

GENERAL DATA PROTECTION REGULATIONS

Report of the County Treasurer

Please note that the following recommendation is subject to consideration and determination by the Board before taking effect.
--

Recommendation: the board note the report and actions being undertaken by officers to ensure compliance and best practice.

1. Introduction

- 1.1. The General Data Protection Regulation (GDPR) was adopted on 27th April 2016. It comes into force after a two year transition period. Unlike previous EU Data Protection legislation it does not require formal adoption by the UK and will become law on 25th May 2018.
- 1.2. The changes to Data Protection have been created due to technological advances and the availability of personal information being much more widespread.

2. The New Principles

- 2.1. The principle set out in the GDPR are similar to those in the current Data Protection Act.
- 2.2. The new principles setting out how organisations should manage their data are:
 - a) processed lawfully, fairly and in a transparent manner in relation to individuals;
 - b) collated for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
 - c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
 - d) accurate and where necessary kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard for the purposes for which they are processed, is erased or rectified without delay;
 - e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes of which the personal data are processed. Personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes;
 - f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

3. Fund Progress

- 3.1. The LGPS funds have been liaising with Heywoods, the pensions administration software supplier to ensure they are able to assist in achieving full compliance with the new regulations. In the latest release of Member Self Service, all members using that service are being asked to agree to a consent statement.

- 3.2. The LGA has established a working group to collaborate on the policies and information to be issued to the members under GDPR. This will help ensure a standardised approach from across the LGPS with the aim of developing a consistent message to members about the way funds manage their data. They have recently published a privacy notice which the fund will use. We are still awaiting a data impact assessment document and memorandum of understanding document for use with all employers. This document aims to clarify that there is no legal requirement for employers to have a data sharing agreement with the Administering authority as they are both data controllers.
- 3.3. Analysis of what data we hold, how it is processed and why we hold it is almost complete. A data retention policy to specify how long data is held is required and will be in place for May 2018. Work continues to ensure that all third party contracts are updated to reflect the new regulations.
- 3.4. In line with DCC policies, all staff must undertake data protection training. A new online training module for GDPR is expected shortly and all staff will be required to complete the course prior to 25th May 2018. In addition to the online training, the Deputy Head of Peninsula Pensions (technical) will provide training to all staff in order that they fully understand how GDPR applies to pension administration.
- 3.5. The LGA have provided legal guidance that confirms that administering authorities will not need to seek individual member consent to collect and process personal data for their LGPS funds. Obtaining consent under GDPR is a more difficult process and it must be capable of being withdrawn at any time. Instead, administering authorities can rely on their legal obligation to comply with the LGPS Regulations as the basis for which they collect and process personal data.
- 3.6. We are required to issue privacy notices to all members. A full privacy notice will be on a dedicated page on the Peninsula Pensions website. A short privacy notice will be included in the annual pensioner newsletter and in the annual benefit statements for the deferred and active members.
- 3.7. We have been working with the communications team to update the Peninsula Pensions website to include the relevant privacy notices. We have also been reviewing the new starter information pack that is issued to new members joining the fund. The new packs will include the short privacy notice and will commence in April 2018.
- 3.8. We have included GDPR as an area for internal audit to review in the 2018/19 audit plan and the audit is due to take place in the first six months of the year.

4. Conclusion

- 4.1. Whilst there is some work to do, we are confident that all necessary steps will be completed prior to 25th May 2018.

Mary Davis

Electoral Divisions: All
Local Government Act 1972
List of Background Papers - Nil
Contact for Enquiries: Shirley Cuthbert
Tel No: (01392) 383000