

FULL PRIVACY NOTICE

for the members and beneficiaries of the Hammersmith & Fulham Pension Fund¹

This notice is for members and beneficiaries of the **Hammersmith & Fulham Pension Fund**² (the "**Fund**")³. It has been prepared by the London Borough of Hammersmith & Fulham⁴ (the "**Administering Authority**", or "**we**") in its capacity as the administering authority of the Fund.

This privacy notice is also provided at the following link:

[\(privacy-notice.pdf \(lbhfpensionfund.org\)\)](#)

Why we are providing this notice to you

As the Administering Authority of the Fund we hold certain information about you ("**personal data**") which we use to administer the Fund and to pay benefits from it. This notice is designed to give you information about the data we hold about you, how we use it, your rights in relation to it and the safeguards that are in place to protect it.

The technical bit

The Administering Authority holds personal data about you in its capacity as data controller for the proper handling of all matters relating to the Fund, including its administration and management. This includes the need to process your data to contact you, to calculate, secure and pay your benefits, for statistical and financial modelling⁵ and for reference purposes (for example, 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 generally. Further information about how we use your personal data is provided below.

The legal basis⁶ for our use of your personal data will generally be one or more of the following⁷:

- a) we need to process your personal data to satisfy our legal obligations as the Administering Authority of the Fund; and/or
- b) 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

¹ Please insert name of the Fund. Please note that this notice will not be suitable for issue to vulnerable individuals, including children. Administering Authorities may wish to take legal advice on what would be suitable to be supplied to vulnerable individuals. The Article 29 Data Protection Working Party guidelines state that where information previously provided to data subjects (for example, in privacy notices) is being updated to comply with the GDPR, it should be made clear to the data subjects that changes have been made in order to comply with the GDPR – Administering Authorities may wish to consider the extent to which wording is included in the privacy notice in this regard.

² Please insert name of the Fund.

³ Please let us know if members are paying AVCs and provide details of these arrangements.

⁴ Please insert name of the administering authority.

⁵ The Article 29 Data Protection Working Party guidelines suggest that more detail of any statistical and financial modelling should be provided where known.

⁶ This satisfies requirements of Articles 13(1)(c) of the GDPR.

⁷ We have assumed that the Administering Authority or its advisers/service providers are not carrying out any automated decision making (including profiling). Administering Authorities should check the position because any automated decision making that is being carried out will need to be flagged in the privacy notice (see Article 13.2(c) and Article 14.2(g) of the GDPR). The Administering Authority should also be made aware that if they carry out automated decision making in the future then it is likely that further information will need to be provided to the individuals concerned. The Administering Authority should take legal advice.

- c) 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 Administering Authority has in relation to the Fund.; and/or⁸
- d) because we need to process your personal data to meet our contractual obligations to you in relation to the Fund (for example, under an agreement that you will pay additional voluntary contributions to the Fund), or to take steps, at your request, before entering into a contract.

What personal data we hold, and how we obtain it⁹

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

- Contact details, including name, address, telephone numbers and email address.
- Identifying details, including date of birth, national insurance number and employee and membership numbers.
- Information that is used to calculate and assess eligibility for benefits, for example, length of service or membership and salary information.
- Financial information relevant to the calculation or payment of benefits, for example, bank account and tax 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 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.¹⁰
- 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.¹¹

We obtain some of this personal data directly from you.¹² We may also obtain data (for example, salary information) from your current or past employer(s) or companies that succeeded them in business, from a member of the Fund (where you are or could be a beneficiary of the Fund as a consequence of that person's membership of the Fund) and

⁸ The GDPR does not permit public authorities to rely on legitimate interests for any processing they undertake in their capacity as a public authority. However, where the public authority has other legitimate purposes outside of their tasks as a public authority e.g. a contract between the administering authority and individual where AVCs are being made, it may be possible to rely on legitimate interests as a legal basis for collecting and processing that personal data. Legal advice should be taken.

⁹ Please consider whether any personal data other than that listed is held or processed. Please note that Article 9 of the GDPR applies different treatment to the processing of special categories of personal data. In addition, the Administering Authority should conduct a separate review of the correspondence and documentation provided to members and beneficiaries at the point in time that the personal data is requested, such as new joiner forms. In particular: (a) the documentation will need to flag why there is a requirement to provide the information, whether the member is obliged to do so and the possible consequences of failing to provide that data (see Article 13(e)(f) GDPR). This isn't explicitly covered in the template privacy notice which is drafted on the basis that the Administering Authority already holds personal data about the data subject; and (b) the Administering Authority will also need to consider how the privacy notice is incorporated into the data collection process.

¹⁰ Explicit consent may be required in the processing of health data and ill health early retirement applications. This privacy notice does not seek such consent, which should be obtained at the time of any application. It should not generally be necessary to renew consents obtained under the Data Protection Act 1998 in respect of past ill health early retirement applications provided that the requirements of GDPR were complied with. However, legal advice should be taken. As a pragmatic approach, Administering Authorities should consider renewing consent when communicating with individuals about special category data collected prior to 25 May 2018.

¹¹ Explicit consent may also be needed to process information about criminal convictions. Extra information will have to be provided to the individual as and when the consent is obtained or the Administering Authority receives personal data concerning criminal convictions/offences. The Administering Authority may wish to review and update any current communications and documentation and/or take legal advice in relation to the same. See note 11 above.

¹² This is intended to satisfy requirements of Articles 14(1)(f) of the GDPR. Please note that where members are asked to provide health related data, explicit member consent to the processing of that data should be obtained at the time it is requested. See note 10 above.

from a variety of other sources including public databases (such as the Register of Births, Deaths and Marriages), our advisers and government or regulatory bodies, including those in the list of organisations that we may share your personal data with set out below.¹³

Where we obtain information concerning certain "special categories" of particularly sensitive data, such as health information, extra protections apply under the data protection legislation. We will only process your personal data falling within one of the special categories with your consent, unless we can lawfully process this data for another reason permitted by that legislation. You have the right to withdraw your consent to the processing at any time by notifying the Administering Authority in writing¹⁴. However, if you do not give consent, or subsequently withdraw it, the Administering Authority may not be able to process the relevant information to make decisions based on it, including decisions regarding the payment of your benefits.

Where you have provided us with personal data about other individuals, such as family members, dependants or potential beneficiaries under the Fund, please ensure that those individuals are aware of the information contained within this notice.

How we will use your personal data¹⁵

We will use this data to deal with all matters relating to the Fund, including its administration and management¹⁶. This can include the processing of your personal data for all or any of the following purposes:

- to contact you.
- to assess eligibility for, calculate and provide you (and, if you are a member of the Fund, your beneficiaries upon your death) with benefits.
- to identify your potential or actual benefit options and, where relevant, implement those options.
- 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 and reference purposes (for example, when we assess how much money is needed to provide members' benefits and how that money should be invested).
- to comply with our legal and regulatory obligations as the administering authority of the Fund.
- to address queries from members and other beneficiaries and to respond to any actual or potential disputes concerning the Fund.
- the management of the Fund's liabilities, including the entering into of insurance arrangements and selection of Fund investments.
- in connection with the sale, merger or corporate reorganisation of or transfer of a business by the employers that participate in the Fund and their group companies.¹⁷

¹³ Please note Article 14 sets out specific information obligations on the administering authority where it obtains information from a third party unless one of the exceptions under Article 14(5) apply. The Article 29 Working Party guidelines state that where possible specific sources of personal data should be listed – consider if any more need to be added (particularly any that a member might not generally be aware of).

¹⁴ If pre-GDPR consents did not inform members of this right (which is likely, given that it is a new explicit right under GDPR) then it may not be possible to rely on them. Retrospectively informing members may not be adequate therefore legal advice should be taken. See note 10 above.

¹⁵ This is intended to satisfy requirements of Articles 13(1)(c) of the GDPR.

¹⁶ Reference to the external pension provider in respect of AVCs should be added if applicable. See note 3 above.

¹⁷ Please insert and identify any other purposes for which the personal data may be used in individual circumstances.

Organisations that we may share your personal data with¹⁸

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 those organisations will simply process your personal data on our behalf and in accordance with our instructions. Other organisations will be responsible to you directly for their use of personal data that we share with them. They are referred to as data controllers and we have highlighted them in the table below. The data controllers may be obliged under the data protection legislation 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 websites¹⁹.

These organisations include the Fund's:²⁰

Data processors	Data controllers²²
<ul style="list-style-type: none"> • Administrator – (currently London Borough of Hammersmith & Fulham) • Third party administrators – (currently Surrey County Council) • Accountants • Communications adviser • Tracing bureaus for mortality screening and locating members²¹ • Overseas payments provider to transmit payments to scheme member with non-UK accounts • Printing companies • Pensions software provider – (currently Heywards) • Suppliers of IT, document production and distribution services 	<ul style="list-style-type: none"> • Actuarial consultant – (currently Barnett Waddingham) • Scheme benefit consultant • Investment adviser – (currently Deloitte Total Reward and Benefits Limited) • Additional Voluntary Contribution providers – (currently Scottish Widows)²³ • Legal adviser – (currently Eversheds Sutherland) • Fund Actuary – (currently Barnett Waddingham) • Statutory auditor • External auditor – (currently Grant Thornton) • Internal auditor • LGPS National Insurance database – (South Yorkshire Pensions Authority) • Administering authorities of other LGPS funds (or their agents, such as third party administrators) where you have

¹⁸ This is intended to satisfy requirements of Articles 13(1)(e) of the GDPR.

¹⁹ This is suggested as a pragmatic approach in order to keep the Fund's privacy notice as succinct and easy to understand as possible, rather than adding any specific information another data controller may ask the Administering Authority to include on its behalf. However, Administering Authorities should consult with their own providers (e.g. the Fund actuary). Data controllers will have their own, separate obligations under GDPR to provide a privacy notice to any members whose personal data they receive when providing services to the Administering Authority. In practice it is likely the Administering Authority will be asked to assist with that process, either by sending the adviser's privacy notice to members or by including a link in the Administering Authority's own privacy notice to the adviser's website, where a copy of the adviser's privacy notice can be accessed. This link could be included within the table of current advisers set out above.

²⁰ The suggested list of service providers will need to be tailored and completed. We have suggested whether a particular type of provider is a data processor or a data controller but this will need to be verified when the Administering Authority completes its data mapping exercise (to analyse what personal data is held in connection with the Fund and how it is processed). We have taken what we consider to be a reasonable view of whether entities are controllers or processors but this is a complex matter and very grey area so we would recommend that the Administering Authority seeks legal advice.

²¹ The Tracing bureaus may consider themselves to be data controllers – the Administering Authority may wish to check this with the tracing bureau directly.

²² This notice assumes there are no joint controller relationships. If that is the case, this notice will require amendment as Article 26 requires joint controllers to have an "arrangement" between them setting out their respective responsibilities and that the "essence of the arrangement shall be made available to the data subject".

²³ This may require amendment depending on the pension arrangement used for AVCs. See note 3 above.

	<p>been a member of another LGPS fund and the information is needed to determine the benefits to which you or your dependants are entitled</p> <ul style="list-style-type: none">• The Department for Work and Pensions• The Government Actuary's Department• The Cabinet Office – for the purposes of the National Fraud Initiative• HMRC• The Courts of England and Wales – for the purpose of processing pension sharing orders on divorce
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In each case we will only do this to the extent that we consider the information is reasonably required for these purposes.

In addition, where we make Fund investments or seek to provide benefits for Fund members in other ways, such as through the use of insurance, then we may need to share personal data with providers of investments, insurers and other pension scheme operators. In each case we will only do this to the extent that we consider the information is reasonably required for these purposes.²⁴

From time to time we may provide some of your data to your employer and their relevant subsidiaries (and potential purchasers of their businesses) and advisers for the purposes of enabling your employer to understand its liabilities to the Scheme. Your employer would generally be a controller of the personal data shared with it in those circumstances. For example, where your employer is engaged in providing services subject to an outsourcing arrangement, the Administering Authority may provide information about your pension benefits to your employer and to potential bidders for that contract when it ends or is renewed.

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 above²⁵, the Pensions Regulator, the Pensions Ombudsman and Her Majesty's Revenue and Customs (HMRC). They may then use the data to carry out their legal functions.

The organisations referred to in the paragraphs above may use the personal data to perform their functions in relation to the Fund as well as for statistical and financial modelling (such as calculating expected average benefit costs and mortality rates) and planning, business administration and regulatory purposes. They may also pass the data to other third parties (for example, insurers may pass personal data to other insurance companies for the purpose of obtaining reinsurance), to the extent they consider the information is reasonably required for a legitimate purpose.

In some cases recipients of your personal data may be outside the UK. This means your personal data may be transferred outside the European Economic Area ("**EEA**") to a jurisdiction that may not offer an equivalent level of protection as is required by EEA countries. If this occurs, we are obliged to verify that appropriate safeguards are

²⁴ The paragraph may be required where, for example, the Administering Authority secures benefits via insurance or a transfer to another pension arrangement.

²⁵ Please confirm names of other organisations, including government agencies, with whom personal data may be shared.

implemented with a view to protecting your 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.²⁶

We do not use your personal data for marketing purposes and will not share this data with anyone for the purpose of marketing to you or any beneficiary.²⁷

How long we keep your personal data²⁸

We will only keep your personal data for as long as we need to in order to fulfil the purpose(s) for which it was collected and for so long afterwards as we consider may be required to deal with any questions or complaints that we may receive about our administration of the Fund, unless we elect to retain your data for a longer period to comply with our legal and regulatory obligations. In practice, this means that your personal data will be retained for 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 years²⁹ after those benefits stop being paid or 100 years from the Member's date of birth; or 100 years from the date of birth of any Beneficiary who received beneFor 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.

Your rights³⁰

You have a right to access and obtain a copy of the personal data that the Administering Authority holds about you and to ask the Administering Authority to correct your personal data if there are any errors or it is out of date or incomplete. In certain circumstances you have the right to object to the processing of your personal data; for example, you have the right to object to processing of your personal data which is based on the public interest or

²⁶ This is intended to satisfy the requirements of Articles 13(1)(f) and 14(1)(f) of the GDPR. The Article 29 Working Party guidelines state that known third countries should be specified, but this may not be practical. Administering Authorities should consider their own circumstances and take legal advice where appropriate. In addition, Administering Authorities should reconsider whether amendments are needed to this paragraph when we have greater clarity concerning Brexit.

²⁷ The use of personal data for direct marketing purposes is addressed at Article 21 of the GDPR and automated processing and profiling at Article 22. We assume there will be no automated processing which has a legal effect or significant impact on the data subject's rights but Administering Authorities should assess whether that is in fact the case and include appropriate wording where necessary to satisfy Article 13(2)(f) of the GDPR. We have assumed that Administering Authorities and their advisers/service providers are not using personal data for direct marketing purposes. However, if direct marketing is taking place then the members should be informed about their right to object to this. Administering Authorities may wish to seek legal advice.

²⁸ This is intended to satisfy the requirements of Article 13(2)(a) of the GDPR. The Article 29 Working Party guidelines on retention periods state that meaningful information about the likely period of retention should be provided and a generic statement is not appropriate ("It is not sufficient for the data controller to generically state that personal data will be kept as long as necessary for the legitimate purposes of the processing"). While the GDPR does not prescribe a time period beyond which data must not be kept, the data controller is under an obligation to inform individuals of the period for which data will be kept or, if this is not possible, the criteria that will be used to determine the retention period. The GDPR states that while the data is being retained, the data controller is also under an obligation to keep personal data up to date and to take every reasonable step to ensure that inaccurate data is either erased or rectified without delay. Further that data must not be kept in a form that is capable of identifying an individual for longer than is necessary. In practice, we anticipate that Administering Authorities will need to retain personal data held for the purposes of the Fund for extended periods because of the long-term nature of the pension liabilities. Consideration should, however, be given to "filleting" the data held so that individual items are not retained for longer than actually required. The suggested period of "last payment of benefits plus 15 years" was based on the current maximum statutory limitation period, as any complaints about the payment of those benefits would need to be brought within that timeframe. It does, however, suggest that at some point data would actually be deleted. If in practice the Administering Authority does not currently operate such a practice and does not propose to do so going forwards as a response to GDPR, then the wording will need to be amended. However, Administering Authorities should be aware that if they do not attempt to give a defined period for which personal data will be held, strictly speaking this is unlikely to comply with GDPR. Administering Authorities will need to consider the extent to which the suggested wording matches their actual practice. See Articles 5(1) and 5(2), and in particular Article 5(1)(c) - (e) of the GDPR. Please also see Recital 39 of the GDPR.

²⁹ See note 28 above.

³⁰ This is intended to satisfy the requirements of Articles 13(2)(b) of the GDPR. Please note the privacy notice will need to be amended and simplified if it is to be sent to children in order to ensure they can understand the content. We are expecting guidance from the Information Commissioner's Office in relation to the processing of personal data belonging to children.

legitimate interests identified in the section above headed "*The Technical Bit*", or where processing is for direct marketing purposes. In some cases you may also have a right to ask the Administering Authority to restrict³¹ the processing of your personal data until any errors are corrected, or to transfer or (in very limited circumstances) erase³² your personal data. You can obtain further information about these rights from the Information Commissioner's Office at: www.ico.org.uk or via its telephone helpline (0303 123 1113).

If you wish to exercise any of these rights or have any queries or concerns regarding the processing of your personal data, please contact the Fund Administrator as indicated below.³³ You also have the right to lodge a complaint in relation to this privacy notice or the Administering Authority's processing activities with the Information Commissioner's Office which you can do through the website above or their telephone helpline.³⁴

As explained in the section above headed "*How we will use your personal data*", one of the reasons we collect and hold your personal data is to administer your Fund benefits³⁵. If you do not provide the information we request, or ask that the personal data we already hold is deleted or that the processing of the personal data be restricted, this may affect our ability to administer your benefits, including the payment of benefits from the Fund. In some cases it could mean the Administering Authority is unable to put your pension into payment or has to stop your pension (if already in payment).³⁶

Updates

We may update this notice periodically. Where we do this we will inform members of the changes and the date on which the changes take effect.

Contacting us³⁷

Please contact the Pensions Manager for further information;

Eleanor Dennis
Strategic Pension Manager
London Borough of Hammersmith and Fulham
1st Floor, 3 Shortlands
Hammersmith
LONDON
W6 8BT

³¹ See Article 18 of the GDPR. The Administering Authority should restrict the processing of the personal data (subject to certain exceptions e.g. storage or to defend a legal claim or for reasons of important public interest) where the individual has contested the accuracy of the personal data. The processing would also have to be restricted in this way where the individual has raised an objection for any reason, and the Administering Authority's justification is based on the necessity to: perform a task in the public interest or pursuant to an official authority; or (if applicable) in its legitimate interests. The restriction will last until the Administering Authority is able to verify the accuracy of the personal data or demonstrate the justification for its processing respectively. For reference, note: Article 21(1) contains the right of the data subject to object to the processing of personal data in circumstances relating to the individual, where the controller is relying on the justifications in Article 6(1)(e) or (f), which includes those mentioned immediately above. Under Article 21(2), the right to object also includes where personal data is used for direct marketing purposes and profiling for that purpose.

³² See Articles 17(1) and 17(2) of the GDPR. This information has to be included notwithstanding that in relation to the LGPS it is not anticipated that members will in practice have a right of erasure (due to the legal basis for which personal data is collected and processed).

³³ The controller is also under an obligation to inform other data recipients that personal data has been restricted or erased, and inform the member of such data recipients on request. See Article 19 of the GDPR.

³⁴ This is intended to satisfy the requirements of Articles 13(2)(b) of the GDPR.

³⁵ In order to satisfy Article 13.2(e) of the GDPR, correspondence/documentation asking for personal data should contain specific information about why such information needs to be provided and whether the member is obliged to provide the information. Legal advice should be taken to ensure any such correspondence/documentation is compliant.

³⁶ See Article 17(3) of the GDPR. Article 18(2) and 18(3) provide exceptions to the right of the member to restrict the processing of personal data in certain circumstances.

³⁷ This is intended to satisfy the requirements of Articles 13(1)(a) of the GDPR.

Data Protection Officer

You may also contact our data protection officer for further information.³⁸

Information Management Team
3rd Floor, East Wing,
Hammersmith Town Hall
LONDON
W6 9JU

Information.management@lbhf.gov.uk

020 8748 3020

³⁸ This is intended to satisfy the requirements of Article 14(1)(b) of the GDPR.