

# WIRRAL COUNCIL

## PENSIONS BOARD

13 JUNE 2018

<b>SUBJECT:</b>	<b>DRAFT DATA PROTECTION POLICY &amp; GDPR UPDATE</b>
<b>REPORT OF:</b>	<b>OPERATIONS &amp; INFORMATION GOVERNANCE MANAGER</b>

### 1.0 EXECUTIVE SUMMARY

- 1.1 This report provides Board members with an update on the Fund's progress with regard to compliance with the General Data Protection Regulations (GDPR) that came into force on 25 May 2018
- 1.2 It also recommends consideration of a draft Data Protection Policy for the Fund, prior to its presentation to Pensions Committee in October 2018.

### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 The EU's GDPR is a legal framework with the aim of boosting privacy rights and strengthening the digital economy in the European Union.

The changes were in response to how both globalisation and technological change have impacted on how data is collected, stored, shared and transferred since the introduction of the Data Protection Act in 1998.

- 2.2 The government announced on 21 June 2017 that it would implement the GDPR and retain the legislation following Brexit. The UK Data Protection Act 2018 received Royal Assent on the 23 May 2018 and came into force on 25 May 2018 in-line with the GDPR.
- 2.3 There have been minor changes to the UK implementation of the GDPR; these are mainly in the area of the Information Commissioner's future role and some amendments that were recorded in various working party considerations of the legislation. At the time of writing, there are no changes that would directly affect the Fund's approach to compliance with the Act.
- 2.4 The Data Protection Act 2018 can be accessed at:

<http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

- 2.4 As previously reported, Fund Officers actively engaged with colleagues at other Funds and the Local Government Association (on behalf of all Funds) in gaining a clear, coherent and consistent response to the demands of GDPR compliance.
- 2.5 The collaborative working resulted in the LGA commissioning Squire Patton Boggs (legal counsel) to produce three template documents that could be used by all LGPS Funds.
- a) Detailed Privacy Notice**
- Setting out the information to be provided under Articles 13 & 14 of the GDPR; specifically what personal data we hold on individuals, the legal basis upon which we collect that data, how we process the data and members' rights in regard their personal data being held by the Fund.
- b) Summary Privacy Notice**
- This will summarise the main privacy elements and questions for members that could be used in newsletters and as part of Annual Benefit Statement correspondence. A link to the full, detailed privacy notice is provided for further information.
- c) Employer Memorandum of Understanding**
- A document that sets out to participating employers in the LGPS the legal basis to which they are able to share personal member data with the Fund without a data sharing agreement being in place.
- 2.6 The Fund were involved in the consideration of early drafts of the three template documents and also provided opinion to questions posed by legal counsel.

### **Actions taken by the Fund towards compliance**

- 2.7 The Fund has worked with the Council in completing the Information Asset Register in regard documenting Fund data and records.
- 2.8 The Fund published its detailed Privacy Notice on the website in March 2018. This is accessible as <http://mpfund.uk/yourdata> and is provided as **Appendix One** to this report.
- 2.9 Pensioner members received a newsletter in March 2018 containing the summary Privacy Notice.
- 2.10 System suppliers to the Fund all provided contractual change documentation in their regard GDPR compliance during the months of March and April 2018.

- 2.11 The Operations & Information Governance Manager met with the Council Project Manager for GDPR Compliance on 10 April 2018. The meeting was to apprise the Council of actions taken to date by the Fund and planned future actions. The Project Manager was content with the Fund's approach.
- 2.12 The Fund's Memorandum of Understanding was circulated to all Scheme employers on the 8 May 2018. This is published on the Employers' website and is attached as **Appendix Two**.
- 2.13 The member self-service system, MyPension was updated to provide all registered users with information in regard the Fund's Privacy Notice.

#### **Future actions planned by the Fund**

- 2.13 Communications in regard the Privacy Notice are planned to active and deferred members as part of the notification of Annual Benefit Statements availability during the Summer.
- 2.14 The Operations & Information Governance Manager, continues to engage with the Council's Records Manager in regard documenting the Fund's records in the Corporate Retention Policy Register.

#### **Draft Data Protection Policy**

- 2.15 The Fund has produced a draft Data Protection Policy, the purpose to define the Fund's responsibilities under GDPR and to provide assurance to our members that their data is managed in compliance with the statutory obligations placed upon the Fund.
- 2.16 A draft version of the policy is attached as **Appendix 3** for the Board's consideration.

### **3.0 RESOURCE IMPLICATIONS; FINANCIAL; IT; STAFFING; AND ASSETS**

- 3.1 Ongoing compliance with the Data Protection Act 2018 is considered as normal business of the Fund.

### **4.0 RECOMMENDATION**

- 4.1 The board are asked to note the actions undertaken by the Fund in regard its ongoing compliance to new Data Protection legislation.
- 4.2 Any suggest amendments to the proposed Data Protection policy are welcome before presenting the final draft to the Pension Committee in July 2018.

## **5.0 REASON/S FOR RECOMMENDATION/S**

- 5.1 It is important that Members are informed of legislative changes that affect the LGPS and the Fund.

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