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# General Data Protection Regulation (GDPR)

## Questions & Answers



## What is the GDPR?

The General Data Protection Regulation (GDPR) changed how organisations process and handle data, with the key aim of giving greater protection and rights to individuals. The main principles of GDPR were written into the Data Protection Act 2018 and passed into UK law on 25 May 2018 when the Act received Royal Assent.

The Act provided new and extended rights for individuals in relation to the personal data an organisation holds about them, for example, an extended right to access data and a new right of data portability. You can obtain further information about these rights from the Information Commissioner's Office at [www.ico.org.uk](http://www.ico.org.uk) or via their telephone helpline (0303 123 1113).

## What are the main principals of the GDPR?

The GDPR states that personal data must be:

- processed lawfully, fairly and in a transparent manner
- collected only for specified, explicit and legitimate purposes
- adequate, relevant and limited to what is necessary
- accurate and kept up to date
- held only for the absolute time necessary and no longer
- processed in a manner that ensures appropriate security of the personal data.

## What is personal data?

The GDPR applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified, in particular, by reference to an identifier.

This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people.

## Is the EAPF compliant with GDPR?

The Environment Agency Pension Fund (EAPF) updated its privacy notice in line with the GDPR requirements setting out, among other things:

- why certain data is held,
- the reason for processing the data,
- who we share data with; and
- the period over which data will be held.

Within the notice, members are also provided with additional information about their rights under the legislation.

You can find our full privacy policy at [www.eapf.org.uk/privacy-policy](http://www.eapf.org.uk/privacy-policy)

To comply with UK GDPR legislation, our website [www.eapf.org.uk](http://www.eapf.org.uk) gives users full control over their cookie preferences. You'll find more information about cookies in our privacy policy at [www.eapf.org.uk/privacy-policy](http://www.eapf.org.uk/privacy-policy)

## Why does the EAPF hold personal data?

The EAPF needs a variety of personal data provided by both you and your employer to manage your pension benefits. This data includes, but is not limited to the names, addresses, National Insurance numbers and salary details we need to maintain member records and calculate your benefits.

## Why does the EAPF hold personal data for opt out members?

For opt out members, the Environment Agency as Administering Authority is specifically required by automatic enrolment legislation to hold the member's name, address, National Insurance number and date of birth as contained in the opt out notice, the dates the member became and ceased to be an active member, and the date the Administering Authority was informed of the opt out.

For more information, read our full privacy policy at [www.eapf.org.uk/privacy-policy](http://www.eapf.org.uk/privacy-policy)

## Who does the EAPF share personal data with?

On occasion, the EAPF needs to share personal data with third parties so we can:

- meet regulatory and government requirements,
- gather necessary information for the accurate payment of member benefits, and
- ensure scheme liabilities are met.

Our privacy notice sets out who we share data with; this is likely to include bodies such as

scheme employers, fund actuaries, auditors and HMRC.

### **Can members of the EAPF ask for their data to be deleted?**

The GDPR provides individuals with the 'right to be forgotten' in certain limited circumstances. However, in practical terms the exercise of this right in relation to LGPS funds is limited as the deletion of data can prevent the fund from carrying out its duties. LGPS funds are required to process personal data to comply with legal obligations under pension legislation, therefore, the 'right to be forgotten' is unlikely to apply to data held by the EAPF.

### **What happens if there is a data breach?**

Data breaches are a rare occurrence within LGPS funds. However, should a security breach concerning a member's personal data occur that is likely to result in a risk to that member's rights and freedoms, there is a direct obligation under the GDPR for the EAPF to inform the Information Commissioners Office within 72 hours of the breach taking place.

### **What if I have any questions?**

If you've any further questions relating to GDPR, please contact us using the details below.

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