

# Smith & Nephew UK Pension Fund Data Privacy Notice

May 2018

## Background

You may have heard that a new data protection law is being introduced (referred to as the General Data Protection Regulation, or 'GDPR'). The purpose of the GDPR is to enhance people's rights as to who holds their data, how it is used, and ensuring that as far as possible they can control whether it is held or not.

The Trustee of the Smith & Nephew UK Pension Fund ('the Trustees') collects and uses personal data in order to pay your benefits as they fall due, administer the Fund effectively, and meet certain employer and member requirements.

Such data may relate to:

- You, your relatives, nominated beneficiaries and dependants;
- Smith & Nephew plc Group employees, or suppliers;
- Suppliers and professional advisers whom the Trustees use to conduct business, and the Trustee directors.

The Trustees are the 'data controller' of personal data which is the subject of this notice. The registered address of the Trustees is at Building 5, Croxley Park, Hatters Lane, Watford, Hertfordshire, WD18 8YE. If you wish to contact the Trustees in connection with this notice, please contact the Fund Secretary, whose contact details are set out overleaf.

All personal data that the Fund collects, records or uses in any way to administer the Fund and pay your benefits, whether held on paper, on computer or other media will be subject to strict controls to ensure that your data is kept safe and the Trustees comply with the GDPR. The Trustees are known as 'data controllers' whereas some of the providers that help the Trustees run the Fund (for example the Fund's administrator) are known as 'data processors'.

The purpose of this statement is to provide information which the Trustees are required to make available to you. This statement has been written in the form of a 'Q&A' and the Trustees hope that it answers your questions, but if you would like to know more, the Fund Secretary's contact details can be found overleaf.

## Why do the Trustees need to process my personal data?

The personal data processed by the Trustees is used to administer the Fund effectively, pay your benefits as they fall due, and meet certain employer and member requirements. The legal basis of this processing is what is known as the 'legitimate interests' of the Trustees in administering the Fund. This means that certain personal information is required to administer the Fund and pay benefits. If appropriate personal data is not used by the Trustees, they may be unable to provide some or all of the benefits to which you are entitled.

In addition, the Trustees may collect, hold and use personal data about you that is of a sensitive nature ('Sensitive Personal Data'), such as medical information about you. Where the Trustees are required to process Sensitive Personal Data, they will approach you or the relevant individuals for specific consent to the processing of such data. If you are living outside of the EEA, the Trustees will seek your consent to sending your own personal data to you outside of the EEA.

The type of personal information held by the Trustees which is regarded as personal data includes your:

- Full name;
- Home address and other contact details;
- Gender;
- Date of birth;
- Marital or relationship status;
- National Insurance number;
- Historic annual or pensionable salary at date of deferment or taking pension;
- Bank account details;
- Benefit entitlements; and
- Dependant Pension/Death Benefit nominees

## Who provides the Trustees with data?

The data processed by the Trustees is provided primarily by you as a member of the Fund.

Other information may be provided by current and former employers of Fund members, other pension schemes and pension providers, independent financial advisers, medical practitioners, other advisers from whom the Trustees receive professional advice and services in relation to the administration of the Fund, and Her Majesty's Revenue and Customs (HMRC).

## Who might have access to my personal data?

The Trustees may disclose personal data to actuarial and other financial advisers where this is required in order to administer or manage the Fund, and to the Fund's administrator. Where it's required to run the Fund and pay your benefits, the Trustees may also provide data to providers of other professional services, regulatory authorities and healthcare practitioners, insurers, the employer, HMRC, the Pensions Regulator, other pension schemes, and independent financial advisers. Data may also be provided to other persons if you have provided permission for us to do so.

The Trustees recognise that certain 'data processors', for example the Fund's administrator, may have operations/offices outside of the European Economic Area (EEA), in countries that have not yet been determined by the European Commission as offering an adequate level of data protection. The Trustees will ensure that, where your personal data is processed outside of the EEA, that there are equally strong controls on how the data is processed, and will ensure that there are contractual arrangements that ensure that this is the case. If you wish to see a copy of these contractual arrangements, please contact the Fund Secretary at the address below.

Personal data may also be provided to any potential future parent Company of either Smith & Nephew plc, or any subsidiary company, subject to appropriate and robust measures being agreed between the Trustees and that company.

### How long is my data kept for?

The Trustees will retain personal data for as long as is needed to ensure that your benefits are paid as they fall due and for the purposes of maintaining records of steps the Trustees have taken to comply with their obligations under the Fund. Inevitably, this means that personal data may be retained by the Trustees for extremely long periods of time, including after entitlement to receive benefits by an individual and/or their beneficiaries has ceased. GDPR requires the Trustees to set a timescale after which data is no longer held, and following advice received, the Trustees have agreed that this period should be 12 years after the Fund is wound up. The Trustees will regularly review their data retention policy to make sure that they have the data they need to fulfil their obligations, but also that data is not held any longer than is considered necessary.

### Changes to this Notice

The Trustees reserve the right to change this statement and any other relevant policies or procedures at any time without prior notice to you. Any changes that the Trustees make to this statement will be

notified to you to keep you updated as to how your personal data may be processed. Any changes the Trustees make to this statement will apply to both data already held and any future data, but the policy change will apply from the date at which the Trustees notify you.

### Can I find out what data is held about me?

Yes. You have a right:

- To be told about the data that the Trustees hold about you and to receive a copy of the information that constitutes personal data about you, on request;
- To request access to and rectification or erasure of personal data, restriction of processing concerning you and the right to data portability (as set out in, and subject to limits imposed by, the data protection laws). However, you should be aware that if you request that no data is held, this will directly affect the Trustee's ability to pay your benefits in line with the Fund rules;
- To withdraw consent to processing Sensitive Personal Data (where this has been given) though you should know that any processing of Sensitive Personal Data prior to the withdrawal of your consent would be lawful;
- To lodge a complaint about the processing of your data with the UK data protection supervisory authority (The Information Commissioner's Office, or ICO).

**If you wish to exercise the above rights, have any further queries regarding this statement, or wish to contact the Trustees about your personal data, you should write to the Fund Secretary at the following address:**

**Inside Pensions Limited, First Floor, Trident House, 42-48 Victoria Street, St Albans, Hertfordshire AL1 3HZ or at the following email: [smithandnephew@insidepensions.com](mailto:smithandnephew@insidepensions.com)**

