



LOCAL PENSION BOARD

12 MARCH 2018

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

GENERAL DATA PROTECTION REGULATIONS

Purpose of the Report

1. The purpose of this report is to inform the Board of the forthcoming General Data Protection Regulations.

Background

2. On the 25 May 2018 the European Union will introduce the General Data Protection Regulations (GDPR). Many of the GDPR concepts and principles are the same as the current Data Protection Act however there are some new elements and enhancements.
3. GDPR deals principally with data security and ensuring data is only held and used for the purposes it is required for.
4. As part of the Council's overall GDPR project, the Pension Section is reviewing its practices to ensure it complies with the new regulations.

GDPR and Leicestershire

5. In terms of GDPR, Leicestershire County Council, as the administering authority of the Leicestershire Pension Fund, is a data controller, meaning it is responsible for determining the purposes and means of processing the personal data it holds in order to manage member's pensions. All the Funds other employing bodies are deemed data controllers so there is no need for data sharing arrangements to be in place.
6. Because the Pension Section has a statutory duty to administer the Leicestershire Local Government Pension Scheme it does not require member consent to hold and process their data. However, GDPR places greater emphasis on the documentation the Pension Section must keep too demonstrate its accountability. In preparation, the Pension Section has produced a draft Fair Processing Notice (the notice), a copy of which is attached as Appendix A.

7. The notice, which the section is currently reviewing, lists all the organisations the Pension Section may share member data with.
8. The notice will become available for all scheme members so they are aware their data may be shared with these organisations in order for the Pension Section to meet its statutory administrative function.
9. GDPR also requires the Pension Section to detail how long member data is held. The Pension Section already has a retention policy. This is attached as Appendix B.
10. Nationally the Local Government Association is working on GDPR to assist administering authorities and employers. It is expected that a template privacy notice and memorandum of understanding document for employing bodies will be available in late March. A further report will be considered by the Board at a future meeting once all the information is available.
11. If a data breach occurs Leicestershire County Council will report this to the Information Commissioners Office.

Implementation

12. In order to ensure that scheme members are fully aware of GDPR and the Council's responsibilities and commitment to handle their data securely, the Council is developing an area of its pension's website where a final version of the notice will be published. A copy will also be available to view on the Authority's main website.
13. Amendments will also be made to the member new starter form and welcome letter to include the relevant information and guidance on how members can view the notice.

Recommendation

14. It is recommended that the Board notes the report.

Appendices

Appendix A – Draft Fair Processing Notice
Appendix B – Retention schedule

Equality and Human Rights Implications

None specific

Officers to Contact

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