

Appendix I

Low Volume Performance Schedule 2021-22

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, where “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 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	2	2
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	1	1
Phishing email inadvertently opened	Green	1	1
Total Data Protection breaches recorded in 2021/22		5	5
Last Year 5 incidents were recorded. This represents no change in 2021-22			

Officer comment – Fund officers complete an initial risk assessment employing a formula approach, before referring incidents to the Council’s Information Governance (IG) team. In 2021/22 Fund officers classed all the incidents as immaterial personal data breaches on the basis that they all involved a single member, 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, one occurred within the Fund’s Benefits team, three 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	34
	Amber	35
Contributions not being paid in accordance with the Rates and Adjustments Certificate	Green	4
	Amber	32
Annual Report and Accounts 2019/20 not signed off within statutory deadline	Amber	1
Annual Report and Accounts 2020/21 not signed off within statutory deadline	Amber	1
Pensioner Payroll Reconciliation	Amber	1
Total tPR breaches recorded in 2021/22		108
Last Year 44 incidents were recorded. This represents a 245% increase.		

Officer comment – 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, which are IDPRs & casework disclosures. 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 the Committee via the Key Financial Controls report.

During 2021/22 no breaches were reported to the Regulator. Whilst the majority of amber breaches were caused by the late payment of future service and deficit reduction contributions by Scheme employers, as well as employers not paying their contributions to the fund in line with the Rates & Adjustments certificate, it was decided not to any of these to the Regulator. The primary reason being that a new contribution monitoring process has been put in place by the Investment & Accounting team during 2021, the robust effect of which discovered underlying issues which were not able to be identified in previous years. It is anticipated that once the surfeit of underlying issues is resolved, the volume of breaches will subside in 2022/23.

In addition, decisions were also taken to record as amber breaches the lack of auditor sign off of two sets of Annual Report and Accounts. Whilst considered serious, it was recognised that the cause was not associated with the completion of the Fund’s accounts, but the Council’s and therefore not classed as a red breach, as again, all necessary steps which could be taken, had been.

Whilst it is recognised that the payroll reconciliation during the year has in effect breached multiple laws, it has been recorded as amber on the basis that a full project plan has been implemented to correct this historic problem.

It is noted that the Fund continues to have a small number of employers who are persistently late in paying their contributions and a review of the Fund’s Escalation Policy and approach, along with the Pensions Administration Strategy has been instigated with a view to actively manage such late payers. None of these instances are considered material. Furthermore, whilst a small number of ABS

disclosures weren't issued by the statutory deadline, the improvement in the issuance percentage has been such that it was not felt appropriate to continue to identify it as a breach.

Finally, tPR breach policy was reviewed by the Board during 2021/22, who recognised it required updating. It is intended to upgrade the policy and associated documentation following publication of the Regulator's final guidance concerning its new Single Code of Practice.

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 possible 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 it holds the information requested and secondly by establishing whether any exemption to publishing that information applies.

Information Requested	Date received	Completed within legal requirement	Resolution
Service Area - Investments Requests			
The last 3 years details of the Fund's total investments, split by amount & company/allocation	25/04/2021	Yes	Partial exemption
Quarterly breakdown for 2020 of the Fund's private equity, venture capital, mezzanine, distressed, real estate/REIT, debt and infrastructure partnership portfolios. To detail investment dates, contributions, returns, fees and net values of each investment type. Similar breakdowns were requested for the Fund's hedge fund holdings.	06/05/2021	Yes	Partial exemption
Details of any Fund investments held directly or indirectly in respect of any businesses included in the UN Human Rights Council Report into business supporting Israeli actions in occupied Palestine.	17/05/2021	Yes	Request fulfilled
Details of all alternative investment portfolio records. Information to be provided on a fund, by fund basis with aggregated values since inception for each calendar quarter in the Scheme Year 2020/21. This is to be an ongoing request and was also extended to hedge fund investments.	05/07/2021	Yes	Request fulfilled

Details of all investment related voting records, either direct or by proxy via any 3rd party between July 2020 and Jun 2021. This included a breakdown of meeting information, who cast the vote and the Fund's policy on voting.	12/07/2021	Yes	Partial exemption
Records of BPP's presentation on funds on 2nd August 2021, including consultancy documentation and reviews and IM presentations.	26/08/2021	Yes	Exemption Request refused
A breakdown of the Fund's Q1 2021 private equity, venture capital, mezzanine, distressed, real estate/REIT, debt and infrastructure partnership portfolios. To detail investment dates, contributions, returns, fees and net values of each investment type. Similar breakdowns were requested for the Fund's hedge fund holdings.	29/09/2021	Yes	Request fulfilled
Details of all the Fund's hedge fund investments. In particular, monthly holdings to 30th June 2021, by initial investment, prevailing market value and net returns.	01/10/2021	Yes	Exemption Request refused
Details of the latest quarterly investment portfolios covering private equity, private debt/private credit/direct lending and infrastructure partnerships. To include their percentage in relation to the Fund as a whole, the IM, the investment name, rates of return and dates of sale.	15/10/2021	Yes	Request fulfilled
Records of BPP's presentation on funds, including consultancy documentation and reviews and IM presentations.	05/11/2021	Yes	Partial exemption
Details of any investments, direct or indirect in relation to any entities included in the United Nations Human Rights Council report into business activity in Israel's settlements. Where an investment is identified, specific details of that investment should be published.	23/11/2021	Yes	Partial exemption
Details of performance on all Real Estate, Private Equity, Private Credit/Debt and Infrastructure investment for each quarter between Q4 2020 and Q3 2021.	24/11/2021	Yes	Request fulfilled
Records of BPP's presentation on funds, including consultancy documentation and reviews and IM presentations.	17/01/2022	Yes	Partial exemption
Full details of the Fund's most recent total investments, split by amount, investment type, institution, asset allocation	01/03/2022	Yes	Request fulfilled

Board meeting 17th February meeting pack material, with focus on investment manager and consultancy guidance in relation to potential allocations and terminations of funds	31/03/2022	In progress	Determination outstanding
Freedom of Information Requests in 2021/22	15		
Last Year 8 incidents were recorded. This represents a 188% increase.			

Officer comment – The legal requirement for completing and issuing FOI requests is 20 working days. During the Scheme Year three requests were exempted (refused) as the information wasn't available, five were partially exempted (primarily on the basis that the enquiry should be directed to BPP) & six were fulfilled, with one outstanding. In addition, officers are not aware of any redactions to any parts of the information provided having occurred. All requests during 2021/22 were investment related, with most of the requests being made on a repeated basis and received from investment analytical and research organisations. With the migration of the Fund's investments to BPP it is anticipated that an increasing number of requests will be exempted and referred to BPP.

D) Complaints log

Introduction – The threshold definition for a complaint to the Fund is lower than that of an IDPR. 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
Retiree challenged multiple assumed pay calculations used to calculate their pension.	21/10/2020	21/05/2021	Upheld
Overpayment of pension due to incorrect uploading to payroll	09/03/2021	-	Determination outstanding
Concerns over the Fund's requirement to execute a court order in relation to a pension sharing agreement	24/08/2021	14/01/2022	Not upheld
Poor administration led to dependent's pension not being paid. Distress payment made to widow	27/08/2021	27/08/2021	Upheld
Adjustment to annual pension. Distress payment made as insufficient notice of change was provided to member (Ref 4)	16/09/2021	22/09/2021	Went to IDRP
Employer did not calculate pensionable pay correctly (Ref 3)	03/11/2021	03/11/2021	Complaint not upheld, went to IDRP
Employer decision to enrol member into the Fund did not include backdated service (Ref 1)	08/11/2021	08/11/2021	Complaint not upheld, went to IDRP

A claim for interest & compensation was made because of a delay in the payment of a death grant, causing a tax charge to occur. (Ref 2)	10/01/2022	19/01/2022	Went to IDRP
Adjustment to annual pension	26/01/2022	08/03/2022	Not upheld
Adjustment to annual pension. Distress payment made as insufficient notice of change was provided to member (Ref 5)	26/01/2022	26/01/2022	Went to IDRP
Employer did not follow correct process on terminating a member's employment (Ref 7)	27/01/2022	01/02/2022	Went to IDRP
Adjustment to annual pension. (Ref 6)	17/02/2022	17/02/2022	Went to IDRP
Adjustment to annual pension.	25/03/2022	31/03/2022	Not upheld
Total Complaints recorded in 2021/22			13
Complaints progressed to IDRPs			7
Last Year 9 complaints were recorded. This represents a 44% increase.			

Officer comment – The variety of complaints reflects the administrative complexity being dealt with by the Pension Fund, although it is recognised that five of the 13 complaints are associated with the payroll reconciliation exercise, with a further three complaints relating to challenges against Scheme employers. These two groups also led to almost all the complaints which were taken forward to an IDRP. However, taking into account the level of complaints being recorded against the Pension Fund membership as a whole the activity is low. Four complaints appear to have fallen outside of the 25-day resolution target.

E) Internal Dispute Resolution Procedure (IDRPs)

Introduction – The Fund has a two stage formal complaints process for eligible complainants, with IDRP 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
Stage 1 IDPRs			
Dispute: Adjustment to annual pension. Outcome: Distress payment made as insufficient notice of change was provided to member. (Ref 4)	22/09/2021	08/03/2022	Not upheld, although process improvements made
Dispute: Employer did not calculate pensionable pay correctly Outcome: Went to Stage 2 IDRPs. (Ref 3)	03/11/2021	03/11/2021	Not upheld

<p>Dispute: Employer decision to enrol member into the Fund did not include backdated service.</p> <p>Outcome: Adjudicator found no evidence to support claim. (Ref 1)</p>	08/11/2021	08/11/2021	Not upheld
<p>Dispute: A claim for interest & compensation was made because of a delay in the payment of a death grant, causing a tax charge to occur.</p> <p>Outcome: The adjudicator found that whilst maladministration had occurred, HMRC legislation overrode the maladministration. The Fund made a compensation payment to the beneficiaries for distress, but no compensation was made by the Council in respect of the tax charge. (Ref 2)</p>	19/01/2022	04/04/2022	Partially upheld
<p>Dispute: Adjustment to annual pension.</p> <p>Outcome: Distress payment made as insufficient notice of change was provided to member. (Ref 5)</p>	26/01/2022	22/03/2022	Not upheld, although process improvements made
<p>Dispute: Employer did not follow correct process on terminating a member's employment. In turn, it became an IDR on the basis that the member didn't receive an enhanced pension from the Fund. It remained an Employer dispute. Outcome: To be confirmed. (Ref 7)</p>	01/02/2022	-	Determination outstanding
<p>Dispute: Adjustment to annual pension.</p> <p>Outcome: Distress payment made as insufficient notice of change was provided to member. (Ref 6)</p>	17/02/2022	21/04/2022	Not upheld
Stage 2 IDPRs			
<p>Dispute: A Stage 1 IDR case b/fwd. from 2020/21 - 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. Outcome: Adjudicator upheld Stage 1 IDR on the basis of maladministration and suggested compensation. Stage 2 was not upheld on the basis that the Fund must comply with HMRC rules and that the adjudicator has no power to award financial compensation.</p>	20/05/2021	04/01/2022	Not upheld
<p>Dispute: Employer did not calculate pensionable pay correctly Outcome: Stage 1 IDR was not upheld, however member took it to a Stage 2 IDR. Stage 2 not upheld, as considered an employer dispute. Should the employer determine a different pay figure, the Fund will recalculate any benefits. (Ref 3)</p>	03/11/2021	02/02/2022	Not upheld
Total Stage 1 & 2 IDPRs recorded in 2021/22		9	

IDRPs currently upheld in 2021/22 (including partially)	1
Last Year 3 IDRPs were recorded. This represents a 300% increase.	

Officer comment – During 2021/22 three Stage 1 IDRPs were recorded as being raised against the Fund’s sponsoring employers & three concerning the payroll reconciliation exercise. With one IDRP concerning a death grant. It is noteworthy that only one IDRP was partially upheld. Whilst dates received and resolved were a little unclear in the reporting, it may also be pertinent to state that five of the 9 IDRPs appeared to fall outside of the anticipated timeframe by which they should be completed.

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.

Subject Access Requests	No.
Fulfilled with 30 days	2
Requests for extensions due to scope clarification	0
Not fulfilled with 30 days, or deadline extended	0
Total Subject Access Requests recorded in 2021/22	2
Last Year 5 SARs were recorded. This is a 60% decrease.	

Officer comment – During the last Scheme Year 2 requests were fulfilled, with 1 being received from a third party. It should be noted that it is the Fund’s policy to issue all personal member data to the member, unless they are deceased. The third party in this case was a Solicitor.