

TRUSTEE DATA PROTECTION POLICY RELATING TO THE CLIFFORD CHANCE PENSION SCHEME

1. INTRODUCTION AND SCOPE

- 1.1 This is the data protection policy (the **Policy**) of Clifford Chance Pension Trustees Limited, in its capacity as trustee of the Scheme (the **Trustee**).
- 1.2 The administration of the Scheme requires Personal Data (and, occasionally, Sensitive Personal Data) in respect of members of the Scheme and other individuals who are beneficiaries / potential beneficiaries of the Scheme (referred to in this policy as **Data Subjects**) to be Processed. The Trustee, as a data controller, is committed to protecting the privacy of these individuals.
- 1.3 This Policy regulates the "Processing" of "Personal Data" and "Sensitive Personal Data". These terms are defined as follows:

1.3.1 **Personal Data**¹ means, broadly, information that:

- (a) relates to an identified or identifiable living individual; and
- (b) is held either (i) on a computer or in other electronic or automatically Processable form; or (ii) in a paper filing system arranged to be accessible according to specified criteria.

1.3.2 **Processing** means, broadly, collecting, storing, analysing, using, disclosing, archiving, deleting or doing absolutely anything else with Personal Data (and **Process**, **Processed** and **Processable** should be read accordingly).

1.3.3 **Sensitive Personal Data** means, broadly:

- (a) Personal Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership;
- (b) genetic data and biometric data Processed for the purpose of uniquely identifying a living individual;
- (c) Personal Data concerning a living individual's health, sex life or sexual orientation; and

¹ Note the following points:

- This Policy does not apply to information relating to companies and other legal persons (e.g. governmental agencies) unless it also relates to individuals.
- Information does not have to be particularly "personal" or "private" in nature to be Personal Data. Relatively trivial information, and information relating to individuals in their professional rather than their personal capacity, can be regulated by the GDPR and therefore by this Policy.
- Truly anonymised information is not personal data (the Data Subject must be either identified or identifiable). However this does not mean that, for example, removing the names of the Data Subjects is sufficient so that the information will not be Personal Data – if the Trustee can identify the individuals to whom the information relates, including by taking account of other information in its possession or to which it could reasonably get access, the information will be Personal Data.

- (d) Personal Data relating to criminal convictions and offences or related security measures.

- 1.4 The Trustee has put in place this Policy to ensure and demonstrate compliance with applicable data protection laws regulating the Processing of Personal Data. In particular, the Trustee (along with any person who Processes Personal Data on its behalf) will, on and from 25 May 2018, be obliged to comply with the requirements and restrictions of the General Data Protection Regulation (EU) 2016/679 (**GDPR**).
- 1.5 This Policy may be supplemented by additional documents or policies from time to time to ensure the Trustee meets its obligations under the GDPR and/or any other data protection laws to the extent applicable to the Trustee. The Trustee directors received training from their legal advisers regarding the requirements of and the Trustee's obligations under the GDPR at a Trustee meeting held on 21 November.
- 1.6 Annex 3 to this Policy sets out a glossary indicating where particular terms are defined in the text of this Policy. When defined terms are used in the text of this Policy, these are indicated by initial capital letters.

2. **PERSONAL DATA THE TRUSTEE COLLECTS**

- 2.1 The Personal Data which may be collected or have been collected by the Trustee includes, for example:
 - 2.1.1 members' names, genders, addresses, dates of birth, telephone numbers and email addresses;
 - 2.1.2 members' National Insurance numbers;
 - 2.1.3 members' service history while employed by Clifford Chance London Limited, including historical details of salary and other benefits, historical details of salary sacrifice arrangements and historical details of any period of absence and working hours;
 - 2.1.4 members' marital status and details of any dependants or potential beneficiaries, as well as expression of wish forms, copies of birth / death / marriage certificates and passports;
 - 2.1.5 members' bank details (typically this information is only held where benefits under the Scheme are in payment or due to come into payment shortly);
 - 2.1.6 in certain cases, information relating to members' health;
 - 2.1.7 benefit information e.g. benefit elections, pension details, dates of retirement and any relevant matters impacting benefits (e.g. details of Additional Voluntary Contributions, pension sharing orders, tax protections or other adjustments, retained benefits in other pension arrangements); and
 - 2.1.8 any other personal information which may be required to calculate the benefits provided from the Scheme or as necessary for the proper running and administration of the Scheme.

2.2 Some of this information is or has been collected directly from Scheme members (for example, by them filling in forms in relation to their membership of the Scheme, or corresponding with the Trustee or a representative of the Trustee by telephone, post, email or otherwise). In addition, if members visit the Scheme's website (<http://www.ccpensionsinfo.co.uk>) or the Clifford Chance website or intranet, it will automatically collect some information, including the Internet Protocol address used to connect the member's device to the Internet and some other information such as browser type and version and the pages on the site that they visit. The Trustee (or others on its behalf) may also collect (or have collected) some information from other sources. For example:

2.2.1 Some information is or will have been collected from Clifford Chance London Limited (both in its capacity as employer / former employer of Scheme members and in its capacity as Scheme administrator) and Clifford Chance LLP.

2.2.2 The Trustee may also occasionally obtain or have obtained data from external sources (for example, the external administration system provider Equiniti Claybrook - Compendia (or any other subsequent name) used by Clifford Chance London Limited, Clifford Chance's payroll provider Ceridian Centrefile (or any other subsequent name), HM Revenue and Customs and all external Voluntary Contribution policy providers (Clerical Medical, Equitable Life, Scottish Widows and Aviva).

2.3 The Trustee of the Scheme may change over time and Personal Data will be held by any replacement trustee/s in the same way as it is held by the current Trustee in accordance with this Policy.

3. **THE DATA COMPLIANCE LEAD**

3.1 The Trustee has considered whether it is necessary to appoint a data protection officer, as is required by the GDPR and its implementing laws in certain circumstances (**Data Protection Officers**), including where:

3.1.1 the core activities of the data controller (i.e. the Trustee) consist of processing operations which, by virtue of their nature, scope or purposes, require regular and systematic monitoring of Data Subjects on a large scale; or

3.1.2 the core activities of the data controller (i.e. the Trustee) consist of processing Sensitive Personal Data on a large scale.

3.2 The Article 29 European Data Protection Working Party published guidance on the Data Protection Officer requirements in April 2017². In particular:

3.2.1 this guidance provides that "core activities" relate to "primary activities and do not relate to the Processing of Personal Data as ancillary activities." "Core activities" can be considered as the key operations necessary to achieve the

² [file:///C:/Users/920604/Downloads/wp243_rev01_enpdf%20\(1\).pdf](file:///C:/Users/920604/Downloads/wp243_rev01_enpdf%20(1).pdf)

controller's goals, but should not be interpreted as excluding activities where the processing of data forms an "inextricable" part of the controller's activity.

- 3.2.2 this guidance does not give any specific guidance as to the meaning of "large scale", citing that it is not possible to give a precise number (either with regard to the amount of data Processed or the number of individuals concerned) which would be considered "large scale" in all circumstances. The guidance indicates that some further guidance on this may be forthcoming, but that factors to consider when determining whether Processing is carried out on a large scale include: (i) the number of Data Subjects concerned; (ii) the volume of and/or range of different data items being processed; (iii) the duration or permanence of the Processing activity; and (iv) the geographical extent of the Processing activity.
- 3.2.3 this guidance gives some examples of "regular and systematic monitoring", including operating a telecommunications network, email retargeting, data-driven marketing activities, CCTV etc.
- 3.3 Having considered the requirements of the GDPR and the available guidance, the Trustee has concluded that a Data Protection Officer is not required on the basis that the Trustee's core activities do not involve the "regular and systematic monitoring" of Data Subjects or the processing of Sensitive Personal Data on a "large scale". While Personal Data of Scheme members will be used for the purposes of operating the Scheme, and, where necessary, kept up-to-date, the Trustee does not consider that this amounts to the "regular and systematic monitoring" envisaged by the GDPR.
- 3.4 In addition, while the Trustee may Process health information (Sensitive Personal Data) in the circumstances set out at section 8 below, the Trustee does not consider this amounts to processing on a "large scale" (and notes that very few cases of ill-health early retirement under the Scheme have occurred in practice to date).
- 3.5 The Trustee has appointed the Global Head of Reward & Benefits (as at the date of this Policy, Andy Darlison) as its data compliance lead (**DCL**). Queries in relation to this Policy or data privacy issues generally should be directed to the DCL by email to Andrew.Darlison@CliffordChance.com (or the relevant email address of any replacement Global Head of Reward & Benefits from time to time).³

4. **COMPLIANCE WITH THIS POLICY**

- 4.1 Where this Policy refers to the manner in which the Trustee Processes Personal Data, it is intended that any third party Processing Personal Data on behalf of or on the instruction of the Trustee will do so in accordance with this Policy. Prior to putting this Policy in place, the Trustee has liaised with third parties who Process Personal Data on

³ The Trustee notes that, while it is not required to appoint a Data Protection Officer under the GDPR, it is preferable to have a nominated point of contact who will take responsibility for ensuring the Policy is reviewed and updated over time and to whom queries can be directed. This section identifies such person as a "data compliance lead" rather than a formal "data protection officer".

behalf of the Trustee to understand how they currently hold and manage Personal Data relating to the Scheme.

- 4.2 The DCL will in particular be responsible for keeping track of the Trustee's Processing of Personal Data and ensuring this Policy is kept subject to regular review by the Trustee from time to time.

5. **DESIGN AND ASSESSMENT OF PROCESSING ARRANGEMENTS**

- 5.1 Generally speaking, it is not envisaged that there will be significant changes to the Processing Systems in place in relation to Scheme Personal Data. However, where a new information technology system or other arrangement involving the Processing of Personal Data (a **Processing System**)⁴ is to be implemented on behalf of the Trustee or a significant change is to be made to an existing Processing System, the person with overall responsibility for that Processing System should follow the following approach:

- 5.1.1 ensure that full account is taken of the requirements of this Policy and the privacy of Data Subjects in the selection, design and implementation of the new elements of the new or changed Processing System, including in particular:

- (a) seeking to keep the Personal Data to be Processed by the Processing System to the minimum level consistent with what is required for the Trustee to fulfil its obligations, the proper running and administration of the Scheme and any other applicable legal or regulatory requirements; and
- (b) where Personal Data are to be Processed and this is reasonably practicable and consistent with those requirements, keeping data allowing the identification of Data Subjects separate from other elements of the relevant Personal Data, and effectively protected, so that the Data Subjects are not identifiable except where this is necessary for the Trustee to fulfil its obligations, the proper running and administration of the Scheme and any other applicable legal or regulatory requirements; and

- 5.1.2 conduct an assessment of the implications of this Policy for the Trustee's Processing of Personal Data in that Processing System, and its implications for the privacy of Data Subjects, to ensure that, following the implementation or change, the Processing System will comply with the principles set out in sections 6 to 15 of this Policy in all respects and, generally, that its implementation will not result in high risks for the privacy of the relevant Data Subjects.

⁴ Note that the term "Processing System" is broad in scope – it does not refer just to particular software applications but also to other arrangements involving the Processing of Personal Data, which may use software applications or other technical arrangements but may also be partly (or even wholly) manual in nature. Generally speaking, it should be assumed that arrangements involving the collection or use of information regarding identifiable individuals will fall within the scope of this Policy.

The responsible person should also:

- (a) notify the DCL in writing of the proposed implementation of the new or changed Processing System;
- (b) consult the DCL if he or she is uncertain whether the principles of this Policy will be met or the implementation of the new or changed Processing System will result in high risks for the privacy of the relevant Data Subjects; and
- (c) notify the DCL in writing of the results of his or her assessment.

If an assessment under this section 5.1.2 concludes that a proposed new or changed Processing System may give rise to high risks to the privacy of the relevant Data Subjects, the responsible person should consult the DCL, who will then arrange for a full data protection impact assessment to be conducted in respect of the proposed new or changed Processing System.

5.2 A new Processing System may not be implemented on behalf of the Trustee, and no significant change may be made to an existing Processing System, unless the assessment referred to in section 5.1.2 has been carried out and either:

- 5.2.1 the responsible person has notified the DCL, in accordance with that section, that, following the implementation or change, the Processing System will in his or her view comply with the principles set out in sections 6 to 14 of this Policy in all respects and, generally, that in his or her view its implementation will not result in high risks to the privacy of the relevant Data Subjects; or
- 5.2.2 the DCL has conducted a full data protection impact assessment in respect of the proposed new or changed Processing System and concluded that its implementation can go ahead.

6. **TRANSPARENCY**

6.1 The Trustee has established procedures to ensure that, except as provided in section 6.2, Data Subjects are provided with the information set out in Annex 1 to this Policy, if they do not already have it, before the Processing of their Personal Data begins (or, if later, as soon as practicable after this Policy takes effect). The information is to be provided in writing, in a concise, transparent, intelligible and easily accessible form, using clear and plain language. The Trustee has prepared a high level notice to be issued to members, with a fuller notice to be published on the Scheme's website (and to be made available in hard copy on request). The Trustee notes that this approach is consistent with the requirement to provide the information in a way which is "*concise, transparent, intelligible and [in an] easily accessible form, using clear and plain language*" as required by the GDPR. The Trustee views this layered approach (by directing members to more information on the Scheme website) as a good way to avoid "information fatigue" (as recommended by the EU guidance).

6.2 The Trustee has determined that Data Subjects need not be provided with the information in Annex 1 in the following circumstances:

- 6.2.1 if the Trustee (or a person in its behalf) is Processing the relevant Personal Data in order to investigate an alleged or actual crime, regulatory breach or disciplinary issue, and to provide the information would prejudice the investigation;
 - 6.2.2 if the relevant Personal Data are not obtained by the Trustee directly from the Data Subject but from a third party, and to contact and inform the Data Subject would be impossible, or would require effort disproportionate to the value to the Data Subject of being informed (but in those circumstances the Trustee will instead publish the information on the Scheme's website); or
 - 6.2.3 otherwise, if the DCL has concluded in writing that the GDPR and other applicable laws do not require the information to be provided.
- 6.3 In particular, where the Trustee receives from a Scheme member Personal Data relating to his or her spouse, civil partner, co-habitee, child(ren) or any other dependant / potential beneficiary of the Scheme, it will generally take the view that, as long as it has asked the member to pass the relevant information on to said person, for the Trustee to contact said person directly and provide him or her with the information set out in Annex 1 would involve disproportionate effort (and, may in some cases conflict with the Trustee's duties). Furthermore, the Trustee will publish the information on the Scheme's website.

7. FAIRNESS, LEGITIMACY AND PROPORTIONALITY

- 7.1 The Trustee will only Process Personal Data fairly and for specified and explicit purposes.
- 7.2 In particular, the Trustee will generally only Process Personal Data if:
- 7.2.1 the Processing is Necessary for the purposes of the legitimate interests that it, and the other persons with which it co-operates in fulfilling its role as Trustee, pursue (and by **Necessary** we mean that those purposes could not reasonably be achieved without the relevant Processing); and
 - 7.2.2 either the Processing does not prejudice the privacy of the affected Data Subjects or, if there is some prejudice, it is sufficiently trivial or minor that it does not override the need to pursue those legitimate interests.

The Trustee will only Process Personal Data on this basis (the **Legitimate Interests Condition**) where it has considered the matter and concluded that the test in sections 7.2.1 and 7.2.2 is met.

- 7.3 Where the Legitimate Interests Condition does not apply, the Trustee will not Process Personal Data unless:
- 7.3.1 the Processing is Necessary so that the Trustee can perform a contract with the Data Subject or take steps at his or her request with a view to entering into such a contract;

- 7.3.2 the Processing is Necessary so that the Trustee can comply with its legal obligations;⁵
- 7.3.3 the Data Subjects have Consented to the Processing of their Personal Data for one or more specified purposes;
- 7.3.4 the Processing is Necessary to protect the Data Subject's (or another person's) "vital interests" (where this is a matter of life or death); or
- 7.3.5 the DCL has concluded in writing that the Processing is consistent with the requirements of the GDPR and other applicable laws.
- 7.4 The Trustee will not Process Personal Data which are irrelevant or inadequate or go beyond what is necessary given the purposes of the Processing.
- 7.5 Having collected Personal Data for a particular purpose, the Trustee will not then Process those Personal Data in a way which is incompatible with that purpose unless it first obtains the Data Subject's Consent.

Current justification for Processing Personal Data

- 7.6 The Trustee has considered the requirements above and concluded that the Processing of Personal Data it undertakes is for one or more of the following purposes:

7.6.1 Legitimate Interests Condition

- (a) The Processing is Necessary to run and administer the Scheme properly and efficiently;
- (b) The Processing is Necessary to administer the benefits provided in respect of Scheme members and other beneficiaries / potential beneficiaries.

7.6.2 Other justification

- (a) The Processing is Necessary so that the Trustee can comply with its regulatory and legal obligations to which it is subject as trustee of the Scheme and where otherwise required by law;
- (b) The Processing falls into one of the other categories of permitted Processing specified in section 7.3 above.

8. SENSITIVE PERSONAL DATA

- 8.1 In practice, the Trustee expects that it is unlikely to collect Sensitive Personal Data. However, it may (on rare occasions) need to collect health data, where this is necessary for the Trustee and the Scheme administrators to process, review or otherwise

⁵ Note that the legal obligation must be an obligation arising under the law of the European Union, a member state of the European Economic Area or (after it has left the EU) the United Kingdom, and a **contractual** obligation is not a legal obligation for these purposes.

administer benefits under the Scheme (for example, assessing eligibility (or continued eligibility, as applicable) for retirement on the grounds of ill-health or a serious ill-health lump sum). In such cases, the Trustee will need to see evidence from a registered medical practitioner regarding the particular Data Subject's health in order to assess whether the individual meets the criteria under the Scheme rules and/or legislation.

8.2 Where it does collect Sensitive Personal Data, the Trustee will take particular care in relation to the Processing of it. In particular, the Trustee will not Process Sensitive Personal Data except where:

- 8.2.1 the Data Subject has given his or her explicit Consent to the Processing for one or more specified purposes;
- 8.2.2 the Processing is Necessary for the purposes of performing obligations or exercising specific rights under employment and social security and social protection law;
- 8.2.3 the Processing is Necessary to protect the Data Subject's (or another person's) "vital interests" (where this is a matter of life or death) and the Data Subject is physically or legally incapable of giving Consent;
- 8.2.4 the Sensitive Personal Data has been deliberately made public by the Data Subject; or
- 8.2.5 the DCL has approved the Processing on the basis that it is compliant with the GDPR and other applicable laws.

8.3 Where the Trustee requires Sensitive Personal Data in the circumstances described in section 8.1 above, the Trustee will generally rely on obtaining explicit Consent to the initial Processing of such Sensitive Personal Data (i.e. obtaining and considering the Sensitive Personal Data) and will comply with the requirements of section 10 below. In particular, the relevant Data Subject will be informed that his or her explicit Consent is needed to the initial Processing for the purposes described above and that such Personal Data may be Transferred to the Trustee's legal and professional advisers, the Scheme administrators and/or the Scheme actuary, accordingly. The Data Subject will be informed that he / she may withdraw his / her Consent to the initial Processing (i.e. the obtaining and reviewing) of such Sensitive Personal Data. However, he / she will be made aware that if Consent is not given / is withdrawn, the Trustee may have insufficient evidence to assess the Data Subject's eligibility or continued eligibility for benefits under the Scheme. The Trustee may continue to process the Sensitive Personal Data (e.g. by storing it) on the basis that it is justified because it is necessary for the defence of legal claims (for example, to address future potential legal challenges by HMRC that payments made under the Scheme were unauthorised payments under the Finance Act 2004, or to defend claims brought via the Pensions Ombudsman) as the Trustee will need to have sufficient evidence to defend such claims. The Trustee notes that there may be an exemption introduced under the UK Data Protection Act 2018 which exempts it from obtaining explicit consent to the Processing of Sensitive Personal Data and it will therefore keep this practice of obtaining explicit consent under review, as this may not be necessary in future.

9. DISCLOSURE AND INTERNATIONAL DATA TRANSFER

- 9.1 The Trustee may share Personal Data with Clifford Chance London Limited, Clifford Chance LLP or another entity in the Clifford Chance group and to third parties for the purposes described in section 7.6 above. In particular, information may be disclosed to the following third parties:
- 9.1.1 The administrators of the Scheme (currently, Clifford Chance London Limited);
 - 9.1.2 The Scheme actuary (currently, Keith Poulson of Aon Hewitt) and investment advisers (currently, Aon Hewitt);
 - 9.1.3 The Trustee's legal and other professional advisers (currently, Clifford Chance LLP and Sackers LLP);
 - 9.1.4 Insurance companies in certain circumstances where insurance cover for particular benefit entitlements is being considered or has been put in place (at the time of this policy being put into place the insurance companies are: Legal & General, Unum, Met Life and Chubb);
 - 9.1.5 Any other service providers who hold or process Personal Data on the Trustee's behalf;
 - 9.1.6 Third parties to whom the Trustee is required to transfer data by law or regulatory requirements (e.g. government and regulatory authorities);
 - 9.1.7 All external Voluntary Contribution policy providers (Clerical Medical, Equitable Life, Scottish Widows and Aviva).
- 9.2 The key service providers who Process Personal Data on the Trustee's behalf are the Scheme administrators – the current administrators are Clifford Chance London Limited.
- 9.3 These disclosures may involve Transferring Data outside the European Economic Area (or the United Kingdom, once it has left the European Economic Area) – we refer to this as the **European Region**. The Trustee will only Transfer Personal Data outside the European Region:
- 9.3.1 where the Transfer is to a country or other territory which has been assessed by the European Commission (or an equivalent UK body) as ensuring an adequate level of protection for Personal Data;⁶
 - 9.3.2 where the Data Subjects have given their explicit Consent to the Transfer taking place;

⁶ A list of countries and territories currently determined to ensure an adequate level of protection is available at http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index_en.htm. Note that an adequacy determination has been made in relation to the U.S., but only in relation to Transfers to persons who participate in the "privacy shield" scheme administered by the U.S. Department of Commerce.

- 9.3.3 where the Transfer is governed by a data transfer agreement, designed to ensure that the Personal Data is protected, on terms approved for this purpose by the European Commission; or
 - 9.3.4 where the DCL has approved the Transfer on the basis that it is compliant with the GDPR and other applicable laws.
- 9.4 For the purposes of this Policy, a **Transfer** is any transfer of Personal Data. This includes arrangements through which a person outside the European Region has remote access to Personal Data stored within the European Region.
10. **CONSENT**
- 10.1 Personal Data can sometimes be Processed on the basis of Data Subject Consent (see sections 7.3 and 7.5 above). Sensitive Personal Data can sometimes be Processed, and Personal Data can sometimes be Transferred internationally, on the basis of *explicit* Data Subject Consent (see sections 8.2.1 and 9.3.2 above).
- 10.2 For the purposes of this Policy, **Consent** means a freely given, specific, informed and unambiguous indication of the Data Subject's wishes by which he or she, by a statement or a clear affirmative action (such as ticking a box), signifies agreement to the Processing of his or her Personal Data. Mere failure to respond does not amount to Consent.
- 10.3 The Trustee notes that Consent can be withdrawn at any time. The Trustee does not rely on Consent where Processing is not genuinely optional from the perspective of the Data Subject.
- 10.4 If the Trustee wishes to obtain the Consent (including the explicit Consent) of a Data Subject for the purposes of this Policy, it will:
- 10.4.1 request the Consent in an intelligible and easily accessible form, using clear and plain language;
 - 10.4.2 make sure that the Data Subject understands, when he or she Consents, that he or she is free to withhold the requested Consent without suffering any adverse consequence, and that the Consent can be withdrawn at any time, with information as to a straightforward way in which the Data Subject can withdraw the Consent;
 - 10.4.3 if the Consent is obtained in written form, and the relevant document also concerns other matters, make sure that the Consent is clearly distinguishable from the other matters; and
 - 10.4.4 make sure that the Trustee has an appropriate record of the Consent having been given.
- 10.5 Where *explicit* Consent is required, the Trustee will need to explain in specific terms the nature of the Processing to be carried out and the Personal Data to be Processed, as well as providing all the information set out in Annex 1, and the Data Subject will then

need to make an explicit written statement (or expressly agree to an explicit statement provided by the Trustee) agreeing that the Processing can go ahead.

11. ACCURACY AND CURRENCY

Where the Trustee Processes Personal Data or allows Personal Data to be Processed on its behalf, it will take every reasonable step to ensure that those Personal Data are accurate and, where relevant, up to date, and to correct inaccurate Personal Data without delay.

12. RETENTION AND DESTRUCTION

The Trustee will retain Personal Data for such period as is reasonably necessary for the proper running and administration of the Scheme and the performance of the Trustee's legal obligations and the pursuit of the Legitimate Interests Condition. The Trustee's current retention policy is that Personal Data will be retained by the Scheme for so long as the Data Subject is entitled or may become entitled to benefits under the Scheme, and, because trustees of pension schemes can commonly face complaints or questions from members, former members, other individuals or regulatory authorities many years after a member / beneficiary has ceased to be entitled or prospectively entitled to benefits, some Personal Data may need to be kept indefinitely. However, the Trustee will not retain Personal Data for longer than is Necessary having regard to the purpose for which it is held.

13. DATA SECURITY

13.1 The Trustee has technical and organisational security measures in place to protect all Personal Data that it Processes in accordance with Clifford Chance London Limited's data security policies. More details of these policies can be found on the firm's intranet at: (http://intranet/policies/global/profstandards/clifford_chance_data.html).

13.2 The Trustee will take reasonable steps to achieve data minimisation. For example, anonymising Personal Data where appropriate in Trustee minutes, reports on member activity and where Transferring this to service providers, to the extent reasonably possible.

13.3 Where the Trustee outsources the Processing of Personal Data to any third party service provider it will:

13.3.1 ask for confirmation that the provider has appropriate technical and organisational security arrangements in place to protect Personal Data;

13.3.2 ensure that the arrangement is governed by a written agreement imposing obligations on the service provider as described in Annex 2 to this Policy; and

13.3.3 take reasonable steps (for example by exercising audit rights and/or making enquiries of the service provider) to ensure that the security measures required of the service provider are in place in practice over time during the life of the relevant Processing arrangement.

- 13.4 The Trustee is obliged to report certain breaches of security affecting Personal Data to competent data protection authorities, and in some circumstances it is obliged to inform affected Data Subjects. Any individual who becomes aware of or suspects such a breach in connection with the Scheme must inform the DCL immediately so that the Trustee can comply with these obligations and, generally, investigate and respond to the apparent breach.
- 13.5 The current Scheme administrators, Clifford Chance London Limited, have agreed to act as the Trustee's agent for the purposes of fulfilling the Trustee's reporting obligations under article 33 of the GDPR and to report any Personal Data breach of which they become aware on the Trustee's behalf without undue delay and, where feasible, not later than 72 hours after having become aware of it, to the Information Commissioner's Office (or such other replacement supervisory authority), unless the Personal Data breach is unlikely to result in a risk to the rights and freedoms of natural persons. Where the notification is not made within 72 hours, it shall be accompanied by reasons for the delay.

14. **AUTOMATED DECISION-TAKING TECHNIQUES (INCLUDING PROFILING)**

The Trustee will not use Processing Systems to take decisions producing legal effects concerning living individuals, or otherwise significantly affecting them, based *solely* on automated Processing of Personal Data, unless the DCL has considered the proposed Processing System in a particular case and concluded that it meets the requirements of the GDPR and other applicable laws.

15. **DATA SUBJECTS' RIGHTS**

15.1 Data Subjects have the right:

- 15.1.1 to be provided with a copy of any Personal Data that the Trustee holds about them, with certain related information;
- 15.1.2 to require the Trustee, without undue delay, to update or correct any inaccurate Personal Data, or complete any incomplete Personal Data, concerning them;
- 15.1.3 to require the Trustee to stop processing their Personal Data for direct marketing Purposes (not applicable here); and
- 15.1.4 to object to the processing of their Personal Data more generally.

15.2 Data Subjects may also have the right, in certain circumstances:

- 15.2.1 to require the Trustee, without undue delay, to delete their Personal Data;
- 15.2.2 to "restrict" the Trustee's Processing of their Personal Data, so that it can only continue subject to very tight restrictions; and
- 15.2.3 to require Personal Data which they have provided to the Trustee, and which are Processed based on their Consent or the performance of a contract with them, to be "ported" to them or a replacement service provider.

- 15.3 If an individual receives a communication from any Data Subject in which he or she seeks to exercise any of these rights, that communication should be passed to the DCL as soon as is reasonably practicable so that the Trustee can respond appropriately.

16. CO-OPERATION WITH DATA PROTECTION AUTHORITIES

The Trustee is obliged to co-operate with the Information Commissioner's Office. Any communication received from the Information Commissioner's Office or other competent data protection authority should be passed to the DCL as soon as is reasonably practicable.

17. CHANGES TO THIS POLICY

The Trustee reserves the right to review and change this Policy at any time.

Date of Policy: 22 March 2018

ANNEX 1

INFORMATION TO BE PROVIDED TO DATA SUBJECTS (SEE SECTION 6)

The information referred to in section 6.1 of this Policy is:

1. the identity and contact details of the Trustee controlling the Processing of the relevant Personal Data (i.e. in its capacity as data controller);
2. where relevant, the contact details of the Trustee's Data Protection Officer;
3. the purposes for which the Trustee intends to Process the Personal Data;
4. the legal basis for the Processing (for example, the Legitimate Interests Condition – generally, see section 7);
5. where the Processing is justified on the basis of the Legitimate Interests Condition, the relevant legitimate interests pursued by the Trustee or another person which the Trustee relies upon to justify the Processing;
6. where the Trustee is not collecting the Personal Data directly from the Data Subject but from a third party, the categories of Personal Data collected and the sources from which they are collected (including, if relevant, the fact that Personal Data are obtained from publicly accessible sources);
7. any intended recipients or categories of recipient of the Personal Data (this means recipients outside the Trustee, such as third party service providers);
8. where applicable (see also section 9), the fact that the Trustee intends to Transfer the Personal Data to a country or territory outside the European Region, together with information as to:
 - 8.1 whether the relevant country has been determined by the European Commission (or an equivalent UK body, after Brexit has taken effect) to ensure an adequate level of protection for Personal Data; and
 - 8.2 where this is not the case, and if the Trustee justifies Transferring the Personal Data to that country or territory on the basis that it has put in place adequate safeguards to protect the Transferred Personal Data (for example, an appropriate data transfer agreement), the nature of those safeguards and that a copy can be obtained from the DCL;
9. the period for which the Personal Data will be stored, or if that is not possible, the criteria used to determine that period (see also section 12);
10. the existence of the legal right to request from the Trustee access to and rectification or erasure of Personal Data or restriction of Processing concerning the Data Subjects or to object to Processing as well as the right to data portability (see also section 15), and that these rights can be exercised by contacting the DCL;

11. that the Data Subjects can, if they so wish, lodge a complaint about the Trustee's Processing of his or her Personal Data with the relevant national or regional data protection authority;
12. where the Trustee is collecting the Personal Data directly from the Data Subjects, whether provision of the requested Personal Data is a statutory or contractual requirement, or a requirement Necessary to enter into a contract, and whether the Data Subject is obliged to provide the Personal Data and the possible consequences of failure to provide it; and
13. detailed information about any automated decision-taking techniques that may be used, if applicable (see section 14).

ANNEX 2

PROVISIONS TO BE INCLUDED IN DATA PROCESSING AGREEMENTS

1. The agreement should set out the subject matter of the Processing to be carried out by the service provider, its duration, the nature and purpose of the Processing, the types of Personal Data to be Processed by the service provider, the categories of Data Subjects and the Trustee's and the service provider's obligations and rights.
2. The agreement should require that the service provider:
 - 2.1 processes the Personal Data only on documented instructions from the Trustee, including with regard to Transfers of Personal Data outside the European Region, unless required to do so by EU or EU member state (or, where relevant, UK) law to which the service provider is subject (in such a case, the service provider should be obliged to inform the Trustee of that legal requirement before Processing, unless that law prohibits providing such information on important grounds of public interest);
 - 2.2 ensures that persons authorised to process the Personal Data have committed themselves to confidentiality or are under an appropriate statutory obligation of confidentiality;
 - 2.3 takes all the data security measures required pursuant to the GDPR (even if it is not itself directly subject to the GDPR);
 - 2.4 does not appoint a person to Process the Personal Data on its behalf except with the prior consent of the Trustee, and (in the case of a general consent) gives the Trustee an opportunity to object to any changes in its sub-processing arrangements;
 - 2.5 taking into account the nature of the Processing, assists the Trustee by taking appropriate technical and organisational measures, insofar as this is possible, to enable the Trustee to fulfil its obligation to respond to requests for exercising the Data Subject's rights laid down in chapter III of the GDPR (see section 15);
 - 2.6 assists the Trustee in ensuring compliance with its data security, security breach notification, impact assessment and data protection authority consultation obligations under the GDPR, taking into account the nature of processing and the information available to the processor;
 - 2.7 at the choice of the Trustee, deletes or returns all the Personal Data to the Trustee after the end of the provision of services relating to Processing, and deletes existing copies, unless EU or EU member state (or, where relevant, UK) law requires storage of the Personal Data;
 - 2.8 makes available to the Trustee all information necessary to demonstrate compliance with the obligations imposed on it as set out above and allows for and contributes to audits, including inspections, conducted by the Trustee or an auditor mandated by the Trustee; and

- 2.9 immediately informs the Trustee if, in its opinion, an instruction given by the Trustee (see 2.1 above) infringes the GDPR or any other law of the European Region.

ANNEX 3 GLOSSARY

The following terms are defined in the following sections of this Policy:

<u>Term</u>	<u>Section</u>
Trustee	1.1
Consent	10.2
Data Protection Officers	3
Data Subjects	1.2
DCL	3.5
European Region	9.3
GDPR	1.4
Legitimate Interests Condition	7.2
Necessary	7.2
Personal Data	1.3
Policy	1.1
Processing	1.3
Processing System	5.1
Scheme	Title on front page
Sensitive Personal Data	1.3
Transfer	9.4