

GDPR – Fund Implementation update

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Introduction

- A recap of the key points
- GDPR changes affecting the Fund
- What has the Fund done to date?
- Employer responsibilities
- Service provider contracts
- What has the Fund left to do?



Local Government Pension Scheme (LGPS)



Key points

- GDPR came into force from 25 May 2018 and is based on the GDPR (EU) Regulations.
- The Data Protection Act 2018 received Royal Assent on 23 May 2018 bringing EU Regulation into UK law
- Information Commissioner Officer is the regulator and responsible for ensuring UK compliance.
- Fund and each employers will be defined as 'joint data controllers'.
- Wiltshire Pension Fund will use the Wiltshire Council Data Protection Officer (DPO).
- A review of the Fund's policies & procedures are required to ensure compliance

GDPR changes affecting the Fund

1. **Breach notifications** - 72 hours to report from becoming aware of a breach
2. **Right to access** (Data Subject Access Requests – SAR's) - Timescale changed from 40 calendar days and optional £10 fee to 30 calendar days and free of charge
3. **Right to be forgotten** (aka data erasure) - Individuals can ask for any or all of their information to be removed from all systems
4. **Data portability** - Individual's data must be able to be transferred in a "commonly used" and machine readable format
5. **Privacy by design** - Inclusion of data protection from the onset of designing systems, policies and procedures
6. **Data Protection Officer** - DPO is mandatory only for controllers and processors whose core activities consist of processing and monitoring on a large scale or of special categories of data or data relating to criminal convictions and offences.

What has the Fund done to date?

- Undertaken a Data mapping exercise.
- We've sent out privacy notices and maintain privacy statements on our website.
- We've sent out a Memorandum of Understanding (MOU) to Employers.
- We've appointed a Data Protection Officer
- We've embarked on a programme of training & awareness to all staff, stakeholders & decision makers
- We're undertaking data reviews and resolving any inaccuracies.
- We've updated a number of our policies & procedures
- We're liaising with Scheme Employers concerning the due diligence & data sharing agreements

Employer responsibilities

- To confirm agreement to the Memorandum of Understanding
- Ensure their own compliance with GDPR, including:
 - Personal data is sent securely to us (e.g. password protected)
 - Understanding what personal data they hold and why they hold it.
 - Review their contracts and privacy notices
 - Review their communications with 'data subjects'.
 - Review their policies and procedures.

Service Provider contracts

- The Fund currently uses 36 contractual service providers
 - 31 contracted directly by the Fund. Of these;
 - a) 15 manage personal data
 - b) 16 don't manage personal data
 - 5 contracted through Wiltshire Council
 - a) All manage personal data
- The criteria for review
 - Ensuring GDPR compliance
 - General contractual review
- Internal Service Agreements with other Wiltshire Council Depts.

What has the Fund left to do?

- Confirm receipt from all Employers that they agree to the MOU
- Complete the Fund's review of contracts with Service Providers
- Complete & implement the outstanding procedures
- Arrange for an independent audit
- Undertake a rolling programme of departmental audits & reviews

Local Government Pension Scheme (LGPS)



Questions

