

WILTSHIRE COUNCIL

WILTSHIRE LOCAL PENSION BOARD

14 November 2019

Data Retention Strategy (Appendix 1)

Purpose of the Report

1. Following the introduction of GDPR & the Data Protection Act 2018 the purpose of this report is to set out the Wiltshire Pension Fund's (WPF) proposed Data Retention Strategy. In setting out this policy the Fund's seeks to make a clear distinction between its Data Improvement Strategy addressing its current & future data quality requirements as determined by the Pension Regulator and its Data Retention Strategy which aims to manage the minimisation & deletion of data which it can no longer justify holding.

Background

2. GDPR Article 29 of the Working Party guidelines on retention periods states that meaningful information about the likely period for retaining data should be provided to data subjects. A retention strategy for the Fund should therefore set a defined period beyond which personal data will no longer be held, preferably by category of the data concerned. Administering Authorities & their Pension Fund's should therefore not hold personal data any longer than is "**necessary**" noting that if they do not attempt to give a defined period for which personal data is held, strictly speaking they are not complying with GDPR. The relevant GDPR articles associated with this requirement are Articles 5(1) and 5(2), and in particular Article 5(1)(c) - (e). Recital 39 should also be noted.
3. The South West Audit Partnership conducted an internal audit at the request of officers and in their Pension Administration report dated 30th April 2019 presented to the Board in May, it stated that the Fund would need to develop a strategy concerning its retention of personal member data;

2.1 – We recommend that the Fund liaise with the Information Governance team to help develop a plan to meet the GDPR requirements. The Fund needs to keep documented notes of the steps they are taking to meet with the GDPR.

4. Officers have since approached the Information Governance team who stated that they can only contribute in relation to the statutory guidance and that the determination of '**necessary**' is purely an operational decision.
5. Over the last 18 months the LGA in conjunction with its legal advisers Squire Patton & Boggs (UK) LLP have developed guidance for LGPSs in relation to developing a data retention strategy, the last of which was issued in July 2019. The key elements of that guidance summarised below;

Personal data will be retained for **the greater of**;

- such period as the Member (or any Beneficiary who receives benefits after the Member's death) are entitled to benefits from the Fund and for a period 15 years after those benefits stop being paid;
- 100 years from the members DOB;

- 100 years from the DOB of any beneficiary who received benefits from the Fund after the Member's death.
6. Fund officers propose to implement the LGA's guidance into WPF policy & based on the guidance Fund officers either intend to, or have already undertaken the following key actions;
- Incorporate the LGPSs defined periods into the Fund's privacy statement & where necessary into its Memorandum of Understanding and Pension Administration Strategy documents;
 - Develop & implement a Data Retention Strategy covering all the databases in which personal member data is held, which will first seek to minimise and then delete data the Fund can no longer justify holding, whilst also giving consideration to the Fund's wider obligations in relation to audit and valuation cycles;
 - Update existing & introduce new retention policies and procedures concerning the management of data;
 - Work with its Scheme Employers to provide a co-ordinated Data Retention policy framework. Officers will recommend to Employers that they should retain data for up to 28 years, including 15 years after an employee has left an employers service; &
 - Liaise with the Fund's key database managers concerning the management of data on their respective databases.

Considerations for the Board

7. A draft Data Retention Strategy has been prepared by Officers which will operate in accordance with the following guiding principles;
- Where a member record holds "No Liability", the data will be minimised after 4 years. This will ensure that following a liability being extinguished no data will be removed until one further valuation cycle has been completed. The minimisation of data on a record will be the removal of all data (excluding documents) from a database, other than that data which enables the Fund to track what happened to that liability. For example, the basic details stating where a member's benefit was transferred to;
 - After 15 years has passed the remaining record including any documentation will be deleted. This includes pension payroll data held on SAP, although Wiltshire Council's payroll department may seek to delete extinguished records after 7 years in accordance with their only policy;
 - Due to the historic format in which documents have been held, no retention dates were recorded. It is therefore not possible to minimise documents in the same manner as other electronic data;
 - Going forward it is the intention to apply retention dates to all documents, using the same 4 year and 15 year strategy as its corresponding cellular data;
 - Where a member has more than one record & only one record is recorded as "No Liability" all records will be retained until the last linked or associated record has been extinguished, minimisation & deletion will then be completed as specified above;
 - Annual data retention reviews will be conducted by officers and incorporated into officer procedures;
 - Minimisation & deletion of records will be driven primarily by the Fund's Altair database & any records identified will be reported so that subordinate databases can be reviewed and cleaned as required;

- 3rd party service providers will be monitored annually to ensure that they operate in accordance with the data retention specifications set out in their contracts;
8. At present the Fund's primary database provider Heywood's does not offer a bulk automated minimisation & deletion function to enable Fund officers to minimise or remove member data from Altair. Therefore in the interim the following actions are proposed;
- An ad-hoc report of all "No Liability" records on Altair will be run for records which have not held a liability for more than 30 years. Heywood's will then be asked to delete all data and documents associated with those records identified. These old records are classed as very low risk & chosen to trial this interim process;
 - Subject to successful completion of the deletion of "No liability" records older than 30 years, a second ad-hoc reporting request will be made for records more than 15 years old;
 - Thereafter annual data retention reviews will be conducted as specified above by requesting Heywood's to delete "No Liability" records until such time as they have developed the functionality for officers to complete the exercise themselves.
9. The Management User Group which comprises a selection of LGPSs officers across the UK is currently liaising with Heywood's to develop the appropriate functionality.

Environmental Impact of the Proposal

10. Not applicable.

Financial Considerations & Risk Assessment

11. There are no financial considerations at this time, however there will be costs associated with the ad-hoc bulk deletion requests & the possibility of developing software by 3rd party service providers, particularly Heywood's, in order to allow officers to manage the data retention task themselves.

Legal Implications

12. There are no material legal implications from this report.

Safeguarding Considerations/Public Health Implications/Equalities Impact

13. There are no known implications at this time.

Reasons for Proposals

14. To comply with GDPR & the Data Protection Act 2018.

Proposals

15. The Board is asked to endorse the guiding principles outlined in point 6 by which the Fund's Data Retention Strategy has been formulated to Committee.
16. The Board is asked to endorse the outlined scope of the Fund's Data Retention Strategy set out in point 7 to Committee.

17. The Board is asked to recommend to the Committee the proposed interim measures for managing the Fund's compliance with current data retention legislation, prior to officers being provided with the software capability by their service providers. Outlined in point 8.

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Unpublished documents relied upon in the production of this report: NONE