



Kerry Retirement Benefits Scheme (“the Scheme”)

Data protection policy

This policy is adopted by the Trustee board, or any individual Trustee (each “a Trustee” and together “the Trustee”) of the Scheme. In the course of managing the Scheme, the Trustee and their service providers collect and process information about members of the Scheme and their beneficiaries. The Trustee is legally responsible for ensuring that this information (“Personal Data”) is processed in accordance with the law and with individuals’ rights in respect of their Personal Data.

This policy sets out how the Trustee approach to compliance with the key rules governing the use of such Personal Data.

1) Data Controllers, Data Processors, Data Subjects, and processing activities

The Trustee of the Scheme, the Scheme Actuary, the Scheme legal adviser, and the sponsoring employer (where applicable) are joint “Data Controllers”. The Scheme’s Administrator and other third parties who process Personal Data on behalf of the Trustee are referred to as “Data Processors”.

The Scheme Actuary will be appointed by the Trustee or may change from time to time, and will be employed by an Actuarial Consultancy, detailed through a contract of services.

However, the Data Controllers can delegate certain duties to the following Data Processors that have access to Scheme members’ and beneficiaries’ Personal Data:

Role	Access to data
Administrator	Manages Scheme members’ Personal Data so the correct benefits can be paid to the correct members and beneficiaries. Maintains addresses and other contact details so that benefit statements and newsletters may be issued.
Secretary to the Trustee	Personal Data relating to specific member queries, managing specific Scheme or governance projects.
Actuarial consultant	Personal Data required to undertake valuations, set actuarial factors, set the transfer basis, relating to specific member queries, managing specific projects.
Investment consultant	Personal Data required for cashflow analysis and investment strategy reviews.
Auditor	Personal Data relating to specific member events in the accounting year.
Legal adviser	Personal Data relating to specific member queries and specific projects.
AVC provider(s)	Personal Data for members with AVCs.

Role	Access to data
Annuity provider	Manages database and files of all annuitants' Personal Data so they can pay the correct benefits to the correct members and beneficiaries.

The Trustee has contracts in place with all of their Data Processors that include terms requiring the data processor to process data in accordance with the United Kingdom General Data Protection Regulation (UK 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. Where a Data Processor delegates certain tasks to a sub-processor, the Data Processor will ensure that a written agreement is put in place setting out the terms on which that sub-processing takes place.

All Scheme members, beneficiaries and potential beneficiaries are the "Data Subjects". Categories of Personal Data that are processed are all of those required to comply with the Trustee's legal obligations and may include (but are not limited to):

- name
- gender
- address
- date of birth
- National Insurance number
- salary information
- employment history
- marital status
- bank account details: name, date of birth, address etc. for any recipient of any survivor benefits payable from the Scheme

2) Lawful grounds for processing data

The Trustee must have a lawful basis for processing the Personal Data of Scheme members and dependants. The lawful bases under which the Trustee processes Scheme members' and dependants' 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 Scheme by the Trustee and Scheme administrator. The Trustee's analysis on this point is set out in section 3 below.
- **compliance with legal obligations** – the Trustee is legally required to pay the correct level of benefits to the Scheme members and their dependants and must process members' and dependants' Personal Data to comply with this legal requirement

3) Legitimate interests

In relation to legitimate interests, the Trustee's approach is as follows:

(a) **Purpose test: is the Trustee pursuing a legitimate interest?**

The Trustee's main purpose is to pay members and their beneficiaries the benefits they are entitled to under the rules of the Scheme. It is clearly in members' interests to have the Scheme properly administered and benefits paid when due. So, the Trustee is satisfied that it is pursuing a legitimate interest.

(b) **Necessity test: is the processing necessary for that purpose?**

In this context "necessary" means that the processing must be a targeted and proportionate way of achieving the purpose, as laid out in a) above. The Trustee cannot rely on legitimate interests if there is another reasonable and less intrusive way to achieve the same result. The Trustee is satisfied that this is the case as administering the Scheme and paying benefits in accordance with the Scheme's rules would not be possible without processing Personal Data.

(c) **Balancing test: do the individual's interests override the legitimate interest?**

The Trustee has balanced the legitimate interests against the other interests of the members and is satisfied that members' interests are in fact aligned with the Trustee's legitimate interests – members and beneficiaries benefit from the data processing by having the correct benefits paid to them. The Trustee only uses the Personal Data for this purpose, as members would expect, and it is unlikely that processing should result in any detriment to the individuals concerned.

(d) **Conclusion**

The Trustee is therefore satisfied that following this process it can lawfully process Personal Data based on legitimate interests.

4) Special Category data

Certain sensitive Personal Data is categorised as "Special Category data". This includes data concerning a member's health or sexual orientation, which may need to be processed to administer ill health retirement or pay benefits in the event of a member's death. Provisions in the UK GDPR allow Special Category data to be lawfully processed where:

- the member has given explicit consent to the processing of the Special Category data
- processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the Data Controller or the Data Subject in connection with employment, social security, or social protection
- processing is necessary for the establishment, exercise, or defence of legal claims.

When requesting Special Category data to administer ill health or death claims, the Scheme administrators have included appropriate wording on their standard forms to obtain the member's or dependant's consent to process the data provided.

5) Privacy Notice

The Trustee maintains a written record of its processing activities as Data Controller as detailed in the Privacy Notice under Appendix A.

6) Retention of Personal Data

The Trustee has a need to retain Scheme members' Personal Data for their entire lifetime and/or Scheme membership (and those of any beneficiaries in receipt of pension benefits from the Scheme on their death) and beyond. This is required to ensure the correct Scheme benefits are paid and to protect the Trustee against any future claim after a member's death or after they have transferred out of the Scheme.

7) Data Protection Officer

The Trustee has not appointed a Data Protection Officer. The Trustee does 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.

8) Security and access to data

The Scheme administrator manages members' Personal Data held on their behalf by the Scheme. The Trustee has obtained assurances from the Scheme administrator as the Data Processor that it has the appropriate technical and organisational measures in place as required under the UK GDPR to securely process members' data.

The Trustee recognises 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.

The Trustee may need to use their own devices to access Scheme Personal Data but do so via encrypted emails / website access; any data accessed via personal devices is kept to a minimum and should be accessed via a secure platform only and in accordance with the Employer's relevant IT policies.

Vidett as the professional independent trustee and secretarial services provider stores a limited amount of members' Personal Data on their secure network systems, as necessary to undertake their role. Employer appointed trustees may store a limited amount of members' Personal Data on their secure work network or in secure paper filing at the workplace.

9) Data breach reporting process

If there has been a Personal Data breach the Trustees must determine whether to make a report to the Information Commissioner's Office (ICO) within 72 hours of the breach occurring. The Trustees will take into account whether the breach poses a high risk to member's Personal Data, and the likelihood and severity of that breach, when deciding whether to report the breach to the ICO.

If a Personal Data breach is identified by a Data Processor it must be reported to the Trustee, the Secretary to the Trustee or the Scheme Actuary within 24 hours. The Trustee and the Scheme Actuary will consider whether the breach must be reported to the ICO and consider taking advice, as necessary.

Where a Personal Data breach gives rise to a high risk to an individual's rights and freedoms, the Trustees will notify affected members of the breach without undue delay. All Data Processors have been informed of the Trustee's Data Breach reporting process, which is laid out in the Trustee's Incident Response Plan

The Secretary to the Trustee retains an internal register of all Personal Data breaches whether they need to be reported to the ICO or not.

10) Subject Access Requests

Members have the right to access and receive a copy of their personal data and other supplementary information by making a Subject Access Request ("SAR"). UK GDPR requires the information to be provided within one month of the SAR and the information must be provided free of charge.

The Secretary should be notified within a week of the request being received. The Secretary will liaise with the administrator to acknowledge the request, coordinate the relevant information, and agree the response with the Trustee within one month of the request.

11) Right to be forgotten

UK GDPR gives individuals the right to request that a Data Controller deletes his/her Personal Data. This is the "right to erasure" also known as the right to be forgotten. The right is not absolute and only applies in certain circumstances. Any right to erasure request must be responded to within one month of receipt.

The right to erasure does not apply if processing is necessary to comply with a legal obligation and there is a legitimate interest in retaining the Personal Data.

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 Trustee will need to retain records of the transfer to challenge any potential future benefit claim.

12) Data transfer within the European Economic Area (EEA)

Following the United Kingdom's withdrawal from the European Union (EU), the EU has formally recognised the UK's high data protection standards and has adopted 'adequacy' decisions allowing data to continue flowing freely between the EEA and the UK.

13) Data transfer outside the European Economic Area (EEA)

The Trustee's policy is not to allow the transfer of data for processing outside the EEA (unless there are suitable and appropriate agreements in place)

Version	Date of Review	Amendments to Policy	Date Adopted by Trustee
2.0	Feb 2025	VM legal review amendments	
3.0	April 2025	Drafted for the Kerry Retirement Benefits Scheme	March 2026
4.0	July 2026	Added privacy notice to appendix	



Appendix A

Kerry Retirement Benefits Scheme (the "SCHEME")

Scheme privacy notice

This privacy notice tells you what to expect us to do with the personal information of our members and their survivors. It is being issued jointly by the joint data controllers in relation to the Scheme to comply with the United Kingdom General Data Protection Regulation ("UK GDPR"). The UK GDPR replaced its predecessor, the EU GDPR, after Brexit. This document replaces any Fair Processing Notice previously issued under the Data Protection Act 1998 and under the EU GDPR and is for your information only.

The data controllers in relation to the Scheme are the TRUSTEE BOARD ("the **Trustee**"), the appointed Scheme Actuary in relation to the Scheme (currently Ryan Markham of Hymans Robertson), and Kerry Ingredients (UK) Ltd. In some circumstances it may also include the Scheme legal advisers Burges Salmon, who will process personal data to comply with their professional duties as advisers to the Trustee.

Our contact details

14) For details about the Scheme, please use the usual Scheme Client Team mailbox at: kerry@vidett.com

What information we collect, use, and why

As a data controller, the Trustee collects and processes your personal data for the purposes of complying with its legal duties to administer the Scheme, and for other legitimate purposes relating to the operation of the Scheme. We hold this data in order to calculate and pay the benefits to and in respect of Scheme members.

In certain circumstances, we may need to collect some special categories of "sensitive" personal information in order to provide your pension benefits. This is most likely where we are collecting information relating to your health in relation to an application for an ill-health pension, or where in order to fulfil our obligation to provide benefits on your death, we obtain information that may reveal your racial or ethnic origin, religious or similar beliefs, or sexual orientation. In doing so, we hold this sensitive personal information in performance of our legal obligations in connection with your employment and pension provision, and in order to establish, exercise or defend legal claims. Where we ask for your consent to holding your sensitive personal information, you may withdraw your consent at any time by contacting the scheme secretary.

We collect or use the information to **comply with legal requirements** which comes from various sources:



Information we may collect directly from you

The categories of personal information that we collect directly from you include:

- (a) personal details (for example, your name, date of birth, address);
- (b) your bank details and national insurance number;
- (c) your contact details (for example, your address, phone number and email address);
- (d) details about your family and dependants, so that depending on the rules of your Scheme, we can pay any pension benefits to your spouse / partner / children on your death; similarly, you can tell us who you would like us to consider paying any lump sum benefits on your death¹;
- (f) your health, which may be relevant if you request payment of your pension early on grounds of ill health.

Information we may collect from other sources (such as your employer, HMRC, DWP, regulatory bodies and tracing organisations)

These are examples of categories of information we may collect from other sources:

- (a) personal details (for example, your name, date of birth);
- (b) your contact details (for example, your address, phone number and email address);
- (c) information necessary to calculate and pay your contributions or benefits (for example, your employment history and salary).

Lawful bases

Our lawful bases for collecting or using your personal information for **legal requirements** are:

- **Legal obligation** -to fulfil our legal obligations (including any contractual obligations), which includes making sure that your benefits are paid correctly.

The ways we use your information include:

- identifying you and your survivors and updating your details as may be requested by you
- communicating with you
- calculating and paying your benefits or in relation to a transfer of your benefits
- making trustee decisions – such as whether to agree to early retirement or how to distribute benefits after your death
- deciding how to invest contributions paid by you or your employer, if applicable.

¹ We assume that you have the consent of those individuals to provide us with this information and that you will share this privacy notice with them. We will not provide a copy of this notice to those individuals (as this may prevent us from being able to administer the Scheme properly).

- **Legitimate interest** – it is in your and the Trustee’s 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 Trustee, and the Scheme 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

Carry out ‘employer led’ exercises so that the Scheme’s employers can contact you for their legitimate interests of explaining your benefits under the Scheme, and any additional options which may be available to you in relation to those benefits, which tend to be called ‘employer led’ exercises.

When assessing whether a need to use personal information falls within a legitimate interest, the Trustee will generally assess whether your own interests, rights and freedoms under data protection laws are looked after when also considering the legitimate interest of the employer/third party in wanting to carry out the exercise. In this way the Trustee can protect your own rights under data protection laws.

- **Legitimate interest** – In certain circumstances, the Trustee may also need to use the information held in relation to any legal claims.

How long we keep information

We will keep your personal information for as long as we need it in order to provide the benefits payable from the Scheme; this will be for the duration that you have benefits in the Scheme (whether payable at your retirement or to your survivors / beneficiaries after your death). We may then retain your personal data for a further period (up to 20 years), to take into account our legal obligations and regulators' expectations. We may also retain records to investigate or defend potential legal claims.

Who we share information with

We may share personal information with:

- (a) the Schemes’ administrators and our advisers (such as the Scheme Actuary, benefit consultants, Scheme lawyers, etc) to facilitate the administration of the Schemes and your benefits;



- (b) relevant public bodies, including His Majesty's Revenue and Customs ("HMRC") and other Government organisations, including the Pensions Regulator, the Pension Protection Fund, the Financial Conduct Authority, and the Information Commissioner's Office;
- (c) insurance companies or other occupational pension schemes and their advisers with a view to securing benefits through long term insurance policies or a merger of schemes.

International transfer of personal information

We may transfer and process your personal information outside of the UK. Where your personal information is to be transferred outside the UK (for example by the Scheme administrator) we will take reasonable steps to ensure that there are appropriate safeguards in place in accordance with applicable legal requirements to protect the information. For more information on any safeguards in place, please contact us.

Your data protection rights

Under data protection law, you have rights including:

Your right of access - You have the right to ask us for copies of your personal information (a data subject access request).

Your right to rectification - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

Your right to erasure - You have the right to ask us to erase your personal information in certain circumstances.

Your right to restriction of processing - You have the right to ask us to restrict the processing of your personal information in certain circumstances.

Your right to object to processing - You have the right to object to the processing of your personal information in certain circumstances.

Your right to data portability - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.

Your right to withdraw consent – When we use consent as our lawful basis you have the right to withdraw your consent.

