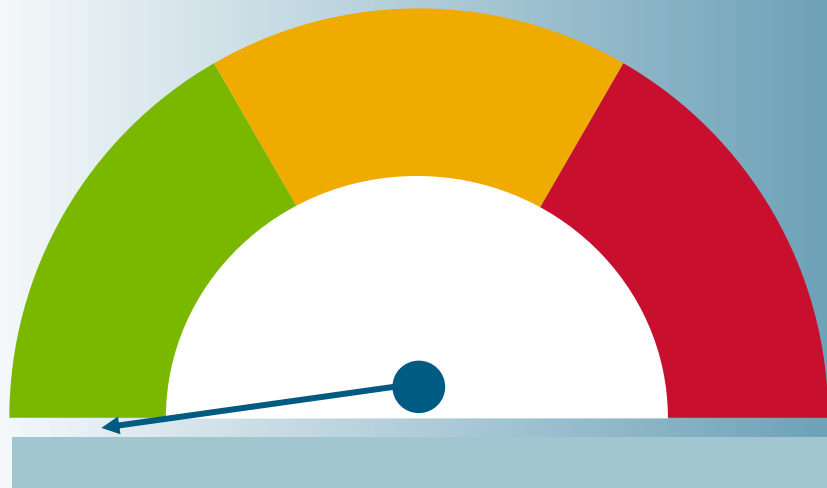


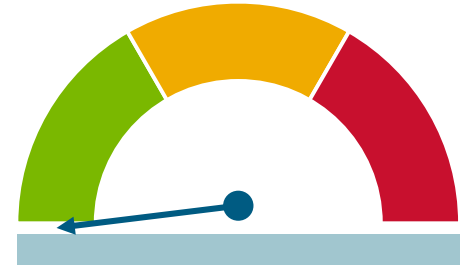
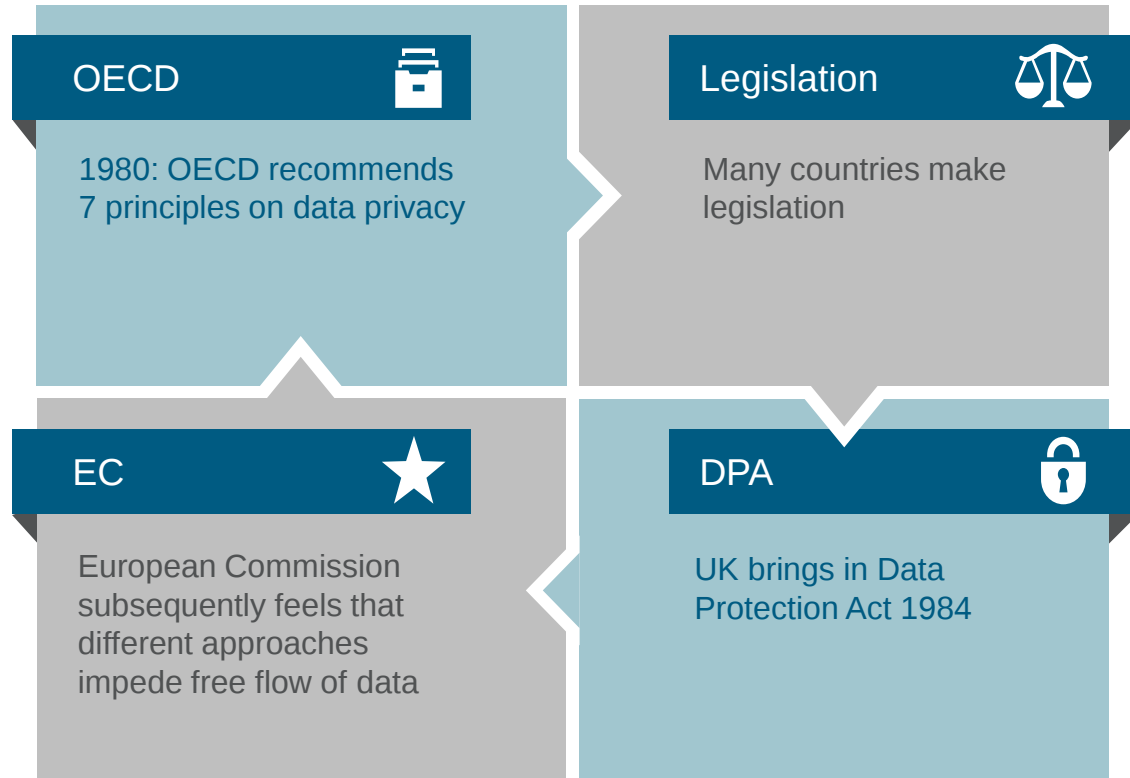


Joint meeting of the ACA and the APL

Data Protection: The Actuary's Stressometer

Stephen Rees FIA

1980s



1990s

EC produces 1995 Data Protection Directive



Member states have to introduce national law by end of 1998



UK brings in Data Protection Act 1998



Comes into force in March 2000



Recognised as being complex



Trustees are Data Controllers; everyone else is a Data Processor



Trustees issue Fair Processing / Privacy Notices



Everyone carries on mostly unchanged



2000s

Not much happens

In late 2000s European Commission worries (again) about divergent practices in different member states

Issues emerging on:

- complexity of data use
- change in scale of IT
- globalisation
- public v private



2010

EC Working Party publishes “Opinion” on interpretation of Data Controller and Data Processor

Possibility of “pluralistic control”

2012

Information Commissioner’s Office publishes guidance (updated in 2014)

Includes: “Responsibility also lies with the professional services provider itself because it determines what information to obtain and process in order to do the work and because it is answerable itself for the content”



IFoA announces warning

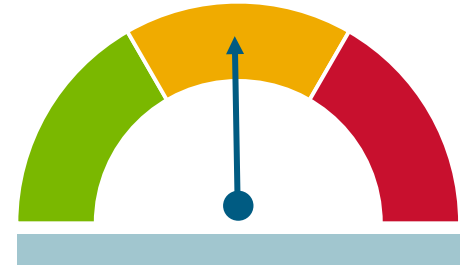
Includes: A professional services provider “...could be deemed to be a joint data controller with his or her client where that party is providing a highly specialised professional service...”

IFoA assumes that firms will take their own advice and conduct their own analysis, but promises to issue guidance to Scheme Actuaries



2010-2015

2013/14	2013/14	1 August 2014
IFoA obtains legal advice Includes confirmation that actuaries are Specialist Service Providers	IFoA talks to the ICO ICO says that actuaries are likely to be Data Controllers and that Scheme Actuaries might be joint Data Controllers with their firm and with their client	IFoA issues non-mandatory guidance to Scheme Actuaries Includes: “Scheme Actuaries... are likely to be treated as data controllers”



2010-2015

Firms
amend
contracts



Scheme
Actuaries
amend
appointment
letters



Some element
of documenting
relationships
between
Scheme
Actuaries and
firms



Fair Processing/
Privacy notices
updated



Everyone
registers
with ICO



2016-2017

EC publishes Data Protection Directive and GDPR

UK produces another Data Protection Act

Implementation by 25 May 2018

Principles mostly the same

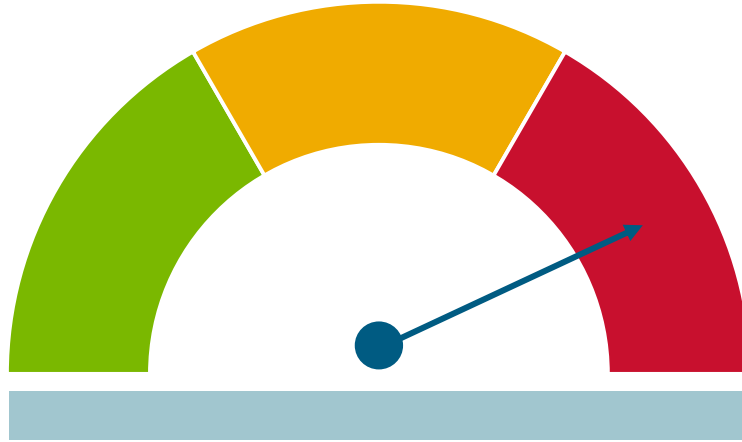
New “Accountability” Principle – more records of evidence and compliance

New levels of enforcement and sanctions!



 Amendments to contracts, Scheme Actuary appointment letters and internal commitments	 Amendments to Fair Processing / Privacy Notices	 Lots more documentation of internal processes
 More careful recording of issues	 Deletion of old data	 Care with data security (especially during transfer)
 Faster reporting of any breaches	 Staff training	 Different approach to governance?





Will the dial stay on **red**?

Thank you

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Regulatory Statement

- The information contained within this presentation does not constitute financial advice.
- The information provided is based on our understanding of current law and taxation as at 22 February 2018.
- HMRC policy, practice, and legislation may change in the future.

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