



the Cheviot **trust**

Privacy Policy for Members and other beneficiaries

September 2023



Policy/Procedure:	Privacy Policy for members and other beneficiaries
Strategic plan task ID:	362
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Objective:	To establish how the Trustee protect members data
Department:	CEO
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Review timescale:	Biennial

Version	Date	Completed by	Amendment	Approved by	Date approved
1.0	May 2018	Steph Howell	NA	EMCK	May 2018
2	March 2020	Hannah Cox	Update of Actuary contact details and Data Protection Contact details	EMcK	4 March 2020
2.1	April 2021	Eleanor Miglec			
2.2	Oct 2021	Adam Parmenter	Wording changes	Legal Committee	13 October 2021
2.3	October 2022	Adam Parmenter	Change Hannah Cox to Georgi Almond-Ive	Risk and Compliance Committee	June 2023
3	September 2023	G A-IVE	Biennial Review	Risk and Compliance Committee	September 2023



the Cheviot trust

Cheviot Trustees Limited (the 'Trustee')

The Cheviot Trust (the 'Scheme')

Privacy Policy for members and other beneficiaries

1 Privacy Policy

- 1.1 The Trustee ('**we/us/our**') is committed to safeguarding the privacy of our members and your agents and relations ('**you**') who we provide services to. We use commercially reasonable physical, electronic and procedural measures to protect your personal information in accordance with data protection legislative requirements. This Privacy Policy sets out our personal information collection and sharing practices of your personal information that you (or others on your behalf such as your employer(s) or adviser(s)) provide to us either in person, in writing, through a website, via email or over the telephone. Please also see the Privacy Acknowledgement and Consent attached to this Privacy Policy.
- 1.2 Further notices highlighting certain uses we wish to make of your personal information together with the ability to opt in or out of selected uses may also be provided to you when we collect personal information from you.
- 1.3 This Privacy Policy is intended to explain our privacy practices and covers the following areas:
- (a) what personal information about you we may collect;
 - (b) how we may use your personal information;
 - (c) who we may disclose your personal information to;
 - (d) how we protect your personal information;
 - (e) contacting us and your rights in relation to your personal information; and
 - (f) how changes to this Privacy Policy will be made.

2 Information we may collect about you

- 2.1 We may collect and process the following personal information about you
- (a) **biographical information you or your employer provides to us:** personal information that you or your employer provides to us, such as in relation to your membership of the Scheme including your name, gender, age and date of birth, address (and/or proof of address), other contact details, national insurance number;
 - (b) **employment information you or your employer provides to us:** your bank account details, details of your employment (including your salary) and details of your family and dependants;
 - (c) **anti-fraud information:** information which establishes your identity, such as birth/marriage/death certificates and passports;



- (d) **our correspondence/telephone notes:** if you contact us, we may keep a record of that correspondence;
- (e) **benefits details:** details of the benefits provided to you under the Scheme; and
- (f) **website and communication usage:** where you visit our websites, we also collect details of your visits to the websites and information collected through cookies and other tracking technologies including, but not limited to, your IP address and domain name, your browser version and operating system, traffic data, location data, web logs and other communication data and the resources you access.

Special Categories of Personal Data

In order to effectively administer your benefits under the Scheme, we may be required to collect, process and disclose Special Categories of Personal Data, as defined in legislation, about you which may include health data or data relating to your sexual orientation and/or the gender of your partner, and in limited circumstances data which may reveal your political or religious opinions or racial/ethnic origins, which you may provide or have provided to us or we may have obtained or may obtain from other sources to the extent relevant to the administration of your benefits under the Scheme.

For example, we may need to process data about your health in relation to your application for an ill-health benefit. We may also record details of your relatives and/or dependants, for example, on an 'Expression of Wishes' form so that we can distribute any benefits payable on your death. Alternatively, you may nominate a certain charity or political group to receive such distribution.

Where we process Special Categories of Personal Data, we will ask for your explicit consent to this, unless there is an alternative legal basis for processing this information under the data protection laws. Once you have given your consent, you can withdraw it at any time by writing to us using the contact details at paragraph 5.4 of the Privacy Policy.

If at any time you do not want us to process this personal data, you can contact us at paragraph 5.4 of the Privacy Policy.

You should be aware that in most circumstances we will not be able to provide pension administration services to you and pay benefits to you or your dependants without continuing to process this personal data.

3 Uses made of your personal information

3.1 We may use your personal information in the following ways. For each use, we note the legal bases we use to justify each use of your personal information. Further explanation of these legal bases can be found in Appendix 1 to this Policy.

- (a) **to provide our services effectively to you, administer your benefits under the Scheme and conduct our business:** to administer our services, including to carry out our obligations (including in relation to administering the benefits under the Scheme), which may include passing your data to third parties such as agents or contractors (e.g. IT consultants) or to our advisors (e.g. legal, actuarial, covenant, investment or other advisors);

Legal bases: legal obligations, legitimate interests (to enable us to perform our obligations, manage our business and provide our services to you);



- (b) **actuarial valuations:** in order comply with our actuarial duties, we are required to provide membership data to our actuarial advisers to undertake all of the actuarial work necessary for the Schemes.

The Scheme Actuary for the Cheviot pension is currently Peter Black of XPS Pensions Group. In accordance with guidance issued by the Information Commissioner's Office (ICO), the Trustees and Scheme Actuary of the Scheme are considered "joint data controllers" (the holders, users and processors of personal data) for the purposes of the GDPR. XPS Pensions Group has an appointed Data Protection Officer tasked with ensuring its compliance with data protection legislation. They can be contacted at XPS Pensions Group, Tempus Court, Onslow Street, Guildford, GU1 4SS.

The Scheme Actuary for Schemes other than the Cheviot pension is currently Edward Spencer of Barnett Waddingham. In accordance with guidance issued by the Information Commissioner's Office (ICO), the Trustees and Scheme Actuary of the Scheme are considered "joint data controllers" (the holders, users and processors of personal data) for the purposes of the GDPR. Barnett Waddingham has an appointed Data Protection Officer tasked with ensuring its compliance with data protection legislation. They can be contacted at Barnett Waddingham LLP, Cheapside House, 138 Cheapside, London EC2V 6BW.

The Scheme Actuaries use your personal data to advise the Trustees on the financial management of the Scheme. This advice helps to ensure the Trustees are able to meet their obligations to pay members' benefits and is necessary to comply with obligations placed on them by legislation, including the Pensions Act 2004. The Scheme Actuaries will not pass your personal data to any third party without the prior agreement of the Trustee.

Legal bases: legal obligations, legitimate interests (to comply with statutory requirements);

- (c) **Third Party Administration:** currently we provide the pensions administration services in-house. However, if at any time we did decide to outsource some or all of the same, we may use data provided by you to monitor the performance of our Third Party Administrator(s), such as reviewing feedback from member questionnaires and looking into complaints;

Legal bases: legitimate interests (to ensure the service provided to members is of an acceptable standard); and

- (d) **investment advisors:** we are required to provide membership data to our investment advisers to undertake the investment work necessary for the Scheme;

Legal bases: legitimate interests (to ensure the service provided to members is of an acceptable standard);

- (e) **in relation to fraud prevention:** we and other relevant organisations may also access and use certain information to prevent fraud as may be required by applicable law and regulation and best practice at any given time. If false or inaccurate information is provided and fraud is identified or suspected, details may be passed to fraud prevention agencies and may be recorded by us or by them;

Legal bases: legal obligations, legitimate interests (to ensure that you fall within our acceptable risk profile and to assist with the prevention of crime and fraud);

- (f) **to recover debts due:** to recover any payments due to us and where necessary to enforce such recovery through the engagement of debt collection agencies or taking other legal action (including the commencement and carrying out of legal and court proceedings);

Legal bases: legal claims, legitimate interests (to ensure that we are paid for our services);



- (g) **for research and development purposes:** to analyse it in order to better understand our members' requirements, to better understand our business and develop our services;

Legal bases: legitimate interests (to allow us to improve our services);

- (h) **to inform you of changes:** to notify you about changes in respect of the administration of the Scheme;

Legal bases: legitimate interests (to notify you about changes to our service);

- (i) **to transfer it to a replacement trustee:** in the event that we are removed as a trustee (for example, if a new trustee were appointed), we may need to transfer some or all of your personal information to the relevant replacement trustee or third party (and/or its advisors) as part of any due diligence process or transferred to that third party and used for the same purposes as set out in this policy;

Legal bases: legitimate interests (in order to allow us to transfer your data to replacement trustees/advisors);

- (j) **in connection with legal or regulatory obligations:** we may process your personal information to comply with our regulatory requirements which may include disclosing your personal information to third parties, the court service and/or regulators or law enforcement agencies in connection with enquiries, proceedings or investigations by such parties anywhere in the world or where compelled to do so. Where permitted, we will direct any such request to you or notify you before responding unless to do so would prejudice the prevention or detection of a crime;

Legal bases: legal obligations, legal claims, legitimate interests (to cooperate with law enforcement and regulatory authorities);

4 Transmission, storage and security of your personal information

Security over the internet

- 4.1 While no data transmission (including over the Internet or any website) can be guaranteed to be secure from intrusion, we maintain commercially reasonable physical, electronic and procedural safeguards to protect your personal information in accordance with data protection legislative requirements.
- 4.2 All information you provide to us is stored on our and/or our subcontractors' secure servers and accessed and used subject to our security policies and standards. If we have given you (or where you have chosen) a password which enables you to access certain parts of our and/or our subcontractors' websites, you are responsible for keeping this password confidential and for complying with any other security procedures that we or our subcontractors notify you of. We ask you not to share a password with anyone.

Export outside the UK

- 4.3 Your personal information may be accessed by staff or suppliers in, transferred to, and/or stored at, a destination outside the UK in which data protection laws may be of a lower standard than in the UK. Regardless of location or whether the person is an employee or contractor we will impose the same data protection safeguards that we deploy inside the UK.
- 4.4 Certain countries outside the UK have been approved by the UK government as providing essentially equivalent protections to UK data protection laws and therefore no additional safeguards are required to export personal information to these jurisdictions. In countries which have not had these approvals, we will either ask for your consent to the transfer or will transfer it subject to approved contractual terms



that impose equivalent data protection obligations directly on the recipient unless we are permitted under applicable data protection law to make such transfers without such formalities.

- 4.5 Please contact us as set out in paragraph 5.4 below if you would like more information about these safeguards.

Storage limits

- 4.6 We will retain your personal information for as long as is necessary for the processing purpose(s) for which they were collected and any other permitted linked purpose (for example, we will usually retain personal data up until the later of the death of the beneficiary or dependant (as applicable) plus six years. If information is used for two purposes, we will retain it until the purpose with the latest period expires; but we will stop using it for the purpose with a shorter period once that period expires.
- 4.7 We restrict access to your personal information to those persons who need to use it for the relevant purpose(s). Our retention periods are based on business needs and your information that is no longer needed is either irreversibly anonymised (and the anonymised information may be retained) or securely destroyed.

5 Your rights & contacting us

Your rights

- 5.1 If you have any questions in relation to our use of your personal information, you should first contact us as per paragraph 5.4 below. Under certain conditions, you may have the right to require us to:
- (a) provide you with further details on the use we make of your information;
 - (b) provide you with a copy of information that you have provided to us;
 - (c) update any inaccuracies in the personal information we hold (we will use reasonable endeavours to ensure that your personal information is accurate. In order to assist us with this, you should notify us of any changes to the personal information that you have provided to us by contacting us as set out in paragraph 5.4 below);
 - (d) delete any personal information we no longer have a lawful ground to use;
 - (e) where processing is based on consent, to withdraw your consent so that we stop that particular processing;
 - (f) object to any processing based on the legitimate interests ground unless our reasons for undertaking that processing outweigh any prejudice to your data protection rights; and
 - (g) restrict how we use your information whilst a complaint is being investigated.

Your exercise of these rights is subject to certain exemptions to safeguard the public interest (e.g., the prevention or detection of crime) and our interests (e.g. the maintenance of legal privilege). If you exercise any of these rights, we will check your entitlement and respond in most cases within a month.

- 5.2 If you are not satisfied with our use of your personal information or our response to any exercise of these rights, you have the right to complain to the Information Commissioner's Office (**ICO**). The ICO can be contacted at:



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Information Commissioner's Office (Head Office)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113

Contacting us

- 6.1 The “data controller” of your personal information processed by us under this Privacy Policy is The Trustee.
- 5.4 If you have any questions in relation to this policy, please contact our Data Protection Contact which is currently Georgi Almond-Ive by writing to The Cheviot Trust, Kingswood House, 58-64 Baxter Avenue, Southend on Sea, Essex SS2 6BG or call on 01702 354024 or email people@cheviottrust.com.

7 Changes to our Privacy Policy

- 7.1 Our Privacy Policy may change from time to time in the future. If we change the uses of your information in a material way, we will provide an update to this Privacy Policy to you.
- 7.2 This Privacy Policy came into force on 25th May 2018
- 7.3 Further notices highlighting particular uses we wish to make of your personal information together with the ability to opt in or out may also be provided to you when we collect certain personal information from you.



Appendix 1

Details of legal bases used to justify the processing of your personal information

These are the principal legal grounds that justify our use of your information as referred to in the section 3 of the Privacy Policy titled “Uses made of your personal information”:

Consent: where you have consented to our use of your information (you will have been presented with a consent form in relation to any such use).
Contract performance: where your information is necessary to enter into or perform our contract with you.
Legal obligation: where we need to use your information to comply with our legal obligations.
Legitimate interests: where we use your information to achieve a legitimate interest and our reasons for using it outweigh any prejudice to your data protection rights.
Legal claims: where your information is necessary for us to establish, defend, prosecute or make a claim against you, us or a third party.

These are the principal legal grounds that justify our use of your Special Categories of Personal Data as referred to in the section 3 of the Privacy Policy titled “Uses made of your personal information”:

Protection of vital interests of you or another person, where you are unable to consent: Processing is necessary to protect the vital interests of you or of another natural person where you are physically or legally incapable of giving consent.
Legal claims: where your information is necessary for us to establish, defend, prosecute or make a claim against you, us or a third party.
In the substantial public interest: Processing is necessary for reasons of substantial public interest, on the basis of EU or local law.
Explicit consent: You have given your explicit consent to the processing of this personal data for one or more specified purposes. You are free to withdraw your consent by contacting us in accordance with Section 5.4 of the Privacy Policy. If you do so, we may be unable to provide a benefit or service that requires the use of such data.



Cheviot Trustees Limited (the 'Trustee')

The Cheviot Trust (the 'Scheme')

Privacy Acknowledgement and Consent

By providing your information to the Trustee:

- 1 You acknowledge our use of your personal data as set out in our Privacy Policy which is attached to this document and consent to our use of Special Categories of Personal Data as set out below.
- 2 You understand that the Privacy Policy, and your acknowledgment of our use of your personal data under it, applies to any or all of the Cheviot Pension or any of the Final Salary Schemes of the Cheviot Trust or any other schemes that become part of the Cheviot Trust from time to time (the Schemes) that you may be a member of from time to time (each as defined in the Trust Deed dated 4 April 2017), noting that you may be a member of more than one Scheme under the umbrella of the Cheviot Trust.

Special Categories of Personal Data

In order to effectively administer your benefits under the Scheme, we may be required to collect, process and disclose Special Categories of Personal Data, as defined in legislation, about you which may include health data or data relating to your sexual orientation and/or the gender of your partner, and in limited circumstances data which may reveal your political or religious opinions or racial/ethnic origins, which you may provide or have provided to us or we may have obtained or may obtain from other sources to the extent relevant to the administration of your benefits under the Scheme.

For example, we may need to process data about your health in relation to your application for an ill-health benefit. We may also record details of your relatives and/or dependants, for example, on an 'Expression of Wishes' form so that we can distribute any benefits payable on your death. Alternatively, you may nominate a certain charity or political group to receive such distribution.

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If at any time you do not want us to process this personal data, you can contact us at paragraph 5.4 of the Privacy Policy.

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