

# General Data Protection Regulation (“GDPR”) and Pensions

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**This presentation is for guidance purposes and does not constitute legal advice**

# Introduction of GDPR

- Coming into effect on 25 May 2018
- Builds upon (and replaces) existing regime
- Obligations on data processors and data controllers

# Key Terms

- **Data controller** – controls personal data (determines the purpose and means of the processing)
- **Data processor** – processes personal data on behalf of the controller
- **Data subject** – the identifiable person to whom the personal data relates
- **Personal data** – any information relating to a data subject (i.e. from which indent of an individual can be ascertained)
- **Special categories of personal data** – includes race, ethnicity, religious beliefs, trade, union status, sexual orientation, health data, among others

# Compliance with GDPR

Principles of GDPR	What does this mean in practice?
1. Lawfulness, fairness and transparency	1. Legal justification for holding data. Prepare and issue transparency notice.
2. Purpose limitation	2. Grounds on which processing – consent?
3. Data minimisation	3. Do not collect unnecessary data
4. Accuracy	4. Trust law and statutory obligations
5. Storage limitation	5. Data Retention periods
6. Integrity & confidentiality	6. Adequate security measures, 3rd party providers
7. Accountability	7. Prepare appropriate policies and procedures to demonstrate compliance

# Considerations for Trustees

- Data Controllers
- What protections are in place?
- Demonstrate GDPR compliance – policies & minutes
- Communication to Members
- 3rd party providers
- Relationship with employer

# Considerations for Trustees

- 3rd party processors
  - What 3rd parties do you use standard clauses?
  - Confirmation of compliance
  - Transfers o/s EEA
- Fines
  - No “turnover”
  - Employer turnover relevant

# Considerations for Trustees

- DPO
  - Not legally obliged to have protected employment status
  - Use employers as point of contact for breach procedure?

# Considerations for Trustees

- Data controllers or data processors of pension scheme data?

## Data Sharing

- In-house administration services
- Relationship with trustees
- Controlled benefit statements - dashboards



# Questions?

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