

Strathclyde Pension Fund Document Retention Policy Statement

Last Updated 8th March 2023



**Strathclyde
Pension Fund**

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1 Introduction

This document has been prepared by Strathclyde Pension Fund (SPFO) in its capacity as an administering authority for the Local Government Pension Scheme (LGPS). This outlines SPFO's policy on the retention of personal data in accordance with data protection legislation applicable to the Administering Authority when processing personal data.

This document should be read in conjunction with SPFO's privacy notice which can be accessed via the following link:

<https://www.spfo.org.uk/index.aspx?articleid=14527>.

As controllers, we are required by data protection legislation to comply with the principles of data minimisation and storage limitation. Personal data we process:

- must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed; and
- must not be kept in a form which permits identification of a data subject for longer than is necessary for the purposes for which the personal data is processed.

We are obliged to retain certain records (whether in hard copy or electronic form) for various periods of time because:

- we have a statutory obligation to do so; and/or
- the information contained in those records may be necessary for the future (for example, questions may arise about the calculation of benefits paid in the past, and data that may be relevant to a possible legal claim needs to be kept until the period within which that claim could be brought has expired).

This policy document sets out the measures adopted by SPFO to comply with the principles of data minimisation and storage limitation in relation to personal data that it holds.

Our Retention Policy Procedure notes detail the steps required in order to ensure that all employment records that meet the criteria set out in this document are identified and removed from our administration system.

2 Purpose

SPFO has a number of responsibilities under the Data Protection Act 2018 (“DPA 2018”) and the General Data Protection Regulation (“GDPR”) in relation to the processing of personal data it carries out.

One such responsibility requires personal data to be deleted when it is no longer needed. The timescales in most cases are not set and will depend on business circumstances and the reasons why the data was originally collected.

The period of retention is, therefore, at the discretion of SPFO provided that personal data is not kept longer than is necessary for the purposes for which it was obtained. Thus, the period of time data may be retained may vary between scheme member and circumstance.

For the purposes of this policy, ‘personal data’, ‘special category personal data’, ‘data subject’ and ‘processing’ have the same meaning as defined in section 3 and Schedule 1 of the DPA18 and outlined in the Data Protection Policy.

3 Types of Data we Hold

We hold and process the following types of personal data in relation to Members and beneficiaries of the Fund:

- Contact details, including name, address, telephone numbers and email address.
- Identifying details, including date of birth, national insurance number and employee and membership numbers.
- Information that is used to calculate and assess eligibility for benefits, for example, length of service or membership and salary information.
- Financial information relevant to the calculation or payment of benefits, for example, bank account and tax details.
- Information about the Member’s family, dependents or personal circumstances, for example, marital status and information relevant to the distribution and allocation of benefits payable on death.
- Information about the Member’s health, for example, to assess eligibility for benefits payable on ill health, or where the Member’s health is relevant to a claim for benefits following the death of a Member of the Fund.
- Information about a criminal conviction if this has resulted in the Member owing money to the Member’s employer or the Fund and the employer or Fund may be reimbursed from the Member’s benefits.

4 Retention periods for personal data

In compiling our policy on the retention of personal data, we have taken into account the guidelines on the retention of personal data as set out by / in:

- Information and Records Management Society;
- The National Archives;
- HMRC compliance handbook manual CH15400;
- [Lord Chancellor's Code of Practice on the Management of Records issued under Section 46 of the Freedom of Information Act 2000];
- Information Commissioner's Office's guidance on storage retention; and
- The Pensions Regulator's code of practice for public service pension schemes.

Data protection legislation requires that we retain personal data for no longer than is necessary in order to fulfil the purpose(s) for which it is processed. Given the long-term nature of pensions, we need to ensure that personal data is retained to:

- Comply with our legal and regulatory obligations regarding the payment of benefits from the SPFO; and
- Deal with any questions or complaints that we may received about our administration of the Fund.

For active, deferred and pensioner scheme members we will retain personal data for the greater of:

- such period as the Member (or any beneficiary who receives benefits after the Member's death) are entitled to benefits from the SPFO and for a period of 15 years after those benefits stop being paid; or
- 100 years from the Member's date of birth; or
- 100 years from the date of birth of any beneficiary who received benefits from the Fund after the Member's death.

The greater of "100 years from date of birth" and "last payment of benefits to the Member/beneficiary plus 15 years", is intended to ensure that SPFO is acting in line with the Pensions Regulator's Code of Practice which notes that data will need to be held for long periods of time and schemes will need to retain some records for a Member even after that individual has retired, ensuring that pension benefits can be properly administered over the lifetime of the Member and their beneficiaries

During the period where SPFO retain personal data, we will take all reasonable steps to ensure that the data is up to date and that all inaccurate data is either rectified or erased without delay. SPFO will only keep personal data for as long as required in order to fulfil the purposes(s) for which it was collected and for so long as SPFO may be required to respond to any questions or complaints received about our administration of the Fund.

In practice this means that personal data will be retained for such a period as an active scheme member, deferred scheme member or pensioner scheme member, or any beneficiary who receives pension benefits after the death of the scheme

member, are entitled to benefits from the Fund and for a further period of 15 years after those benefits cease to be paid.

For scheme members who opt out of the scheme or leave Local Government employment receiving a refund of contributions or elects to transfer the value of the LGPS benefits to another pension provider, the liability for those scheme benefits is deemed to be discharged. In such an event the pension fund will retain the personal data of the scheme member until they are aged 75. At this point any benefits that were due must be in payment prior to the scheme member's 75th birthday.

SPFO will periodically review the personal data that we hold and consider whether it is still required; any personal data that we no longer require will be destroyed.

5 Member and beneficiary rights and the right to erasure

Beneficiaries form a wider category of people who receive benefits from the Fund, for example the active/deferred/pensioner scheme member's spouse / cohabiting partner / child(ren) / dependants who may receive benefits from the Fund following a scheme member's death. Scheme members of the Fund and beneficiaries have a right to access and obtain a copy of the personal data that we hold about them and to ask us to correct personal data if there are any errors or it is out of date or incomplete.

In certain circumstances a scheme member / beneficiary has the right to:

- object to the processing of their personal data;
- restrict the processing of their personal data until any errors are corrected;
- transfer their personal data; or
- erase their personal data.

Under Section 47 of the DPA18 and articles 17 and 18 of GDPR, a data subject has the right to erasure or restriction of processing. The data subject has the right to obtain the erasure of personal data concerning them and the data controller must erase the personal data without undue delay. This is not an absolute right.

If the exercise of the member's / beneficiary's rights would prevent SPFO from paying or continuing to pay a pension from the Fund, we will consider retaining a minimised version of the Member's / beneficiary's personal data providing we can still fulfil our legal and regulatory obligation.

6 Data to be retained (but not restricted to) in a minimised record

- Name
- Date of birth
- National insurance number
- Record of period of membership
- Election to leave pension fund
- Election to receive payment of refund of contributions
- Election to transfer benefits to another pension provider

- Evidence of the refund payment/transfer value payment
- Other personal data considered necessary to fulfil legal and regulatory obligations

7 Paper Records

Staff are instructed that any paper records that contains personal, confidential, or sensitive information are to be disposed of in confidential waste bins when no longer required. The destruction of paper records is carried out by City Building to a standard which is compliant for very sensitive records. City Building operates under clear guidelines to ensure methods of destruction and security is suitable. Periodic inspection of the destruction facilities is carried out to ensure security is adequate and that records are destroyed soon after they are received.

8 Review

This policy will be reviewed by SPFO every three years along with Retention Policy Procedure Notes.

Document Control & Sign-Off

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