

## DATA PROTECTION POLICY

### DH UK Pension Scheme (THE “SCHEME”)

#### 1 INTRODUCTION

1.1 This Policy sets out the obligations of DH UK Pension Trustee Limited (the “**Trustee**”) regarding data protection and the rights of the Scheme members and beneficiaries (“**data subjects**”) in respect of their personal data held by the Scheme under the UK General Data Protection Regulation (the “**Regulation**”).

1.2 The Trustee is considered to be a “data controller” in respect of the personal data it holds in respect of data subjects. This data protection policy (this “**Policy**”) sets out the procedures that are to be followed when dealing with personal data, as defined in the Regulation. The procedures and principles set out in this document will be followed by the Trustee, its professional advisers, or other parties working on behalf of the Trustee.

#### 2 DATA PROTECTION PRINCIPLES

2.1 This Policy aims to ensure compliance with the Regulation, and the Trustee acknowledges that the Regulation sets out the following principles which it must adhere to.

2.2 All personal data must be:

2.2.1 processed lawfully, fairly, and in a transparent manner in relation to the data subject (‘lawfulness, fairness and transparency’);

2.2.2 collected for specified, explicit, and legitimate purposes and not further processed in a manner that is incompatible with those purposes (‘purpose limitation’);

2.2.3 adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed (‘data minimisation’);

2.2.4 accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is processed, is erased or rectified without delay (‘accuracy’);

2.2.5 kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed (‘storage limitation’); and

2.2.6 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, using appropriate technical or organisational measures (‘integrity and confidentiality’).

### 3 **LAWFUL, FAIR, AND TRANSPARENT DATA PROCESSING**

3.1 The Regulation seeks to ensure that personal data is processed lawfully, fairly, and transparently, without adversely affecting the rights of the data subject. The Trustee confirms that it processes personal data to effectively administer the Scheme. The Trustee has a legitimate interest to process the personal data of data subjects to:

3.1.1 pay the correct benefits to data subjects;

3.1.2 ensure that the Scheme is appropriately funded;

3.1.3 ensure that data subjects receive information and updates about the Scheme, where necessary;

3.1.4 respond to queries from data subjects or from HMRC following the transfer of data subjects benefits from the Scheme (where applicable);

3.1.5 ensure that the Scheme is administered in accordance with all applicable laws; and

3.1.6 improve the day-to-day running and operation of the Scheme.

3.2 The Trustee will only use data subjects personal data for the purposes for which it has been collected, unless it reasonably considers that it needs to use it for another reason and that reason is compatible with the original purpose. If the Trustee needs to use a data subject's personal information for an unrelated purpose, it will notify the data subject and will explain the legal basis which allows it to do so.

3.3 In addition to following legitimate interests in terms of personal data processing, in the event that sensitive personal data is requested from a data subject, the Trustee will take appropriate steps to obtain the data subject's consent to its collection and use of that information.

### 4 **ADEQUATE, RELEVANT AND LIMITED DATA PROCESSING**

The Trustee will only collect and process personal data for and to the extent necessary for the specific purpose(s) listed under section 3, above.

### 5 **ACCURACY OF DATA AND KEEPING DATA UP TO DATE**

The Trustee shall endeavour to ensure, to the best of its ability, that all personal data collected and processed is kept accurate and up-to-date. Where any inaccurate or out-of-date data is found, all reasonable steps will be taken without delay to amend or erase that data, as appropriate.

## **6 DURATION OF PROCESSING**

- 6.1 The Trustee shall hold personal data for as long as is necessary in order to carry out the relevant activities and services listed under section 3, above. It may be necessary for the Scheme to continue to process personal data after a data subject has left the Scheme or has stopped receiving benefits under the Scheme.
- 6.2 When determining how long to hold personal data, the Trustee will consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of the personal data, the purposes for which it processes the personal data and whether it can achieve those purposes through other means, and the applicable legal requirements.

## **7 DATA SECURITY**

- 7.1 The Trustee shall use reasonable procedures and security features to try to prevent unauthorised access to personal data.
- 7.2 Given that the transmission of information via the internet is not completely secure, the Trustee will not guarantee the safety of data subjects personal data which is transmitted via email; these transmissions will be at the data subject's risk.

## **8 THE RIGHTS OF DATA SUBJECTS**

- 8.1 The Trustee acknowledges that the Regulation sets out the following rights applicable to data subjects:
- 8.1.1 the right to access the personal data the Trustee holds about them;
  - 8.1.2 the right to know why their personal data is being processed;
  - 8.1.3 the right to have their personal data corrected and/or deleted;
  - 8.1.4 the right to request certain personal data is restricted from processing where there is a question as to its accuracy, the processing is unlawful, there is no need to process the personal data or there is an objection to the personal data and the decision is pending;
  - 8.1.5 the right to request certain personal data is transferred to a third party;
  - 8.1.6 the right to withdraw consent to the personal data being processed (where consent is actually relied upon); and
  - 8.1.7 the right to complain to the authoritative body (e.g. the Information Commissioner's Office in the United Kingdom).

## 9 KEEPING DATA SUBJECTS INFORMED

9.1 The Trustee shall ensure that the following information is provided to every data subject either when personal data is collected, or within one month of the implementation of this Policy:

9.1.1 details of the Trustee and those appointed by the Trustee to administer the Scheme including, but not limited to (i) the contact details of the Scheme Administrator and Scheme Actuary;

9.1.2 the purpose(s) for which the personal data is being collected and will be processed and the legal basis justifying that collection and processing;

9.1.3 the categories of personal data collected and processed;

9.1.4 where the personal data is to be transferred to one or more third parties, the categories of those parties;

9.1.5 the sources from which the Trustee obtained personal data;

9.1.6 confirmation that, if personal data is transferred to, or accessed by, a third party that is located outside of the UK, reasonable steps will be taken to ensure the information is treated securely;

9.1.7 details of the length of time the personal data will be held by the Trustee; and

9.1.8 details of the data subject's rights under the Regulation, including the right to complain to the Information Commissioner's Office (the 'supervisory authority' under the Regulation).

## 10 DATA SUBJECT ACCESS

10.1 A data subject may make a subject access request ("SAR") at any time to find out more about their personal data held by the Trustee. The Trustee is normally required to respond to SARs within one month of receipt of the request. This can be extended by up to two further months in the case of complex and/or numerous requests. In such cases, the data subject shall be informed of the need for the extension within one month from the Trustee's receipt of it.

10.2 All SARs received must be forwarded to Susan Curley, Secretary to the Trustee, email: Sue.Curley@buck.com.

10.3 The Trustee will not charge a fee for the handling of routine SARs. The Trustee reserves the right to charge reasonable fees for additional copies of information. The Trustee may also charge a fee if the SAR is manifestly unfounded or excessive in nature, or if requests are repetitive in character.

## 11 **RECTIFICATION OF PERSONAL DATA**

If a data subject informs the Trustee that personal data held by the Trustee is inaccurate or incomplete, the personal data in question shall be rectified as soon as possible.

## 12 **ERASURE OF PERSONAL DATA**

12.1 Data subjects may request that the Trustee erases their personal data and the Trustee will comply with any such requests if they satisfy Article 17 of the Regulation.

12.2 In the event that any personal data that is to be erased has been disclosed to third parties, those parties shall be informed of the erasure (unless it is impossible or would require disproportionate effort to do so).

## 13 **AUTOMATED DECISION MAKING**

The Trustee will not use the personal data, nor provide the personal data of data subjects to any third parties, for the purposes of any automated decision-making process.

## 14 **PERSONAL DATA**

14.1 The following personal data may be collected, held, and processed by the Trustee in respect of Scheme Members:

14.1.1 contact information, including full name, telephone number and email address (where applicable);

14.1.2 gender, date of birth and marital status;

14.1.3 employment information, including national insurance number, the dates of entering relevant employment(s) and earnings whilst a member of the Scheme;

14.1.4 details of the receiving bank account; and

14.1.5 copies of medical records in the event of ill-health retirement considerations.

Item 14.1.5 is considered by the Trustee to be sensitive personal data.

## 15 **ORGANISATIONAL MEASURES**

The Trustee shall ensure that the following measures are taken with respect to the collection, holding, and processing of personal data:

15.1.1 regular review of methods of collecting and handling data;

15.1.2 the terms of this policy will be circulated to all Trustee advisors;

15.1.3 only those who need access to personal data will be authorised to access to it; and

15.1.4 those handling personal data will be appropriately trained to do so

## 16 DATA BREACH NOTIFICATION

16.1 All personal data breaches must be reported immediately to Susan Curley, Secretary to the Trustee, email: Sue.Curley@buck.com.

16.2 If a personal data breach occurs and that breach is likely to result in a risk to the rights and freedoms of data subjects (e.g. financial loss, breach of confidentiality, discrimination, reputational damage, or other significant social or economic damage), the Trustee must ensure that the Information Commissioner's Office (the "ICO") is informed of the breach without delay, and in any event, within 72 hours after having become aware of it.

16.3 Data breach notifications shall include the following information:

16.3.1 the nature of the data breach;

16.3.2 the categories and approximate number of data subjects concerned;

16.3.3 the categories and approximate number of personal data records concerned;

16.3.4 the name and contact details of the Trustee's point of contact from whom more information can be gathered;

16.3.5 the likely consequences of the breach;

16.3.6 details of the measures taken, or proposed to be taken, by the Trustee to address the breach including, where appropriate, measures to mitigate its possible adverse effects; and

16.3.7 if the breach was not notified to the ICO within 72 hours, a reason for the delay in the notification.

16.4 Where it is not possible to provide all of the above information at the same time, the information will be provided to the ICO in phases, but at all times without undue delay.

16.5 In the event that a personal data breach is likely to result in a high risk to the rights and freedoms of data subjects, the Trustee will ensure that all affected data subjects are informed, in clear and plain language, of the breach without undue delay unless:

16.5.1 the Trustee has implemented appropriate technical and organisational protection measures to the personal data affected by the personal data breach;

16.5.2 the Trustee has taken subsequent measures since the initial risk and it is no longer likely to be material; or

16.5.3 it would involve disproportionate effort. In such cases the Trustee will shall instead circulate a public communication which can be accessed by the data subjects.

16.6 The Trustee will maintain documented information of any personal data breaches that occur. The documented information should include the facts relating to the personal data breach, its effects and the action taken by the Trustee to rectify the breach.

## 17 **DATA PROCESSORS & SUB-CONTRACTING**

The Trustee has appointed a number of professional advisers to undertake regulatory & operational functions in respect of Scheme management. The Trustee will only appoint such advisers who can confirm, and demonstrate, compliance with the Regulation.

## 18 **IMPLEMENTATION OF POLICY**

This Policy shall be deemed effective as of 25 May 2018. No part of this Policy shall have retroactive effect and shall thus apply only to matters occurring on or after this date.

**Policy last reviewed: September 2021**