

## **THE NOVARTIS UK PENSION SCHEME (THE “SCHEME”)**

### **NOVARTIS UK PENSION TRUSTEES LIMITED (THE “TRUSTEE”)**

#### **GENERAL DATA PROTECTION REGULATION MEMBER PRIVACY NOTICE**

This Privacy Notice (“**Notice**”) has been issued by the Trustee of the Scheme, to comply with the General Data Protection Regulation (EU) 2016/679 (“**GDPR**”), which came into effect on 25 May 2018, as it now forms part of domestic law in the United Kingdom by virtue of section 3 of the European Union (Withdrawal) Act 2018, and other data protection legislation. This document replaces any Fair Processing Notice issued under the Data Protection Act 1998 and any Privacy Notice previously received from the Trustee.

The Trustee is committed to keeping your personal information secure. This Notice sets out the basis on which the Trustee processes the personal data we collect from you as a ‘controller’ of your data.

This Notice applies to all Scheme members and third parties whose information you provide to us in connection with the Scheme (for example, details of relatives or beneficiaries).

This Notice does not form part of the Scheme's rules or place any contractual obligation on the Trustee.

#### **1. Where we obtain your information**

In the course of administering your pension, we may hold information about you which is provided by you, your employer or former employer, other pension schemes, the Scheme Actuary or Scheme Administrator, or medical advisers, or, if you are a beneficiary, by the relevant Scheme member.

The information we may (and likely will) hold includes your name, address, email address, phone number, date of birth, gender, NI number, salary details, bank details, employment history, periods of Scheme membership and possibly details of other pension arrangements that you have e.g. in relation to transfers in and out of the Scheme. We may also hold information about your spouse or civil partner, dependants or other potential beneficiaries, and we may hold sensitive personal information e.g. health information, membership of trade unions, race, religion or sexual orientation.

#### **2. How we use your information**

Your information will be used to administer your pension benefits and for related activities. In particular, we will use the information to:

- calculate your benefits, including online calculations that you request;
- identify what benefits are, or might be, payable to you or, in the event of your death, any beneficiaries;
- deal with any queries or disputes you may have about your benefits;
- communicate with you by electronic means, including online, by post or by other means to keep you updated on matters related to the Scheme;
- provide you with information about your benefits and options available to you.

We may add new features, or change some features, of the website. We will notify you of any changes as they go live.

### **3. Legal basis and purposes for processing**

The law requires that the Trustee may only use your personal data for defined lawful purposes.

In the majority of cases, the use of your personal data will be justified on one of the following bases:

- pension benefits are referred to in your contract of employment, and therefore processing is necessary to give effect to that contract;
- it is necessary to comply with our legal obligations (for example, disclosing tax data to a government agency); or
- it is in our legitimate interests as managers and administrators of the Scheme, and our interests are not overridden by your interests, fundamental rights or freedoms.

The processing of special categories of data, such as health information, will be justified by one of the above conditions, and normally by one of the following exemptions:

- it is necessary for the purposes of making a determination in connection with eligibility for, or benefits payable under, an occupational pension scheme;
- it is carried out subject to your explicit consent; or
- it is necessary for the establishment, exercise or defence of legal claims.

If we process your personal data on the basis of your consent, then you can withdraw consent at any time by writing to us using the contact details given below. However, if we do not have your consent to process this data it could affect our ability to assess your entitlement to certain benefits (e.g. without access to your medical information, the Trustee could not process a claim for ill-health early retirement), or may mean that we are unable to pay benefits to you or your dependants. If you do withdraw consent, then that will not affect the lawful basis on which the data was processed prior to consent being withdrawn.

When you provide personal information about your beneficiaries, the Trustee and the Scheme Actuary assume that you do so with their full knowledge and consent.

The processing of data revealing criminal convictions will only be carried out where there is a legal authorisation to do so under (applicable) UK law.

### **4. Sharing your information**

We may share your information with:

- any of your employers or former employers who participate in the Scheme;
- our professional advisers (including legal advisers, medical advisers and auditors);
- the third party administrator appointed by the Trustee to provide day to day administration services;
- the Scheme Actuary;
- other organisations providing services to the Trustee, including pensions governance and communications providers and pensions tracing services,

but in each case only in relation to matters connected to the administration of the Scheme and your benefits under it. We will never use or transfer your data for purposes unconnected with the administration of the Scheme. In all cases, third party suppliers will act under our instruction and subject to a contractual relationship.

Some third parties to whom we may disclose personal data, for instance professional advisers, are data controllers in their own right, and you should refer to their own privacy notices and policies in respect of how they use your personal data. See paragraph 14 below.

We may also share your information with government agencies and other authorities (including HMRC and the Pensions Regulator) where necessary for the proper administration of your benefits, the prevention of crime or to meet legal and regulatory requirements.

Your personal data may also be disclosed to advisors, potential transaction partners or interested third parties in connection with the consideration, negotiation or completion of a corporate transaction or restructuring of the Scheme's sponsoring employer, or to insurers or other third parties in connection with exploring and making insurance arrangements relating to the Scheme, including de-risking and bulk insurance transactions, or to providers and other third parties in connection with exploring risk management options and making options available to members in relation to the Scheme.

Parties that process data that is shared with them will be "data processors".

## **5. Cross-border transfers**

All countries within the EEA have similar standards to the UK in terms of the protection of personal data. Where any of your information is transferred outside the UK (e.g. because any of our advisers or service providers have IT systems located in other jurisdictions, or because this is necessary to operate the overseas pensioner payroll) we (where necessary) ensure that there are appropriate safeguards in place to ensure the security of personal data. Please see the "Contact us" section below if you would like further information about these safeguards.

## **6. Security of your information**

The Trustee is committed to ensuring that your personal information is secure. We have in place appropriate technical and contractual measures to ensure that information is only shared for the reasons, and by the means, set out in this Notice, and which are designed to protect your personal data from loss, misuse, alteration, destruction or damage. The Trustee takes great care to ensure that your information is kept secure when we need to share this with a third party as outlined above.

## **7. Profiling and automated decision making**

'Automated Decision Making' refers to a decision which is taken solely on the basis of automated processing of your personal data. This means processing using, for example, software code or an algorithm, which does not require human intervention.

'Profiling' means using automated processes to analyse your personal data in order to evaluate your behaviour or predict things about you. As profiling uses automated processing, it is sometimes connected with automated decision making. Not all profiling results in automated decision making, but it can do.

We may use automated processes to carry out benefit entitlement calculations, including GMP entitlement and reconciliation. We implement suitable measures to safeguard the integrity and accuracy of these processes. You have a right to express your view on any automated decision, and if you contest it, to require us to revisit it, including by obtaining human intervention into the decision.

## **8. How long do we keep your information?**

Pension schemes are long-term. We will of course keep your personal information for as long as you are a member of the Scheme. We will also retain some information for a period after you leave the Scheme (e.g. following a transfer out), to enable us to deal with any queries that may arise after you have left. We will keep information after you have left the Scheme for as long as we believe necessary in order efficiently to administer the Scheme. In certain cases, legal or regulatory obligations require us to retain specific records for a set period of time.

## **9. Monitoring and recording**

We may monitor, record, store and use any telephone, email or other communication with you in order to maintain a record of any instructions given to us, for training purposes, for crime prevention and to improve the quality of service to Scheme members.

## **10. Access to your information**

By law you are entitled to know what personal information we hold about you, the purpose for which we hold it and the identity of any person to whom it has been disclosed. You can also ask us to correct any errors in your data, and can ask for unnecessary or outdated data to be deleted. You can also object to the processing. Please see the "Contact us" section if you would like more information.

You are also entitled to receive a copy of the information and you can exercise these rights by contacting the Trustee.

## **11. Contact us**

The Trustee is a "data controller" in relation to the Scheme, i.e. we determine the purposes for which your personal data are processed, and how they are processed. If you would like any further information about the Trustee's approach to data protection and privacy, or to request details about the information we hold, please contact us as follows:

### **Name and Address**

**The Trustee of the Novartis UK Pension Scheme**  
**c/o Richard Farrar (Scheme Secretary)**  
PO Box 556  
Crawley  
West Sussex  
RH10 1WS

### **Email**

[rfarrarwork@outlook.com](mailto:rfarrarwork@outlook.com)

The Scheme is not required to appoint a data protection officer.

## **12. The Information Commissioner**

The Information Commissioner is the UK's independent authority set up to uphold information rights and data privacy for individuals. You have the right to lodge a complaint with the Information Commissioner if you are dissatisfied with any aspect of the way that we collect and use your personal information. The Information Commissioner's website can be found at [www.ico.org.uk](http://www.ico.org.uk) (which also includes further details about the GDPR and your rights under it) or you can call their helpline on 0303 123 1113.

### 13. Updates and changes

We reserve the right to update or otherwise amend this Notice at any time. We will notify you of any material amendments, in particular where the purposes for which we want to use your data change.

### 14. Other third party data controllers

We set out below a list of the other third parties to whom your data may be disclosed and who are data controllers, together with details of their own privacy notices.

<b>Data Controller</b>	<b>Privacy Notice can be found at:</b>
Mercer	<a href="https://www.uk.mercer.com/data-protection.html">https://www.uk.mercer.com/data-protection.html</a>
DLA Piper UK LLP	<a href="https://www.dlapiper.com/en/uk/privacy-policy/">https://www.dlapiper.com/en/uk/privacy-policy/</a>
Equinti	<a href="https://privacy.equiniti.com">https://privacy.equiniti.com</a>