relation to you.

### Revision of the Privacy Notice

This Privacy Notice will be reviewed at regular intervals. The review period will be approved by the Scheme Trustees and recorded on the accompanying coversheet. Any significant change to relevant pensions legislation may trigger an earlier review. Members are encouraged to re-visit the Scheme Website from time to time, to understand whether the Privacy Notice has undergone substantial change.

### Availability

This Privacy Notice will be published on the Scheme's web pages, and copies will be provided to members when they join the Scheme.

Should a copy of this Privacy Notice be required in another form, including orally i.e. an audio recording, please contact [dataprot@st-andrews.ac.uk](mailto:dataprot@st-andrews.ac.uk).