

WILTSHIRE COUNCIL

WILTSHIRE PENSION FUND LOCAL PENSION BOARD

12 July 2018

PENSION FUND COMPLIANCE WITH GDPR

Purpose of the Report

1. The purpose of this report is to present to the Board a summary of the Fund's implementation of the General Data Protection Regulations (GDPR) 2016 which came into force on 25th May 2018.

Background

2. The concept of data protection & the protection of living individual's personal data first came into fruition with the United Nations Universal Declaration of Human Right in 1948. Over the years, various pieces of legislation on data protection have been introduced notably the Data Protection Act 1998, which enshrined 8 data protection principles originally identified in 1980. The GDPR 2016 is the latest generation of legislation designed to protect the rights of living individuals in relation to their personal data and was enshrined into UK law with the Data Protection Act 2018 which received Royal Assent on 23rd May 2018.
3. The introduction of the GDPR has been in response to the changing way in which personal data is managed. In particular, the use of software and the communication and controlling of transferred personal data via the internet and around the world. Personal data is now recognised as a commodity. Whilst the Fund has already protected that commodity in accordance with the Data Protection Act 1998, it is now required to ensure that the protections are appropriate for the modern age.
4. As at 31st March 2018 the Fund had an estimated 24,200 active, 29,250 deferred & 16,250 pensioner & dependant members, who each on average have a record containing an estimated 200 items of personal data. The Pension Regulator (tPR) categorises this personal data in terms of common & conditional data & in turn sets the Fund quality standards by which that data must be maintained.
5. Whilst tPR sets the quality standards, it is the Information Commissioners Office (ICO) that oversees the requirements of GDPR, in particular the Fund's management of personal data & its right to lawfully process it. As a Data Controller, the Fund on behalf of Wiltshire Council is therefore required to undertake a review of it's policies & procedures to ensure that all parties involved in the management of members personal data comply with the new legislation.

Considerations for the Board

6. To note the steps taken by the Fund to implement & comply with the requirements of the GDPR 2016 are sufficient. In particular;
 - Undertaking a data mapping exercise, including flowcharts to identify where members personal comes from, how it is processed and where the data goes to;
 - Reviewing all of our Internal and External advisers' contracts ad Agreements to ensure that they too have taken all appropriate steps to be compliant with GDPR;

- Communicating with the Fund's membership through the distribution of a Privacy Notice, articles in Newsletters and updates on the Fund's website;
 - Appointing a Data Protection Officer (DPO);
 - Distributing a Memorandum of Understanding (MOU) to all Scheme Employers, detailing how the Fund will process member data with Scheme Employers & the standards we expect from them;
 - Reviewing the Fund's policies and procedures and implementing changes in the way we work to ensure compliance under the new law;
 - Embarking on a programme of training and awareness to ensure that all staff, stakeholders and decision makers are clear about their responsibilities;
 - Arranging for an Internal Auditor to review the implementation of GDPR within the Fund.
 - Undertaking Privacy Impact Assessments to ensure that all significant changes made by the Fund, which impact on the processing of personal data are validated; and
 - Responding to due diligence requests and data sharing agreements submitted to us by Scheme Employers.
7. Separately the Fund is currently developing a wider programme of contractual reviews with all of its partners. This review is part of a package of initiatives to ensure that the Fund's contracts & agreements are consistent with the range of services that are now required.

Conclusions

8. Completion of the data mapping exercise has been more complicated than first anticipated due to the array of environments, service providers & types of personal data which the Fund currently holds. Providing a visual display through flowcharts has helped Officers to assess the mapping of data & identify the next steps.
9. The Fund has sought to integrate its procedures with Wiltshire Council's procedures to enable a seamless approach to communicating events which will impact on both the Fund & the Council, notably breach reporting, Subject Access Requests & data security. This integrated approach has required alterations to a number of our existing procedures where the Council has also made changes. Implementation of new procedures has also been the catalyst for a number of activities in relation to our processes.
10. Staff awareness and training has played a crucial part of the implementation of GDPR, not only in terms of highlighting the changes, but in terms of actively adopting the new procedures and working with them as part of the staff's daily operating practices.
11. On completion of the project the Fund will request an audit of its GDPR changes by SWAP. The audit scope will include stress testing our procedures to identify any weaknesses.
12. Negotiations with a small number of the Fund's partners are ongoing concerning the clarification of their data protection status, i.e. as a Data Controller or Data Processor.

Environmental Impact

13. There is no environmental impact from this report.

Financial Considerations

14. There are no immediate financial considerations resulting from the reporting of the Fund's compliance with GDPR.

Risk Assessment

15. There are no direct risks to the Fund associated with this report although 'Failure to hold personal data securely' is covered by PEN009 on the risk register.

Legal Implications

16. There are no immediate legal implications arising from this report.

Safeguarding Considerations/Public Health Implications/Equalities Impact

17. There are no implications at this time.

Proposals

18. The Board is requested to note the Fund's progress on the implementation of GDPR.

ANDY CUNNINGHAM
Head of Pensions Administration and Relations

Report Author: Richard Bullen – Fund Governance & Performance Manager
