

PERSONAL DATA RETENTION POLICY EXPECTATIONS

Northamptonshire Pension Fund (the "Fund")

This document has been prepared by Northamptonshire County Council (the "**Administering Authority**") in its capacity as the administering authority of the Fund. Employers participating in the Fund are under a statutory duty to provide data to the Fund under regulation 80 of the Local Government Pension Scheme Regulations 2013. This document sets out the Fund's expectations of employers participating in the Fund in relation to the retention of personal data that is required by the Fund.

This document can also be accessed via the following link:

<http://pensions.northamptonshire.gov.uk/employerdataretentionpolicynpf2019/> and should be read in conjunction with the Fund's privacy notice, which can be accessed via the following link: <https://pensions.northamptonshire.gov.uk/app/uploads/2019/06/FULL-PRIVACY-NOTICE-Cambs-2019.pdf>

This document largely takes the form of a template personal data retention policy for individual employers participating in the Fund to tailor to their own circumstances before adopting or incorporating into their existing personal data retention policy. In collecting and processing personal data required by the Fund, individual employers will be acting as separate, independent data controllers to the Administering Authority. The Administering Authority will assume responsibility as data controller of that personal data once it is provided to the Fund. However, in order that the Administering Authority can fulfil its legal obligations in relation to that data (as well as to pay the correct benefits to current and former employees of each individual employer and their beneficiaries), the Administering Authority expects individual employers to adopt certain minimum data retention periods. Those minimum periods are set out in the template personal data retention policy.

In determining what data retention period to adopt, Employers should note in particular that:

- you may have to provide salary information to the Administering Authority for certain Members relating to the thirteen years prior to the date of ceasing pensionable service in the Fund;
- the working hours of Members who have pre-1 April 2014 pensionable service in the Fund and are entitled to final salary benefits, are used in the calculation of certain benefits - queries regarding the Member's working hours can be received many years after any change in the Member's working pattern took effect;
- you are responsible for making ill health determinations in respect of both active and deferred Members (i.e. your former employees) and, in the case of deferred Members, may need to provide job descriptions to Independent Registered Medical Practitioners many years after a Member has ceased employment with you in order to assess if the Member is permanently incapable of doing the job they were employed to do whilst in employment with you;¹
- queries about salary data may arise some time after the relevant pay period for which it was provided, due to the complex definitions of pensionable pay in the Local Government Pension Scheme Regulations 2013 and the interaction with the tax regime for pension benefits;

¹ This may involve your HR department rather than your payroll department or provider. Generic job descriptions may not be personal data. However, if the individual member can be identified from the job description, it will still be personal data protected by GDPR.

- legal and tax requirements may change, requiring the Fund to recalculate benefits for which additional personal data is needed (for example, the Government may amend the LGPS to take account of recent Court cases concerning age discrimination within public sector pension schemes following benefit changes in 2014/5).

These factors mean the Fund requires some types of personal data to be available for longer periods of time than may usually be the case in relation to employees.

Employers wishing to make significant amendments to the template data retention policy are invited to discuss their policy with the Administering Authority before adoption, so that both parties can ensure they will be able to fulfil their legal obligations in relation to personal data required by the Fund.

Employers are responsible for providing payroll information and other data to the Administering Authority, even if those services are outsourced. You should provide your payroll department or provider with a copy of your data retention policy once adopted or updated and ask them to confirm that personal data will be retained in line with your policy. Employers should also ensure that they retain access to historical pay information if there is a change to the payroll provider.

Failure to provide historic salary/hours worked information or job descriptions may result in the Administering Authority having to make decisions or reasonable assessments in respect of a Member's benefits payable from the Fund. In the absence of such information, these could be challenged by the Member under the Internal Dispute Resolution Procedure, ultimately resulting in referral to the Pensions Ombudsman.

Issued on behalf of the Administering Authority by:

Mark Whitby FPMI, CPFA
Head of Pensions

December 2019