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DATA PROTECTION POLICY 2018

EU General Data Protection Regulations

UK Data Protection Act 2018

1. Introduction

The Wiltshire Pension Fund is a Local Government Pension and manages the pension records of approx. 81,000 members as at 31st March 2020. The Fund is not a legal entity in its own right, it sits as a function of Wiltshire Council who hold the capacity of Administering Authority.

The Council, and therefore the Fund, are classed as a Data Controller under the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 as it collects, stores and controls how personal information relating to its members is managed.

Consequently, it is required to hold, manage and process any personal data fairly, lawfully and in accordance with all Data Protection legislation.

2. Purpose

The purpose of this policy is to define the Fund's responsibilities under GDPR & provide assurance to its members that their data is managed in compliance with the statutory obligations placed upon the Fund.

This policy is designed to give members an overview of how the Fund complies with GDPR in its working practices and to provide an overview to Fund officers of how GDPR should be applied to inform their decisions and day to day work by providing a legal background to the processing of personal data.

3. Scope

This policy applies to all employees, officers, Committee Members, Pension Board Members, contractors and partner agencies who;

- Process personal data as part of their role, or on behalf of the Fund (including contracted service providers);
- Have access to the Fund's member software system(s) for the purposes of maintenance and or/service provision in line with a contracted duty; &
- Have access to buildings where personal data is stored.

4. Policy Statement

This policy sits within the Council's Information Governance Framework which includes policies on Cyber Security and Freedom of Information. This policy will be reviewed as required, or at least every three years as part of the Fund's information governance assurance program.

5. Definitions

- a) **Personal Data** – any information relating to an identified or identifiable natural person which includes members, next of kin and any other associated individual;
- b) **Sensitive Personal Data** – data consisting of racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning health, data concerning a natural person's sex life or sexual orientation;
- c) **Processing Personal Data** – is essentially any action involving personal data, this can include storing, sharing, creating, altering, organising or deleting. It is not limited to these examples and applies to both physical and electronically held data;
- d) **Data Subject** – is an individual who is the subject of personal data;
- e) **Data Controller** – is a person or organisation who decides the purposes for processing personal data. The Wiltshire Pension Fund is a data controller;

- f) Information Security Officer (ISO)** – Is the person within the organisation that is responsible for the development and implementation of information security policies to protect the organisation’s information assets. Information Security relates to more than just personal data. Information Security for the Wiltshire Pension Fund is coordinated by two parties; &
- 1) the Head of ICT at Wiltshire Council; &
 - 2) the Solutions Architect within Wiltshire Council’s Information Governance team.
- g) Data Protection Officer (DPO)** – Is the designated person within an organisation that has responsibility for ensuring ‘legal’ compliance with GDPR, which relates only to personal data. The DPO for the Wiltshire Pension Fund is Andy Holyoake.

6. Categories of Individuals

The Fund, in providing pension benefits to its members, categorises its membership into distinct profiles;

6.1 Active Members

This relates to members of the Fund who are in current employment with a Fund employer and are contributing to their pension benefits. The Fund distinguishes these members from other categories of data as the personal data held by the Fund is jointly-controlled by the Fund and the Employer;

6.2 Deferred Members - employed

This relates to members of the Fund who are employed by a Fund employer and who in the past have contributed to their pension benefits, but have chosen not to currently continue contributing to their pension benefits. The Fund is a joint data controller with the employer for these individuals;

6.3 Deferred Members – no longer employed

This relates to members of the Fund who are no longer employed by a Fund employer, but who have retained their pension account. The Fund distinguishes these from the category of member above as the Fund is now the only data controller. This is due to members no longer having a contractual relationship with the employer and the employer no longer having access to their personal data;

6.4 Pensioner Members

These are members who are in receipt of their pension benefits. The Fund is the data controller for these members;

6.5 Beneficiary Pensioners

These are members who have inherited pension rights from their spouse or family member. The Fund is the data controller for these members;

6.6 Other third party data

The Fund may hold information relating to members’ next of kin, for example on a nomination form. The Fund is a data controller for these persons and holds the information under Schedule 1 (16) of the Data Protection 2018 as the holding of the information is necessary for the purpose of making a determination in connection with eligibility for pension benefits.

7. Categories of Data

The Fund has identified that it holds data in the following distinct categories;

7.1 Special categories of data

This relates to sensitive personal information as defined in the GDPR's and may relate to members of the Fund or other third-party data. This may also include medical history where relevant to the Fund's assessment on entitlement of benefits in line with the regulations;

7.2 Personal data

This relates to data about an individual which is not classed as a special category of data and can include information relating to contracts of employment and salary;

7.3 Pensions data

This may relate to information relating to a member's previous pension benefits accrued either with this Fund, or another fund which will need to be considered when assessing entitlement; &

7.4 Employer data

This is information relating to the Fund's employers for who the Fund may hold individual officer contact details.

8. Overseas Data Transfer

The Fund does have a number of overseas members who reside in countries other than the UK. The Fund does not transfer data relating to overseas members to anyone other than the individual.

9. The Six Principles of GDPR

The GDPR data protection principles set out the main responsibilities for organisations with the most significant addition being the accountability principle which requires organisations to show **how** they comply with the following principles.

The table below sets out how the Fund adheres to these principles.

Principles	Fund position
1. Processed lawfully, fairly and in a transparent manner in relation to individuals.	<p>The Fund provides pension benefits to over 81,000 members most of whom were automatically enrolled into the fund on commencing their employment with an eligible employer.</p> <p>Active members are provided with joiner information by their employer which notifies them of their enrollment in the Fund and they also receive an electronic joiner information pack from the Fund confirming their membership of the Fund.</p> <p>The new joiner information pack contains details of the Fund's Data Protection Policy, including directing members to the Privacy Notice (PN) confirming how their information is used, and with whom it is shared.</p>

	<p>The member's rights are also outlined in the PN and provide details on how a member can ask questions or request information relating to these rights.</p>
<p>2. Collected for specific, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving, purposes in the public interest, scientific, or historic research purposes, or statistical purposes shall be considered compatible with the initial purpose.</p>	<p>The Fund collects information from the member's employer regarding that member's employment (salary, contact information and past service details). Information is also obtained from the member direct about any other pension benefits they hold which they may choose to amalgamate. This information is required by statute in order to process a member's pension account.</p> <p>The Fund, in reviewing the data it holds has undertaken a data mapping exercise to review the information received from employers ensuring it is relevant to the performance of its duty as a local government pension provider. This ensures that the information it holds is specific and relevant for the purposes it was collected.</p> <p>The Fund may hold information which is not immediately relevant (nomination details of third parties for example) however, due to the nature of the pension provision, the benefits may become payable at any given date and it has been determined that the information would be relevant and required at the point the pension benefits are payable. The Fund therefore has assessed that this information as relevant and specific to meeting its duties as an LGPS fund.</p>
<p>3. Adequate, relevant and limited to what is necessary in relation to the purposes for which it permits identification of data subjects for no longer than is necessary for the purposes for which the personal data processed.</p>	<p>The Fund will use personal data for matters relating to the Fund, including its administration management. This include the following purposes;</p> <ul style="list-style-type: none"> • to contact you. • to assess eligibility for, calculate and provide you (and, if you are a member of the Fund, your beneficiaries upon your death) with benefits. • to identify your potential or actual benefit options and, where relevant, implement those options. • to allow alternative ways of delivering your benefits, for example, through the use of

	<p>insurance products and transfers to or mergers with other pension arrangements.</p> <ul style="list-style-type: none"> • for statistical and financial modelling and reference purposes (for example, when we assess how much money is needed to provide members' benefits and how that money should be invested). • to comply with our legal and regulatory obligations as the administering authority of the Fund. • to address queries from members and other beneficiaries and to respond to any actual or potential disputes concerning the Fund. • the management of the Fund's liabilities, including the entering into of insurance arrangements and selection of Fund investments. • in connection with the sale, merger or corporate reorganisation of or transfer of a business by the employers that participate in the Fund and their group companies.
<p>4. Accurate and where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which they are processed, is erased or rectified without delay</p>	<p>The Fund Pensions Portal has (Member Self Service (MSS)), a self-service platform for members of the Fund to obtain details of their pension benefits and log into their own account to check and update their details. This platform serves as a useful tool for ensuring the information held about members is accurate.</p> <p>The Fund manages a monthly submission platform with employers (i-Connect). This requires employers to submit a monthly data file about their employees who are members of the Fund confirming the information held by the Fund is accurate.</p> <p>In relation to the Fund's deferred members, who may have moved away and lost contact with the Fund, the Fund has reached out to this group to encourage their sign up to the Pensions Portal (MSS) and had undertaken a deferred member data management project. This project requires the Fund to undertake a tracing program for deferred members with a retirement date in the forthcoming 3 years to ensure the information we hold is accurate at the point of retirement.</p>

	<p>The Fund has published a PN which outlines a member's rights to request rectification of their data and how to make this request.</p>
<p>5. Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.</p>	<p>The Fund, in providing statutory duties under the regulations has determined that it must permanently delete a member's record after 15 years of no liability continuing to be present for that member, or their dependents. Should a member for example, transfer out of the scheme, the Fund will retain a basic record confirming the member's name, contact details, date of birth and national insurance number, known as minimisation, but will endeavour to delete any other information including any documents relating to the member. The basic record is to enable the Fund to comply with statutory and legal obligations such as fraud prevention and the GMP reconciliation.</p> <p>Personal data will be processed in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures to enable to assess the future funding needs to pay all member benefits.</p>
<p>6. Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and will ensure against accidental loss, destruction or damage, using appropriate technical or organisational measures.</p>	<p>The Fund, as part of its Information Governance toolkit, has adopted the Administering Authority's Network Security policy which outlines how the Fund protects members' data from incidents of Cyber Crime and risk of hacking together with outlining the Fund's control mechanisms for its pension administration software system. The protection of data is a key consideration when awarding a contract to the software supplier.</p> <p>When contracting with third parties the Fund will require all service providers to enter into a data sharing agreement, which sets out the Fund's expectations of the service provider in its protection of information. Furthermore, the Fund will require confirmation by the service provider that are conversant with their duties under GDPR and are able to comply with them.</p> <p>When engaging with members, the Fund has implemented a 3 stage identity check process</p>

	which requires members to pass 3 identification questions on contacting the Fund.
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Article 5(2) of the GDPR requires that ‘the controller’ (i.e. The Fund) shall be responsible for, and be able to demonstrate, compliance with the principles.

10. Notable GDPR sections

This policy aims to meet that requirement.

10.1 Lawfulness of processing conditions

Under GDPR, organisations need to identify a lawful basis on which they can process an individual’s data. These are referred to as the “conditions for processing”.

An organisation will be required to ensure that it meets the conditions for processing and will need to explain to individuals whose data it holds, how it meets those conditions and what the individuals’ rights are to ensure their data is managed appropriately.

The table below sets out the lawful basis for processing personal data and how the Fund manages members’ data in line with this.

Condition	Fund position
6 (1) (a) Consent of the data subject	<p>The Fund, as a Local Government Pension Scheme Fund provides statutory pension benefits to all its members.</p> <p>Members are automatically enrolled into the Fund through their employment contract and have the option to opt-out once in employment.</p> <p>Consent is therefore established by virtue of the Pensions Act 2008 whereby it is a statutory requirement to automatically enrol eligible members into the scheme.</p>
6 (1) (b) Processing is necessary for the performance of a contract with the data subject, or to take steps to enter into a contract	As a statutory scheme, there is no formal contract with individual members, however the statutory duty to provide pension benefits to eligible employees creates a binding agreement.
6 (1) (c) Processing is necessary for compliance with a legal obligation	The Fund, as a Local Government Pension Scheme Fund provides statutory pension benefits to all its members and may rely on this condition when processing member data. Namely the Local Government Pension Scheme Regulations 2013 & the Local

	Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (as amended from time to time).
6 (1) (d) Processing is necessary to protect the vital interests of a data subject or another person.	As a pension provider, the Fund may hold details of a member's next of kin/family member/associate whose details it will hold for the purpose of beneficiary pensions and/or death grant nominations. The information will be provided by the member. The Fund considers that it holds this data in line with this condition as it may be required to pay pension benefits to those individuals at some point in the future.
6 (1) (e) Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.	The Administering Authority, as the Scheme Manager of a Local Government Pension Scheme provides statutory pension benefits to all its members & may exercise its official authority in its capacity as a public body.
6 (1) (f) Necessary for the purposes of legitimate interests pursued by the data controller.	While at first, this condition may appear to be relevant to local authorities in the performance of their duties, guidance from the Information Commissioner (ICO) states that authorities cannot rely on this condition when processing personal data. However, the Administering Authority considers its legitimate interests to be calculating, securing & paying benefits & performing our obligations and exercising any rights, duties & discretions the Authority has in relation to the Fund.

10.2 Special conditions for sensitive personal data

In addition to the above conditions, where an organisation processes sensitive personal data, it must also comply with Article 9 of the GDPR. The table below sets out how the Fund complies with this Article;

Condition	Fund position
9 (2) (a) Explicit consent of the data subject, unless reliance on consent is prohibited by EU or Member State Law	<p>Members are automatically enrolled into the Fund through their employment contract and have the option to opt-out once in employment.</p> <p>As part of the standard enrolment process no sensitive personal data will be requested.</p>

9 (2) (b) Processing is necessary for carrying out obligations under employment, social security or social protection law, or a collective agreement	To fulfil the Fund's statutory pension benefits obligations sensitive personal data may be required. In all cases the retention of that data will be maintained in conjunction with the special consent obtained from the member for both past & present retention of data & only for the duration for which it is required.
9 (2) (c) Processing is necessary to protect the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent.	The Fund may have members of the scheme who operate under a Power of Attorney/court order whereby responsibility for their affairs is granted to family members or guardians. The Fund may rely on this condition when processing the sensitive data of those members and their families.
9 (2) (d) Processing carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates only to member or former members.	This condition is not relevant to the work of the Fund
9 (2) (e) Processing relates to personal data manifestly made public by the data subject.	This condition is unlikely to be relevant to the work of the Fund.
9 (2) (f) Processing is necessary for the establishment, exercise, or in defence of legal claims or where courts are acting in their judicial capacity.	This condition may apply to the Fund as it strives to prevent fraud or duplicate claims from individuals. The Fund may also be subject to challenge under the Internal Dispute Resolution Process and may require the retention of personal data to defend such claims.
9 (2) (g) Processing is necessary for reasons of substantial public interest on the basis of Union or Member State Law which is proportionate to the aim pursued and which contains appropriate safeguards.	This condition is unlikely to be relevant to the work of the Fund.
9 (2) (h) Processing is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services on the basis of Union or Member State Law or a contract with a health professional.	This condition is not relevant to the work of the Fund.
9 (2) (i) Processing is necessary for the reasons of public interest in the area of public	This condition is not relevant to the work of the Fund.

health, such as protecting against serious cross-border threats to health or ensuring high standards of healthcare and of medicinal products or medical devices.	
9 (2) (j) Processing is necessary for archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes in accordance with the GDPR.	Processing of data by the Fund for statistical and financial modelling and for reference purposes will be undertaken only to the extent that the Fund can assess how much money is needed to provide members' benefits and how that money should be invested and to manage liabilities and administer the Fund generally.

10.3 Individuals' Rights

One of the key obligations on organisations who manage and control individuals' data is to ensure the individual is informed about their rights under GDPR which gives them control over how their information is used and by whom.

These rights are detailed as follows

a) The right to be informed

This is the right to know how information is used and who it will be shared with. The Fund will publish on its website a Privacy Notice which outlines what personal information the Fund will hold, who it will share it with and for how long the information will be held.

Should an individual feel that the information supplied in the Privacy Notice is inadequate or that it doesn't inform them about the how their information is used by the Fund, the Fund will work with the Fund's Data Protection Officer to offer more guidance & information to provide further assistance to the individual.

b) The right of access

This is an individual's right to obtain;

- confirmation that data is being processed
- access to personal data
- access to policies and information held by the Fund about how it uses data

This right enables individuals to verify that the Fund is using data appropriately as well as providing access to obtain copies of information it holds.

Individuals are entitled to see the information held and can request a copy by emailing pensionenquiries@wiltshire.gov.uk, or by submitting a completed copy of the Fund's standard request form held on the website.

Copies of the information held will be provided within one month of receiving a request, however should a request be more complex, the Fund may write informing the individual that their request may take longer, confirming the date when the information will be provided.

c) The right to rectification

Individuals have a right to have information amended or rectified if they believe it is inaccurate or incomplete.

If you believe any information we hold about you to be incorrect, please email pensionenquiries@wiltshire.gov.uk and we will amend the information accordingly.

The Wiltshire Pension Fund operates a self-service platform called “MSS” where members can amend details the Fund holds about them, including name, address & other basic details and nominations. Members are encouraged to use this platform to ensure the information the Fund holds about them is accurate and up to date.

d) The right to erasure/ right to be forgotten

This right allows individuals to request a company or body to delete any or all information they hold about them.

However, the right to erasure does not provide an absolute ‘right to be forgotten’. Individuals have a right to have personal data erased and to prevent processing in specific circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.
- When the individual withdraws consent.
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing.
- The personal data was unlawfully processed (i.e. otherwise in breach of the GDPR).
- The personal data has to be erased in order to comply with a legal obligation.

The Fund, in providing statutory duties under the regulations has determined that it cannot permanently delete a member’s record. Should a member transfer out of the scheme, the Fund will retain a basic record confirming the member’s name, contact, date of birth, national insurance number details and sufficient information to determine what happened to the member’s benefits, but will endeavour to delete any other information including any documents relating to the member. The basic member details are required to be retained to enable the Fund to comply with statutory and legal obligations such as fraud prevention and GMP reconciliation.

It should be noted that in making a determination to not permanently delete a member’s record where an individual has requested the right to erasure, the Fund will outline the consequences of their decision to them, namely the loss of pension entitlement that they have accrued. Where necessary the Fund will take further guidance before exercising the individual’s right to erasure, or to be forgotten.

e) The right to restrict processing

Individuals have a right to limit how the Fund uses data, including who it shares it with. A request for information to be used for limited purposes will not delete the information the Fund holds.

The Fund publishes a Privacy Notice which outlines how it uses data and who it shares it with. Should you wish the Fund to limit how we use your data please email pensionenquiries@wiltshire.gov.uk with the reasons for your request.

f) The right to data portability

This right enables individuals to obtain copies of the information the Fund holds in a format that is easily transferred to either individuals or another organisation.

This is particularly relevant to members who may choose to transfer out of the Fund to another pension provider. The Fund will provide the information it holds to a new pension provider in a format that they can use. The transfer would not take place without the individual's consent.

g) The right to object

In addition to the right to limit the use of data, individuals also have a right to object to the use of data for certain actions.

The Fund may share information with third parties, for example where we outsource our printing & mailing of documents (e.g. payslips, P60's & benefit statements). Under GDPR you can object to the Fund sharing your data with these third parties.

Should an individual exercise their right to object, it will not limit the information they receive from the Fund, as it may still be required by law to provide certain information. In cases such the Fund will take appropriate steps to ensure requests are complied with, but that it also fulfils any legal obligation it has to provide information or supply services.

h) Children's data

The General Data Protection Regulations specifically ensures the protection of children's data as children may be less aware of the risks and consequences associated with the processing of their personal data.

Any information held by the Fund which relates to the personal data of a child under 13 is held with the consent of a parent, or the person with parental responsibility.

Children aged 13 – 16 are generally regarded as having the appropriate level of understanding to provide their own consent for the use of their data, provided the Privacy Notice has been written in a way they can understand.

The Fund's Privacy Notice has been reviewed using the Plan English Mark of Quality to ensure it is easily understood by children of 13 years or older.

11 Process for requests

Where an individual data subject has a question or complaint regarding how their rights under GDPR are upheld, they are encouraged to make contact in writing to the Fund's general email address in the first instance pensionenquiries@wiltshire.gov.uk.

Data subjects who consider that data is inaccurate or out of date are encouraged to use the online Pensions Portal (MSS) to check the data held by the Fund and to attempt to rectify it

themselves. Where that is not possible, they may also request, in writing, that the information be corrected or erased. They will receive a written response indicating whether or not the Fund agrees and if so, the action to be taken. In the event that the Fund disagrees (e.g. the data is held for a legal purpose), the data subject may request their objection be recorded with the relevant record.

A notice may be served by the data subject objecting to the processing and/or way in which the information is being processed, requesting the Fund to cease doing so on the basis that this may cause substantial unwarranted damage or distress to the data subject. A written response indicating the Fund's intentions will be given within 21 days of receiving the request. This will explain whether or not the Fund intends to comply with the request, including any parts of the request which the Fund considers unjustified.

Data subjects may ask the Fund for an explanation of any decision likely to significantly affect them which has been, or may be taken solely by wholly automated means, this will apply most specifically in the electronic calculation of pension benefits using the Fund's software management system. The Fund will consider a request and consider reviewing a decision which has been taken, or consider taking a new decision on a different basis, in circumstances where either course of action is appropriate and timely, unless the automated decision qualifies as an exempt decision.

If a data subject remains dissatisfied with a response received, they may ask for the matter to be dealt with under the Fund's Internal Dispute Resolution Procedure.

Ultimately if a data subject continues to be dissatisfied, she/he has the right to ask the Information Commissioner's Office (ICO) to carry out an assessment of their case and/or pursue a legal remedy.

12 Process for reasons of legal duty

The Fund may receive requests for information from various sources. This can include court orders, or requests in relation to Crime & Taxation or Legal Proceedings set out in sections of the Data Protection Act 2018.

All external agencies, contractors or Service Level Entities (SLEs) that the Fund contracts with must demonstrate the technical and legislative ability to uphold the principles of the Act and the rights of the individual when handling or receiving Fund owned personal data.

The Fund will write, uphold and regularly review Data Sharing Agreements & Memorandums of Understanding (MOU) when sharing information with Joint Data Controllers. The Fund will ensure that appropriate contracts & data processing agreements are in place when using third party contractors as data processors. All of the Fund's data sharing and data processing arrangements are written in line with the ICO's Data Sharing Code of Practice, ICO's guidance on the role of Data Controllers and Data Processors and the Administering Authority's Information Sharing Policy.

13 Responsibilities

The Fund's Data Protection Officer is responsible for ensuring compliance with this policy and overall information governance across the Fund. However, on a day to day basis this is delegated to the Head of Pensions Administration & Relations as the designated Information Asset Owner.

The Fund will ensure that all employees responsible for handling personal data will receive appropriate training in the use and control of this data. Fund officers responsible for sensitive personal data will also receive training appropriate to their roles.

The Fund will implement a process to ensure all officers handling personal information know when and how to report any actual or suspected data breach, and that appropriately trained officers manage these breaches correctly, lawfully and in a timely manner.

All Fund officers must complete GDPR awareness training and more in depth training if they are involved in the processing of personal data.

The Fund will monitor and review its processing activities to ensure these are consistent with the principles and individual rights under GDPR legislation and will ensure that its notifications are kept up-to-date.

The Fund will ensure that any new or altered processing identifies and assesses the impact on a data subject's privacy as a result of any processing of their personal data, and that appropriate Privacy Notices are maintained to inform data subjects of how their data will be used. These will be assessed in line with the Privacy Impact Assessment Procedure.

The Fund will review and update this policy to ensure it remains consistent with the Law, and any Compliance Advice and Codes of Practice issued by the ICO.

14 Breaches of policy

Breaches of this policy and/or security incidents can be defined as events which could have, or have resulted in, loss or damage to an individual's personal data which is in breach of the Fund's security procedures and policies and the GDPR.

The GDPR imposes a duty on all organisations to report certain types of data breaches to the relevant supervisory authority within 72 hours of becoming aware, and in some cases to the individuals affected.

All employees, Committee members, partner agencies, contractors and vendors have a responsibility to report security incidents and breaches of this policy as quickly as possible through the Fund's Data Protection Breach Procedure. This obligation also extends to any external organisation contracted to support or access the information systems of the Fund.

In the case of third-party vendors, consultants or contractor's non-compliance could result in the immediate removal of access to the system. If damage or compromise of the Fund's ICT systems or network results from the non-compliance, the Fund may consider legal action against the third party. The Fund will take appropriate measures to remedy any breach of the policy through the relevant frameworks in place. In the case of an individual then the matter may be dealt with under the Administering Authority's disciplinary process.

Any incidents of data breach or near miss should be reported in the first instance to the Fund Governance & Performance Manager or alternatively the Fund's Data Protection Officer (see Data Protection Breach Procedure).

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Information Commissioner Officer	https://ico.org.uk/global/contact-us