

# Privacy notice 11: Pensions administration

Date completed 06/04/2023

This notice is one of a set which explain what data we collect, store and process to provide our services to customers. It also sets out the legal basis we are using for collecting the data stated.

- Privacy notice 01: Applications for employment
- Privacy notice 02: Employees and volunteers
- Privacy notice 03: Primary employment
- Privacy notice 04: Secondary employment
- Privacy notice 05: Medical records
- Privacy notice 06: Grievances, employment complaints and whistleblowing
- Privacy notice 07: Former KFRS employees
- Privacy notice 08: Learning and development
- Privacy notice 09: KFRS housing
- Privacy notice 10: Disciplinary and capability procedures
- Privacy notice 12: Insurance
- Privacy notice 26: Videos and images at incidents (employees and volunteers)
- Privacy notice 28: Videos and images at events (employees and volunteers)
- The overall privacy notice
- The breach process contained in Annex 1 of the Data Protection and Information Security Policy which sets out what we will do should any data we collect be lost or misused. This can be found here: <https://www.kent.fire-uk.org/freedom-information-foi>

## Our contact details

Kent Fire and Rescue Service  
The Godlands  
Straw Mill Hill  
Tovil  
Maidstone  
ME15 6XB

Email: [data.protection@kent.fire-uk.org](mailto:data.protection@kent.fire-uk.org)

Telephone: 01622 692121

## Why we collect and use personal data

This notice covers the collection, processing and re-use of personal data held by KFRS for the purposes of providing occupational pensions for our employees. It also covers ex-employees in receipt of an occupational pension scheme as a result of their employment with KFRS.

We have a legal duty under the [Pensions Act 2008](#) to provide access to an occupational pension scheme for all employees. As part of this we also need to be able to make a determination in connection with eligibility for, or benefits payable under, an occupational pension scheme.

Furthermore, when employees retire, we maintain a responsibility to ensure pension payments are made to them, although the process by which they are physically paid varies depending on the pension scheme to which they belong.

To do this we need to collect and process a range of personal data (including some special category data as defined by Article 9 of the UK GDPR) relating to both current and former employees. We also need to share this data with our pension administrators.

Kent County Council is the pension administrator for corporate colleagues' pension schemes, the Local Government Pension Scheme. Also referred to as 'Green Book Pensions'.

Local Pensions Partnership is the pension administrator for the firefighters' pension scheme. Also referred to as 'Grey Book Pensions'.

## The types of personal data we collect and process

As part of the process of providing pensions for our employees we may collect, process and share the following types of personal data:

- Name
- Date of birth
- Contact details such as addresses, telephone numbers and email addresses
- Payroll reference numbers
- Salary records
- Bank details and national insurance number
- Health and sickness data
- Criminal convictions, where this may result in pension forfeiture

## Our lawful reasons for collecting and processing personal data

The six lawful bases for processing personal data are set out in [Article 6\(1\) of the UK GDPR](#). These are as follows:

**(a) Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.

**(b) Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

**(c) Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).

**(d) Vital interests:** the processing is necessary to protect someone's life.

**(e) Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

**(f) Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. NB: This cannot apply if you are a public authority processing data to perform your official tasks.

As part of providing access to an occupational pension scheme for employees we will collect and use personal data. To process the personal data required to do this, we will rely on the following lawful bases:

- **Contract** as set out in [Article 6\(1\)\(b\) of the UK GDPR](#). As part of our contract with our pension administrators, we will collect and share employees' data with them. This will also include records relating to pension disputes raised by existing and former employees. We will also share data with our actuarial service in order for them to be able to advise on the total value of our pension liabilities, which is also required by us in the preparation of our annual accounts.
- **Compliance with a legal obligation** as set out as set out in [Article 6\(1\)\(c\) of the UK GDPR](#), we will rely on this to meet our legal obligations to provide access to an occupational pension scheme for all employees, which includes being able to make a determination in connection with eligibility for, or benefits payable under, an occupational pension scheme. We will also maintain records where employees come into contact with hazardous materials in the course of their work, maintain records where employees have suffered an injury at work, including in connection with ill health retirements and ill health pensions. In connection with this, we will also retain training and competency records from your time as an employee as these may be necessary in order to defend KFRS or any of its employees or partners against legal action that former employees or their next of kin may undertake – including in relation to any ill health pension payments.

**Compliance with a legal obligation** requires a separate basis in law. This comes from the following:

- Our compliance with the requirements of the [Pensions Act 2008](#).

## Special category data

[Article 9 of the UK GDPR](#) covers special category data. Special category data is personal data that needs more protection because it is sensitive. The nine types of special category data are as follows:

- personal data revealing racial or ethnic origin;
- personal data revealing political opinions;
- personal data revealing religious or philosophical beliefs;
- personal data revealing trade union membership;
- genetic data;
- biometric data (where used for identification purposes);
- data concerning health;
- data concerning a person's sex life
- data concerning a person's sexual orientation

Among the data listed above that we might collect, the following meets the definition of 'special category data' as set out in Article 9 of the UK GDPR:

- health data: including medical conditions; sickness and injury.

In order to lawfully process special category data, we must identify both a lawful basis under Article 6 of the UK GDPR and a separate condition for processing under Article 9. There are ten conditions for processing special category data, which are as follows:

- (a) Explicit consent
- (b) Employment, social security and social protection (if authorised by law)
- (c) Vital interests (of the data subject)
- (d) Not-for-profit bodies
- (e) Made public by the data subject
- (f) Legal claims or judicial acts
- (g) Reasons of substantial public interest (with a basis in law)
- (h) Health or social care (with a basis in law)
- (i) Public health (with a basis in law)
- (j) Archiving, research and statistics (with a basis in law)

This data is collected to allow KFRS to prepare and enter and contract with its pension administrators and fulfil its legal obligations to provide access to an occupational pension scheme for all employees and aid us in making a determination in connection with eligibility for, or benefits payable under, an occupational pension scheme. To lawfully process this special category data, KFRS is relying on the following conditions:

- **Employment, social security and social protection (with a basis in law)** condition as set out in [Article 9\(2\)\(b\) of the UK GDPR](#).
- **Reasons of substantial public interest (with a basis in law)** condition as set out in [Article 9\(2\)\(g\) of the UK GDPR](#).

The requisite basis in law for both the **Employment, social security and social protection** condition and the **Reasons of substantial public interest** condition comes from the following:

- Our compliance with the [Pensions Act 2008](#).

Because we are relying on the **reasons of substantial public interest condition** in Article 9(2)(g), we also need to meet one of 23 specific substantial public interest conditions set out in [paragraphs 6 to 28 Schedule 1, Part 2 of the DPA 2018](#).

The further required substantial public interest conditions that we rely upon are: [6 Statutory etc and government purposes](#), specifically paragraph 6(2)(a) '*the exercise of a function conferred on a person by an enactment or rule of law*'. As above, this '*function conferred...by an enactment or rule of law*' is our compliance with with the [Pensions Act 2008](#).

[21 Occupational pensions](#), particularly the ability to make a determination in connection with eligibility for, or benefits payable under, an occupational pension scheme.

## Appropriate policy document

When processing special category data under the '(b) Employment, social security and social protection condition; or (g) Reasons of substantial public interest' condition, there is a requirement under the Data Protection Act 2018 ([Schedule 1, Part 1, Paragraph 1\(1\)\(b\) and Schedule 1, Paragraph 5\(1\) respectively](#)) to have an 'appropriate policy document' in place.

The appropriate policy document must set out the information below and be retained for six months after the date the relevant processing stops.

- a. Which substantial public interest condition is relied on.
- b. How the processing satisfies Article 6 of the UK GDPR (lawfulness of processing).
- c. Whether the personal data is retained and erased in accordance with the controller's policies, including giving an indication of how long such personal data is likely to be retained.
- d. Explain the controller's procedures for securing compliance with the principles in Article 5 of the UK GDPR (principles relating to processing of personal data) in connection with the processing of personal data in reliance on the condition in question.

In line with these requirements, an appropriate policy document is in place.

## Who might we share your data with?

To provide access to an occupational pension scheme for all employees we will share data with our pension administrators. In relation to pensions we currently share employees' data with the following organisations:

- Kent County Council and the Local Pensions Partnership. Kent County Council is the pension administrator for corporate colleagues' pension schemes. The Local Pensions Partnership is the pension administrators for the firefighters' pension scheme.

- We will pass taxation and payments records to HMRC and the National Fraud Agency as per their requirements applicable at the time. This may include requests by them to contribute to fraud investigations involving data from one or more employees.

## **Where is the data stored?**

Other data (including payroll) is held in iTrent, which is KFRS' payroll system and electronic employee portal, and is hosted on a cloud-based server system provided by our supplier MHR. Their privacy notice can be found here:

<https://mhrglobal.com/uk/en/privacy-policy>

Data related to the administration of your pension is stored on the system of our pension administrators, Kent County Council and the Local Pensions Partnership. Their respective privacy notices can be found here:

<https://www.kentpensionfund.co.uk/local-government/about-us/privacy-policy>

<https://www.localpensionspartnership.org.uk/Your-Privacy>

## **How long will we hold your data for?**

Personal data collected as part of your role as an employee of KFRS will be held in accordance with the periods set out in sections 7 and 13 of KFRS' Publication and Retention Scheme (<https://www.kent.fire-uk.org/freedom-information-foi>)

## **What are my data protection rights?**

Under data protection law, you have the following rights:

### **Your right of access**

You have the right to ask us for copies of your personal information. You can ask to see it by making a subject access request. Guidance for making a request is available here:

<https://www.kent.fire-uk.org/freedom-information-foi>

### **Your right to rectification**

You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

### **Your right to erasure**

You have the right to ask us to erase your personal information in certain circumstances.

### **Your right to restriction of processing**

You have the right to ask us to restrict the processing of your personal information in certain circumstances.

### **Your right to object to processing**

You have the the right to object to the processing of your personal information in certain circumstances.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

If you wish to make a request, please contact us at:

Email: [data.protection@kent.fire-uk.org](mailto:data.protection@kent.fire-uk.org)

Telephone: 01622 692121

Address:

Kent Fire and Rescue Service  
The Godlands  
Straw Mill Hill  
Tovil  
Maidstone  
ME15 6XB

## **How to complain**

If you have any concerns about our use of your personal information, you can make a complaint to us using the contact information above.

You can also complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:

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

Helpline number: 0303 123 1113

ICO website: <https://www.ico.org.uk>