

## **Mears Group PLC Pension Scheme (the "Scheme")**

### **Privacy Notice**

Please read this Privacy Notice, together with any other privacy notice that we may provide to you as it contains important information about how we use personal data that we collect from you or that you provide to us.

By joining and remaining a member of the Scheme, you agree to our privacy practices as set out in this Privacy Notice. We may change this Privacy Notice from time to time.

This Privacy Notice was last updated in February 2021.

If you have any questions regarding this Privacy Notice or about our data protection practices, please contact Russell Porter at XPS Administration, Queen's Quay, 33-35 Queen Square, Bristol, BS1 4LU.

#### **Who are we?**

When we say 'we' or 'us' in this policy, we are referring to the Trustees of the Mears Group PLC Pension Scheme who have our principal office at **Mears Group plc, 1390 Montpellier Court, Gloucester Business Park, Brockworth, Gloucester, GL3 4AH.**

We are a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

#### **Who do we collect personal data about?**

Personal data is information that can be used to uniquely identify or contact a single person. We will collect and process personal data in respect of:

- active members;
- deferred pensioners;
- pensioners (including those in receipt of dependants' or spouses' pensions);
- former members/pensioners with no further entitlement under the Scheme;
- ex-spouse participants;
- non-members who will or may receive benefits from the Scheme (for example, on the death or divorce of a member);
- non-members who have received benefits from the Scheme and have no further entitlement;
- non-members who have submitted enquiries;
- current and former advisors and service providers;
- current and former trustees.

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

Personal data processed by us may include, but is not limited to:

- Personal details such as name; membership/reference number; address (including former addresses); contact details (including telephone numbers and e-mail addresses); date of birth; gender (including details of any gender recognition certificate); marital/civil partnership status (including divorce details if, for example, benefits form part of a divorce settlement); family members; beneficiary nominees; Passport or identification card details; birth/adoption certificate details; and death certificate details.
- Employment records including employment history, information regarding periods of pensionable service (including periods of absence) and previous salary data.
- Financial details including your bank account details; salary information; tax and National Insurance information.

- Pension information including details of contributions paid to the Scheme by or on behalf of a member; details in respect of defined benefits, whether actual or potential, paid or payable to or in respect of a member; defined contribution account information; contracting-out records; and death benefit distribution information (including expression of wish forms and information required to assess eligibility for, or allocation of, benefits to potential beneficiaries).

If you are a trustee or former trustee, we will hold personal data in your capacity as a trustee including name, address, contact details, bank account details, Passport or identification card details, information relating to actual or potential conflicts of interest. If you are an advisor or service provider, we will hold personal data in relation to the provision of services to us including name, address, contact details and bank account details.

#### Special Categories of Personal Data

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your health, including any medical conditions.

Such special categories of personal data will only be processed for the purposes of establishing eligibility for benefits, the calculation and payment of those benefits and demonstrating our past compliance with our duties.

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

We may collect personal data:

- directly from you when you apply to join the Scheme, when you correspond with us by phone, e-mail or otherwise or when you provide us with any additional information, for example, when you attend worksite presentations, roadshows or other events, when you are appointed as a trustee, when we appoint you as a service provider;
- from third parties such as our service providers (for example, our Scheme administrator provider), the employer (for example, when contributions are paid into the Scheme), another pension scheme if you have transferred benefits, where a member includes your details in a beneficiary nominee form, a third party in relation to an event affecting you (for example, in the event of serious ill health), or from third party agencies or publically accessible sources to try and find you when we have lost contact with you. We might also collect personal data from third parties who help us ensure the proper running of the Scheme (for example, analytics providers and credit reference agencies).
- from regulatory authorities (such as The Pensions Regulator) or government departments (such as HMRC or the Department for Work and Pensions).

#### **How we might use your information?**

We use information held about you in order to administer the Scheme. In particular, we will use personal data in order to:

- Issue communications and information (whether through us or through third parties);
- Respond to member and third party queries and disputes;
- Calculate and pay benefits (including pensions, lump sums and transfer values) from the Scheme;
- Establish eligibility for benefits (including following divorce or death of a member, or in cases of ill health or early retirement);
- Calculate and perform a reconciliation of contributions;
- Pay tax charges and monitor whether allowances are exceeded and report to HMRC (including compliance with anti-money laundering duties, if applicable);
- Ensure compliance with contracting-out requirements;
- Prepare Scheme accounts, audits and/or The Pensions Regulator Scheme return;

- Carry out actuarial valuations and calculations;
- Decide or advise upon the investment of pension scheme assets and to implement investment decisions;
- Obtain or prepare quotes for annuities or other insurance products;
- Purchase annuities or other insurance products;
- Demonstrate our past compliance with our duties;
- Establish your identity;
- Pay fees and expenses owed; and
- Carry out the general administration functions of the Scheme (for example, to ensure documentation is properly executed and drafted, trustees are validly appointed, conflicts of interest are identified and managed and/or appropriate records are maintained).

### **What is our legal basis for using your information?**

We must by law provide benefits in line with the Scheme's governing documents and must also meet other legal requirements when looking after the Scheme. We will use your personal data to comply with these legal obligations, to establish and defend its legal rights, and to prevent and detect crimes such as fraud. We may need to share your personal data with other people for this reason, such as courts and law-enforcement agencies.

We also have a legitimate interest in properly looking after the Scheme. This includes paying benefits as they fall due; buying insurance contracts; checking bank details; communicating with you; and ensuring that correct levels of contributions are paid, that benefits are correctly calculated, and that the expected standards of Scheme governance are met (including standards set out in Pensions Regulator guidance).

We also have a legitimate interest to provide you with a high-quality service, in particular, on your retirement.

If we need to use information about your health (or other personal and private information), we may ask for your consent. However, sometimes there may be legitimate reasons of public interest or law that enable us to use this information without your consent. We will do this if it helps us to look after the Scheme sensibly. If you have given us your consent, you can withdraw your consent at any time by using the details below in the 'Contact Us' sections. This may affect what we can do for you, unless we have another lawful reason for using your information.

We may also transfer your personal data if you have given us your consent, for example, to transfer your personal data to a new scheme.

Sometimes your personal data may be used for statistical research but only in a form that no longer identifies you.

### **How long will we hold your information for?**

We will hold your personal data on our systems for as long as is necessary to ensure we can satisfy our legal obligations regarding the Scheme and pay any benefits due to you or concerning you.

We will retain your information for as long as is necessary to ensure that, if a query arises in the future about your benefits, whether from you or your beneficiaries or a third party, we have sufficient information to deal that query. To meet this aim, most of the personal data that the Trustee holds will be kept until the Scheme has been wound-up and benefits secured.

However, some information may be kept for more or less time depending on how long the Trustee reasonably thinks it needs it to deal with the Trustee's legal obligations mentioned above, and any queries or complaints.

We review our retention periods for personal data on a regular basis.

## Who we might share your information with

In order to administer the Scheme, we may from time-to-time share your personal data with various entities including: any new Scheme trustees, employers, any Scheme actuary, administrator or secretary appointed by us, our professional advisers, our auditors, our insurers, HMRC, the Pensions Ombudsman, and any other service providers we use to support the Scheme who provide services including but not limited to information processing, managing and enhancing member data, providing member services, print and mailing services, investment management, cloud hosting and data analytics.

If your benefits are transferred to another scheme, we will also need to give the administrators of that scheme information about you.

Our service providers may correspond with you directly in order to provide these services. If we engage a third party to process an individual's personal data on our behalf, that third party will be bound by our data privacy policies.

We may also disclose your personal information to third parties to:

- Comply with any court order or other legal obligation or when data is requested by government or law enforcement authorities;
- Protect the rights, property, or safety of us or others. This may include exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

## International transfers of personal data

From time to time, we may transfer your personal information outside of the UK to service providers, subcontractors and regulatory authorities for the purposes described in this Privacy Notice. If we do this, your personal information will continue to be subject to one or more appropriate safeguards set out in the law, for example we may use the model contracts in a form approved by regulators, or ensure that your personal data is protected through supplier binding corporate rules.

## Your rights

You have a number of rights. If you would like to exercise any of these rights, please contact us using the details set out below in the 'Contact Us' section. If you exercise any of these rights, we may ask for proof of identity and sufficient information about your interactions with us so that we can locate your personal information. If we agree that we are obliged to provide personal information to you (or someone else on your behalf), we will provide it to you or them free of charge except in exceptional circumstances.

You also have the right to lodge a complaint with the data protection regulator, the Information Commissioner's Office, if you have concerns about how we use your personal information. You can contact the Information Commissioner's Office at: <https://ico.org.uk/global/contact-us/>.

Your rights include:

- **RIGHT OF ACCESS:** a right of access to the personal data being processed by us and specific information about this Processing. This is called a subject access request;
- **RIGHT OF CORRECTION:** a right to have your personal data updated and corrected;
- **RIGHT TO BE FORGOTTEN:** a right to have your personal data deleted if:
  - it is no longer needed for our purposes;
  - if the only legal ground for processing is your consent and that consent is withdrawn;
  - you have exercised your right to object (see below) and there are no legitimate grounds for the processing;
  - the data in question has been processed unlawfully;
  - the data has to be erased for compliance with a legal obligation to which we are subject,

and no other legal exceptions for retaining the personal data apply, for example, where processing is required for compliance with the law, reasons of public interest, research or statistics, and legal claims;

- **RIGHT TO RESTRICTION:** a right to restrict the processing of personal data so that personal data will continue to be held but cannot be otherwise processed without your consent. This applies where:
  - the accuracy of the data is contested, for a period which enables us to verify the accuracy of the data;
  - the processing is unlawful and you oppose the erasure of the data and request restriction of its use instead;
  - we no longer require the personal data but you require the data for the establishment, exercise or defence of legal claims;
  - you have exercised your right to object, until such time as we verify whether there are legitimate grounds for processing which override your right to object;
- **RIGHTS TO OBJECT:**
  - if we are processing your personal data for our legitimate interests or in the public interest, you have a right to object to the processing of that personal data, unless we can demonstrate a compelling legitimate ground that overrides your interests or unless we require to process the information in respect of a legal claim;
  - a right to object to processing for direct marketing purposes, although we do not intend to use your data for this purpose.
  - a right to object to decisions being taken by automated processing of personal data (applies only in certain circumstances). Your personal data may be profiled for communication and marketing purposes. We do not make any automated decisions that would produce legal or other significant effects on you;
- **RIGHT OF PORTABILITY:** a right to portability of personal data which allows you to receive, or have sent to a third party, your personal data in a structured, commonly-used, digital format. This right only applies where data is processed by automated means, and where the processing is done under your consent or pursuant to a contract; and
- **COMPENSATION:** a right to claim compensation for material or non-material damage caused if we breach the data protection rules.

### **How you can access and update your information**

We strive to maintain accurate, complete, and relevant personal information for the purposes identified in this privacy statement. If any of the personal information we hold about you is inaccurate or out of date, you may ask us to correct it. It is important that the personal information we hold about you is accurate and current.

### **Security precautions in place to protect against the loss, misuse or alteration of your information**

We have implemented appropriate measures designed to secure your personal information from accidental loss and from unauthorised access, use, alteration and disclosure. Details of these measures can be obtained on request.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

Our security measures are regularly reviewed.

**Contact Us**

If you have any questions regarding this Privacy Notice or about our privacy practices, wish to exercise any of your rights or which to make a complaint, please contact Russell Porter at XPS Administration, Queen's Quay, 33-35 Queen Square, Bristol, BS1 4LU.

The Scheme Actuary is appointed by the Trustees to value the Scheme benefits and carry out other calculations in relation to your Scheme benefits. They use your personal information for this purpose and have a legitimate interest in doing so. The Scheme Actuary will also use your personal information to comply with their own legal obligations and may need to share your details with other people for legal reasons, such as courts and law enforcement agencies. They may also share it with their own professional advisers, auditors and insurers, IT and data storage providers and other service providers.

The current XPS Pensions Scheme Actuary (John Prior FIA) and XPS Pensions Limited when providing defined benefits actuarial consulting services, are typically Data Controllers in their own right and so we share your personal information with XPS Pensions in order for them to provide these services.

The XPS Pensions Privacy Information is available at:

<https://www.xpsgroup.com/legal-regulatory/privacy-policy/>.

The relevant notice for you is labelled:

- Combined Scheme Actuary and actuarial consulting services to pension schemes

XPS Pensions may make changes from time to time so you should check the latest version of this Privacy Information occasionally. The Scheme Actuary may change. If you wish to know who the current Scheme Actuary is, please refer to the most recent scheme accounts, or contact the Trustees.