

# Privacy Statement regarding the use of Your Personal Data by the Trustees of ESB Defined Contribution 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 of the ESB Defined Contribution Pension Scheme (the “Scheme”) (“we”, “us”, “our” or, the “Trustees”) 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 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, are responsible for deciding how we hold and use personal data about you.

## 1. The personal data we collect 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 will collect, store and use 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 and your location of employment or workplace;
- Details of your assets and payments made into the pension scheme operated by the Trustees; and
- Details about your dependants such as their name, title, addresses and their relationship to you.

We may also collect, store and use 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 “sensitive personal data” to which data protection laws require us to apply a higher level of protection.

## 2. How your personal data is collected 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.

## 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 collect 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 of 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:
Making investment decisions when investing your contributions to 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>
Arranging to receive payments in connection with your membership of the Scheme	<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, provided your interests and fundamental rights do not override our legitimate interests.</li> </ul>
To target communications for the purpose of endeavouring to get the best outcome for you under the Scheme	
To verify the personal information 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 grounds for processing will overlap, and there may be several grounds which justify our use of your personal data. We may also use your personal data in the following situations, which are likely to be rare:

- (a) with your explicit written consent, and you will be aware as we will tell you about the processing at the time in order to procure your explicit consent.
- (b) where we need to protect your interests (or someone else's interests, such as one of your dependents) such as processing required to ensure to the proper operation and administration of the Scheme; and/or
- (c) where it is needed in the public interest or for an official purpose, 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") and each of its Republic of Ireland subsidiary companies (referred to as a "ESB Employer") to be a member of the Scheme as a condition of the contract of employment. On the date of this privacy statement (i) Utility Operation & Maintenance Services Limited; (ii) ESB Telecoms Limited; (iii) ESB International Investments Limited; (iv) ESBI Engineering & Facility Management Limited; (v) ESB Independent Energy Limited; (vi) ESBI Computing Limited; (vii) ESB 1927 Limited; (viii) Electricity Supply Board and (ix) ESB Trading Limited; are the Republic of Ireland subsidiary companies of the ESB.

When you sign your contract of employment you agree to become a member of the Scheme, and as 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. How we use sensitive personal data about you

We may process your health data (as described in section 1) in the following circumstances:

- Where it is necessary to operate the Scheme by virtue of your membership or your status as a dependant of the member;
- Where pension or data protection laws permit it or require it; and/ or
- for insurance renewal purposes in connection with your Death in Service benefits under the Scheme.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's 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. We may use automated decision-making to process your personal data in the following circumstances:

- (a) To determine how to target communications to you based on your age and sex; this is done in order to ensure we engage most suitably with you for the purpose of getting the best outcome for you under the Scheme;
- (b) To determine whether or not to contact you in relation to any educational sessions aimed at particular age groups within the Scheme; such educational sessions are aimed at providing age-specific information about the options and benefits available under the Scheme;
- (c) To determine whether or not to contact you in relation to any options or benefits that may apply to you as a result of the duration of time you have been a member of the Scheme: and
- (d) To determine whether or not to apply benefits such as Soft Mandatory Contributions to you as a result of the duration of time you have been a member of the Scheme.

#### 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 will 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. You will obtain their consent to this use of their information where necessary. We may inform those individuals that you have provided their details to us, and provide them 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.

Your personal data may be processed by the following service providers in order to carry out activities for the following purposes:

Third Party	Data shared by the Trustees	Purposes for which the data is shared
Third party Scheme administrator	Members personal data, name, address, salary, pension contribution, ESB Employer, employee, additional voluntary contribution, transfer of funds into the Scheme, contribution rate and amount, staff number, PRSI number, date started employment, date left, date of birth, dependents information, and any other information to allow the administrator administrate the scheme, including career break details, unpaid maternity break details	To administrate the member benefits under the Scheme
Pension consultants	Members "pension pot" value, their contribution rates, age and name	To run projections on members outcomes to allow the Trustees to target communication to certain members at certain points in their retirement journey
Insurance companies	Members' salary details, age, occupation, if they have dependents or not	To allow the Trustees to insure the members for death in service products
ESB Pensions	Name, staff number, age, sex	To target communication to members to assist them in getting the most from their pension
Auditors	Members personal data, name, address, salary, pension contribution, ESB Employer, employee, additional voluntary contribution, transfer of funds into the scheme, contribution rate and amount, staff number, PRSI number, date started employment, date left, date of birth, dependents information and any other information to allow the administrator to administrate the Scheme, including career break details, unpaid maternity break details	To carry out the year-end audit and any control or governance work the Trustees deem necessary in connection with the Scheme
Lawyers	Any data we hold about you	To provide advice to us in connection with the Scheme or some aspect of it

## 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. 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.

## 11. Your rights of access, correction, erasure, and restriction

### 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 13.

### 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 the 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. 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).  
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 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 your personal data and there is something about your particular situation which makes you want to object to processing on this ground;
- (e) 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
- (f) Request the transfer of your personal data to another party 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 you exercise 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 rectify or delete your personal information where to do so would prevent us from meeting our contractual obligations to you or where, we are required or permitted to process your personal information for legal purposes or otherwise in accordance with our legal obligations.

If you want to exercise your rights regarding your data 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) 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. Your annual benefit statement will be available online on the members' website. If you are a Scheme member you will need to set up your own account and password to access your annual benefit statement online from time to time.

### 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 for access to your data 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 and ensure your right to access the personal data, or to exercise any of your other rights. 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.

## 12. 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 Contribution Pension Scheme member's 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).

## 13. 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 Trustees by post at ESB Pensions, 2 Gateway, East Wall Road, Dublin 3 or by email at [pensions@esb.ie](mailto:pensions@esb.ie). If you are still dissatisfied with how the Trustees have handled your complaint, you may contact the Data Commission's Office and may lodge a complaint 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.