

# Warner Electric Limited Retirement Benefits Scheme

## Privacy Notice – March 2024

This Privacy Notice is being issued jointly by the Trustees and the Scheme Actuary of the Warner Electric Limited Retirement Benefits Scheme (the “**Scheme**”) to comply with the United Kingdom General Data Protection Regulation (“**UK GDPR**”). The UK GDPR replaced its predecessor, the EU GDPR, after Brexit. This document replaces any Fair Processing Notice previously issued under the Data Protection Act 1998 and under the EU GDPR and is for your information only.

The terms “**personal data**” and “**personal information**” are used interchangeably and they have the same meanings.

### Data Controllers

In accordance with guidance issued by the Information Commissioner’s Office (“**ICO**”), the Trustees and the Scheme Actuary are considered to be “**Joint Data Controllers**” (“**JDC**”) (the holders, users and processors of personal data) for the purposes of the UK GDPR. It is possible that in certain circumstances, other professional advisers appointed by the Trustees to the Scheme may also be considered to be “data controllers”. This would include the Scheme’s auditor, or the Scheme’s legal advisers. The Scheme Actuary is Barbara-Ann Thompson of Barnett Waddingham LLP.

The JDC’s can be contacted as follows:

The Trustees of the Warner Electric Limited Retirement Benefits Scheme  
c/o Vidett Trust Corporation Limited  
Forbury Works  
37-43 Blagrove Street  
Reading RG1 1PZ

Barbara-Ann Thompson FIA  
Barnett Waddingham LLP  
Pinnacle  
67 Albion Street  
Leeds LS1 5AA

### Use, transfer, and storage of personal data

In the course of running the Scheme, we may require information from you in relation to your marital status (which may include the gender of your spouse or civil partner) and / or information about your health (or your spouse / partner’s health). Such information will be used by the Scheme’s administrators to determine the benefits payable to you and your beneficiaries. The Scheme’s administrators are XPS Administration Limited.

In addition, we may hold any or all of the following items of personal information about you:

- Personal details (including your name, National Insurance number, age, date of birth).
- Contact details (including postal and/or email address and telephone number).
- Your gender. We only use this, if you provide it, to understand how long you are likely to receive your pension for and as part of your addressee details if we write to you e.g. ‘Mr., Mrs., Ms...’.
- Descriptions relating to your physical and mental health (to the extent that they are relevant to the calculation and payment of your benefits from the Scheme).

- Salary and data relating to investments and pension assets held outside of the Scheme (to the extent they are relevant for the calculation and payment of your benefits, or to the taxation of your benefits from the Scheme).
- If your benefits from the Scheme form part of a divorce settlement, details of that settlement.
- Any information you have provided about who you would like to receive benefits due on your death. This could be your spouse or civil partner, your child or other dependent, and it could include birth, adoption details of children, marriage certificate details, and change of name details.
- Employment history, including employment dates and historic pay and salary records.
- Bank account details for payment of benefit instalments, and HMRC tax code.

Whilst the Scheme was ongoing, your personal data was provided to the JDCs by your Employer, or it was obtained directly from you. The data held is not publicly accessible. The personal data collected relates to your employment and membership of the Scheme. Your personal data may also come from another scheme if you have transferred benefits from that scheme; from government departments such as HMRC or DWP; and from publicly accessible sources (e.g. the electoral roll) if the JDC's have lost touch with you and are trying to find you. If the JDC's ask you for other information in the future (for example, about your health), they will explain whether you have a choice about providing it and the consequences for you if you do not do so.

We will keep your personal information for long enough to make sure that we can satisfy our legal obligations in relation to the Scheme and pay any benefits due to or in respect of you. Upon death or transferring out of the Scheme ("Trigger Event"), we keep your information for long enough to ensure that, if a query arises in the future about your benefits, we have enough information to deal with it where we have a legal obligation to do so. To meet this aim, the personal information that we hold will be kept for a period depending on how long we sensibly think we need it to deal with queries (from you or your beneficiaries/other persons who might ask us if they are entitled to payments), complaints (from you or them), our legal obligations as mentioned above and expectations of the Regulator. In any event, this means that we may need to keep your information for a period of up to 75 years after the occurrence of a Trigger Event.

The Trustees share your data with the Scheme's administrator, XPS Administration; the Scheme Actuary; your former Employer(s) and the Scheme's AVC providers. The Trustees may also share data with the Scheme's appointed professional advisers (including the legal adviser, Scheme auditor, Scheme administrator and pension consultants), insurers (more on this below), independent financial advisers, regulatory bodies (including, but not limited to, HM Revenue and Customs, the Department for Work and Pensions and the Pensions Regulator), IT and data storage providers and other service providers such as tracing agencies who we use to try to trace you if you are not at the address we have on your record and also mailing companies who print and post letters and documents to you on our behalf. We have measures in place to protect your data and when sharing your personal data with the Scheme administrator or another appointed third party, we will make sure that they too have appropriate measures in place to protect your data. The Trustees may also share your data with your former Employer(s) for the purposes of incentive exercises in order to reduce or manage the Scheme's risks. If your benefits are transferred to another scheme, the Trustees will also need to provide the administrators of the receiving scheme with information about you.

Your data may be shared by the Scheme's administrator with sub-processors for particular outsourced activities such as bulk printing jobs, confirmation of address/existence, offsite backup, and archive. In such circumstances the Scheme administrator will ensure appropriate safeguards are in place.

The Scheme administrator, on behalf of the Trustees, will use your personal data to ensure that the correct benefits can be paid to you and that your requests can be dealt with efficiently, in accordance with the Trustees' **legal obligation** to run the Scheme in accordance with the Trust Deed and Rules. The Trustees and / or the Scheme administrators may contact you directly in order to obtain relevant information, or to deal with your queries. The Trustees will use your personal information to comply with these legal obligations, to establish and defend their legal rights, and to prevent and detect crimes such as fraud. The Trustees may need to share your personal information with other people for this reason, such as courts and law enforcement agencies. The Trustee

may share personal information with the Pensions Regulator and ICO to answer questions in the usual way of reporting things to them.

When the Trustees need to use information about your health (or other very personal or sensitive data), they will generally ask for your explicit consent. However, sometimes there may be reasons of public interest or law which enable the Trustees to use this information without consent, and if that's the case, the Trustees will do that where it is necessary to run the Scheme in a sensible way. You can withdraw your consent at any time by contacting the Trustees using the contact details given at the beginning of this notice. This may affect what the Trustees can do for you unless they have another lawful reason for using your information.

In addition, it is in your and the Trustees' **legitimate interests** to use your personal information to:

- Keep up to date and accurate records about your membership of the Scheme  
*so that the correct benefits can be paid*
- Undertake risk-management exercises  
*so that the risk your benefits are not paid is reduced*
- Comply with the law, including regulations and guidance issued by the Pensions Regulator  
*so that you, the Trustees, and the Scheme advisers are not subject to legal sanctions which may impact benefits*
- Efficiently manage the impact of any change to the legal status of the sponsoring company  
*so that your benefits are not adversely affected for example by a sale or company merger*
- Carry out 'employer led' exercises  
*so that the Scheme's Employer(s) can contact you for their legitimate interests of explaining your benefits under the Scheme, and any additional options which may be available to you in relation to those benefits, which tend to be called 'employer led' exercises.*

When assessing whether a need to use personal data falls within a legitimate interest, the Trustees would generally assess whether your own interests, rights and freedoms under data protection laws are looked after when also considering the legitimate interest of the employer/third party in wanting to carry out the exercise. In this way the Trustees can protect your own rights under data protection laws.

The Trustees may need to share personal data with insurers when they are looking at purchasing and pricing up insurance contracts called 'annuities' (unless that can happen based on anonymised data). This will be used by them for verification about the assets and liabilities of the Scheme. They check the details relevant to members and beneficiaries of the Scheme before the insurance contracts can be put in place. Sometimes the Trustees will write to you before purchasing an annuity to ask you for up to date information about your spouse/partner/children/other dependents to this end.

After that, the Trustees will usually share personal data when they purchase the annuity and at that stage the insurer will typically share information with its chosen re-insurer. Sometimes the insurer's privacy notice will mention who its re-insurer is and how to see its privacy notice (either giving you a link to it online or explaining where it can be seen or by providing a copy of it). The Trustees would assess whether your own interests, rights and freedoms under data protection laws are such that they outweigh the Trustees' own legitimate interest in purchasing these types of insurance contracts. The Trustees would usually write to members to explain about the particular annuity and who the insurer is. In this way you know who holds your personal data and how to exercise your rights against them. Typically the Trustees would share the following personal data with insurers: Scheme membership ID number in relation to the Scheme; marital status and details about spouse/partner; DOB; birth/marriage certificate details and marital survey response forms; information about annual pension increases; pension/benefit amounts payable; age at retirement; service length and retirement date.

The Scheme Actuary uses 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 the obligations placed on them by legislation, including the Pensions Act 2004.

The Scheme Actuary may also use your personal data in research which assists actuaries in providing their advice - for example research into the mortality experience (life expectancy) of pension scheme members in general. This may include the provision of anonymised personal data, to a recognised external authority, such as the Continuous Mortality Investigation (CMI) which investigates mortality experience on behalf of the Institute and Faculty of Actuaries.

The Scheme Actuary will not pass your personal data to any third party without the prior agreement of the Trustees.

Some of the firms that the Trustees share your personal information with may process it overseas. Some countries already provide adequate legal protection for your personal information, but in other countries, additional steps will need to be taken to protect it. This means that your personal information may on occasion be transferred under what is called a 'restricted transfer'. This means a transfer to a country or territory which needs a mechanism in order for it to be lawful under data protection laws. Such mechanisms include legal terms such as 'standard contractual clauses' – these are contracts for transfers of personal information to countries and territories which do not have appropriate data protection laws as compared with the data protection laws applicable in the UK. If your personal data is going to be part of a 'restricted transfer' to countries outside the UK and which are not in the EU or European Economic Area (EEA) i.e. which are not covered by the UK GDPR or EU GDPR or equivalent laws, then in such circumstances we will ensure appropriate safeguards are in place. You can ask the Trustees for details of the mechanisms used.

## Your rights in relation to your data

The purpose of this Privacy Notice is to fulfil your right to be informed about the use of your personal data. In addition:

- You have the right to access your personal data, i.e. request to see the personal data held about you and to obtain information about how we process it.
- You have the right to have your personal data rectified if it is inaccurate or incomplete.
- You have the right to request that your personal data is deleted or removed if there is no reason for its continued storage and processing.
- You have the right to object to your personal data being processed and to restrict the processing of your personal data in certain circumstances. While processing is restricted, the Data Controllers are permitted to store the personal data to ensure the restriction is respected in future. You will be informed if a restriction on processing is lifted.
- You have the right to lodge a complaint about any data controller (and this includes the JDCs; and the Trustees when they're using your data separately to the Scheme Actuary) with the ICO.
- You have the right to, in particular circumstances move, copy, or transfer your information.

If you would like to discuss or exercise any of these rights, please contact the Trustees at the address above. If your request relates to the Scheme Actuary, the Trustees will liaise with that person (who is a JDC). If your request to access your personal information is complex (for instance, because of the volume and other factors) the Trustees can by law take up to 2 more months to respond to it (in addition to the 1 month usual statutory deadline) if that is necessary. The Trustees will explain this at the time of a request to make sure you are aware of this too.

Please note that if you choose to exercise your rights to withhold data or insist on its deletion, then the Trustees may not be able to perform their duties in relation to the Scheme, and your benefits could be affected.

Further details about the UK GDPR and your rights under the UK GDPR can be found on the ICO's website at <https://ico.org.uk/>

Issued jointly by:

**The Trustees and Scheme Actuary**  
**Warner Electric Ltd Retirement Benefits Scheme**  
**Dated: March 2024**