

# Privacy statement regarding the use of your personal data by the Trustees of ESB Defined Benefit Pension Scheme – effective from 25 May 2018

This privacy statement describes when, why and how we collect and use personal data about you during and after your relationship with us, and what we do with it. It is a privacy statement that we must provide to you in accordance with Irish data protection laws, including the General Data Protection Regulation (EU) 2016 / 679 (“GDPR”), as such laws may be updated from time to time, (“data protection laws”).

The Trustees / Superannuation Committee of the ESB Defined Benefit Pension Scheme (the “Scheme”) (“we”, “us”, “our” or, the “Trustees”, “Superannuation Committee”) are committed to protecting the privacy and security of your personal data, which is data identifying you or from which you can be identified.

Where we need to process your personal data in connection with the Scheme, or where we have a legal obligation to collect and process certain personal data relating to you (for example, in order to comply with our legal obligations), we will not be able to provide you with the full benefit of the Scheme if you do not provide this information to us.

This privacy statement applies to all members of the Scheme, their dependants, former members (and their dependants) and any other living individual about whom we process personal data in the course of operating and dealing with the Scheme for their benefit (“you” and “your”).

We, the Trustees / Superannuation Committee, are responsible for deciding how we hold and use personal data about you.

## 1. The personal data that we process and use about you

In this privacy statement when we refer to “personal data” this means any information identifying you (such as your name, address, email address, telephone number(s) and date of birth) or information from which you can be identified. It does not include data where the identifying information has been removed so it cannot be identified with you (anonymous data).

We may collect, have transferred to us, use, process and store the following categories of personal data about you:

- Your personal contact details such as your name, title, address(es), telephone numbers and personal email addresses;
- Your date of birth;
- Your gender;
- Your marital status;
- Your Personal Public Service Number;

- Your pension scheme membership number;
- Your bank account details, payroll records, salary and tax status information;
- Your ESB Employer (as defined below in section 4) and your location of employment or workplace;
- Your employment history (to the extent relevant), including details of when you joined the Scheme, the date you joined your ESB Employer to which your pension plan is connected and details of your service;
- Details of your assets and payments made into the pension scheme operated by the Trustees;
- Details of any pension plan you transferred from, including, service dates for previous service and any additional services / benefits;
- Details about your dependants such as their name, title, addresses and their relationship to you;
- Details of pension adjustment orders, where they are relevant, which includes details of former spouses and benefit entitlements;
- Details of your benefits when leaving the Scheme, including the date you leave or retire on, any dependant’s date of birth, any deferred or preserved benefits that you hold, benefit details that you are entitled to, any transfer of funds or refunds that are made and details of pension benefit amounts; and
- Details of those nominated to receive death benefits, including their name, address and their relationship to you and beneficiary payment details.

We may also collect, have transferred to us, use, process and store information about your health in the course of dealing with your relationship with the Scheme, including any medical condition, health and sickness records. Information about your health is known as a “**special category of personal data**” to which data protection laws require us to apply a higher level of protection.

## 2. How your personal data is gathered by us

We collect personal data about members directly from you, for example through the membership application form which you provide to us and which you give us during your membership of the Scheme. We also receive personal data about you from third parties, including the data which your ESB Employer provides to us. We collect personal data about dependants and beneficiaries directly from members which you provide to us, or which your ESB Employer provides to us. If you elect to transfer your funds into the Scheme from another scheme or pension product, we may sometimes collect additional personal data about you from operators of those scheme or pension products. Please note that where a pension adjustment order is in place which relates to you, we will receive details about that from the Courts Services. We may also consult publicly available sources, where we are seeking to trace deferred members.

### 3. How we will use information about you, and our basis for use

As trustees, we deliver services to you and perform our roles in accordance with documentation relating to the Scheme and to comply with our legal obligations under contracts and applicable laws relating to the Scheme. In order to do this in an effective way we need to gather and use personal data about you. We will only use your personal data when the law, including data protection laws, allows us to or requires us to. Most commonly, we will use your personal data (see section 1) in the following circumstances:

Action of Trustees	Trustees' Reasons for Processing your Data
To process your Scheme membership benefits, to give you information about your participation in the Scheme, to prevent unauthorised access to information about you	For each of the situations listed in which your personal data is processed, one, several, or all of the following grounds justify this use of your personal data:
Arranging to receive payments in connection with your membership of the Scheme	<ul style="list-style-type: none"> <li>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 your entering into the Scheme;</li> </ul>
To operate the Scheme and to respond to any queries you may have	<ul style="list-style-type: none"> <li>Processing is necessary to comply with our legal obligations, including those contained in pension laws; and / or</li> </ul>
Making payments to you (whether you are a member or dependant of a member) under the Scheme	<ul style="list-style-type: none"> <li>To pursue legitimate interests of our own or those of third parties, such as for the proper operation and administration of the Scheme for the benefit of all members and beneficiaries, provided your interests and fundamental rights do not override our legitimate interests.</li> </ul>
To verify the personal data provided to us and to comply with anti-money laundering, anti-terrorist financing and fraud prevention rules	
To comply with applicable pension, data protection laws, tax and regulatory reporting obligations	

Some of the above legal bases for processing will overlap, and there may be several legal bases which justify our use of your personal data. We may also justify processing your personal data, on the following grounds, which are likely to be rare:

- With your consent (where we have sought it and you have provided it), in which case you can withdraw your consent at any time; and / or
- Where it is needed in the public interest or for an official purpose which is enshrined in law, for example if we are required to address a query from the Financial Services and Pensions Ombudsman.

### 4. Why we process your personal data

It is a requirement for all employees of the Electricity Supply Board (the "ESB") (referred to as a "ESB Employer") to be a member of the Scheme as a condition of their contract of employment.

When you sign your contract of employment you agree to become a member of the Scheme, and as a condition you must provide us, your ESB Employer or our service providers with certain information covered in this privacy statement in connection with your membership of the Scheme.

### 5. The basis for our use of special categories of personal data about you

We may process your health data (as described in section 1) on one, several or all of the following grounds:

- Where any such processing of health data is necessary for the purposes of an occupational pension, a retirement annuity contract or any other pension arrangement;
- Where any such processing is necessary for the purpose of (i) obtaining legal advice, (ii) establishing, exercising or defending legal rights, or (iii) any legal proceedings (including prospective legal proceedings) or legal claims (including prospective legal claims);
- Where pension or data protection laws permit it or require it; and / or
- With your explicit consent (where we have sought it and you have provided it), in which case you can withdraw your consent at any time.

Less commonly, we may process this type of information where it is needed to protect your vital interests (or someone else's vital interests) and you are not capable of giving your consent.

We will not hold information about any criminal convictions that you may have.

### 6. Automated decision-making that may impact on you

Automated decision-making takes place when an electronic system uses personal data about you to make a decision about you without human intervention. Automated decision making is used by us in limited circumstances namely to determine when a member reaches retirement age, so that you will be paid your pension entitlements. This means that we use your personal data to find out when you reach retirement age.

### 7. Information that you give us about other people

Where you provide us with personal data relating to other people, such as your dependants, you should ensure that before doing so, the individuals in question are made aware of the fact that we will hold information relating to them and that we may use it for any of the purposes set out in this privacy statement. It is the responsibility of members to ensure that any individual whose personal data they provide to us, such as dependants, are provided with a copy of this privacy statement.

## 8. Why we share your personal data with other organisations

We may share your personal data with other organisations, including our service providers. We will only ever share your personal data with third parties for your benefit as a member of the Scheme or in connection with our role as Trustees / Superannuation Committee.

## 9. How secure is your data?

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

All service providers to which we disclose your data are required by us to take appropriate security measures to protect your personal data in line with our requirements. We require our service providers to keep your information secure and we only permit them to process your personal data for our purposes (and in accordance with our instructions) or in order to comply with applicable laws.

Please note however that where you are transmitting information to us over the internet this can never be guaranteed to be 100% secure. For any payments which we take from you or pay to you online we will use a recognised third party online secure payment system, and we are not responsible for the security of this system.

## 10. Transfers of personal data

In connection with the above purposes we may transfer your personal data outside the European Economic Area, including to a jurisdiction which is not recognised by the European Commission as providing for an equivalent level of protection for personal data as is provided for in the European Union. If and to the extent that we do so, we will ensure that appropriate measures are in place to comply with our obligations under applicable law governing such transfers, which may include entering into a contract governing the transfer which contains the 'standard contractual clauses' approved for this purpose by the European Commission or, in respect of transfers to the United States of America, ensuring that the transfer is covered by the EU-US Privacy Shield framework. Further details of the measures that we have taken in this regard are available from the Secretary of Trustees or the Pensions Services Manager. All requests for details should be addressed to the **Secretary of Trustees, ESB Pensions, 2 Gateway, East Wall Road, Dublin 3.**

## 11. How long will we use your personal data for?

Generally we will hold your personal data for as long as you are a member of the Scheme or if required under the legislation, accounting, reporting and regulatory rules we must follow, unless you tell us it is out of date or the purposes (see section 3) for which it is processed have ceased. In general, we will hold your personal data for a period of up to seven years after your final Scheme benefits are received, unless we are obliged to hold it for a longer period of time under applicable law or regulations, or in connection with a legal dispute.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

We will review your personal data regularly to establish whether we are still entitled to process it. If we decide that we are not entitled to do so, we will stop processing your personal data except that we will retain your personal data in an archived form in order to be able to comply with future legal obligations e.g. compliance with tax requirements and exemptions, and the establishment exercise or defence of legal claims.

When it is no longer necessary for us to hold your personal data, we will securely destroy it in accordance with applicable laws and regulations.

## 12. Your data subject rights

### Why you should tell us when your details need to be updated

It is important that the personal data we hold about you is accurate and current. You agree to notify us without delay in the event of any change in the personal data we hold about you, to enable us to comply with our obligations to keep information up to date. You can contact us using the details set out in section 14.

### Your rights in connection with the personal data we hold about you

You have the right, subject to some conditions and limited exceptions contained in data protection laws, to:

- (a) Request access to your personal data that we hold about you; this right enables you to receive a copy of this personal data from us;
- (b) Request correction of the personal data that we hold about you; this right enables you to have any incomplete or inaccurate information we hold about you corrected;



(c) Request erasure of your personal data; this right enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it or where your personal data has been unlawfully processed. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below) or you have withdrawn consent to processing or in circumstances where there is no legal basis for such processing. You also have the right to ask us to delete or remove your personal data for compliance with a legal obligation in the EU or under EU Member State law.

Where we hold and process your personal data in order to comply with legal obligations e.g. compliance with tax requirements and exemptions, or for the establishment exercise or defence of legal claims, your right to ask us to delete or remove your personal data is limited;

(d) Object to our processing of your personal data where we are relying on a legitimate interest (or those of a third party) in order to justify the basis for our processing of your personal data and there is something about your particular situation which makes you want to object to processing on this ground;

(e) Request not to be subject to automated decision-making in certain circumstances;

(f) Request that we restrict processing of your personal data; this right enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it; and

(g) Request the transfer of your personal data to another party (i.e. the right to data portability) where the processing is based on your consent or the basis for it is necessary for the performance of a contract with you (or for taking steps to enter into such a contract), where you provided that information to us.

Personal data we hold and process about you is necessary to your membership in the Scheme. This means that, should the exercise of your rights remove our ability to process the personal data it will not be possible for you to continue to be a member of the Scheme. We are not under an obligation to delete your personal data where we are required or permitted to process your personal data in accordance with our legal obligations or where such data is necessary for the establishment, exercise of defence of legal claims or is otherwise permitted by applicable laws.

If you want to exercise your rights regarding your personal data, please contact the Secretary of the Trustees of the ESB Defined Benefit Pension Scheme by post at **ESB Pensions, 2 Gateway, East Wall Road, Dublin 3** or by email at [pensions@esb.ie](mailto:pensions@esb.ie) setting out in writing your request clearly, including by specifying the personal data to which the request relates. We recommend that you provide as much detail as possible when sending requests to us so that we can deal with your query properly and efficiently.

In addition to your right to request access to your personal data, we would like to inform you that your personal data is contained on your annual benefit statement and all active members receive an annual benefit statement; from 2019 deferred members will also receive an annual benefit statement.

#### **Our response to your requests; no fee usually required**

Generally you will not have to pay a fee to access, or to exercise any of your other rights in connection with, your personal data. However, we may charge you a reasonable fee if your request to exercise your data subject rights is clearly unfounded or excessive and / or we are permitted by data protection laws to do so; alternatively, we may refuse to comply with the request in such circumstances.

#### **What we may need from you**

We may need to request specific information from you to help us confirm your identity in order to ensure that you are permitted to make such a request. This is another appropriate security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We will ask you to provide us with your current name and address, proof of identity (a copy of your driving licence, passport or two different utility bills that display your name and address) and as much detail as possible regarding your request.

### **13. Changes to this privacy statement**

This privacy statement is introduced with effect from 25 May 2018. We may change this privacy statement at any time. Changes to the privacy statement will be communicated to you in writing by us where we are legally required to do so.

Changes to this privacy statement shall be applicable on the effective date set out in the updated privacy statement. The latest version of this privacy statement will be available to view by members on the ESB Pensions intranet site and on the ESB Defined Benefit Pension Scheme members' internet site.

If you wish to see a copy of the latest version of this privacy statement, please contact the Trustees by post at **ESB Pensions, 2 Gateway, East Wall Road, Dublin 3** or by email at [pensions@esb.ie](mailto:pensions@esb.ie).

### **14. How you can contact us**

If you have any queries or complaints regarding our use of your personal data or the contents of this privacy statement you may contact the Secretary of the Trustees by post at **ESB Pensions, 2 Gateway, East Wall Road, Dublin 3** or by email at [pensions@esb.ie](mailto:pensions@esb.ie). You also have the right to make a complaint to the Data Protection Commission by emailing [info@dataprotection.ie](mailto:info@dataprotection.ie) or writing to the following address: **Data Protection Commission, Canal House, Station Road, Portarlington, R32 AP23 Co. Laois**. You can visit the website of the Data Protection Commission at [www.dataprotection.ie](http://www.dataprotection.ie) for more details.

