

## Appendix I

### Low Volume Performance Schedule 2020-21

#### A) Information Commissioner Officer (Data breaches) log

**Introduction** – A personal data breach is ‘a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed’ (GDPR Article 4, definition 12)

Reporting an incident to the ICO is assessed on the impact of an incident on a person’s rights and freedoms & “impact” is risk assessed in terms of likelihood & severity of that incident. Where a person’s rights & freedoms have been compromised the individual(s) must be informed without delay. Where a breach is not reported to the ICO a justifiable reason(s) must be recorded.

ICO breach by category	Severity rating	Total members affected	No. of breaches
Personal data sent by post to the wrong address	Green	1	1
Personal data sent by email to the wrong email address	Green	1	1
Personal data within an email chain inadvertently forwarded to unauthorised personnel	Green	2	2
Late issuance of a Subject Access Request	Green	1	1
<b>Total Data Protection breaches recorded in 2020/21</b>		<b>5</b>	<b>5</b>

**Officer comment on the ICO table** – Fund officers complete an initial risk assessment employing a formula approach, before referring incidents to the Council’s Information Governance (IG) team. In 2020/21 Fund officers classed all the incidents as immaterial personal data breaches on the basis that they all involved single members, and all arose as a result of human error. On referral to IG it was determined that no incidents would be reported to the ICO.

Of the five incidents identified, two occurred within the Fund’s Benefits team, two within the Systems team & one was a staff member not belonging to a team. In all relevant incidents the Fund’s procedure to notify affected individual’s without delay was carried out.

#### B) The Pension Regulator breach log

**Introduction** – Where a breach is likely to be of material significance to the Regulator there is a duty to report that breach having considered the cause, effect, reaction to and wider implications of that breach. Consequently, Fund officers have a process in place to monitor, record, assess & escalate any breaches where they are determined to be significant.

Scheme Managers, Board members, Employers, Fund advisers & any other party with a vested interest in the Fund have a responsibility to report breaches to the Regulator, albeit the process would in practice be undertaken by the s151 officer. Determining whether a breach is material & should be reported can be subjective & to ensure appropriate assessment Fund officers operate a range of self-challenges in line with the Fund’s policy including a formula assessment, assessment against the Regulator’s examples & individual review based on discussions escalated to Senior Officers & agreed mitigations to address the nature of the breach concerned.

tPR breach by category	Severity rating	No. of breaches
Late Payment of Future Service Contributions	Green	35
	Amber	5
	Red	2
Late Payment of Future Service Contributions & Deficit Reduction Contributions	Green	0
	Amber	1
ABS Disclosure	Green	1
	Amber	0
<b>Total tPR breaches recorded in 2020/21</b>		<b>44</b>

**Officer comment on the tPR table** – The focus of the Fund’s breach log recording covers financial controls, maintenance of key documentation & the disclosure of information to members associated with significant projects. There are two breaches which are not typically recorded on the Fund’s breaches log, these are IDPRs & casework disclosures as both of these are reported separately, within this report & at quarterly Board meetings via the administration KPI statistics. The failure of employers to submit their contributions to the Fund as required is also reported quarterly to both the Board and to the Investment sub-Committee (ISC) via the Key Financial Controls report.

During 2020/21 no breaches were reported to the Regulator, albeit two are record as Red breaches on tPR breaches log. All Amber breaches in the table are associated with the late payment of future service and deficit reduction contributions caused by a small number of smaller employers whose material impact on the Fund is minimal. This circumstance also applies to the two Red breaches recorded where both employers had paid their contributions late on 6 or more occasions in the scheme year. Consequently, the Escalation Policy along with the Pensions Administration Strategy was invoked and individual meetings were organised with the relevant employers. In both cases the employers were also small and in view of the Covid-19 pandemic in 2020 a pragmatic approach to supporting the employers was preferred. Whilst ABS disclosures were still recorded as a breach, the breach this year had reduced from an Amber to a Green breach to reflect the improved percentage issuance of statements resulting from the officers implemented improvement plan.

### **C) Freedom of Information (FOI) log**

**Introduction** – As part of Wiltshire Council’s compliance requirements with the Freedom of Information Act 2000 the Pension Fund will respond to all FOI requests notified to it by the Council’s Information Governance team within the statutory timeframe. The purpose of the Act is to create a general right of access to all types of recorded information held by UK public authorities, which includes the Wiltshire Pension Fund, with the aim of enhancing accountability and transparency by explaining the reasons behind the decisions being taken by the Fund.

Where reasonably possibly the Fund will aim to openly publish all relevant information about its operation. However where a FOI request is made in respect of information which isn’t already readily available, the Fund will respond to any valid request by first assessing whether we hold the information requested and secondly by establishing whether any exemption to publishing that information applies.

Information Provided	Date received	Completed within legal requirement
<b>Service Area - Investments Requests</b>		
Details of the Fund's asset allocations, including managers, classes, weightings and fund values, both individually and in total. Particular focus being on the industrial sector.	26/06/2020	Yes
Details of the Fund's asset allocations, including managers, classes, weightings and fund values, both individually and in total. Particular focus being on the ESG investment areas. It included a request for all key documents concerning the Fund's decarbonisation strategy.	11/08/2020	Yes
Details and documentation of any hedge funds in which the WPF is an investor, including market values, amounts invested & net returns.	30/09/2020	Yes
Details of the Fund's asset allocations, including managers, classes, weightings and fund values, both individually and in total. Particular focus being on the fee structure and charges paid to managers.	20/10/2020	Yes
All details of any Fund investments held directly or indirectly in respect of any businesses included in the UN Human Rights Council Report into business activity into Israel's settlements.	01/12/2020	Yes
Details of proxy voting records made directly or indirectly. Information included details of the meetings at which voting took place, how votes were cast, the entity responsible for the voting decision and whether the WPF has a voting policy.	05/01/2021	Yes
Details of the latest portfolio holdings held by the WPF. Including the issuer's name, identifier, date holdings were obtained and the shares held.	15/03/2021	Yes
<b>Service Area - Administration Requests</b>		
Information on suppliers to the WPF contracted to provide pension administration software, including contract scope, start dates, duration & any contract extensions	10/11/2020	Yes
<b>Freedom of Information Requests in 2020/21</b>	8	

**Officer comment on the FOI table** – The legal requirement for completing and issuing FOI requests is 20 working days and during the Scheme Year no requests were exempted. In addition, officers are not aware of any redactions to any parts of the information provided having occurred. From the table it is clear that the majority of requests concern the Fund's investment strategy, particularly in relation to its approach to ESG and climate change. It is the intention of the Fund to provide more of its investment information via its website which in turn will reduce the need for the public to make FOI requests.

## D) Complaints log

**Introduction** – The threshold definition for a complaint to the Fund is lower than that of an IDR. A complaint can be made by anyone whether they be a Member, Beneficiary or any other person with a legitimate reason to raise a statement of dissatisfaction against the Fund. The definition of “reason” can include the Fund’s conduct, standards of service, action or lack of action which is not considered to be of an acceptable standard. The Pensions Administration Strategy stipulates that the Fund will respond to a complaint within 25 working days.

Nature of Complaint	Date received	Dated resolved	Resolution
Poor administration of Annual Allowance calculation	07/10/2020	23/03/2021	Went to IDR
Data submitted for casual hours service to enable retirement calculation was inappropriate	-	-	Complaint against employer
Inadequate calculation of transfer out value due to missing information	10/07/2020	14/07/2020	Partially upheld, with process improvements made
Poor processing of a member’s retirement	07/05/2020	11/05/2020	Partially upheld, with process improvements made
Poor due diligence on a receiving scheme prior to transfer out completion	17/12/2020	10/03/2021	Went to IDR
Incorrect pension paid to member due to historical maladministration	02/07/2020	30/11/2020	Upheld
Inappropriate recovery of overpaid pension due to receipt of incorrect leaver information from employer	21/10/2020	27/11/2020	Not upheld
Delay in processing a transfer out case	08/02/2021	15/02/2021	Upheld
Delay in processing a transfer out case	15/02/2021	-	Upheld
<b>Total Complaints recorded in 2020/21</b>			9
<b>Complaints progressed to IDRs</b>			2

**Officer comment on the Complaints table** – The variety of complaints reflects the administrative complexity being dealt with by the Pension Fund, although it is recognised that four of the 9 complaints are associated with transfer out casework, with a further two complaints relating to challenges of member benefits arising from incorrect data being received from employers. Both areas will be monitored in 2021 along with the anticipated challenges arising from the Pension/Payroll database reconciliation. However, taking into account the level of complaints being recorded against the Pension Fund membership as a whole the activity appears quite low.

## E) Internal Dispute Resolution Procedure (IDRs)

**Introduction** – The Fund has a two stage formal complaints process for eligible complainants, with IDR stage 1 complaints involving officers using the services of an independent external consultant & stage 2 complaints involving determinations at Corporate Director level which may include guidance

from the Fund’s actuarial advisers. Where a resolution can still not be reached the complainant can take their case to the Pensions Ombudsman.

Sponsoring employers of the Fund are also required to appoint a stage 1 independent adjudicator & publish a discretionary decision-making policy to ensure fair & transparent determinations.

Nature of IDPR	Date received	Dated resolved	Resolution
<p><b>Dispute:</b> The Fund did not inform the member correctly of their options following their redundancy. In addition, the member had an AVC which due to a fall in market values caused by the pandemic caused the member to suffer a loss in investment return. <b>Outcome:</b> The Fund's Independent Adviser concluded that maladministration had occurred. A total of £500 was awarded to the member. In addition, the Fund undertook a review of its processes and has made recommendations for change.</p>	03/06/2020	03/08/2020	Upheld
<p><b>Dispute:</b> The Fund exercised a lack of due diligence prior to completing a transfer to a SSAS. <b>Outcome:</b> After referral to the Fund's Independent Adviser the claim was not upheld.</p>	14/09/2020	14/11/2020	Not upheld
<p><b>Dispute:</b> A member exceeded their Annual Allowance in the Scheme Year 2019/20 due to a transfer-in. As a result of administrative delays in addressing their case the member claimed that they had suffered a financial loss. <b>Outcome:</b> The case is still under review with the Fund's Independent Adviser.</p>	23/03/2021	-	Determination outstanding
<b>Total IDPRs recorded in 2020/21</b>		3	
<b>IDPRs currently upheld in 2020/21</b>		1	

**Officer comment on the IDR table** – During 2021/21 no IDPRs were recorded as being raised against one of the Fund’s sponsoring employers. Whilst IDPRs were historically generated as a result of perceived or actual failings in historic administration practice, it is noteworthy that the cases in the last scheme year arose from current administration practice. Officers will review their continuous improvement regime with a view to mitigating future disputes arising from current practice.

## F) Subject Access Requests

**Introduction** – Under GDPR a Subject Access Request is a right that can be exercised by a member to receive a copy of their personal data held by the Fund in accordance with Article 15. This right was later included within the Data Protection Act 2018 under Chapter 3, paragraph 45. In summary the Fund is required to provide all member specific information to a member, or their authorised representative within 30 days, however in order to administer such requests effectively Fund officers can request clarification concerning the scope of data requested, officers will also assess the validity

of any such requests prior to their fulfilment. This additional scoping of requests enables the “clock to be stopped” in relation to the fulfilment of requests and in October 2020 the ICO disclosed additional guidance detailing how such clarifications should be managed.

As a Data Controller the Fund will also work in its capacity as a Joint Data Controller with other organisations to fulfil SARs as they occur. Examples of organisations may include the Fund’s AVC Providers, the Actuary and its Scheme Employers.

<b>Subject Access Requests</b>	<b>No.</b>
Fulfilled with 30 days	4
Requests for extensions due to scope clarification	0
Not fulfilled with 30 days, or deadline extended	1
<b>Total Subject Access Requests recorded in 2020/21</b>	<b>5</b>

**Officer comment on the SAR table** – During the last Scheme Year 5 requests were fulfilled, with three of these being made by claims companies and 1 in respect of an employment dispute within one of the Fund’s Scheme Employers. Although clarifications were sought by Fund officers concerning the scope of a couple of requests no extensions were recorded. In respect of the request which wasn’t fulfilled within the 30-day deadline it was noted that an administrative error had occurred leading to an oversight in the request being actioned. This procedural flaw has been corrected.

It should be noted that more recently the Fund and the pension industry as a whole has begun to experience requests from claims Companies intent on finding data errors which they can use to make claims against the Fund. Along with other Funds the WPF’s current approach is to participate in a joint representation via SAB to the ICO with the intention that they provide additional guidance on how to manage such activity. It should be noted that it is the Fund’s current policy to issue all personal member data to the member themselves and notify any third parties that that action has been taken.