

## Malcolm Group Pension Scheme (1989) - Privacy Notice

This Privacy Notice has been issued by the Trustees and Scheme Actuary of the Malcolm Group Pension Scheme (1989) (the Scheme) to comply with the UK General Data Protection Regulation (the UK GDPR) and the Data Protection Act 2018 (DPA 2018).

*This document also serves as notice of the appointment of Scott McGarva of Barnett Waddingham LLP as Scheme Actuary. He replaced Shahbaz Hamid of Aon Solutions UK Ltd with effect from 25 July 2022.*

### Data controllers

The Trustees of the Scheme are Alan Palmer, Charles Stewart, Allan Bowes, Douglas Paterson and Dalriada Trustees Limited. The Scheme Actuary to the Scheme is Scott McGarva of Barnett Waddingham LLP.

In accordance with guidance issued by the Information Commissioner's Office (ICO), the Trustees and Scheme Actuary of the Scheme are considered "joint data controllers" (the holders, users and processors of personal data) for the purposes of the UK GDPR. It is possible that in some circumstances other professional advisers may be considered to be data controllers. This might include the Scheme's auditor or legal advisers.

The joint data controllers can be contacted as follows:

Malcolm Group Pension Scheme (1989)  
c/o Dalriada Trustees Limited  
The Culzean Building  
36 Renfield Street  
Glasgow  
G2 1LU

Email: [gabi\\_watt@dalriadatrustees.co.uk](mailto:gabi_watt@dalriadatrustees.co.uk)  
Telephone: +44 141 331 9980

### Use, transfer and storage of personal data

In the course of running the Scheme, we may require information from you in relation to your marital status (which may include the gender of your spouse or civil partner) and / or information about your (or your partner's) health. Such information will be used by the Scheme's administrators to determine the benefits payable to you and your beneficiaries.

In addition, we may hold any or all of the following items of personal information about you:

- Personal details including your name, National Insurance number, gender, age, date of birth, postal and/or email address and telephone number.
- Descriptions relating to your physical and mental health (to the extent that they are relevant to the calculation and payment of your benefits from the Scheme).
- Salary and data relating to investments and pension assets held outside of the Scheme (to the extent they are relevant for the calculation and payment of your benefits, or to the taxation of your benefits from the Scheme).
- Employment history, including employment dates and historic pay records.
- Bank account details for payment of benefit instalments, HMRC tax code.

Your personal data is provided to the data controllers by your employer or may be obtained directly from you. It is not publicly accessible data. The personal data collected relates to your employment and membership of the Scheme. Your personal data will be stored until such time as we no longer need it but in any event for not longer than 7 years after the date the Scheme is wound up.

The Trustees share your data with the Scheme's administrator, Scheme Actuary, the sponsoring employers and AVC providers. They may also share data with the Trustees' other professional advisers (including the Scheme Auditor and pension consultants), regulatory bodies (including, but not limited to, HM Revenue and Customs, the Department for Work and Pensions and the Pensions Regulator) and other parties as required (including insurers to facilitate member benefits being secured externally).

The Trustees can share your data with the employer for the purposes of providing information to the members about access to the pension freedoms (either via a one-off exercise or as a business as usual offering) or other incentive exercises.

Your data may be shared by the Scheme's administrator with sub-processors for particular outsourced activities such as bulk printing jobs, confirmation of address/existence, offsite backup and archive. A comprehensive list of parties with whom data may be shared is set out in the Trustees' formal Data Mapping document, available on request in writing to the Data Controllers at the address above.

The Scheme administrators, on behalf of the Trustees, will use your personal data to ensure that the correct benefits can be paid to you and that your requests can be dealt with efficiently, in accordance with the Trustees' **legal obligation** to run the Scheme in accordance with the Trust Deed and Rules. The Trustees or administrators may contact you directly in order to provide relevant information, or to deal with your queries.

In addition, it is in your and the Trustees' **legitimate interests** to use your personal information to:

- Keep up to date and accurate records about your membership of the Scheme  
*so that the correct benefits can be paid.*
- Undertake risk-management exercises  
*so that the risk your benefits are not paid is reduced*
- Comply with the law, including regulations and guidance issued by the Pensions Regulator  
*so that you, the Trustees and their advisers are not subject to legal sanctions which may impact benefits.*
- Efficiently manage the impact of any change to the legal status of the sponsoring company  
*so that your benefits are not adversely affected for example by a sale or company merger*

The Scheme Actuary uses your personal data to advise the Trustees on the financial management of the Scheme. This advice helps to ensure the Trustees are able to meet their obligations to pay members' benefits, and is necessary to comply with obligations placed on them by legislation, including the Pensions Act 2004.

The Scheme Actuary will not pass your personal data to any third party without the prior agreement of the Trustees.

If we (or our service providers) process personal data outside of the UK, we will take appropriate measures to ensure that your personal data is adequately protected in a manner which is consistent with this privacy notice and in accordance with safeguards required by applicable laws.

We have received guidance that as long as the information stays with the individual on the laptop / smartphone and their employer has an effective procedure to deal with security and the other risks of using laptops (including the extra risks of international travel), it is reasonable to conclude that adequate data protection exists.

Your personal data will not be directly transferred to another country unless you request for this to be done.

## **Your rights in relation to your data.**

The purpose of this Privacy Notice is to fulfil your right to be informed about the use of your personal data. In addition:

- You have the right to access your personal data. If you wish to request copies of your personal data please contact the Data Controller at the address above.
- You have the right to have your personal data rectified if it is inaccurate or incomplete.
- You have the right to have your personal data deleted or removed if there is no reason for its continued storage and processing.
- You have the right to object to your personal data being processed and to restrict the processing of your personal data in certain circumstances. While processing is restricted, the data controllers are permitted to store the personal data to ensure the restriction is respected in future. You will be informed if a restriction on processing is lifted.
- You have the right to lodge a complaint about the data controller with the ICO.

Please note that if you choose to exercise your rights to withhold data or insist on its deletion, then the Trustees may not be able to perform their duties in relation to the Scheme, and your benefits could be affected.

Further details about UK GDPR and your rights under UK GDPR can be found on the ICO's website at <https://ico.org.uk/>.

*Dated: November 2022*

*Last Updated: March 2024*