GDPR and pensions

Association of Consulting Actuaries

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GDPR and pensions

- What is it?
- Changes to the current regime
- Data Protection Bill
- Is the pensions industry ready for 25 May 2018?

GDPR – what is it?

- New EU data protection regulation due to come into force on 25 May 2018
- Expected to apply in the UK despite Brexit
- Makes fundamental changes to the current data protection regime
- Increased penalties for failure to comply

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Changes to the current regime

– Key changes to the current regime:
  - Data processors have direct obligations to comply with GDPR and be liable to compensate for loss caused by breach
  - Implied consent to processing can no longer be given
  - Increased amount of information must be given to data subjects
  - Data controllers subject to stringent record keeping requirements which must be available to ICO on request
  - Data subject access requests widened

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Changes to the current regime

- Dealing with data breaches:
  - ICO notification within 72 hours unless breach unlikely to cause risk to individuals' rights and freedoms
  - Specified information to be included in notice
  - Individual must be told where breach likely to cuase high risk to rights and freedoms
  - Data processor to notify data controller without delay
- Sanction for non-compliance: 20m euros or, if higher, 4% annual worldwide turnover

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Data Protection Bill

- Sits alongside and supplements GDPR
- Pensions provisions
  - Allows processing of sensitive data without consent where processing necessary for determining eligibility or benefits under an occupational pension scheme and relates to close relatives of member (including parents, grandparents, siblings)
  - Note that provision relating to processing of sensitive personal data without consent in relation to employment probably wide enough to include occupational pensions

Is the pensions industry ready for 25 May 2018?

- Yes and no
- As actuaries:
  - You are data controllers – no such concept as a joint data controller under GDPR
  - Important to have contract with trustees updated for GDPR
  - Work with trustees to assist with GDPR compliance

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