

WIRRAL COUNCIL

PENSIONS COMMITTEE

16 JULY 2018

SUBJECT:	DATA PROTECTION POLICY & GDPR UPDATE
WARD/S AFFECTED:	NONE
REPORT OF:	DIRECTOR OF PENSIONS
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides Members with an update on the Fund's progress in regard compliance with the General Data Protection Regulations (GDPR) that came into force on 25 May 2018
- 1.2 It also recommends for approval a Data Protection Policy for the Fund; a draft of this policy was considered by the Pension Board at its meeting on 13 June 2018 and deemed it suitable for presentation to Pensions Committee.

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 Commissioners 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>

LGA Collaborative Working

2.5 As previously reported to Members on 18 September 2017 (Minute 33 refers), 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.

2.6 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.

2.7 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

2.8 The Fund has worked with the Council in completing the Information Asset Register in regard documenting Fund data and records.

- 2.9 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.
- 2.10 Pensioner members received a newsletter in March 2018 containing the summary Privacy Notice.
- 2.11 System suppliers to the Fund all provided contractual change documentation in their regard to GDPR compliance during the months of March and April 2018.
- 2.12 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.
- 2.13 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** to this report.
- 2.14 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

- 2.15 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.
- 2.16 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.

Data Protection Policy

- 2.17 The Fund has produced a 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.
- 2.18 The Data Protection Policy is attached as **Appendix Three** for Members' consideration.

3.0 RELEVANT RISKS

3.1 Non-compliance with the Data Protection Act 2018 has the potential for significant reputational damage and monetary risk to the maximum of 20 million Euros or 4% of annual worldwide turnover, whichever is higher.

3.2 The strategic move to conduct more of its business online places the Fund at an increased risk of cyber-crime and being subject to sophisticated cyber-attack, with the potential for high volumes of personal data being stolen. This risk is mitigated by the Fund's continued high priority commitment to computer security, robust organisational work practice and staff awareness training.

4.0 OTHER OPTIONS CONSIDERED

4.1 Not relevant for this report.

5.0 CONSULTATION

5.1 The Pension Board considered a draft of the attached Data Protection Policy at its meeting of 13 June 2018. Changes suggested by Board members have been made to the policy now presented to Pensions Committee.

6.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

6.1 None associated with the subject matter.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1 There are none arising from this report.

8.0 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.

9.0 LEGAL IMPLICATIONS

9.1 There are none arising from this report

10.0 EQUALITIES IMPLICATIONS

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No equality impact assessment is required

11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

11.1 There are none arising from this report

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 There are none arising from this report

13.0 RECOMMENDATION

13.1 That Members note the actions undertaken by the Fund in regard its ongoing compliance to new Data Protection legislation.

13.2 That Members approve the Data Protection Policy for the Fund.

14.0 REASON/S FOR RECOMMENDATION/S

14.1 There is a requirement for Members of the Pension Committee to be kept up to date with legislative developments as part of their stewardship function.

REPORT AUTHOR

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APPENDICES

- APPENDIX ONE - Privacy Notice for the members and beneficiaries of Merseyside Pension Fund
- APPENDIX TWO - Memorandum of Understanding for Employers in regard Compliance with Data Protection Law
- APPENDIX THREE - Data Protection Policy for Merseyside Pension Fund

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
PENSION COMMITTEE - GENERAL DATA PROTECTION REGULATIONS (GDPR)	18 SEPTEMBER 2017