

Trustees of the Macfarlanes Pensions Scheme

General Data Protection Regulation (GDPR) Policy

8 September 2021

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1. Background

Trustees' GDPR Policy

This document and all policies and procedures referred to within will be reviewed at least annually. The Trustees will periodically undertake training in relation to GDPR, and keep a record of that training, in accordance with their statutory 'Trustee Knowledge and Understanding' obligations.

Scheme information

The Macfarlanes Pension Scheme was established under Trust by a Deed dated 9 August 1950. It is currently governed by a Trust Deed and Rules dated 30 March 2001 as subsequently amended, and is registered with The Pensions Regulator (TPR) under registration number 10037445

The current Trustees of the Scheme are Nicholas Harries, Howard Corney and Bibi Ally. The Trustees are data controllers for the purposes of GDPR and the Data Protection Act 2018. The Scheme Actuary is a joint data controller. Other professional advisers may also be considered data controllers. Further details relating to data controllers can be found in the Trustees' Privacy Notice.

The Trustees can be contacted as follows:

Trustees of the Macfarlanes Pension Scheme
c/o Ms Sally McCann, Macfarlanes LLP, 20 Cursitor Street, London, EC4A 1LT
Email: Sally.McCann@macfarlanes.com

2. Purpose of processing personal data

Lawful reasons

The Scheme administrators, on behalf of the Trustees, use members' personal data to ensure that the correct benefits can be paid and that requests can be dealt with efficiently in line with the Trustees' **legal obligation** to run the Scheme in accordance with the Trust Deed and Rules.

In addition, it is in members', beneficiaries' and the Trustees' **legitimate interests** to use personal information to:

- Keep up to date and accurate records of scheme membership so correct benefits may be paid
- Undertake risk-management exercises so the risk benefits are not paid is reduced
- Comply with the law, including regulations and guidance issued by TPR
- Efficiently manage the impact of any change to the legal status of the sponsoring company

From time to time the Trustees or their advisers may approach members or beneficiaries to obtain their explicit consent to the processing of special categories of personal data. In those circumstances, the Trustees will tell relevant subjects which data and the reasons for it being processed.

Further details relating to processing of personal data can be found in the Trustees' Privacy Notice.

Privacy impact assessments

Whenever relevant high-risk processing may be conducted by Data Processors, or when electronic data systems are updated or amended, the Trustees will liaise with the Data Processor (and, where appropriate, third party advisors and the Information Commissioner's Office) to conduct a suitable Privacy Impact Assessment.

3. Description of personal data held

Categories of member

The Trustees hold data in relation to members of the Macfarlanes Pension Scheme categorised as deferred members (no longer accruing benefits but not in receipt), pensioner and dependant members (in receipt of benefits) and other beneficiaries. This may include, from time to time, 'special categories of personal data'.

Further details can be found in the Trustees' and their advisors' respective data mapping documents.

Review of data held

The Trustees will only collect personal data as is necessary for the performance of their role and for complying with their legal obligations.

The Trustees will review the data held at least annually to confirm whether retention is still necessary in accordance with Section 2 above. The Trustees will take immediate steps to remove such data as is no longer required or necessary. The Trustees will update the data mapping documents to record any changes in the personal data held or the purposes for and/or manner in which it is processed.

4. Sharing Personal Data

A full list of the parties with whom the Trustees share personal data is included in the Trustees' Data Mapping document. These parties include:

- service providers who only use personal data about members on the instructions of the Trustees and so act as processors for the purposes of data protection legislation; and
- advisors to the Trustees who exercise their professional discretion and so act as data controllers for the purposes of data protection legislation.

These parties include the following processors and/or controllers:

- Administrators
- Scheme Actuary and / or Advising actuary
- Scheme Auditor
- The Principal Employer
- Legal advisers
- Secretary to the Trustees

In order for the Trustees to fulfil their legal and statutory obligation to administer the Trust or to ensure that the Scheme complies with relevant taxation law or with requirements imposed by the regulatory authorities, the Trustees may share members' personal data with other parties as they deem necessary.

Transferring data overseas

No personal data will be transferred outside of the United Kingdom by the Trustees unless the affected members are notified in advance.

Some of the Trustees' advisers are data controllers in their own right and as such are required to put in place Privacy Notices in respect of any data they hold. Information about their policies on transferring data overseas is available separately from them.

5. Data retention policy

Members' personal data will be stored for as long as it is in the Trustees' legitimate interests and it is necessary to do so.

Members of the Scheme (and their representatives) may have legitimate enquiries relating to their entitlement to benefits for many years after relevant events have occurred. It is therefore appropriate for the Trustees to adopt significantly longer data retention periods than certain other corporate entities, for any and all forms of data held.

6. Data Security

Indirectly held data

Written agreements are in place with all the Trustees' relevant service providers, setting out the parties' responsibilities with regard to data security and the steps taken to protect personal data from interception, corruption, loss etc. Where appropriate, data is anonymised or pseudonymised before transfer between parties.

Directly held data

The Trustees will review their security measures on an annual basis to ensure they reflect current best practices.

Trustee meeting papers are encrypted and distributed via email. Administration reports are encrypted when sent electronically. When personal data needs to be circulated, it is sent in password-protected documents attached to email. Passwords are not communicated via email.

The Trustees are responsible for the secure storage of data held on personal electronic devices and any data they personally hold in paper format. Printed meeting papers will be securely destroyed after each meeting. The Trustees will ensure that data accessed via and held on personal electronic devices is suitably encrypted. They will implement any security updates distributed by their service providers without delay.

When Trustees cease to act as Trustees, they are required to confirm that they have securely deleted and destroyed all data received during their period of tenure.

Breaches of data security

Each Scheme Data Processor is contractually obliged to inform the Trustees as soon as possible of any data breach.

A data breach occurs when data is:

- accidentally or unlawfully destroyed, lost or altered;
- disclosed; where disclosure is unauthorised; or
- accessed, where access is unauthorised.

On becoming aware of a data breach, whether directly or via a Data Processor, Scheme member or other third party, the Trustees will immediately notify Macfarlanes LLP's data breach response team, by emailing #DataBreach and that team shall assist the Trustees in responding to the breach in accordance with the firm's Data Protection Protocol which includes an impact analysis and review of which external parties (including the ICO and, in the Trustees' case, the Pensions Regulator) may potentially need to be notified, within relevant timeframes. Any external notification should be made by the Trustees (in the case of a Scheme data breach).

The Trustees will maintain a log of all data security breaches whether or not reported externally.

7. Subject Access Requests

The Trustees note that Article 15 of GDPR requires the Trustees to provide, on request, information regarding the information held in relation to Data Subjects. The Trustees will provide this free of charge in the first instance.

Responses will ordinarily be furnished within one month of the request, in accordance with the legislative requirements. The Trustees have decided not to include in this policy any details of how it will manage Subject Access Requests until such time as a number of requests are received. The Trustees do not expect to receive many requests and to document a formal policy for dealing with them would be disproportionate at this time.

8. Data Protection Officer

The Trustees do not consider that they conduct "regular and systematic monitoring of data subjects" nor that they process special categories of data on a "large scale" - and are not therefore required to appoint a Data Protection Officer (DPO).

The Trustees of the Macfarlanes Pension Scheme