

# H. J. Enthoven Limited Pension Scheme

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## Privacy Notice

Dear Member

### Introduction

This notice is provided to you by the Trustee of the H.J. Enthoven Limited Pension Scheme (the "**Scheme**"). As Trustee of the Scheme we take our legal obligations and responsibilities regarding the privacy and security of your personal data very seriously.

Our legal obligations are contained in the UK General Data Protection Regulations and the Data Protection Act 2018 which we have referred to as the "**Data Protection Law**".

### What is the purpose of this document?

We hold personal data about you in our capacity as a "**Data Controller**". We are classed as a Data Controller because we determine how, why and what data we need to hold for the purposes of the Scheme. This includes the need to process your data to contact you; to calculate, secure and pay your benefits; to manage the Scheme's assets and liabilities and to administer the Scheme generally.

You will be accessing this document because you are a member of the Scheme either due to your own membership of the Scheme or because you are receiving a benefit from the Scheme as a result of someone else's membership.

Under Data Protection Law we must write formally to all the members of the Scheme to explain how we collect and use your personal data, who will have access to it and what new rights you will have. This notice is intended to address all of these points.

It is important that you read this notice so that you are aware of how and why we are using your personal data.

### Data protection principles

Data Protection Law says that the personal data 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 is personal data and what personal data do we hold about you?**

Personal data is personal information that could be used to identify you as an individual. It does not include data where the identity has been removed (for example, anonymous data).

As a member of the Scheme, we may hold the following types of personal data in relation to you: name, National Insurance number, date of birth, marital status, contact details, salary details, employment history, length of service, tax details and bank details.

In addition we may hold data which is especially sensitive and therefore requires a higher level of protection. This data includes "special categories of personal data" and personal data relating to criminal convictions and offences. In the context of your membership to the Scheme, we may hold special categories of personal data in relation to your physical and mental health; sexual orientation; or trade union membership. This data is obtained for the purposes of calculating benefits payable from the Scheme, the funding of the Scheme and where consultation is required with members.

### **How is your personal data collected?**

We obtain personal data directly from you, for example when you joined the Scheme or when you started to receive a benefit from the Scheme, and through subsequent correspondence with you.

We may also obtain data (for example, salary information) from your current or former employer or companies that succeeded them in business; from another member of the Scheme (where you are a beneficiary of the Scheme as a consequence of that person's membership of the Scheme); our advisers and government or regulatory agencies; and from a variety of other sources including public databases (such as the Register of Births, Deaths and Marriages).

## **What will the Trustee do with my personal data?**

We will only process your personal data when Data Protection Law allows us to. Most commonly we will use your personal data in the following circumstances:

- Where the processing is necessary for us to comply with a **legal obligation** or **contract** which we are subject to. This will apply due to our legal and fiduciary duties to administer the Scheme according to its Trust Deed and Rules and in accordance with any relevant legislation. If we should enter into any contractual arrangements with you we shall be entitled to process your data to comply with our obligations under those contractual arrangements; and
- Where the processing is necessary for the purposes of pursuing our **legitimate interests** (or the legitimate interests of our advisers) relating to the operation of the Scheme, provided that such interests are not overridden by your interests or your fundamental rights and freedoms. We have a legitimate interest to process your personal data so that we can: administer the Scheme correctly and in accordance with best administrative or regulatory practice; to manage the assets and liabilities of the Scheme's fund; and to calculate, secure and pay the correct benefits that are due to you. We believe that in the majority of cases, your interests will not override our legitimate interests, but we will keep this under regular review.

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

## **Lawful processing of special categories of personal data**

When processing special categories of personal data, which is especially sensitive and requires a higher level of protection, we must comply with the extra protections under the Data Protection Law.

We will therefore only process your personal data falling within one of the special categories with your consent, unless we can lawfully process this data for another reason permitted by the Data Protection Law.

By way of an example, we may need to process information about your health in connection with ill health benefits. In order to assess your application, we may also need to obtain, analyse and share your medical records with certain advisers. We will process this data under special conditions set out in the legislation where they apply. If those conditions don't apply, or we obtain data that is not strictly necessary to comply with our legal obligations, your consent to the processing will be required, which we will request in writing.

You have the right to withdraw that consent at any time. To withdraw your consent, please see the relevant contact details at the end of this communication. 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. However, please be aware that if we do not hold all the data we need to calculate or administer your benefits (because you have withdrawn your consent), we may not be able to pay out the benefits you are entitled to.

Very occasionally we may also need to process any criminal conviction and offence data in relation to you such as where you owe money to your employer or the Scheme. We will only use information relating to criminal convictions where Data Protection Law allows us to do so.

### **What will the Trustee do with data I have given about members of my family or other third parties?**

Where you have provided us with personal data about other individuals, such as family members, dependants or potential beneficiaries under the Scheme, we will keep that information confidential and will advise the individual of their data protection rights if a benefit becomes payable from the Scheme.

### **Who has access to my data?**

From time to time we will share your personal data with advisers and service providers so that they can help us carry out our duties, rights and discretions in relation to the Scheme.

Some of those organisations will process your personal data on our behalf and will only do so in accordance with our instructions.

Other organisations will be responsible to you directly for their use of personal data that we share with them and are therefore also classed as Data Controllers along with the Trustee. Examples of Data Controllers that we share your personal data with include the Scheme

Actuary, the Auditor, the Trustee's legal advisers and life assurance providers. Please also note that if you are currently employed by H.J. Enthoven Limited or Eco-bat Technologies Limited, we will need to share your personal data with your employer.

We outline some examples of the advisers' processing activities, below:

- The Scheme administrator, Aptia, looks after your member records and calculates your benefits. As such this is the main organisation that holds complete records of all the members of the Scheme.
- The Scheme consultant, Mercer, assists and supports the management of the Scheme and will need access to data in order to undertake that role.
- The Scheme Actuary will need data to assess the funding level of the Scheme and to assist with the calculation of some benefits.
- The Scheme Auditor will see a limited amount of personal data in order to ensure that the Scheme's finances are in order and the correct benefits are being paid out.
- The Scheme's legal advisor may need to be consulted on individual cases or categories of cases.
- From time to time, we may also need to send your personal data to government bodies and agencies (for example the Courts, HMRC, the Pensions Regulator or the Pensions Ombudsman), in order to comply with legal requirements.

All of the organisations that need access to your personal data will have to comply with Data Protection Law. In addition, we have taken steps to check what security measures these organisations have in place so that we can be confident that your personal data will be secure.

Where our advisers or service providers need to transfer your personal data outside of the UK, it will only be transferred to countries which are regarded by the UK as providing an adequate level of protection for your data, or where we have verified that appropriate safeguards are implemented with a view to protecting your data in accordance with applicable laws.

### **How long will you keep my personal data?**

For practical reasons, we will need to hold your personal data for many years because there are often occasions when a review of historical member information is necessary. Some of our advisers will also need to retain data for long periods of time for the same reason. That being said, when it is no longer necessary for the adviser to hold onto your personal data (for

example because we no longer instruct them as an adviser to the Scheme), the adviser must ensure that they securely destroy the data or return the data to the Trustee.

### **What rights do I have?**

You already 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.

In addition, you will (under certain limited circumstances) have the right to:

- 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 data is being processed 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.

Notwithstanding the above, you will appreciate that there are legal and valid reasons why your personal data is obtained, stored and used for all the purposes associated with managing a pension scheme. Quite simply, if we do not have access to your personal information, we (including our appointed advisers) would not be able to calculate and administer your benefits.

### **What do we ask you to do?**

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal information changes whilst you are a member of the Scheme or whilst you are receiving benefits from the Scheme.

We may need to request specific information from you to help us confirm your identity and safeguard your right to access your 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.

### **Who can I contact about my rights?**

If you are unhappy with the way your data has been used you can complain to the Information Commissioner's Office (ICO) at:

[www.ico.org.uk/global/contact-us/](http://www.ico.org.uk/global/contact-us/)

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel: 0303 123 1113

### **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.

### **Contact details**

If you have any questions about this letter or the way that we process your personal data, please contact Janet Gerrard, HR Manager:

Address: Ecobat Resources UK, Peartree Lane, Welwyn Garden City, Hertfordshire, AL7 3UB

Email: [Janet.Gerrard@ecobat.com](mailto:Janet.Gerrard@ecobat.com)

Phone: 01707 324595

Yours sincerely

### **Trustee of the H.J. Enthoven Limited Pension Scheme**