

## COMET PENSION SCHEME

### Personal information and what we do with it

The Trustee of the Scheme, needs personal information about you to run the Scheme and pay benefits. Similarly, other parties involved in running the Scheme will sometimes need to make decisions jointly with the Trustee about how your personal information will be used for those purposes. These other parties (our '**Trustee Advisers**') include XPS Pensions Limited and the Scheme Actuary (currently Steve Leake of XPS Pensions Limited).

In legal terms, the Trustee and the Trustee Advisers are 'joint controllers' in respect of this information. This means that we need to tell you some things about the personal information we have about you and what your rights are in relation to it.

In this notice, you will see information about what the Trustee does with your personal information, and also what the Trustee Advisers do with it. We describe who to contact if you wish to exercise your rights under data protection laws in relation to the joint use we make of your information.

Except where stated otherwise, 'we' means both the Trustee and the Trustee Advisers where they are acting as joint controllers in relation to your personal information (as described above).

### What personal information we have

We normally hold some or all of the following types of personal information:

- Your name (forename and surname), and previous or alternate names, date of birth, national insurance number ("NINO") and/or approximate NINO and bank account information (where benefits are in payment);
- Your sex/gender (we use sex to understand how long you are likely to receive your pension for and gender as part of your addressee details if we write to you e.g. 'Mr., Mrs., Ms.');
- Contact details (including your address, postcode, phone number and email address);
- If your benefits from the Scheme derive from your employment, details of your employer when you were building up benefits in the Scheme, how long you worked for them and your salary from time to time;
- Whether you are married or in a civil partnership and other information we might need to pay any benefits due on your death;
- Any information you have provided about who you would like to receive any benefits due on your death;
- If your benefits from the Scheme form part of a divorce settlement, details of that settlement;
- Details of any contributions paid by you or on your behalf to the Scheme, including additional voluntary contributions (AVCs).
- Details of any benefits earned in a previous pension arrangement, if you have transferred these into the Scheme.
- Correspondence received about you from HMRC, relating to periods of service when you may have been contracted out of the upper tier of the state pension.
- Correspondence that we may have received about you from your appointed independent financial adviser.
- Electronic "pension identifiers", value data and other view data relating to an individual, all of which is for pensions dashboards (explained below).

We may sometimes use other information about you. This could include information about your health where it is relevant to, for example, early payment of benefits from the Scheme or details about personal relationships to determine who should receive benefits on your death. We might have personal information about gender reassignment, if you have a gender recognition certificate or have told us that you identify with a different gender from your birth sex. We may also, very rarely, have information about criminal convictions and offences, but only where it is relevant to the payment of Scheme benefits.

### Pensions Dashboards

The government has created a framework for pensions dashboards, designed to help people access information about their pensions online in one place. As part of this, we are required by law to match certain members (who search on dashboards) with their pensions under the Scheme. We must also provide certain pensions information to the dashboards ecosystem (including the identity service, the pension finder service, the consent and authorisation service) so that it can be displayed when certain members ask to see it on a dashboard.

These activities may involve sharing member data with entities within the dashboards ecosystem, non-commercial dashboards and commercial dashboards and with the provider(s)/the integrated service provider(s)/administrator we appoint to help us in connecting to dashboards, matching people with their pensions and complying with our other dashboards duties.

As part of these dashboards duties, we may also need to report information (which could potentially include personal data) to other bodies including the Money and Pensions Service, the Pensions Regulator and the Financial Conduct Authority.

We also have a legal obligation to carry out due diligence checks in the event of a pension transfer request, which may mean that we are obliged to ask you for additional information. For instance:

- If you wish to transfer to an occupational pension scheme, we have to request evidence that demonstrates an “employment link”. This could include a letter from your employer confirming your employment, a schedule of contributions, payslips and bank statements (the bank account detail on your payslip might be different from the bank details we hold for you).
- If you request a transfer to an overseas pension scheme, we are legally obliged to check that you are resident in the same country as that scheme. This evidence might include utility bills, TV subscriptions, insurance documents relating to your overseas home, address, bank account and credit card statements, evidence of local tax being paid and registration of address with local doctors.

### **Where we get personal information from**

Some of the information the Trustee has comes directly from you. The Trustee may also have information (such as your salary and length of service) which has come directly from your previous employer(s). In addition, XPS Administration Limited, who administers the Scheme on behalf of the Trustee, may have obtained information from you and passed it to the Trustee. The Trustee may then in turn pass information about you to the Trustee Advisers or may instruct the administrator to do so. The Trustee is the source of the personal information which the Trustee Advisers have about you.

Sometimes the Trustee gets information from other sources, for example, from another scheme if you have transferred benefits from that scheme, from government departments such as HMRC and DWP and from publicly accessible sources (eg the electoral roll) if the Trustee has lost touch with you and is are trying to find you. The Trustee may in turn pass this to the Trustee Advisers (as above).

If the Trustee asks you for other information in the future (for example, about your health), it will explain whether you have a choice about providing it and the consequences for you if you do not do so.

Some of your personal data may be collected indirectly through the pensions dashboards ecosystem (including the identity service, the pension finder service, the consent and authorisation service). Where we obtain personal data from the dashboards ecosystem, or during the process of matching members with their Scheme benefits for dashboards purposes, we may retain that data to help demonstrate how and why we concluded that the person is a member entitled to receive information about their benefits on dashboards and to help us administer the Scheme.

### **Why we hold personal information and how we share it**

The Trustee must by law provide benefits in accordance with the Scheme’s governing documentation and must also meet other legal requirements in relation to the running of the Scheme.

The Trustee has a legitimate interest in properly administering the Scheme. This includes paying benefits as they fall due, purchasing insurance contracts, communicating with you and ensuring that correct levels of contributions are paid, benefits are correctly calculated and the expected standards of Scheme governance are met (including standards set out in Pensions Regulator guidance); and testing data and getting ready for pensions dashboards.

The Trustee will also use your personal information to comply with these legal obligations, to establish and defend its legal rights, and to prevent and detect crimes such as pension scams or other fraud. The Trustee may need to share your personal information with other people for this reason, such as courts and law enforcement agencies.

Pensions dashboards regulations impose a legal obligation on us to match certain members with their pensions and provide information on their pension benefits. Testing data and getting ready for pensions dashboards compliance can also be part of our legal obligations.

In order to achieve this, the Trustee may share your personal information with various people as necessary, including any new trustee directors; the Scheme employer; the Scheme administrator; the Trustee Advisers; the Trustee's other professional advisers; auditors; insurers; integrated service providers (relevant to pensions dashboards compliance, as described above); pensions dashboards ecosystem (as described above); non-commercial dashboards; commercial dashboards; HMRC; the Pensions Ombudsman; the Pensions Regulator; the Information Commission; and IT and data storage providers and other service providers, such as printers who help the Trustee prepare communications which the Trustee sends to members, and tracking and tracing services. If your benefits are transferred to another scheme, the Trustee will also need to provide the administrators of that scheme with information about you.

When the Trustee needs to use information about your health, it may ask for your consent. However, sometimes there may be reasons of public interest or law which enable the Trustee to use information about your health (or other very personal information such as details about personal relationships relevant to who should receive benefits on your death, or information on gender reassignment) without consent, and it will do so where that is necessary to run the Scheme in a sensible way. You can withdraw your consent at any time by contacting the Trustee using the contact details given below. This may affect what the Trustee can do for you unless it has another lawful reason for using your information. For example, if you apply for ill health early retirement and consent to the Trustee processing your health data for that, but then you withdraw that consent, the Trustee will usually be unable to consider your application. If you withdraw consent after our processing, this will not retrospectively affect the processing that has already happened.

Sometimes the Trustee need to use your personal data, including special categories of personal data, in order to establish, exercise or defend legal claims.

The Trustee may also share your personal information with someone else where you have given your consent – for example, where you transfer your benefits out of the Scheme.

The Scheme's employer may also have a legitimate interest in contacting you about your benefits under the Scheme, and any additional options which may be available to you in relation to those benefits. In such circumstances, the Trustee may share your personal information with the employer so that they can contact you for that purpose.

The Trustee may need to share personal data with insurers in relation to the purchase and pricing of insurance contracts called 'annuities' (unless that can happen based on anonymized data). Insurers will use that data to verify the assets and liabilities of the Scheme. The Trustee may write to you before purchasing an annuity to ask for up-to-date information about your spouse/partner/children/other dependants, for this purpose.

The Trustee will share your personal data when we purchase the annuity, and at that stage the insurer will typically share information with its chosen re-insurer. Sometimes the insurer's privacy notice will mention who its re-insurer is and how to see its privacy notice (either giving you a link to it online or explaining where it can be seen or by providing a copy of it). The Trustee will usually need to write to members to explain about the particular annuity and who the insurer is. In this way you can know who holds your personal data and how to exercise your rights against them. The following categories of personal data would typically be shared with insurers: Scheme membership ID number; marital status and details about spouse/partner; date of birth; information about annual pensions increases; pension/benefit amounts payable; age at retirement; service length and retirement date.

In certain circumstances, we may also process your personal data because it's necessary for a recognised legitimate interest. This means a purpose recognised as legitimate under the data protection laws, such as: detecting, investigating or preventing crime, including fraud; sharing information with a public authority that needs it to carry out its functions; or safeguarding a vulnerable individual.

## **Actuarial**

Our actuaries, XPS Pensions Limited, including our individual Scheme Actuary, are classed as joint data controllers with the Trustee when providing certain actuarial and consultancy services. XPS Pensions Limited has an appointed Data Protection Officer tasked with ensuring its compliance with data protection legislation. Your point of contact for XPS Pensions Limited or the Scheme Actuary is XPS Pensions Limited's Data Protection Officer, whose address is Phoenix House, 1 Station Road, Reading, RG1 1NB.

The Scheme Actuary is appointed by the Trustee to value the Scheme benefits and carry out other calculations in relation to your Scheme benefits. He and XPS Pensions Limited will use your personal information for this purpose and have a legitimate interest in doing so. They will also use your personal information to comply with their own legal obligations and may need to share your details with other people for legal reasons, such as courts and law enforcement agencies. They may also share it with their own professional advisers, auditors and insurers, IT and data storage providers

and other service providers.

Sometimes, your information may be used by the Trustee, the Scheme Actuary and XPS Pensions Limited for statistical research but only in a form that no longer identifies you. In some circumstances the Scheme Actuary and XPS Pensions Limited may also be able to fulfil the purpose mentioned above using information which the Trustee has anonymised before sharing with him and XPS Pensions Limited.

### **How to contact the other people we give your personal information to**

Some of the people mentioned above just use your personal information in the way we tell them. However, others (including the Trustee Advisers) may make their own decisions about the way they use this information to provide their services, perform their functions, or comply with their regulatory requirements. In such case, they have responsibilities as controllers in their own right. This means that they are subject to the same legal obligations as the Trustee in relation to your information, and the rights you have in relation to your information apply to them too.

If you want any more information from the Trustee Advisers or from any other people who receive your personal information from the Trustee, or to exercise any rights in relation to the information they hold, please contact the Trustee and it will put you in touch with them (or the Trustee will ask them for the information they have, if they are processors, so that the Trustee can reply to you).

### **How long we keep your personal information for**

We need to keep some of your personal information long enough (including if your data originated from the pensions dashboards ecosystem and if you were matched up with the Scheme through that) to make sure that we can satisfy our legal obligations in relation to the Scheme and pay any benefits due to or in respect of you.

We keep your information for long enough to ensure that, if a query arises in the future about your benefits, we have enough information to deal with it where we have a legal obligation to do so. To meet this aim, the majority of the personal information that we hold will be kept for a period of 15 years from the end of the Scheme year in which a transfer out occurs or the last payment from the Scheme is made to or in respect of you.

However, some information may be kept for a longer or shorter period depending on how long we sensibly think we need it to deal with queries (from you or your beneficiaries/other persons who might ask us if they are entitled to payments), complaints (from you or them), and our legal obligations mentioned above.

Data from the pensions dashboards ecosystem is kept for the life of the member record, if we do find a match (i.e. if you are a member of the Scheme).

If we don't find a match (i.e. if you are not a member of the Scheme), the Scheme administrator will delete the data.

If we find a potential match, we will keep the data from the dashboard for 30 days in a hash/token form (which helps with security of it) so that we have more time to determine whether there's a match or not. We will delete it after 30 days if there is no match, or keep it for as long as we keep your member record (details as above) if we do find a match.

### **Your rights in relation to your personal information**

You have rights in relation to the personal information we have about you. You have the right to:

- make a request to have your personal information corrected if it is inaccurate, and completed if it is incomplete;
- in particular circumstances, restrict the processing of your information;
- in particular circumstances, ask to have your information erased;
- request access to your information and to obtain information about how we process it;
- in particular circumstances, move, copy or transfer your information;
- in particular circumstances, object to us processing your information;
- not be subject to automated decision-making including profiling where it produces legal or other significant effects on you – see below for more detail;
- make a complaint to us if you have any concerns over how we process your personal data. The Trustee is required to take steps to help members and other people who want to make data protection complaints. We must acknowledge complaints within 30 days and respond without undue delay. If you would like to make a complaint to us, please follow our Data Protection Complaints Procedure set out in the same document as our Internal Dispute Resolution Procedure, accessible via [www.comet-pensions.co.uk](http://www.comet-pensions.co.uk); and
- make a complaint to the Information Commission - see below for how to do this.

The Trustee does not currently take any decisions based solely on automated processing which would

produce legal or similarly significant effects on you. If that changes we will update this section.

You can exercise all of these rights free of charge except in some very limited circumstances and we will explain these to you where they are relevant.

To exercise these rights, please use the Trustee's contact details, which are set out below. The Scheme administrator can also supply more information about these rights to you, on request.

The Trustee has agreed with the Trustee Advisers that the Trustee will be responsible for dealing with requests from you in respect of your rights if those requests relate to the joint use of your personal information described in this notice. This means if you wish to exercise rights against the Trustee and the Trustee Advisers for what they do jointly with your personal information, you should contact the Trustee using the details below.

**Information on how to raise a complaint with the Information Commission is available at [www.ico.org.uk/concerns](http://www.ico.org.uk/concerns). You can also call its helpline on 0303 123 1113. The regulator will usually expect you to raise a complaint with us first before reaching out to them and we appreciate the opportunity to try to resolve your concerns.**

### **Keeping your information safe**

When we pass your information to a third party, we seek to ensure that they have appropriate security measures in place to keep your information safe and to comply with general principles in relation to data protection.

Some of the people we share your information with may process it overseas. This means that your personal information may on occasion be transferred outside the UK. Some countries already provide adequate legal protection for your personal information but in other countries, additional steps will need to be taken to protect it. You can contact us for more information about the safeguards we use to ensure that your personal information is adequately protected in these circumstances (including how to obtain copies of this information).

### **Queries and further information**

If you want more information about what we do with your information and what your rights are, please contact the Trustee via the Scheme administrator at:

- Address: Comet Pension Scheme, XPS Administration Limited, PO Box 562, Middlesbrough, TS1 9JA
- Email: [cometadmin@xpsgroup.com](mailto:cometadmin@xpsgroup.com)
- Telephone: 0118 918 5098.