

WILTSHIRE COUNCIL

WILTSHIRE LOCAL PENSION BOARD

27 October 2022

Data Retention Strategy

Purpose of the Report

1. To provide a proposed, revised approach to the Fund's Data Retention Strategy from what was presented to Board members in 2019-2020 and to seek comments and any recommendations from members.

Background

2. Following the introduction of GDPR and, later, the Data Protection Act 2018 the Fund produced a report outlining an overview of its proposed Data Retention Strategy. In setting out that policy the Fund's sought to comply with data protection legislation but also to ensure that it held all data required to administer the Scheme efficiently and in line with specific pensions legislation.
3. The first report was presented to the Board on 14 November 2019 and a follow up report was presented on 13 February 2020.
4. The original report took into account the advice that the Local Government Association from its legal advisers (Squire Patton and Boggs (UK) LLP) and the views of the Fund's actuary.
5. Legislation does not stipulate specific data retention times that the Fund must adhere to but the general principle which applies is that the Fund must be able to demonstrate that it is not holding personal data for longer than is reasonably or legally required (for example, to perform another non-data protection legal function).

Considerations for the Board

Key changes:

Altair and associated member specific records retention periods

6. After further consideration from officers concerning the desire to be able to demonstrate that all liabilities once held by the Fund had now been extinguished (i.e. showing former member have received a refund or transferred out), and given that the latest age that a member can withdraw LGPS benefits is at age 75, officers have made the following broad changes to its strategy:
7. Delete membership data from no liability or opt out Altair statuses after the later of:
 - a). When the former member reaches age 75; and
 - b). 15 years after the date that benefit entitlements ended.
8. Previously the Fund's approach was to delete membership data after 15 years from the date the benefit entitlements ended, regardless of the person's age (noting the LGA advised using the greater of age 100 and 15 years).

9. A further minor amendment was made to clarify that we would only delete deceased members data if there was no associate dependent pensions still being paid (because the latter is derived from the former). In the case of death with no dependent benefits due, only the 15 year period would remain. Note: The protection of personal data legislation does not apply to anyone who is deceased.
10. Similarly it has been clarified within the Fund's strategy that we would not minimise or delete any data from records where benefits were still due.

SharePoint:

11. Given changes to the way that the Council's ICT department rolled out the newer version of SharePoint since the last data retention strategy was drafted, and in consideration that the Fund's existing SharePoint folder and file structure was not designed with data retention considerations in mind (because it was built long before GDPR), officers also propose changes in this area too:
12. Officers will seek to start afresh with a new SharePoint which has retention periods built into its design. Clearly essential material from the old site will be migrated across on mass while other less clear material will be migrated as and when accessed and required – both sets of data will have retention timescales attached to them. From the date the new site starts, the old site will be locked to making further amendments to avoid version control issues and therefore overtime any data remaining on the old site will be deemed to be no longer necessary.
13. The exact details of dates and transition periods will be determined as part of project set up and when considering the next year's business plan actions, bearing in the mind the Fund's other resource requirements and existing priorities.

Conclusions

14. Officers consider these changes to be reasonable and proportionate changes to the existing strategy, striking a balance between compliance, achievability and efficiency.
15. The Fund's proposed retention periods are still shorter than recommended by the LGA's advisers but longer than previously stated and therefore officers have not consulted with the actuary regarding their needs as there would be no impact on them.

Environmental Impact of the Proposal

16. Not applicable.

Financial Considerations & Risk Assessment

17. There are no financial considerations in addition to those commented on in the original report.

Legal Implications

18. There are no material legal implications from this report beyond those already stated.

Safeguarding Considerations/Public Health Implications/Equalities Impact

19. There are no known implications at this time.

Reasons for Proposals

20. To comply with GDPR & the Data Protection Act 2018 in a pragmatic way.

Proposals

21. The Board is asked to endorse the changes outlined.

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