

Smith & Nephew UK Pension Fund Data Privacy Notice

May 2023

Background

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 to 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.

For the purposes of UK data protection legislation (being the UK General Data Protection Regulation, the Data Protection Act 2018 and all other applicable legislation relating to the processing of personal data (‘**Data Protection Legislation**’), the Trustees are the ‘data controller’ of personal data which is the subject of this notice. The registered address of the Trustees is Building 5, Croxley Park, Hatters Lane, Watford 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 on page 3.

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 Data Protection Legislation. 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 at the end of the statement.

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 to 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 and to comply with their legal obligations as Trustees of 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 are 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 include your:

- Full name;
- Home address and other contact details;
- Gender;
- Date of birth;
- Marital or relationship status;
- National Insurance number;
- Employment details including historic annual or pensionable salary at date of deferment or taking pension;
- Bank account details;
- Benefit entitlements; and
- Details of your relatives or dependants, including 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 and service providers (including insurers and identity verification 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?

We are not allowed to share personal data about you with other organisations and people, unless the law allows us to or you have given your consent. From time to time we need to share information with others in order to provide you with benefits, meaning there is a legitimate interest in the Trustees sharing this information. We may also need to share it in order to meet contractual and other legal obligations.

We share personal data with the following:

- The third parties who are responsible for the day-to-day administration of the Scheme on behalf of the Trustees;
- Your current or former employer within the Fund or its successors;
- The Fund's professional advisers, including the actuary, auditor, medical advisers, investment adviser, lawyers and Scheme Secretary;
- HM Revenue & Customs and other statutory bodies (such as the Pensions Ombudsman and the Pensions Regulator);
- The advisers and printers who help us prepare various communications we send to you, such as the Summary Funding Statement and annual benefit statement which we may be required to provide in future;
- Our appointed insurance company or companies for the purposes of additional voluntary contributions and bulk annuity (or buy-in) transactions;
- Depending upon how we pay pensions and/or lump sums, the personal data we have to supply in order to effect a BACS transfer (the Bankers' Automated Clearing Service) or CHAPS (the Clearing House Automated Payment System) in the UK and/or a payment via the administrators' banking providers when pensions are being paid overseas; and
- Tracing agencies who assist the Trustees with updating scheme data from time to time.

The Trustees recognise that certain 'data processors', for example the Fund's administrator, may have operations/offices outside of the UK or the European Economic Area (EEA), in countries that have not yet been determined by a relevant regulatory body as offering an adequate level of data protection. The Trustees will ensure that, where your personal data is processed outside of the UK or the EEA, there are equally strong controls on how the data is processed, and will also ensure that there are contractual arrangements in place that confirm that this is the case. If you wish to see a copy of these contractual arrangements, please contact the Fund Secretary at the address on page 3.

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.

Buy-in transactions

The Trustee has purchased a number of bulk annuity policies with Rothesay Life to support the payment of benefits to members. We need to provide personal information to Rothesay Life from time to time in order to comply with our obligations (under the policies and as Trustees of the Fund), and to ensure payments are received in respect of your benefits (as applicable).

Members may view Rothesay's scheme member privacy notice in the section headed 'Members of pension schemes whose trustees have purchased an insurance policy from Rothesay' on Rothesay's website. This can be accessed using the following link: www.rothesay.com/data-protection/

Rothesay also provides privacy information for trustees to send to members which can be accessed by clicking here: www.rothesay.com/media/aaadtreu/privacy-information-oct-2020.pdf. This document provides more detail regarding Rothesay and what they do with the data the Trustee provides them with.





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, Data Protection Legislation). However, you should be aware that if you request that no data is held, this will directly affect the Trustees' 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; and
- 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 these 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:

ZEDRA Inside Pensions Limited
First Floor, Trident House
42-48 Victoria Street
St Albans
Hertfordshire AL1 3HZ

or at the following email:
sta.smithandnephew@zedra.com



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. Data Protection Legislation requires the Trustees to set a date at 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 so that you are kept 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.