

PENSION FUND COMMITTEE – 6 DECEMBER 2019

ADDENDA

ADMINISTRATION REPORT - GENERAL DATA PROTECTION REGULATIONS

The Committee is **RECOMMENDED** to

- (a) agree the policy for retention periods, subject to annual review;**
- (b) note the communications to scheme employers setting out the Fund's expectations for retention of personal data.**

At the time of implementing GDPR there was much discussion around what the retention periods should be for the Pension Fund and this committee determined that the retention period should be 25 years.

The Local Government Association (LGA) has now sought legal advice on the data retention periods to be used in the Local Government Pension Scheme.

Their legal advisors have provided a template to enable administering authorities, in their capacity as data controller of personal data relating to the Local Government Pension Scheme fund for which they are responsible, to satisfy their obligation under the General Data Protection Regulations ("**GDPR**") in relation to the retention of personal data.

This template considers guidance issued by a number of bodies, as at the date of issue:

- 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;
- ICO's retention policy;
- EU Article 29 Working Party guidance; and
- The Pension Regulator's code of practice 14 for public service pension schemes.

Some of that guidance is not specific to pension arrangements and there is an obvious tension between the requirements of GDPR and the need for funds to retain personal data for significant periods of time in order to be able to pay benefits correctly and respond to future queries. This should be kept under review as it is likely that best practice will continue to develop, and data retention policies should be reviewed regularly.

At present data retention is of a complete record as partial record deletion is not available; this option will need to be developed taking data quality requirements in to consideration.

The LGA has also produced a template document for scheme employers. This template enables administering authorities, in their capacity as data controller of personal data relating to the Local Government Pension Scheme fund for which they are responsible, to set their expectations of employers participating in their fund in relation to the retention of personal data that may need to be provided to the fund. The template includes a suggested form of data retention policy for adoption by individual employers in relation to their participation in the fund.

This documentation will be sent out to all scheme employers.