

## Your Data, Your Rights

The Data Protection Act 2018 directly replaced the existing Data Protection Act 1998 on 25 May 2018 to take account of a new European Union Regulation, the General Data Protection Regulation (GDPR).

### How will the GDPR affect East Riding Pension Fund members?

The Data Protection Act controls how your personal information is used by East Riding Pension Fund (ERPF). Personal data means data which relate to a living individual who can be identified. ERPF has to follow strict rules called 'data protection principles' and there are new and extended rights for individuals in relation to the personal data ERPF holds. ERPF has policies and procedures in place to ensure that we are compliant with GDPR and we also train all our staff.

More information about how ERPF uses personal data, who we share the data with and the period for which the data will be retained can be found in ERPF Privacy Notice at [www.eastriding.gov.uk/privacynotice](http://www.eastriding.gov.uk/privacynotice).

### 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; and
- processed in a manner that ensures appropriate security of the personal data.

### Why does ERPF hold personal data?

ERPF has a legal obligation and statutory duty to administer the Local Government Pension Scheme (LGPS) on behalf of qualifying employers and scheme members. To do this we require various pieces of personal data provided by both the individual member and their employer. This data includes, but is not limited to, name, address, National Insurance number and salary details. This data is required to maintain scheme records and calculate member benefits.

We will always try to let you know why we need information when we collect it from you.

### What can I do if my personal data ERPF holds is incorrect?

You can have your personal data corrected if it is incorrect or incomplete. ERPF will respond to your request within one month. You will need to provide evidence that information is incorrect.

Whether or not we can rectify the information depends on the reason we have it recorded in the first place. If information is incorrect and has been shared with third parties, we will make efforts to inform them.

### **How can I access the personal data ERPF holds about me?**

If ERPF holds your personal information you have the right to access it, free of charge. You can ask us; what data ERPF holds about you; to have access to your personal data; and for other additional information, such as who it has been shared with and how long we are storing it.

ERPF will provide you with the information within **one month** (we will aim to respond within 28 days) of receiving your request. However if the request is particularly complex we may have to extend this by two months. Please note, if you request repeat copies of information we may charge you.

If you want someone else's information included in your request you will need their permission. This includes if you are asking for your child's information (normally if they are over 12 this will apply).

This right does not give you automatic right to see everything we hold. There are circumstances where we may need to withhold information.

### **Can I ask for my 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 LGPS funds is limited as the deletion of data can prevent ERPF from carrying out its duties. LGPS funds 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 data held by LGPS funds.

### **Who do LGPS funds share personal data with?**

On occasion, LGPS funds 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. Our Privacy Notice sets out who we share data with.

### **What will happen if there is a data breach?**

Data breaches are a rare occurrence within LGPS funds. 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 ERPF to inform the Information Commissioners Office within 72 hours of the breach taking place.

### **Where can I find out more?**

If you want to know more about how ERPF uses information, your rights or have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. You can contact us by emailing [erpf@eastriding.gov.uk](mailto:erpf@eastriding.gov.uk) or by telephone 01482 394150.

Alternatively, you can contact the Information Commissioner Office as [www.ico.org.uk](http://www.ico.org.uk) or via their telephone helpline 0303 123 1113.