

## Information

# Q&A for members of the Firefighters Pension Schemes

## What is the GDPR?

The General Data Protection Regulation (GDPR) is a new set of European Union (EU) regulations due to come into force on 25 May 2018. It will change how organisations process and handle data, with the key aim of giving greater protection and rights to individuals.

## What laws currently govern data protection in the UK?

Currently in the UK the Data Protection Act 1998 sets out how your personal information can be used by companies, government and other organisations. The GDPR will replace the Data Protection Act 1998 when it comes into force on 25 May 2018.

## Will the GDPR still apply to the UK after Brexit?

The UK is in the process of implementing a new Data Protection Bill which largely includes all the provisions of the GDPR. There are some small differences, but once the Bill has passed through Parliament and become an Act, UK law on data protection will largely be the same as that of the GDPR.

## So what's new?

There are new and extended rights for individuals in relation to the personal data an organisation holds about them, for example, an extended right to access and a new right of data portability. You can obtain further information about these rights from the Information Commissioner's Office at: [www.ico.org.uk](http://www.ico.org.uk) or via their telephone helpline (0303 123 1113).

In addition, organisations will have an obligation for better data management and a new regime of fines will be introduced for use when an organisation is found to be in breach of the GDPR.

## **What are the main principles of the GDPR?**

The GDPR states that personal data must be:

- processed lawfully, fairly and in a transparent manner
- collected only for specified, explicit and legitimate purposes
- adequate, relevant and limited to what is necessary
- accurate and kept up to date
- held only for the absolute time necessary and no longer
- processed in a manner that ensures appropriate security of the personal data.

## **What is personal data?**

The GDPR applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people.

## **Who is responsible for my personal data in the Firefighters Pension Scheme?**

Each Fire Authority is considered to be a Data Controller for pension scheme data and as such determines how, and for what purposes, data is to be processed. Typically administration is carried on each Fire Authority's behalf by an external pensions administrator. However the administrator is considered to be a Data Processor and processes the data on the instructions of the Fire Authority. This means that ultimately your Fire Authority has responsibility for your pension scheme data.

## **How will the GDPR affect members of the Firefighters' Pension Scheme?**

Your Fire Authority and the pension administrators will already have procedures in place which comply with similar data protection principles under the Data Protection Act 1998. The new regulations will reinforce these existing requirements, and members of the Firefighters' Pension Schemes are unlikely to notice a change in the service they receive from their pension provider.

## **How will members know that their Fire Authority and pension administrators are GDPR compliant?**

Both data controllers and processors will be required to update their privacy notice in line with the new requirements setting out, among other things, why certain data is held, the reason for processing the data, who they share the data with and the period for which the data will be retained. Within the notice, members will also be provided with additional information about their rights under the legislation.

## **Why do pension administrators hold personal data?**

Pension administrators require various pieces of personal data provided by both the individual member and the Fire Authority in order to administer the pension scheme. This data includes, but is not limited to, names, addresses, National Insurance numbers and salary details which are required to maintain scheme records and calculate member benefits.

## **Who do Fire Authorities and pension administrators share personal data with?**

On occasion, Fire Authorities and pension administrators are required to share personal data with third parties in order to meet regulatory and government requirements, to gather necessary information for the accurate payment of member benefits and to ensure scheme liabilities are met. Each Fire Authority's privacy notice will set out who they share data with; this is likely to include bodies such as Government Actuaries Department (GAD), Home Office and HMRC.

## **Can members of the Firefighters' Pension Schemes ask for their data to be deleted?**

The GDPR provides individuals with the 'right to be forgotten' in certain limited circumstances. However, in practical terms the exercise of this right in relation to pension scheme data is limited as the deletion of data can prevent the Fire Authority from carrying out its duties. Pension providers are required to process personal data to comply with legal obligations under pension legislation, therefore, the 'right to be forgotten' is unlikely to apply to pension data held by your Fire Authority.

## **What happens if there is a data breach?**

Data breaches are a rare occurrence within pension administration. However, should a security breach concerning a member's personal data occur that is likely to result in a risk to that member's rights and freedoms, there will be a direct obligation under the GDPR for the data controller (the Fire Authority) to inform the Information Commissioners Office within 72 hours of the breach taking place.