

# PENDRAGON GROUP PENSION SCHEME

## PRIVACY NOTICE

### Who are we?

We are the Trustee of the Pendragon Group Pension Scheme (the **Trustee, we, it, our or us**). We collect, hold and use personal information to help us run the Pendragon Group Pension Scheme (the **Scheme**).

### Why are we writing to you?

The Trustee is a data controller in respect of the personal information that we hold in relation to the Scheme. Because we use your personal information, we have to provide you with certain information as required by the UK data protection laws and regulations (including the UK GDPR and Data Protection Act 2018) from time to time ("**Data Protection Laws**").

This notice contains information on:

- the personal information we collect about you, what we do with this information and why we hold it. This is explained in more detail in section one (see page 2).
- who else we get personal information from and who else we share personal information with. This is explained in more detail in section two (see page 5).
- what rights you have in relation to your personal information and who to contact if you have any problems. This is set out in section three (see page 6).

In the 'Further Information' sections, you can find more detailed information about:

- how and why we process your personal information in part one; and
- the third parties who we share your personal information with in part two.

### Where can I get more information?

A copy of this notice can also be found at [www.pendragonplc.com](http://www.pendragonplc.com).

This notice explains how the Trustee processes your personal information. Please read this notice (and any other privacy information that we send to you) so that you are aware of how and why we are using your personal information.

We may change this notice from time to time. Please visit our webpage or contact us in order to receive the most up to date version of this notice. Our contact details are set out in section three of this notice (see page 7).

## SECTION ONE

### ABOUT YOUR PERSONAL INFORMATION

#### What information do we collect and process?

We collect and process your personal information because you are or were a member, or are or were connected to a member of the Scheme. We also collect personal information if you contact us in connection with your membership of the Scheme.

We collect and process the following categories of personal information about you:

- **personal contact details** – names, titles, addresses, telephone numbers and email addresses;
- **information about you** – dates of birth, gender, marital status, dependents, next of kin and criminal records;
- **payroll information** – National Insurance numbers, payroll numbers, bank account details, tax status, salary / pay information;
- **employment related information** – name of employer, employment service start date and, where applicable, end date; and
- **pension benefits** – information about the pension benefits that you have accrued, investment choices and death benefit nomination forms and any other expression of wishes and the identities of other beneficiaries such as dependents and next of kin.

If you are connected to a member of the Scheme, we will process your personal contact details and information about you and also your identification documents (such as passport, driving licence, birth certificate).

#### What sensitive personal information do we collect and process?

We usually only ask for sensitive personal information when it is required to help us make a decision in relation to your rights under the Scheme. For example, we may request:

- health information / medical records – we may ask you to provide health information if you request payment of a benefit that can only be paid if you meet certain medical criteria (e.g. ill health early retirement benefits) or if insurers require it for additional underwriting. In addition to receiving this information from you, we may receive medical information from third parties such as your doctor or a third party occupational health provider; or
- other sensitive personal information – we may ask you to provide other sensitive personal information (e.g. information about your relationships) if it is relevant to help us decide on an internal dispute resolution procedure.

In addition, certain categories of special category personal data (e.g. race, ethnicity, religious beliefs and sexual orientation) may be revealed on formal documentation that we process in order to identify the recipients of benefits under the Scheme (e.g. birth certificates, marriage certificates, driving licences and passports). You may also decide to provide us with special category data voluntarily (e.g. when raising queries or making a complaint).

Please see below **Further Information – Part One, more about how and why we process your personal information** for more details on the personal information we collect and process about you.

## How do we collect your personal information?

When you join the Scheme, you and/or your employer provide personal details so that we can create your membership record.

This information is updated whilst you are a member of the Scheme. Updated information may come from:

- you (e.g. if you get in touch to let us know a new address);
- your employer (e.g. updated salary and payroll information); and
- other third parties (e.g. if you contact the Scheme's administrator to update your personal information or if HMRC provides us with information so that we can deduct the correct level of tax or if we need to obtain documentation (such as birth certificates or death certificates) from local authorities).

In addition, we may request additional information in certain circumstances (e.g. if you request to transfer your benefits to another pension scheme, if you apply for ill-health benefits or when you ask for your benefits to start being paid).

## Why do we process your personal information?

We use this information in connection with the operation of the Scheme, including to:

- set up your membership record for the Scheme;
- manage your membership of the Scheme;
- send you information that is relevant to your membership of the Scheme;
- calculate and pay any benefits that you are entitled to;
- comply with our legal and regulatory duties;
- help manage risks and liabilities in the Scheme in order to seek to be able to pay full benefits as far as possible;
- help the Scheme's sponsoring employers comply with their legal and regulatory duties;
- communicate with members with information about the Scheme; and
- improve our information and knowledge of pension schemes generally.

## What are our legal grounds for processing your personal information?

### In order to comply with our legal obligations

As the Trustee of the Scheme, we are under legal obligations to process your personal information in order to comply with pensions and other relevant legislation, the Scheme's rules, court rulings and Pensions Ombudsman decisions. For example:

- legislation sets out certain things that the Trustee must do (e.g. sending certain information to the Scheme's members); and

- the Trustee is subject to fiduciary duties under trust law to act in line with the Scheme's governing documentation and to act best interests of the Scheme's beneficiaries.

It is necessary for us to process your personal information in order to comply with these legal obligations.

### **In order to fulfil our legitimate interests**

Processing your personal information is also legal if it is based on our 'legitimate interests'. We have a legitimate interest in running and managing the Scheme and managing the Scheme's risks and liabilities. In addition, certain third parties may have legitimate interests which require the processing of your personal information by the Trustee (e.g. your employer may need information in order to comply with regulatory requirements).

In order to rely on this legal ground, we have:

- considered the impact the processing has on your interests and rights; and
- implemented appropriate safeguards to ensure that your privacy is protected as far as possible.

### **What are our legal grounds for processing your special category data?**

There are three legal grounds that allow us to process your known special category data:

- when processing is **necessary** for carrying out obligations under employment, social security or social protection law. This includes obligations under pensions law;
- when we need to establish, exercise and defend legal claims; and
- if we obtain **explicit consent** from you (e.g. when you sign one of the Scheme's forms which contains the appropriate consent wording). It is very rare that we will do this as typically we need to use your personal information data in order to carry out our legal obligations.

We may also process special category data about a nominated beneficiary who is your parent, grandparent, great grandparent or sibling without consent if it is necessary for determining eligibility or benefits under an occupational pension scheme and it does not involve measures or decisions about you. In such circumstances, we may rely on paragraph 21 of Schedule 1 of the Data Protection Act 2018.

### **What would happen if we did not collect and process your personal information?**

If we did not collect and process your personal information then:

- we would not be able to manage or administer the Scheme;
- we would not be able to pay you the benefits that you are entitled to under the Scheme; and
- we could be in breach of our legal and regulatory duties.

### **How long do we keep your personal information for?**

The Scheme was set up to provide benefits over a very long time. We need to maintain records in order to properly run the Scheme, to determine who should receive what level of benefits and when they should receive them, and to respond to any disputes about an individual's rights under the Scheme.

As a result, the Trustee will generally keep your personal information for the lifetime of the Scheme plus 15 years (the longest period of time that someone can bring a claim against the Scheme).

## **SECTION TWO**

### **USING AND SHARING YOUR PERSONAL INFORMATION**

#### **How do we keep your personal information secure?**

We use a range of measures to safeguard your personal information, in line with the requirements set out in the Data Protection Laws. These apply to both paper and electronic records. We also require our third-party service providers to give certain assurances and agree to contractual terms in respect of data protection and the security of your personal information.

#### **What do we do with any personal information that is provided by third parties?**

We receive personal information from sources other than directly from you. This includes information shared by your employer, the Scheme's administrator, its professional advisers, service providers and other relevant third parties.

When we receive this information, we add it to the information we already hold about you in order to help us make sure that your details are as up to date and accurate as possible and so that we can manage your membership of the Scheme.

#### **Who do we share your personal information with?**

For the purposes of administering the Scheme and paying benefits under it, the Trustee may need to share your personal information with third parties. This will include your employer or former employer. It will also include third parties who provide advice or services to the Trustee.

These third parties may include actuaries, administrators, auditors, insurers, prospective insurers, lawyers, medical advisers, qualifying pensions dashboards providers, providers of investment platforms and products and any other such third parties as may be necessary for the operation of the Scheme. A list of key third parties with whom we share your personal information is set out in part two of the Further Information. Some of suppliers and service providers also act as controllers in respect of your personal information.

In addition, like any organisation, we need to use suppliers to operate our systems, keep our records, send out correspondence to our members etc. These suppliers act as processors, they will only use the information to provide their services to us and must act in accordance with our instructions.

In some circumstances, we may have to disclose your personal information by law, because a court or the police or other law enforcement agency has asked us for it. This may include passing information to The Pensions Regulator or HM Revenue and Customs.

We may also share your personal information with the Scheme's sponsoring employers to enable them to carry out activities in their legitimate interests (this is usually in connection with managing their business from a regulatory, HR or finance perspective).

Sometimes, in order to improve our knowledge and information of pension schemes generally (so that we may improve our ability to run the Scheme appropriately) we pool the personal information we hold with that of other pension schemes through third parties (for example, to obtain up to date and more accurate longevity data).

## SECTION THREE

### YOUR RIGHTS AND WHO TO CONTACT

#### What rights do you have in respect of your personal information?

In certain circumstances, you have the following rights in respect of your personal information:

- the right to **object** to us processing your personal information;
- the right to request **access** to personal information relating to you;
- the right to request that we **correct any mistakes** in your personal information;
- rights in relation to **automated decision taking**;
- the right to request to **restrict or prevent processing** your personal information;
- the right to request to have your personal information **transferred** to another data controller (e.g. if you decide to transfer your pension benefits to another pension scheme);
- the right to request to have your personal information **deleted**.

Below, we've set out more information about these rights, along with information on how you can exercise your rights in respect of the Scheme.

#### Right to object to our processing of your personal information

Where we are relying on a legitimate interest as our legal grounds for processing you may object to us processing your personal information unless we can demonstrate compelling grounds for continuing to do so. Our legal grounds for processing, and our compelling grounds, are set out in section one of this data protection notice and part one of the Further Information.

The key point to note is that, if we cannot continue to process your personal information, we would be unable to ensure that we are providing the correct level of benefits in respect of your membership of the Scheme. As we are legally required to pay the correct level of benefits to the right people at the right time, we need to use your personal information to achieve that requirement.

#### Right to access personal information relating to you

You can ask us to confirm whether we are processing your personal information. If we are, you may ask us to provide the following:

- a copy of your personal information (please note that, if you want more than one copy of your personal information, we reserve the right to charge a reasonable fee based on our administrative costs for the provision of such further copies);
- details of the purpose for which your personal information is being or is to be processed;

- details of the recipients or classes of recipients to whom your personal information is, or may be, disclosed, including if the recipient is based in a country outside of the UK, and what protections are in place in relation to those overseas transfers;
- the period for which your personal information is held (or the criteria we use to determine how long it is held);
- any information available about the source of your personal information; and
- confirmation as to whether we carry out any automated decision-making, or profiling, and, where we do, information about the logic involved and the envisaged outcome or consequences of that decision or profiling.

To help us find the information easily, please give us as much information as possible about the type of information you would like to see.

If, to comply with your request, we would have to disclose information relating to or identifying another person, we may need to obtain the consent of that person if possible. If we cannot obtain consent, we may need to withhold that information or edit the data to remove the identity of that person if possible.

There are certain types of data which we are not obliged to disclose to you, which include personal information which records our intentions in relation to any negotiations with you where disclosure would be likely to prejudice those negotiations.

### **Right to correct any mistakes in your information**

You can require us to correct any mistakes in your information which we hold free of charge. If you would like to do this, please:

- write or email us (see 'How can you contact us?' below);
- let us have enough information to identify you (e.g. account number, user name, registration details); and
- let us know the information that is incorrect and what it should be replaced with.

### **Rights in relation to automated decision taking/making**

The Trustee does not use automated decision making or profiling.

Automated decision making occurs when decisions are taken solely on automated processes. Under the Data Protection Laws, you have the right to ask that, if you are being evaluated (for example when doing a credit check on you), we don't base any decisions solely on an automated process and to have any decision reviewed by a member of staff.

These rights will not apply in all circumstances, for example where the decision is authorised or required by law and steps have been taken to safeguard your interests.

### **Right to request that we restrict the processing of your personal information**

You may request that we stop processing your personal information temporarily in any of the following circumstances:

- where you do not think that your personal information is accurate. In this case, we will start processing again once we have checked whether or not your personal information is accurate;

- where the processing is unlawful but you do not want us to erase your data;
- where we no longer need the personal information for the purposes of our processing, but you need the information to establish, exercise or defend legal claims; or
- where you have objected to processing because you believe that your interests should override our legitimate interests. In this case, we will start processing again once we have checked whether or not our legitimate interests override your interests.

If our processing is restricted in any of the circumstances described above, we will inform you in advance if that restriction is to be lifted.

### **Right to request that we delete your personal information**

You can ask us to erase your personal information where your personal information is being processed on a legal ground other than for complying with a legal obligation and:

- you believe that we no longer need your data for the purposes set out in this privacy notice;
- you had given us consent to process your data, but you withdraw that consent and there is no other legal ground upon which we can process your personal information;
- you have successfully objected to us processing your personal information; or
- it has been processed unlawfully or has not been erased when it should have been.

### **Right to withdraw consent**

If we have asked for your consent to process special category data, you have the right to withdraw any consent you have given us at any point.

### **How will we respond to your request?**

We will usually respond to any request that you make within 30 days of receiving your request. If your request is particularly complex, we may need to extend our time for responding by up to 2 additional months. We will let you know that we've received your request and let you know when we aim to respond.

Under the Data Protection Laws, there are exemptions which mean that, in certain circumstances, we may continue to store, process or transfer your data (for example where we need to comply with a legal requirement or have a legally valid legitimate interest in doing so).

### **What should you do if you have any questions or complaints?**

You may be entitled to compensation for damages caused by breach of the Data Protection Laws. If you do not think that we have processed your data in accordance with this notice, please contact us in the first instance (see below). If you are not satisfied, you can complain to the Information Commissioner's Office. Information about how to do this is available on their website at [www.ico.org.uk](http://www.ico.org.uk) or by calling their helpline on 0303 123 1113.



## How to contact us

Please contact us if you have any questions about this privacy notice or the information we hold about you. If you wish to contact us, please send an email to [pensions@pendragon.uk.com](mailto:pensions@pendragon.uk.com) or write to us at:

Trustee of the Pendragon Group Pension Scheme, Neway House, 2 Oakwood Court, Little Oak Drive, Annesley, Nottingham, NG15 0DR

Alternatively, you can call the Scheme's helpline on 01623 725193

## FURTHER INFORMATION – PART ONE

### MORE ABOUT HOW AND WHY WE PROCESS YOUR PERSONAL INFORMATION

CATEGORY OF PERSONAL INFORMATION	WHAT WE USE THIS INFORMATION FOR	LEGAL GROUND(S) FOR PROCESSING	WHERE WE GOT THIS INFORMATION FROM
Address	We use this information so that we can send you information that we are legally required to provide you with. In addition, we use this information to get in touch with you when we need to in order to run the Scheme. Finally, we use it to send you information that we think will be relevant to you as a member of the Scheme.	We have a legal obligation to send certain information to members of the Scheme.  In addition, we may send additional information to fulfil our legitimate interest of running the Scheme.	This information is initially provided by you or your employer when you joined the Scheme.  Your employer may share updated information if you update your records with HR. In addition, you may have updated your information by contacting us or the Scheme's administrator.  If a member's details are not kept up to date, we may lose contact with that member. In these cases, we may use a third party tracing agent to obtain up to date contact information.
Telephone number			
Email address			
Name and title	We use this information to identify you and to create and update your membership record in the Scheme.	We have a legal obligation to pay the correct level of benefits to the correct individuals. This requires us to obtain and update this information.  We also have a legal obligation to properly identify individuals who receive or may receive benefits from the Scheme.  Special category data about a nominated beneficiary who is your parent, grandparent, great grandparent or sibling can be processed if it is necessary for determining eligibility or benefits under an occupational pension scheme and it does not involve measures or	The Scheme's administrators may create a unique reference number so that your records can be easily identified.  Your bank details provided by you when you fill in your membership form and when you update your details.
Date of birth and your Scheme retirement date			
Gender			
Marital status	We use this information to help us decide who should receive what benefits from the Scheme.		
Dependents			
Next of kin			
National Insurance number	We use this information to identify you and to create and update your membership record in the Scheme. Your National Insurance number is also needed so that we can receive the correct information from HMRC and so that we can deduct the correct level of tax from your benefits.		
Employment start and, if applicable, end dates			
Payroll number			
Scheme reference number			
Bank account details	We use this information in order to pay your benefits under the Scheme directly to you.		

CATEGORY OF PERSONAL INFORMATION	WHAT WE USE THIS INFORMATION FOR	LEGAL GROUND(S) FOR PROCESSING	WHERE WE GOT THIS INFORMATION FROM
Tax status	We use this information to deduct the correct level of tax from your benefits.	decisions about you. In such circumstances, we may rely on paragraph 21 of Schedule 1 to the Data Protection Act 2018.	Your tax status is provided to us by your Scheme employer and/or HMRC.
Salary details	We use this information to calculate the correct level of your benefits under the Scheme.	The Trustee is also required to comply with tax legislation and deduct the correct level of tax from benefits.	Your salary details are provided to us by your Scheme employer.
Details about your entitlement to pension benefits under the Scheme	We use this information to calculate the correct level of your benefits under the Scheme.	Processing this information also fulfils the Trustee's legitimate interests in running and managing the Scheme.	Details about your entitlement to pension benefits under the Scheme may be provided by your employer or may be determined by reference to the Scheme's governing documentation. In addition, the Scheme's actuary and administrators will carry out calculations, the results of which will be added to your record.
Investment choices	We use this information to ensure that your additional voluntary contributions and/or money purchase benefits are invested in the correct investment fund.	We have a legal obligation to ensure that the Scheme is run properly and in line with its governing documents. There is also specific legislation that governs payment of contributions into money purchase investment funds.	We (or our third party providers) give you information about the investment options that are available to you. You then provide us with your choices and any changes to your investment choices.
Death benefit nomination forms	We use this information as part of our decision making process when deciding who will receive death benefits.	As Trustee of the Scheme, we have a legal obligation to make decisions in line with trust law. This includes an obligation to take account of all the relevant facts and ignore all the irrelevant facts when making decisions and exercising discretions. We also have a legal obligation to pay the correct level of benefits to the right individuals at the right time.	You provide us with the information that is contained on our death benefit nomination forms.
Medical information (including medical records and doctors' opinions)	We use this information as part of our decision making process when deciding ill health benefits under the Scheme.		Medical information relating to you may be provided directly by you, by the Scheme employer, your doctor or by a third party providing health assessments / reports.
Information about your personal relationships	This information is used to determine who is entitled to benefits in relation to your membership of the Scheme.		This information is usually provided by you. In certain circumstances, we may also need to obtain information from relevant third parties.

CATEGORY OF PERSONAL INFORMATION	WHAT WE USE THIS INFORMATION FOR	LEGAL GROUND(S) FOR PROCESSING	WHERE WE GOT THIS INFORMATION FROM
<p>Identification documentation of beneficiaries and documentation to prove relationship with the member such as:</p> <ul style="list-style-type: none"> <li>• passport;</li> <li>• driving licence;</li> <li>• birth certificate;</li> <li>• marriage certificate</li> <li>• death certificate; and</li> <li>• decrees nisi / absolute.</li> </ul>	<p>This information is used to:</p> <ul style="list-style-type: none"> <li>• identify a beneficiary of the Scheme;</li> <li>• determine the status of your relationship with the member of the Scheme;</li> <li>• determine if you are eligible for benefits under the Scheme; and</li> <li>• trigger certain processes in respect of your benefits under the Scheme (e.g. payment of death benefits or splitting of benefits in cases of divorce).</li> </ul>	<p>As Trustee of the Scheme, we have a legal obligation to make decisions in line with trust law. This includes an obligation to take account of all the relevant facts and ignore all the irrelevant facts when making decisions and exercising discretions. We also have a legal obligation to pay the correct level of benefits to the right individuals at the right time. Certified copies of official documentation are sometimes essential for the Trustee to make legally valid decisions.</p>	<p>This information is usually provided directly by you or from your next of kin. In more unusual cases (e.g. when we are having difficulty locating a member or identifying their next of kin) publicly available official documentation may be obtained by a third party tracing agent.</p>
<p>Information about criminal convictions of anyone who may be claiming benefits under the Scheme</p>	<p>This information is used to ensure that benefits are not paid where a crime has been committed in order to obtain them, or where any other party is entitled to all or part of the benefits as a result of you or another person's criminal activities (which bar that person from entitlement).</p>	<p>This processing is necessary for substantial public interests in order to comply with a statutory obligation and/or to prevent or detect unlawful acts.</p> <p>Processing this information also fulfils the Trustee's legitimate interests in running and managing the Scheme.</p>	<p>This information is usually provided by you or those individuals who may be claiming benefits under the Scheme. In certain circumstances, we may also need to obtain information from relevant third parties.</p>

## FURTHER INFORMATION – PART TWO

### THIRD PARTIES AND TRANSFERS

This section lists the key third party service providers with whom we share your personal information.

ROLE	THIRD PARTY	OTHER INFORMATION (IF APPLICABLE)
Actuary	<b>Mercer</b>	Our actuary will be a controller for some aspects of their services. You can access their privacy notice here <a href="https://www.mercer.com/en-gb/footer/mercerc-privacy-notice-relating-to-uk-actuarial-services/">https://www.mercer.com/en-gb/footer/mercerc-privacy-notice-relating-to-uk-actuarial-services/</a>
Administrator	<b>Isio</b>	The administrator is our processor.
Legal advisers	<b>Gowling WLG</b>	Our legal advisers are processors for some aspects of their services and a controller for other aspects. You can access their privacy notice here <a href="https://gowlingwlg.com/en-gb/footer/privacy-statement">https://gowlingwlg.com/en-gb/footer/privacy-statement</a>
Auditor	<b>Cooper Parry</b>	Our auditor will be a controller for some aspects of their services. You can access their privacy notice here <a href="https://www.cooperparry.com/privacy-policy/">https://www.cooperparry.com/privacy-policy/</a>
AVC Provider	<b>Aegon</b>	Our AVC provider is a processor.

#### Transfers of your personal information out of the UK

Your information may be transferred out of the UK. Where your personal information is to be transferred outside the UK, we will make sure that there are appropriate safeguards in place (such as adequacy decisions or standard contractual clauses) as approved by the Information Commissioner and/or the UK Secretary of State from time to time. If you want to know more about how personal information is transferred, please contact us using the details set out at section three above.