

Pensions Committee

21 March 2018

Report title	General Data Protection Regulation (GDPR)	
Originating service	Governance and Corporate Services	
Accountable employee(s)	Rachel Howe	Head of Governance
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Recommendation for action or decision:

The Committee is recommended to:

1. Approve the GDPR policy

Recommendations for noting:

The Committee is asked to note:

1. The work undertaken to prepare the Fund for changes in data protection.
2. The Fund's role and work with Local Government Association (LGA) to deliver LGPS wide support and templates.
3. The work to be completed before 25 May 2018.
4. That no serious risks to data has been identified in the completion of Privacy Impact Assessments.
5. The role of Trustees as Data Controllers.

1.0 Purpose

- 1.1 To update Committee on the work of the fund in preparing for GDPR, including noting individual responsibilities.

2.0 Background

- 2.1 The EU General Data Protection Regulation (GDPR) replaces the Data Protection Directive 95/46/EC and was designed to harmonize data privacy laws across Europe, to protect and empower all EU citizens data privacy and to reshape the way organizations across the region approach data privacy.
- 2.2 Currently the UK Government is drafting its Data Protection Bill 2018 which will enact the GDPR into UK law post Brexit. Nothing is expected to change post Brexit in relation to the legal requirements for data protection and so the Fund has been progressing with implementing the requirements of GDPR.

3.0 Progress to date and preparations

- 3.1 The Fund has been working with a number of LGPS Funds across the country in preparation for the changes to Data Protection in May 2018. The latest piece of work has seen the production of template documents for use by LGPS Funds which have been submitted to the LGA for review. The LGA have appointed Squire Patton Boggs to provide an overview and guidance note for LGPS on the key issues to consider when preparing for GDPR. The Fund assisted in drafting the questions to be addressed and have provided comments on the draft note back to the LGA. It is expected the LGA will release these as national templates by end of February for use by all LGPS Funds.
- 3.2 In addition, the Fund has responded to the Information Commissioner's consultation on draft guidance for Data Controller and Data Processor contracts and we are waiting final publication of that guidance to enable us to review our existing data sharing agreements and third-party contracts. Work has already commenced on contacting our service providers to ensure they are preparing for GDPR with positive responses having been received to date and we are working with the Council's procurement team to update our high risk data contracts in time for the May deadline.
- 3.3 In line with this work, the Fund has drafted its revised Data Protection Policy, attached at Appendix One, to be published on our website which details the data held by the Fund, the reasons for holding it and a member's rights under GDPR in how they can both access the information we hold and challenge the Fund on its Data Protection processes. These together with the Fund's Fair Processing Notice and Data Maps will be published on our website in advance of the May deadline. Work continues on a number of "sub-policies" including Cyber Security and Records Management to ensure these are compliance with both GDPR and the Council's Policies.
- 3.4 In addition, the Fund has appointed "Data Angels", individuals across all service areas who are responsible for the implementation of GDPR within their teams and for the

training of their team members in the new principles and accountabilities that come with the changes.

- 3.5 Working with managers across all service areas, the Data Angels have completed Privacy Impact Assessments for the main data processes conducted by the Fund, and therefore the main areas considered to be high risk in the management of data, these include

- Joiner
- Leaver
- Retirement
- Deferred
- Death
- Third party beneficiaries
- Monthly returns
- Divorce
- Transfer
- Benefit statements
- Pensions Portal
- Employee data
- Roadshows/member events

On completion of these assessments, no high risk to data was identified by the Fund.

- 3.6 Attached at Appendix Two is a copy of the Fund's GDPR Project Plan noting the steps taken to date and those to be completed. The Fund is on course to meet the May 2018 deadline for implementation and has already started to publish information on its website ready for the changes.
- 3.7 Updates on the Fund's work to implement GDPR have been provided at each meeting of the Local Pension Board to ensure independent review of the work we have undertaken together with providing assurance of our readiness for the changes and the protection of our members' data.

4.0 The Role of Trustees as Data Controllers

- 4.1 Under GDPR Trustees on the Fund's Pension Committee may be considered to be Data Controllers where they come into direct contact with a member's personal details.
- 4.2 It is possible that Trustees will be contacted direct by members of the Fund seeking assistance with their record or pension. In these circumstances, the Trustee will become a data controller of that information and will be caught by the responsibilities of the GDPR. Where Trustees hold information, adequate processes will need to be in place to ensure the security of information and permission of the member will be needed in order for their information (or request) to be passed to a Fund officer to investigate.
- 4.3 Training on GDPR has been included in the Trustee training program for 2018/19.

5.0 Financial implications

- 5.1 The cost of implementing GDPR is included in the annual budget. Failure to adhere to the changes could result in fines of up to €20,000,000 or 4% of turnover.

6.0 Legal implications

- 6.1 The GDPR comes into force on 25 May 2018, the ICO has stated that provided bodies are taken steps to become compliant with GDPR, they will not take action or impose sever fines within the first 12 months of it coming into force.
- 6.2 However, there is a significant risk to the Fund of reputational impact should the Fund not comply with the requirements of GDPR, not least the lack confidence from our members and employers in our ability to manage and protect their personal data.

7.0 Equalities implications

- 7.1 The GDPR policy and the Privacy Impact Assessments have been drafted in line with the Equalities Act.

8.0 Environmental implications

- 8.1 There are no implications

9.0 Human resources implications

- 9.1 The Fund as a function of City of Wolverhampton Council (CWC) will have a responsibility to its employees under GDPR ensuring its compliance in the management of their personal data. The Council's Information Governance Team are taking this piece forward as part of their GDPR implementation plan with regular updates being presented to the Information Governance Board.

10.0 Corporate landlord implications

- 10.1 There are no implications.

11.0 Schedule of background papers

- 11.1 The Information Commissioner has published a number of guides and briefing notes on implementing GDPR which the Fund has used as its basis for drafting its documents and policies.

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

12.0 Appendices

- 12.1 Appendix 1 - Data Protection Policy 2018
- 12.2 Appendix 1a - GDPR Privacy Impact Assessment
- 12.3 Appendix 1b - Information Incident Report Form
- 12.2 Appendix 2 - GDPR project plan