

## **S.E.H. Europe Retirements Benefit Plan – Privacy Notice**

### **Background**

The General Data Protection Regulation, or ‘GDPR’, is legislation intended to enhance people’s rights as to who holds their personal data, how it is used, and ensuring that as far as possible they can control whether it is held.

The Trustees of the S.E.H Retirement Benefits Plan (the “Trustees” and the “Plan”) collects and uses personal data in order to pay your benefits as they fall due, administer the Plan effectively, and meet certain employer and member requirements.

Such data may relate to:

- You, your relatives, nominated beneficiaries and dependants;
- Employees of Shin-Etsu Handotai Europe Ltd (as the “Principal Employer” of the Plan);
- Suppliers and professional advisers whom the Trustees use to conduct business, and the Trustees.

The Trustees are the ‘data controller’ of personal data which is the subject of this privacy notice. The registered address of the Trustees is at Wilson Road, Toll Roundabout, Eliburn, Livingston EH54 7DA.

All personal data that the Plan collects, records or uses in any way to administer and pay your benefits, whether held on paper, on computer or other media will be subject to strict controls to ensure that your data is kept safe and the Trustees comply with the GDPR.

The Trustees are known as ‘data controllers’ whereas some of the providers that help the Trustees run the Plan (for example, the Plan administrator, currently Aptia UK Limited) are known as ‘data processors’, please see below for further details on this.

The purpose of this privacy notice is to provide information which the Trustees are required to make available to you. This privacy notice has been written in the form of a ‘Q&A’ and the Trustees hope that it answers your questions, but if you would like to contact the Trustees in connection with this privacy notice, please contact the Chair of the Trustee Board, at the below address.

### **Why do the Trustees need to process my personal data?**

The personal data processed by the Trustees is used to administer the Plan effectively, pay your benefits as they fall due, and meet certain employer and member requirements including:

- calculating, administering and paying your benefits under the Plan or following your death;
- processing ill-health retirement claims;
- dealing with any queries/complaints/appeals etc. regarding decisions we have made, for example in relation to your or your dependants’ entitlement to benefits under the Plan;
- funding and de-risking the Plan, and investing Plan assets to provide benefits under the Plan;

- carrying out actuarial valuations and investment of the Plan's assets; and/or
- compliance with legal, regulatory and good governance obligations.

The legal basis of this processing is for the Trustees to comply with their legal obligations and for what is known as the 'legitimate interests' of the Trustees and the Principal Employer in administering the Plan. This means that certain personal information is required to administer the Plan and pay benefits. If appropriate personal data is not used by the Trustees, they may be unable to provide some or all of the benefits to which you are entitled.

In addition, the Trustees may collect, hold and use personal data about you that is of a sensitive nature ('Sensitive Personal Data') for the purposes of administering the Scheme (for example in relation to ill-health or death benefits).

We will in most circumstances process this data as necessary for the performance of our legal obligations in connection with employment, social security and social protection, or for the establishment, exercise or defence of legal claims to benefits. If there are any occasions where we seek your explicit consent to process sensitive data then you can withdraw it at any time.

### **Who provides the Trustees with data?**

The data processed by the Trustees is provided primarily by you as a member of the Plan. Other information may be provided by current and former employers of the Plan, members, other pension schemes and pension providers, independent financial advisers, medical practitioners, tracing organisations, other advisers from whom the Trustees receive professional advice and services in relation to the administration of the Plan, regulatory bodies and His Majesty's Revenue and Customs (HMRC).

### **What data is processed?**

The type of personal information held by the Trustees about you and your beneficiaries which is regarded as personal data includes:

- Full name
- Home address, email address and other contact details
- Gender
- Date of birth
- Marital or relationship status
- National Insurance number and tax residence status
- Historic annual or pensionable salary at date of deferment or taking pension and employment history

- Passport or ID number, and/or other governmental identification numbers
- Bank account details
- Benefit entitlements
- Dependant Pension/Death Benefit nominees

### **Who might have access to my personal data?**

The Trustees may disclose personal data to certain third parties involved in running the Plan. This will include, for example, the Plan administrator (currently Aptia), data management solution providers (including Intellica Limited), the Plan actuary and actuarial team (currently Michael Knott and Mercer Limited), and the Trustees' legal advisers (currently CMS Cameron McKenna Nabarro Olswang LLP).

Where it's required to run the Plan and pay your benefits, the Trustees may also provide data to providers of other professional services, regulatory authorities and healthcare practitioners, insurers, annuity providers, group life insurers and their counterparties (including reinsurers), the Principal Employer, HMRC, the Pensions Regulator, other pension schemes, independent financial advisers, and other relevant entities where there is a legal requirement to do so. Data may also be provided to other persons if you have provided permission for us to do so.

Your personal data will also be released to other external parties if authorised by you, or as required or permitted by law, or to comply with a judicial proceeding, court order, request from the Pensions Regulator, Pensions Ombudsman or any other regulator or any other legal process served on or involving the Trustees.

In some circumstances the Trustees are joint controllers with the Plan Actuary, the Trustee's legal advisers (who will process personal data to comply with their professional duties as advisers to the Trustees), insurers, auditors, benefit consultants and the Principal Employer. The Principal Employer holds and processes your data to comply with their legal obligations as the sponsoring employer of the Plan.

The Trustees, the Principal Employer, the Plan administrator and other advisers will from time to time transfer Plan personal data to other countries, including outside of the UK and the European Economic Area. Where such transfers are made, the parties involved will ensure that adequate safeguards are in place and details of these safeguards can be made available on request.

### **How long is my data kept for?**

The Trustees need to keep some records, including both common and scheme-specific data, for long periods of time. This means for as long as they remain relevant and are needed for the Plan to operate. The Trustees will regularly review their data retention policy to make sure that they have the data they need to fulfil their obligations, but also that data is not held any longer than is considered necessary.

### **Changes to this Privacy Notice**

The Trustees reserve the right to change this privacy notice and any other relevant policies or procedures at any time without prior notice to you. Any changes the Trustees make to this privacy notice will apply to both data already held and any future data.

### **Can I find out what data is held about me?**

You have the right to access your personal data and require that the Trustees' rectify any errors in the data that they hold, or request that the Trustees' erase your personal data. In some circumstances, you can also require that the Trustees restrict the way they process your personal data, object to its processing or request a copy of your personal data.

### **What if you have a complaint?**

To make a complaint about how we have handled your personal data, please contact the Chair of the Trustees at the address below.

If you are not satisfied with our response to your complaint or believe our processing of your information does not comply with data protection law, you can make a complaint to the Information Commissioner's Office. This is in addition to and separate from the Scheme's internal dispute resolution policy. Its contact details are:

**Address:** Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

**Telephone number:** 0303 123 1113

**If you wish to exercise the above rights, have any further queries regarding this privacy notice, or wish to contact the Trustees about your personal data, you should write to the Chair of the Trustee Board at the following address: S.E.H. Europe Retirement Benefits Plan, Wilson Road, Toll Roundabout, Eliburn, Livingston, West Lothian EH54 7DA or at the following email: [hr@seurope.com](mailto:hr@seurope.com)**

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