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## The Rical Group (1990) Pension Scheme - Updated Data Privacy Notice

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### **BACKGROUND**

This privacy notice is for members and beneficiaries of The Rical Group (1990) Pension Scheme (the "Scheme"). It has been prepared by the Trustees ("Trustees", or "we") in their capacity as trustees of the Scheme.

This privacy notice replaces the previous privacy notice dated 27 June 2019 and supplements any other notices and statements we issue that are specific to particular data collection / processing activities.

As the Trustees of the Scheme, we hold certain information about you and from which you can be identified (either from the information itself or with other information that we may hold) ("personal data"). In line with the transparency requirements of applicable data protection laws (including but not limited to the EU General Data Protection Regulation as implemented into UK domestic legislation as the UK General Data Protection Regulation and the UK Data Protection Act 2018 (together the "Regulations")), we are required to give you specified information about the personal data we hold about you, how we use it, and the safeguards that are in place to protect it. This notice is designed to give you that information.

We recognise that the correct and lawful processing of personal data is important and integral to our successful operations and to maintaining the trust of the people we deal with. We fully endorse and adhere to the principles set out under the Regulations.

For the purposes of this statement, the term "personal data" shall refer to personal data and special categories of personal data.

The Trustees may act as Data Controller and a Data Processor in relation to the handling of the personal data and special categories of personal data of the persons/organisations we deal with.

### **PURPOSE AND LEGAL BASIS FOR PROCESSING THE PERSONAL DATA**

The personal data that the Trustees will hold includes but is not limited to your name, address, date of birth, National Insurance details and marital status, as well as details of your children or other beneficiaries. We will also hold details of your salary history, membership dates and any contributions to your pension scheme. In addition, we will retain medical history information that you supplied to us, as this may affect your pension entitlement.

The reason we need to hold and process this data is so that we can properly administer your benefits and pay your pension and other benefits when they come into payment.

The Trustees may from time to time share this data with the administrators, actuary, regulatory body or other professional advisers to the Scheme, in order to manage your benefits. The Trustees may also share the personal data with insurers to ensure that we provide your benefits in the most cost-effective way.

As Data Controller, the Trustees have a legal obligation to administer and pay your benefits from your Scheme. We will therefore hold and process your data on this legal basis, or because we need to process your personal data for the legitimate interests of: administering and managing the Scheme and liabilities under it; assessing and, if appropriate, actioning a request you make to transfer your benefits out of the Scheme; calculating, securing and paying benefits; and performing our obligations and exercising any rights, duties and discretions the Trustees have in relation to the Scheme.

In certain circumstances we may also rely upon the lawful basis that the processing is necessary for the performance of a contract to which you are party, or in order to take steps at your request prior to entering into a contract.

Both the Trustees and our advisers and administrators also have our own legitimate interests for processing your data. You may object to the processing of your personal data on this basis, but your objection may be rejected by the Trustees if there are compelling reasons to do so.

When the Trustees are required to process special categories of personal data, such as your medical records, the Trustees shall seek your explicit consent to do so, and the provision of your consent will be the legal basis that we rely upon in relation to that processing. You may withdraw your consent to processing on this basis at any time.

The Trustees will hold and process your data for as long as we are legally required to do so, responsible for payment benefits from the Scheme or for protection of our legitimate interests, and in line with regulatory requirements. As pension benefits are a long-term undertaking and queries can arise many years into the future, it is not possible to give a specific period for which the data will be stored. In practice this means that we will retain your data for such period as you (or any beneficiary who receives benefits after your death) are entitled to benefits from the Scheme and for so long afterwards as may be required to deal with any questions, complaints or claims that we may receive about our administration of the Scheme.

The Trustees may share your data with Rical Limited ("the Employer") in connection to their obligation to fund certain benefits under the Scheme. The Employer may use your data for the purposes of operating pensioner payroll, operating a bank account on behalf of the Trustees, preparing annual disclosures for the Company's audited accounts, reviewing the funding position of the Scheme or providing information to the members about access to the pension freedoms (either via a one-off exercise or as a business-as-usual offering) or other liability management exercises.

We may also process your personal data when liaising with, or responding to orders or requests from, government bodies and dispute resolution and law enforcement organisations, including the courts, the Pensions Regulator, the Pensions Ombudsman, the Pension Protection Fund and HM Revenue and Customs (HMRC).

Where we pass your data to a third party, we seek to ensure that they have appropriate data security measures in place to keep your information safe and to comply with the principles in relation to data protection.

## **ORGANISATIONS THAT WE MAY SHARE YOUR PERSONAL DATA WITH**

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

- The Scheme's provider of administration, actuarial and consultancy services, currently Spence. Their privacy notice can be found at [www.spenceandpartners.co.uk/privacy-policy/](http://www.spenceandpartners.co.uk/privacy-policy/)

- The legal advisers to the Trustees, currently Squire Patton Boggs (UK) LLP. Their privacy policy, which sets out how they carry out their obligations in relation to personal data, can be found on their website: <https://www.squirepattonboggs.com/en>
- The Scheme actuary Alan Collins. Information is also shared with his employer Spence. For further details on how Alan Collins and Spence as the Scheme's actuarial advisers use your data, please contact them. Their contact details are set out below
- The Scheme auditors, currently Cooper Parry. Their privacy policy can be found on their website: <https://cooperparry.com/privacy-policy/>
- Tracing bureaus for mortality screening and locating members and beneficiaries,
- The Trustees' insurers
- The Scheme's banks
- Suppliers of IT, document production and distribution services

In some instances, advisers and service providers will be controllers in their own right and will be directly responsible to you for their use of your personal data. They may be obliged under the data protection laws to provide you with additional information regarding the personal data that they hold about you and how and why they process that data. Further information may be provided to you in a separate notice or may be obtained from the advisers and service providers directly, for example, via their websites. Whenever one of our advisers or service providers acts as a joint controller with us in respect of your personal data, because we jointly determine the purposes and means of processing it, we will agree with them how we are each going to meet our respective and collective obligations under the data protection laws. If you would like more information about how such an arrangement works, please contact us using the contact details below.

## **DO WE TRANSFER YOUR PERSONAL DATA OUTSIDE THE UK?**

In certain circumstances, your personal data may be processed outside of the UK. If we (or our service providers) process personal data outside of the UK, we will take appropriate measures to ensure that your personal data is adequately protected in a manner which is consistent with this privacy notice and in accordance with safeguards required by applicable laws. Where the data is transferred to a jurisdiction that has not been assessed by the UK Government as providing an adequate level of data protection, appropriate contractual safeguards will be required. Under our existing arrangements, no data is currently transferred outside the [UK].

## **HOW DOES THE SCHEME ACTUARY USE YOUR DATA?**

The Scheme Actuary also acts as a Data Controller and uses your personal data to advise the Trustees on the financial management of the Scheme. This advice helps to ensure the Trustees are able to meet their obligations to pay members' benefits and is necessary to comply with obligations placed on them by legislation, including the Pensions Act 2004.

The Scheme Actuary may also use your personal data in research which assists actuaries in providing this type of advice - for example research into the mortality experience (life expectancy) of pension scheme members in general. This may include the provision of personal data, anonymised as far as possible, to a recognised external authority, such as the Continuous Mortality Investigation (CMI) which investigates mortality experience on behalf of the Institute and Faculty of Actuaries.

The Scheme Actuary will not pass your personal data to any third party without the prior agreement of the Trustees.

## Contact details

Angela Burns  
Spence & Partners Limited  
Culzean Building  
36 Renfield Street  
Glasgow  
G2 1LU

[angela\\_burns@spenceandpartners.co.uk](mailto:angela_burns@spenceandpartners.co.uk)

0141 331 9984

## INDIVIDUAL RIGHTS

The Trustees will fully respect your rights under the Regulations including:

1. You have the right to make a subject access request for free and which can be made electronically
2. You have the right to make a subject access request to verify the lawfulness of the processing we are carrying out
3. We will respond to your subject access request within one month of you making it
4. You can request to correct your personal data if it is inaccurate, incomplete or out of date or request the deletion of your personal data
5. You may obtain a copy of your personal information from us, except in limited circumstances
6. You have the right to complain to the supervisory authority whose contact details are set out below.

## COMPLAINTS

Complaints relating to breaches of the Regulations and/or complaints that an individual's personal data is not being processed in line with the Data Protection Principles will be managed and processed by the Trustees.

All complaints of dissatisfaction will also be processed in accordance with the Trustees' Complaints Process and should be sent to:

The Trustees of The Rical Group (1990) Pension Scheme  
c/o Matthew Boyd  
Spence & Partners Limited  
Linen Loft  
Adelaide Street  
Belfast  
BT2 8FE

Without prejudice to any administrative or judicial remedy, you have the right to lodge a complaint with the supervisory authority, the Information Commissioner's Office (ICO), if you consider that

the processing of your personal data infringes the principles of the Regulations. Their address is as follows:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Website: [www.ico.org.uk](http://www.ico.org.uk) or via its telephone helpline (0303 123 1113).