

Appropriate policy document for privacy notice 11: Pensions administration

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How Kent Fire and Rescue Service (KFRS) protects special category data of employees in relation to occupational pensions.

1. Collecting data as an employer

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 (KCC) is the pension administrator for corporate colleagues' pension schemes, this is the Local Government Pension Scheme. Also referred to as 'Green Book Pensions'.

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

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>

2. About this appropriate policy document

This is the 'appropriate policy document' that sets out how, in its capacity as an employer, KFRS will protect special category of its employees in relation to occupational pensions.

It meets the requirement set out in [Schedule 1, Part 1, Paragraph 1 of the Data Protection Act 2018](#) that an appropriate policy document be in place where the processing of special category personal data is necessary for ‘**employment, social security and social protection**’ as set out in [Article 9\(2\)\(b\) of the UK GDPR](#).

It meets the requirement set out in [Schedule 1, Part 2, Paragraph 5 of the Data Protection Act 2018](#) that an appropriate policy document be in place where the processing of special category personal data is necessary for ‘**reasons of substantial public interest**’ as set out in [Article 9\(2\)\(g\) of the UK GDPR](#).

The specific conditions under which data may be processed for reasons of substantial public interest are set out in [Schedule 1, Part 2, Paragraphs 6 to 28 of the Data Protection Act 2018](#) (see section 3.3 below).

3. Lawful basis for processing this data

3.1 Lawful basis under Article 6 of the UK GDPR

KFRS is relying 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.

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](#).

The requirement under [Article 13 of the UK GDPR](#) (information to be provided where personal data are collected from the data subject), is met through the provision of [privacy notice 11: Pensions administration](#).

3.2 Condition for processing special category data under Article 9 of the UK GDPR

The special category data that is being processed in relation to occupational pensions may include:

- health data, including medical conditions; sickness and injury. Pension scheme members will have to attend a medical assessment undertaken by an independent doctor to make an assessment on an ill health claim.

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](#).

3.3. Where ‘reasons of substantial public interest’ is identified as the condition for processing under Article 9 of the UK GDPR, then the organisation also needs to meet one of 23 specific substantial public interest conditions set out in [Paragraphs 6 to 28, Schedule 1, Part 2 of the Data Protection Act 2018](#)

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 first of the two substantial public interest conditions that we are relying upon is:

[6 Statutory etc and government purposes](#), specifically section 62(a), *‘the exercise of a function conferred on a person by an enactment or rule of law’*.

This *‘function conferred...by an enactment or rule of law’* is:

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

The second of the two required substantial public interest conditions that we rely upon is:

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

4. Retention

Personal data collected about your physical and mental health 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>)

Occupational pension related data is retained for the amount of time that those purposes remain relevant and we have a legitimate reason for retaining the data as described in the associated privacy notice.

Where we no longer require the special category data for the purpose for which it was collected, we will delete it, put it beyond use or render it permanently anonymous

5. Procedures for securing compliance with the data protection principles

[Article 5 of the UK GDPR](#) sets out the data protection principles. Below are our procedures for ensuring that we comply with them.

5.1 Principle 1

Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

KFRS will:

- Ensure that personal data is only processed where a lawful basis applies, and where processing is otherwise lawful.
- Only process personal data fairly, and will ensure that data subjects are not misled about the purposes of any processing.
- Ensure that data subjects receive full privacy information so that any processing of personal data is transparent.

5.2 Principle 2

Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

KFRS will:

- Only collect personal data for specified, explicit and legitimate purposes, and we will inform data subjects what those purposes are in a privacy notice.
- Not use personal data for purposes that are incompatible with the purposes for which it was collected. If we do use personal data for a new purpose that is compatible, we will inform the data subject first.

5.3 Principle 3

Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

KFRS will only collect the minimum personal data that we need for the purpose for which it is collected. We will ensure that the data we collect is adequate and relevant.

5.4 Principle 4

Personal data shall be accurate and, where necessary, kept up to date.

KFRS will ensure that personal data is accurate and kept up to date where necessary. We will take particular care to do this where our use of the personal data has a significant impact on individuals.

5.5 Principle 5

Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.

KFRS will only keep personal data in identifiable form as long as is necessary for the purposes for which it is collected, or where we have a legal obligation to do so. Once we no longer need personal data it shall be deleted, but beyond use or rendered permanently anonymous.

5.6 Principle 6

Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

KFRS will ensure that there appropriate organisational and technical measures in place to protect personal data. All data will be held in electronic format on password protected devices provided by the Authority and accessible only to those who have a specified need.

6. Accountability principle

The controller shall be responsible for, and be able to demonstrate compliance with these principles. The Data Protection Officer is responsible for ensuring that KFRS is compliant with these principles.

We will:

- Ensure that, where appropriate, records are kept of personal data processing activities, and that these are provided to the Information Commissioner's Office (ICO) on request.
- Carry out a Data Protection Impact Assessment for any high risk personal data processing, and consult the ICO if appropriate.
- Ensure that a Data Protection Officer is appointed to provide independent advice and monitoring of departments' personal data handling, and that this person has access to report to the highest management level within KFRS.
- Have in place internal processes to ensure that personal data is only collected, used or handled in a way that is compliant with data protection law.

7. Data controller's policies as regards retention and erasure of personal data

We will ensure, where special category personal data is processed, that:

- There is a record of that processing, and that record will set out, where possible, the envisaged time limits for erasure of the different categories of data. This is set out in section 4 (Retention).
- Where we no longer require special category data for the purpose for which it was collected, we will delete it, put it beyond use or render it permanently anonymous.
- Data subjects receive full privacy information about how their data will be handled, and that this will include the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period.

8. Further information

For further information about this appropriate policy document or KFRS's compliance with data protection law, please contact us at:

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Kent Fire & Rescue Service

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Straw Mill Hill
Maidstone
ME15 6XB

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