



Tolent
Built on Commitment

GDPR

PRIVACY NOTICE

For TOLENT PENSION SCHEME MEMBERS



INTRODUCTION

The Trustees collect and processes personal data relating to members and beneficiaries of the Tolent Pension Scheme (“the Scheme”) on behalf of the Trustees to administer the Scheme. The Trustees are committed to being transparent about how they collect and use that data and to meeting their data protection obligations in accordance with the General Data Protection Regulation (GDPR).

Data Controller : **The Trustees of the Tolent Pension Scheme (“the Trustees”)**

As the Data Controller, we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and deferred members of the Scheme and their beneficiaries. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time and will inform you if there are any material changes to the way your personal data is processed.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

After consideration the Trustees have decided that it is not necessary or desirable to have a Data Protection Officer and have, instead, appointed Helen Cairns as the first point of contact for any data protection enquiries.

Contact: **Helen Cairns, Secretary to the Trustees**
C/o Tolent Construction Limited
Ravensworth House, Fifth Ave Bus Park, Team Valley,
Gateshead NE11 0HF

Telephone: **0191 4870505**

If you have any questions about this privacy notice or how we handle your personal information, please contact the Trustees using the details shown above. You have the right to make a complaint at any time to the Information Commissioner’s Office (ICO), the UK supervisory authority for data protection issues.

Information Commissioners Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

T: 0303 123 1113 or 01625 545 745
E: casework@ico.org.uk
W: <https://ico.org.uk>

Data Protection Principles

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

What information do the Trustees collect?

Personal data, or personal information, means any information about a living individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are “special categories” of more sensitive personal data which require a higher level of protection.

The Trustees collect and process a range of information about you. This may include some or all of:

- Your name, address and contact details including email address and telephone number;
- Date of birth;
- Gender;
- Information about your employment and remuneration
- Details of your bank account, pay roll records and tax status information;
- National Insurance number;
- Information about your marital status, next of kin, dependants and Nomination of Beneficiaries;
- Dates of joining and leaving the Scheme;
- Location of employment or workplace for active members
- Health Records (only relevant in very limited circumstances)

How do the Trustees collect this information?

The Trustees may collect this information in a variety of ways. For example, data might be collected from your employer or directly from you through completion of application forms.

Why do the Trustees process personal data?

The Trustees will only use your personal information and process your data to administer the Scheme. Primarily, this will be to ensure accurate and prompt collection and investment of contributions and to arrange payment of benefits to you or your dependants, when required.

In some cases, the Trustees needs to process data to ensure that it is complying with its legal obligations, in accordance with the trust deed and rules of the Scheme.

In other cases, the Trustees may process your data because we have a legitimate interest (or the interest of a third party) in processing personal data before, during and after the end of your membership of the Scheme, provided that your interests and fundamental rights do not override those interests.

We may also use your personal information in the following situations, which we acknowledge are likely to be rare:

1. Where we need to protect your interests (or someone else's interests); and
2. Where it is needed in the public interest or for official purposes.

Situations in which the Trustees will use your personal information

- Maintain accurate and up-to-date membership records and contact details;
- Ensure effective governance and efficient administration;
- Liaising with your pension provider;
- Making arrangements for payment of benefits and leaving the scheme;
- To prevent theft and fraud;
- To comply with any Court Order in relation to divorce.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying or providing a benefit), or we may be prevented from complying with our legal obligations (such as statutory disclosure of information or payment of benefits in accordance with the trust deed and rules of the Scheme).

How we use particularly sensitive personal information

“Special categories” of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent;
2. Where we need to carry out our legal obligations or exercise rights in connection with your membership of the Scheme.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Some special categories of personal data, such as information about health or medical conditions, may be processed assess eligibility for payment of retirement benefits before the minimum pension age (currently 55).

Automated Decision Making

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

Who has access to data?

Your information may be shared with the sponsoring employer, Tolent Construction Limited (and any subsidiary or associated company), including with members of the HR and payroll teams.

The Trustees also share your data with third parties which includes third-party service providers in administering the Scheme, as follows;

- MHM Pension Services for advice to the trustees and administration support,
- Aviva for processing contributions, investment, administration, record keeping and pension provision on retirement, death or transfer,
- Robsons – Scheme Auditors,
- Any adviser or other party you have appointed to act on your behalf in relation to your benefits in the Scheme.

Data security

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

The data held by the Trustees and their advisers and service providers, is generally processed within the UK and/or other countries within the European Economic Area (EEA). Some processing may involve transferring personal data to countries outside the EEA. These countries may not offer the same protection for personal data as provided within the EEA, so we will put in place appropriate safeguards, and require the organisations we deal with to do the same.

Data retention

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements, which may continue after your membership of the Scheme has ended.

Rights of access, correction, erasure, and restriction

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes .

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction** of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Trustees, using the contact details on page 2.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact Helen Cairns. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.