



The Kerry Retirement Benefits Scheme (the ‘Scheme’)

Data protection policy

1) Data controllers, data processors and processing activities

The trustees of the Scheme and the Scheme Actuary are both data controllers.

The Scheme Actuary is Richard Shackleton, Hymans Robertson LLP.

However, they delegate certain duties to the following data processors that have access to Scheme members’ personal data:

Role	Company	Access to data
DB Administrator	Hymans Robertson LLP	Manages database and files of all Scheme members’ personal data so they can pay the correct benefits to the correct beneficiaries.
DC Administrator	Scottish Widows Ltd	Manages database and files of all Scheme members’ personal data so they can pay the correct benefits to the correct beneficiaries.
Insurer	Canada Life	Manages database and files of all Scheme members’ personal data so they can pay the correct benefits to the correct beneficiaries.
Employer	Kerry Group	Expression of wishes, active member data e.g. salary, pension contributions.
Kerry Benefits Team	Kerry Group	Data relating to Trustee secretarial duties, for example, specific member queries, managing specific projects, access to Ill Health information and beneficiary data in relation to deaths, address data for member communications.
Actuarial consultant	Hymans Robertson LLP	Data required to undertake valuations, specific member queries, managing specific projects.
Consultant	Hymans Robertson LLP	Data relating to specific member queries, managing specific projects.
Investment consultant	Mercer Ltd	Data required for cashflow analysis and investment strategy reviews.
Auditor	PricewaterhouseCoopers LLP	Data relating to specific member events in the accounting year.
Lawyer	Burges Salmon	Data relating to specific member queries and specific projects.



Role	Company	Access to data
AVC provider	Scottish Widows Ltd Prudential plc	Data for members with AVCs only to ensure correct benefits are paid.

The trustees have contracts in place with Kerry Group that include terms requiring the data processor to process data in accordance with the General Data Protection Regulation (GDPR), including processing data only for the purpose for which it has been collected, limiting the storage of data for no longer than it is required and ensuring the security of the data processed.

A data processor may delegate certain tasks to sub-processors if permitted in the terms of their appointment. The data processor has the contractual relationship with the sub-processor so is liable for any data protection breaches by the sub-processor and this is recognised in the trustees' contract with each data processor.

2) Lawful grounds for processing data

The trustees recognise they must have a lawful basis for processing member's personal data. The lawful bases under which the trustees process Scheme members' data are twofold:

- **legitimate interests** – data processing is necessary for the purposes of the legitimate interests pursued by the data controller or their data processors, i.e. the effective running of the pension scheme by the trustees and scheme administrator.
- **compliance with legal obligations** – the trustees are legally required to pay the correct level of benefits to the Scheme members and their dependents and must process members' and dependents' personal data to comply with this legal requirement.

In order to comply with the trustees' legal obligations, all Scheme members and potential beneficiaries of death benefits are the data subjects. Categories of data that are processed are all of those required to comply with the trustee's legal obligations and include (but are not limited to):

- name
- sex
- address
- date of birth
- National Insurance number
- salary information
- employment history
- marital status
- bank account details

The trustees recognise the need to retain Scheme members' personal data for their entire lifetime and/or Scheme membership and beyond. This is required to ensure the correct Scheme benefits are paid and to protect the trustees against any future claim after a member's death or after they have transferred out of the Scheme.



Sensitive personal data

Certain sensitive personal data generally requires members' consent to be processed. This includes data concerning members' health or sexual orientation, which may need to be processed to administer ill health retirement or death cases.

When requesting data in order to administer ill health or death claims, the Scheme administrators have included appropriate wording on their standard forms to obtain consent to process the data provided.

3) Data Protection Officer

The trustees have not appointed a Data Protection Officer. The trustees do not require a Data Protection Officer because they are not:

- a public authority; or
- carrying out large scale monitoring of individuals; or
- carrying out large scale processing of special categories of data or data relating to criminal convictions and offences.

4) Security and access to data

The administrators have the database and files that hold personal member data for the Scheme. The trustees have obtained assurances from Hyman Robertson LLP and Scottish Widows Ltd regarding the security of Scheme data.

The trustees recognise there is an inherent security risk when transferring data between third parties. In the first instance, data is anonymised or pseudonymised whenever possible but it is recognised there will be instances where this isn't possible for the efficient management of a specific task. When personal data is transferred electronically it is either sent via a secure web portal or by encrypted e-mail.

All other data processors have access to lesser, more specific member data in order to undertake their specific roles, and they are all required to process personal data securely to comply with GDPR.

The trustees do not hold members' personal data on their personal computers or on paper files at home.

Punter Southall Governance Services as the professional independent trustee stores a limited amount of members' personal data on their secure network systems, as necessary to undertake their role. Employer nominated trustees may store a limited amount of members' personal data on their secure work network or in secure paper filing at the workplace.

5) Data breach reporting process

If there has been a data breach which is considered serious enough that it must be reported to the Information Commissioners Office (ICO), the ICO must be informed within 72 hours of the breach occurring.

If a data breach is identified by a data processor it is reported by the Kerry Benefits Team to the Chair of Trustees and the Scheme Actuary immediately on discovery. The trustees and the Scheme Actuary will



consider whether the breach must be reported to the ICO and consider taking advice as necessary. All breaches will be notified to the affected members.

All data processors have been informed of the trustees' data breach reporting process.

The Kerry Benefits team retains an internal register of all data breaches whether they need to be reported to the ICO or not.

6) Subject access requests

Members have the right to access their personal data held by the data controller by making a subject access request. GDPR requires the information to be provided within one month of the request and the information must be provided free of charge. Members are asked to contact the Kerry Benefits team at the following address if they wish to progress with a Subject access request:

The Trustees of the Kerry Retirement Benefits Scheme
c/o Kerry Benefits Team
Kerry Group plc
Royal Portbury Dock
Bristol
BS20 7NZ

Email: benefits.uk@kerry.com

Telephone: 01275 379675

7) Right to be forgotten

GDPR gives individuals the right to request that a data controller deletes his/her personal data.

The trustees recognise they do not need to delete the data, if the data is required to comply with their legal obligation to pay the correct benefits to the correct beneficiaries.

Therefore, there are very limited circumstances under which a request to delete data can be agreed. For example, even if a member has transferred their benefits out of the Scheme, the trustees will need to retain records of the transfer to challenge any potential future benefit claim.

Each request will be considered on its merits.

8) Data transfer outside the EEA

The trustees have agreed that Hymans Robertson LLP is permitted to process data outside the EEA as set out in their terms of engagement, which provide the appropriate assurances that the data is processed in line with GDPR requirements. No other data processors have permission to process data outside the EEA.

9) Privacy notice

The trustees' privacy notice is attached as Appendix A.



Appendix A – Privacy notice

This Privacy Notice has been issued by the Trustees and Scheme Actuary of the Kerry Retirement Benefits Scheme (the Scheme) to comply with the General Data Protection Regulation (GDPR), which came into effect on 25 May 2018.

Data controllers

In accordance with guidance issued by the Information Commissioner's Office (ICO), the Trustees and Scheme Actuary of the Scheme are considered "data controllers" (the holders, users and processors of personal data) for the purposes of the GDPR. It is possible that in some circumstances other professional advisers may be considered to be data controllers. This might include the Scheme's auditor or legal advisers.

The Scheme Actuary to the Scheme is Richard Shackleton of Hymans Robertson LLP.

The Data Controllers can be contacted as follows:

The Trustees of the Kerry Retirement Benefits Scheme
c/o Kerry Benefits Team
Kerry Group plc
Bradley Road
Royal Portbury Dock
Bristol
BS20 7NZ

Email: benefits.uk@kerry.com

Telephone: 01275 379675

Use, transfer and storage of personal data

In the course of running the Scheme, we may require information from you in relation to your marital status (which may include the gender of your spouse or civil partner) and / or information about your (or your partner's) health. Such information will be used by the Scheme's administrators to determine the benefits payable to you and your beneficiaries.

In addition, we may hold any or all of the following items of personal information about you:

- Personal details including your name, National Insurance number, gender, age, date of birth, postal and/or email address and telephone number.
- Descriptions relating to your physical and mental health (to the extent that they are relevant to the calculation and payment of your benefits from the Scheme).
- Salary and data relating to investments and pension assets held outside of the Scheme (to the extent they are relevant for the calculation and payment of your benefits, or to the taxation of your benefits from the Scheme).
- Employment history, including employment dates and historic pay records.
- Bank account details for payment of benefit instalments, HMRC tax code.



Your personal data is provided to the data controllers by the principal and/or participating employers of the Scheme or may be obtained directly from you. It is not publicly accessible data. The personal data collected relates to your employment and membership of the Scheme. We will keep your personal information for as long as we have a relationship with you or your dependents. When deciding how long to keep your personal information after that relationship ends, we take into account our legal obligations and regulators' expectations.

The Trustees share your data with the Scheme's administrator Hymans Robertson LLP and Scottish Widows Limited, Scheme Actuary, the sponsoring employers, DC providers and AVC providers. They may also share data with the Trustees' other professional advisers (including the legal adviser, Scheme Auditor and pension consultants), regulatory bodies (including, but not limited to, HM Revenue and Customs, the Department for Work and Pensions and the Pensions Regulator). We have measures in place to protect your data and when sharing your personal data with the administrator or another third party we will make sure that they too have appropriate measures in place to protect your data.

Your data may be shared by the Scheme's administrator with sub-processors for particular outsourced activities such as bulk printing jobs, confirmation of address/existence, offsite backup and archive.

The Scheme administrators, on behalf of the Trustees, will use your personal data to ensure that the correct benefits can be paid to you and that your requests can be dealt with efficiently, in accordance with the Trustees' **legal obligation** to run the Scheme in accordance with the Trust Deed and Rules. The Trustees and / or administrators may contact you directly in order to provide relevant information, or to deal with your queries.

In addition, it is in your and the Trustees' **legitimate interests** to use your personal information to:

- Keep up to date and accurate records about your membership of the Scheme so that the correct benefits can be paid
- Undertake risk-management exercises so that the risk your benefits are not paid is reduced
- Comply with the law, including regulations and guidance issued by the Pensions Regulator so that you, the Trustees and their advisers are not subject to legal sanctions which may impact benefits
- Efficiently manage the impact of any change to the legal status of the sponsoring company so that your benefits are not adversely affected for example by a sale or company merger

The Scheme Actuary uses your personal data to advise the Trustees on the financial management of the Scheme. This advice helps to ensure the Trustees are able to meet their obligations to pay members' benefits and is necessary to comply with obligations placed on them by legislation.

The Scheme Actuary will not pass your personal data to any third party without the prior agreement of the Trustees.

In certain circumstances your personal data may be processed in countries outside the European Economic Area (EEA), which are not covered by the GDPR. For example, third party providers may store certain data in a country outside the UK and the EEA. In such circumstances we will ensure appropriate safeguards are in place in accordance with the applicable laws. Further details on the steps we take to protect your personal data in these cases are available from the Data Controller at the address above.



Your rights in relation to your data

The purpose of this Privacy Notice is to fulfil your right to be informed about the use of your personal data. In addition:

- You have the right to access your personal data, i.e. request to see the personal data held about you.
- You have the right to have your personal data rectified if it is inaccurate or incomplete.
- You have the right to request that your personal data is deleted or removed if there is no reason for its continued storage and processing.
- You have the right to object to your personal data being processed and to restrict the processing of your personal data in certain circumstances. While processing is restricted, the data controllers are permitted to store the personal data to ensure the restriction is respected in future. You will be informed if a restriction on processing is lifted.
- You have the right to lodge a complaint about the Data Controller with the ICO.

If you would like to discuss or exercise any of these rights, please contact the Data Controller at the address above.

Please note that if you choose to exercise your rights to withhold data or insist on its deletion, then the Trustees may not be able to perform their duties in relation to the Scheme, and your benefits could be affected.

Further details about GDPR and your rights under GDPR can be found on the ICO's website at <https://ico.org.uk/>