

## **C&J Clark Pension Fund**

### **Privacy Notice**

#### **What do we use the information for?**

C&J Clark Pension Fund Trustee ("the Trustee") is responsible for the administration of the C&J Clark Pension Fund ("the Fund").

The Fund is comprised of two legally separate sections referred to as the CJC Section and the Flexible Section. This privacy notice applies to both sections of the Fund.

The Trustee is committed to ensuring personal information is handled in accordance with "data protection legislation" (meaning the UK Data Protection Act 2018, the UK GDPR (as defined in the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019/419), the Privacy and Electronic Communications (EC Directive) Regulations 2003, and all similar or related legislation relating to the processing of personal information and/or privacy applicable to the Trustee).

The administration of the Fund is carried out by Hymans Robertson LLP ("the Administrator") on behalf of the Trustee.

The Trustee is the data controller of the personal information to which this notice relates.

The Trustee collects and uses personal information about individuals in order to administer the Fund and to pay benefits due to Fund members and other beneficiaries.

The Trustee uses personal information, for example, to provide individuals with certain information, including:

- Basic information to members on the Fund on joining or upon request by other parties
- Information to early leavers and those retiring from the Fund
- Information on request relating to transfers to and from the Fund
- Annual Benefit Statements
- Information about pensions in payment
- Information regarding changes to the regulations that govern the Fund

#### **What information do we hold and use?**

The types of personal information that the Trustee collects and processes include:

- Name, date of birth, address and contact details, sex and marital/civil partnership (or relationship) status

- Employment information, for example national insurance number (and/or other evidence of identity), details of employer, salary details (and other forms of remuneration), employment dates, details of service breaks
- Bank details, for example so that we can pay pension benefits
- Limited health information to assess eligibility for certain Fund benefits
- Details of your benefit entitlement under the Fund
- Details of any nominees to be considered for benefits in the event of your death and next of kin contact details

### **How do we collect this information?**

Most of the personal data we collect and process is provided by either you (for example when you joined the Fund or when you contact the Trustee) or Clarks. Other information about you may be provided by other pension schemes and pension providers, independent financial advisers, medical practitioners, other advisers or service providers to the Trustee or Her Majesty's Revenue and Customs (HMRC).

### **On what grounds do we use the information?**

The legal basis for us using personal information is to enable us to comply with our legal obligations as Trustee, which include paying benefits to members and other beneficiaries in connection with members' employment (or previous employment). The Fund also has a statutory obligation to provide individuals with certain information under a number of regulations.

We also have a legitimate interest in using your personal information to ensure the efficient administration of the Fund and to help us (and the employers participating in the Fund) to review and manage financial matters relating to the Fund, together with our respective advisers.

In some limited circumstances, the Trustee will only collect and use certain special categories of personal information with an individual's express consent. We will make clear to individuals when their express consent is needed.

If we are not able to process certain personal information, it may not be possible for us to provide some or all of the benefits otherwise payable in respect of you from the Fund.

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

Where the Trustee considers it necessary for any of the purposes set out above, your personal information may be shared with certain selected third parties.

Third parties with whom your personal data may be shared include:

- Capita and ITM Limited, who may have access to your personal data for the purposes of supporting our administration system;

- Service providers, professional advisers and auditors (who in certain circumstances will also be "data controllers"), including:

Type of service/adviser	Name	Reasons for sharing data
Fund Actuary	Hymans Robertson	To calculate the value of the Fund's assets and liabilities and to set employer contribution rates. To carry out benefits audit and calculations checking.
Fund Longevity Analyst	Club Vita	Provides reports to Trustee on longevity trends in Fund
Fund Investment Funds Provider	Legal and General	To facilitate the creation and maintenance of individual member's AVC accounts.
Fund Auditor	Evelyn Partners	To facilitate the statutory duty of the auditing of the Fund's Annual Report and Statement of Accounts and internal controls.
Fund Legal Adviser	Travers Smith	To act as adviser to Trustee for matters including member disputes or complaints
Company Auditor	PwC	To facilitate the statutory duty of the auditing of the pension disclosures in the Company's Annual Report and Statement of Accounts.
Fund Administrator	Hymans Robertson	To provide benefit administration and payroll services
Communication Solutions	Wordshop	To facilitate the print and delivery of outgoing mail and to co-ordinate the receipt of incoming mail.
Fund Insurance Broker	MEC	To facilitate the provision of life assurance and insured benefits
Fund Insurance Provider	Aviva	To provide life assurance benefits for members
Buy-in insurance provider	Pension Insurance Corporation (PIC)	To administer the Fund's buy-in insurance contract(s)

- Regulators, the government and law enforcement authorities (and any other third parties with whom we are authorised or required by law to share personal information). This also includes participating in the Cabinet Office's National Fraud Initiative for the purposes of the prevention and detection of fraud against the Fund;
- By law we are also required in certain circumstances to share your information with government organisations such as Her Majesty's Revenue and Customs and the Department of Work and Pensions; and
- Local and foreign courts, tribunals and arbitrators, other judicial committees of enactments of laws.

The Trustee may also share personal information with healthcare practitioners.

As stated above, Hymans Robertson are the current actuarial advisers to the Fund. Hymans Robertson LLP provides actuarial and consultancy services, including advice and analytics to the Trustee of the Fund, including through the Scheme Actuary. When providing actuarial services, the Scheme Actuary and Hymans act as joint data controllers with the Trustee. Hymans Robertson's address is 1 London Wall, London EC2Y 5EA. For details of the current Scheme Actuary to the Fund, please see the Fund's annual report (a copy of which can be requested from [Clarks@Hymans.co.uk](mailto:Clarks@Hymans.co.uk)). Hymans Robertson's privacy notice, which applies to your personal information, is available at: [https://www.hymans.co.uk/media/uploads/How\\_Hymans\\_Robertson\\_uses\\_your\\_personal\\_data.pdf](https://www.hymans.co.uk/media/uploads/How_Hymans_Robertson_uses_your_personal_data.pdf)

Your data will also be shared with Club Vita LLP, who provide longevity (life expectancy) analytics and related information to help the Trustee to manage the Fund's liabilities.

Hymans Robertson LLP and Club Vita LLP may appoint service providers or sub-processors to help in the provision of their services. For details, please visit:

<https://www.hymans.co.uk/information/trust-centre/>

Some of the third parties with whom your personal information is shared may be located outside the UK (for example, this may happen if computer servers used by our providers are located or backed up in a country outside the UK). We will take appropriate steps to ensure that your personal information continues to be treated securely and in accordance with this statement when it is processed, or otherwise accessed from, a location outside of the UK.

Under data protection legislation, we can allow your personal information to be transferred outside the UK if:

- (a) the recipient is situated in a country that has been confirmed by the UK Government to provide adequate protection to personal information;
- (b) the recipient has agreed (by way of a written contract or some other form of data transfer mechanism, in each case, approved by the UK Government) to provide all protections to your personal information as are required by data protection legislation; or
- (c) we have your explicit consent to do so.

Further information about transfers of personal data outside the UK can be obtained by contacting us at the email address below.

### **How long do we store information and is it secure?**

We will need to keep personal information for as long as is reasonably necessary to determine entitlement to benefits from the Fund and to comply with our legal obligations in relation to the administration of the Fund. The Fund has a retention schedule in place to ensure that information is only held for as long as it is needed.

### **What rights do you have?**

Under the data protection legislation individuals have certain rights to control the information held about them and how it is used. The rights that you have depend upon the grounds upon which your information is collected and the exercise of the rights is subject to certain restrictions. These include:

#### The right of access

You are entitled to see the information we hold about you and can request a copy by emailing [Clarks@Hymans.co.uk](mailto:Clarks@Hymans.co.uk).

#### The right to rectification

If you believe any information we hold about you to be incorrect, please email [Clarks@Hymans.co.uk](mailto:Clarks@Hymans.co.uk) and we will amend the information accordingly.

#### The right to erasure/ right to be forgotten

The Fund, in providing statutory duties under the regulations has determined that it cannot permanently delete a member's record.

#### The right to restrict processing

This right is subject to certain limitations. Should you wish the Fund to limit how we use your data, please email [Clarks@Hymans.co.uk](mailto:Clarks@Hymans.co.uk) with the reason for your request.

#### The right to data portability

This is particularly relevant to members who may choose to transfer out of the Fund to another pension provider. The Fund will provide the information we hold about you to your new pension provider in a format that they can use. The transfer would not take place without your consent.

#### The right to object

In addition to the right to limit the use of your data in certain situations, you also have a right to object to the use of your data for certain actions.

Should you exercise your right to object, it will not limit the information you receive from the Fund, as we may still be required by law to provide you with certain information.

Furthermore, individuals can withdraw their consent to how their personal information is being processed, where that processing is based on their consent.

#### **Where can I find out more?**

If you want to know more about how the Trustee and the Administrator uses information, your rights or have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance at [Clarks@Hymans.co.uk](mailto:Clarks@Hymans.co.uk).

#### **Complaints**

If you are unhappy at any stage with how the Trustee is using your personal information, you have the right to lodge a complaint with The Information Commissioner's Office ([www.ico.org.uk](http://www.ico.org.uk)). The

Fund also has an Internal Dispute Resolution Procedure that members can use to raise complaints with the Trustee about matters relating to the Fund, and you can contact the Administrator for details about this or discuss your complaint with the Administrator if you wish to do so.

### **Changes to our privacy policy**

This statement is subject to regular review and may be updated from time to time. We will tell you if we make any changes to how we use your personal information.

***1 November 2024***