

PRIVACY NOTICE

Judicial Pension Schemes

What is the purpose of a privacy notice?

A privacy notice sets out the standards that you can expect from Ministry of Justice when we request or hold personal information (personal data) about you; how you can access your personal data; and what you can do if you think the standards are not being met.

Who are we?

The Ministry of Justice is one of the parties responsible for the Judicial and Connected Pension Schemes (JPS):

- 1981 Scheme;
- 1993 Judicial Pension Scheme;
- Judicial Pension Scheme 2015;
- Fee Paid Judicial Pension Scheme;
- the Connected Schemes detailed in Appendix A; and
- Judicial Pension Scheme 2022 (from the date of introduction)

The Lord Chancellor is the Scheme Manager and joint Data Controller for your personal data. However, the Lord Chancellor's functions are delegated to the Ministry of Justice's Group Finance Director. The Ministry of Justice, as a scheme sponsor, is a Data Controller in its own right in addition to being the Lord Chancellor's delegate.

The JPS are administered, on behalf of the Data Controllers, by the parties detailed under the heading 'Sharing Your Personal Data' and any reference to processing should be read as including these parties.

JPS Data Controller(s)

Data Controllers determine what personal information is required and how it will be used, stored and destroyed. The joint Data Controllers for the JPS are the:

- Lord Chancellor;
- Ministry of Justice including Her Majesty's Courts and Tribunals Service and Judicial Office;
- Northern Ireland Courts and Tribunals Service;
- Scottish Government;
- Corporation of London
- Department for Levelling Up, Housing and Communities;
- Welsh Government;
- Competition Appeal Tribunal; and
- Scheme Actuary (Government Actuary's Department (GAD)).

We will ensure that we process your personal data:

- fairly and proportionately;
- in line with any current guidance and other publications of the Information Commissioner as amended from time to time;
- only in ways that are relevant for the purposes for which it is to be used;
- accurately, so that it is complete and kept up to date;
- so that is kept for no longer than is necessary for its declared purpose;
- protected by reasonable security safeguards against such risks as loss or unauthorised access, destruction, use, modification or disclosure of data.

What is personal data?

Personal data is any information about a living individual that can be used to identify them. It includes identifiers such as Name, Date of Birth, as well as personal characteristics such as Gender and Ethnic Group.

It may also include what are known as **special categories of personal data**. This is information concerning:

- race;
- religion;
- genetics;
- biometric (where used for ID purposes);
- health;
- sex life; or
- sexual orientation.

Identification can be by the information alone or in conjunction with any other information in our possession or likely to come into our possession.

We know how important it is to protect your privacy and to comply with data protection laws. We will safeguard your personal data and will only disclose it where it is lawful to do so, or with your consent.

What do we mean by processing?

The processing of personal data is governed by the General Data Protection Regulations (the GDPR) and by the Data Protection Act 2018. When we refer to processing we mean any activity we perform on or with your personal data such as collection, storage, adaptation, or other use.

How do we process your data?

We will process your data in accordance with the GDPR and with the Data Protection Act 2018. This means we will keep personal data up to date; store and destroy it securely; not collect or retain excessive amounts of data; protect it from loss, misuse, unauthorised access and disclosure; and ensure that appropriate technical measures are in place to protect personal data.

On what basis do we process your personal data?

We will only use and process your personal data when and how the law allows us to.

The law allows us to process your personal data as it is necessary for us to do so in the official function of a public authority. The official function is the administration of the JPS.

The law also allows us to process your data with your explicit consent. Where we do so we will ask you for that consent before we process your data. You are under no obligation to give consent if we ask for it. **If you give consent you may withdraw it at any time.** However, you should be aware, if you do not consent or subsequently withdraw your consent, in particular circumstances this may impact our ability to administer your benefits or those for dependants.

How we collect your personal data

We will collect your personal data in a number of ways, for example:

- when you are appointed, to instruct the administrator to set up a pension record;
- to collect your pension contributions;
- in the course of administering your benefits and bringing them into payment;
- when you use the MyPension.com dashboard¹.

How we use your personal data

We use your personal data for the following purposes:

- administration and payment of member retirement benefits (including Additional Voluntary Contributions, Judicial Added Years and Partnership Pension Accounts etc);
- determining service award and commutation supplement payments;
- consideration of ill-health retirement;
- consideration of death benefit claims;
- verification by the Scheme Actuary of calculations of pension benefits;
- audit of pension scheme accounts by Scheme Auditor;
- member communications (including Annual Benefit Statements and Internal Dispute Resolution); and
- benefit design of the JPS (or review thereof).

Sharing your personal data

We sometimes need to share the personal information we process with the individual themselves and also with other organisations. Where this is necessary we will comply with all aspects of the data protection laws. We may share your personal data with the parties detailed in Appendix B, which includes:

- the Scheme Administrator;
- the Scheme Actuary;
- the Scheme Auditor;
- the Scheme Legal Advisor;
- the Judicial Pension Board;
- the Payroll Provider;
- the Additional Voluntary Contribution (AVC) Providers;
- with Ministry of Justice Sections. i.e. Judicial Office and HMCTS (in respect of service awards and pension contributions);
- Her Majesty's Treasury (in respect of Consolidated Fund payments);
- Her Majesty's Revenue and Customs (HMRC).

We will not share information about your data with other third parties outside of the Ministry of Justice and not mentioned in this Privacy Notice without your consent, unless we are under a legal obligation to do so.

Processing of special categories of personal data

Where the processing of special categories of personal data is concerned we may process it either where it is necessary for the administration of the JPS; for other official functions within the Ministry of Justice's responsibility; in compliance with a legal obligation or contract; or with your explicit consent.

In order to determine eligibility under the JPS for ill-health retirement² we will process personal data relating to:

a) Health

This will be recorded by the Ministry of Justice or the Scheme Administrator and processed strictly for administrative purposes in determining medical capacity for discharging the duties of Judicial Office.

All Ministry of Justice or third-party staff who have access to health records shall be instructed that such information must be treated as confidential.

² Under section 2(3) of the Judicial Pensions and Retirement Act 1993; regulation 68 of the Judicial Pensions Regulations 2015; regulation 23 of the Judicial Pensions (Fee-Paid Judges) Regulations 2017; and regulation 56 of the Judicial Pensions Regulations 2022.

b) Sex Life; or Sexual Orientation

This will be strictly processed with your express consent and recorded by the Ministry of Justice (or the Scheme Administrator) and processed for the purpose of determining benefits on your death. For example, details you provide of a nominee for death benefits such as a Spouse or Civil Partner.

Further processing

We may wish to use and process your personal data for a new purpose not set out in this Privacy Notice. Should we do so we will contact you to let you know about how we wish to use your personal data and where necessary we will seek your prior explicit consent to the new processing.

Restriction of access to personal data and health records

We may place all or part of our files onto the Ministry of Justice's secure computer network and restrict access to your data contained both within the network and any paper files (if applicable). Access to your data is granted to Ministry of Justice staff employed in the Pensions Operations Team, the Judicial Policy Team, selected members of the Finance Team and Ministry of Justice Legal and only for specific and legitimate purposes.

Details of transfers to third country and safeguards

It may sometimes be necessary to transfer personal information overseas. When this is needed you will be informed accordingly. Any transfers made will be in full compliance with all aspects of the data protection law.

Evaluation based on automated processing of data

We will not hold any data based solely on automated processing of data intended to evaluate certain personal aspects relating to you.

Security

The security of your personal data is very important to us. We will ensure that we and any third party have in place appropriate technical and organisational measures to prevent unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to personal data.

Your rights and your personal data – the subject information rights

Unless subject to an exemption, you have a number of subject information rights. These are:

- the right to request that we correct any personal data if it is found to be inaccurate or out of date;
- (for information obtained under consent only) the right to request your personal data is erased where it is no longer necessary for us to retain such data;
- (for information obtained under consent only) the right to withdraw your consent to the processing of information at any time;
- the right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing;
- the right to lodge a complaint with the Information Commissioner's Office.

Access to personal information

You can find out what personal data we hold about you by making a 'Subject Access Request'. If you wish to make a Subject Access Request please contact:

Disclosure Team
Post point 10.24
Ministry of Justice
102 Petty France
London
SW1H 9AJ

Email: data.access@justice.gov.uk

Exemptions from your subject information rights in respect of your personal data

In some circumstances your personal data is exempt from the subject information rights i.e. right to erasure, portability or to object (see Appendix C).

Exemptions apply where the personal data is processed in the exercise of official authority, such as the administration of the JPS in accordance with statute.

Retention and destruction of personal data

Your personal data will not be kept longer than it is necessary. Records, both electronic and paper, will be destroyed in line with the Ministry of Justice's Record Retention and Disposal Schedule – generally until 110 years of age (copy available on request, see below).

Contact details and further information

You can get more details on:

- agreements we have with other organisations for sharing information;
- circumstances where we can pass on personal information without telling you, for example, to help with the prevention or detection of crime (e.g. fraud);
- our instructions to staff on how to collect, use or delete your personal information; and
- how we check that the information we hold is accurate and up-to-date.

If you have any questions about this Privacy Notice or how Ministry of Justice handles your personal data, please contact the Ministry of Justice Data Protection Officer:

Ministry of Justice
Post point 10.38
102 Petty France
London
SW1H 9AJ

Email: privacy@justice.gov.uk

Complaints

When we ask you for information, we will keep to the law. If you consider that your information has been handled incorrectly, you can contact the Information Commissioner's Office for independent advice about data protection. Contact details are as follows:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113

www.ico.org.uk

Further information on the protection of data can also be found on the Information Commissioner's Office website at <https://ico.org.uk/for-the-public/>

Appendix A

A schedule of existing pension schemes determined as “Connected Schemes” to the Judicial Pension Scheme 2015 is outlined in Schedule 5 to the Public Service Pensions Act 2013; the Connected Schemes are highlighted below.

- A scheme constituted by section 20 of the Sheriff Courts (Scotland) Act 1907.
- A scheme constituted by paragraph 23 of Schedule 9 to the Agriculture Act 1947, so far as relating to payment of pension benefits.
- A scheme constituted by or made under any provision of Part XIII of the County Courts Act (Northern Ireland) 1959 (c. 25 (NI)).
- A scheme constituted by or made under any provision of the District Judges (Magistrates’ Courts) Pensions Act (Northern Ireland) 1960 (c. 2 (NI)).
- A scheme constituted by or made under any provision of the Sheriffs’ Pensions (Scotland) Act 1961.
- A scheme under paragraph 7A of Schedule 10 to the Rent Act 1977
 - Exception: injury benefits and compensation benefits
- A scheme constituted by or made under any provision of the Judicial Pensions Act 1981.
 - Exception: injury benefits under a scheme constituted by or made under Part 3 of Schedule 1 to that Act
- A scheme constituted by paragraph 9 of Schedule 4 to the Rent (Scotland) Act 1984.
- A scheme constituted by or made under any provision of Part 1 or section 19 of the Judicial Pensions and Retirement Act 1993.
 - Exception: benefits payable to or in respect of a holder of a devolved office
- A scheme constituted by paragraph 4(1) of Schedule 1 to the Scottish Land Court Act 1993.
- A scheme constituted by or made under paragraph 6 of Schedule 2 to the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13).
- A scheme constituted by or made under paragraph 9 of Schedule 1 to the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4).
- A scheme constituted by paragraph 2(1)(b) of Schedule 2 to the Charities and Trustee Investment (Scotland) Act 2005 (asp 10), so far as relating to payment of pension benefits.
- A scheme constituted by paragraph 6(3) of Schedule 11 to the Welsh Language (Wales) Measure 2011 (nawm 1).

Appendix B

The following is a list of the current JPS Data Processors (including sub-processors) -

Data Processors

- The Scheme Actuary: GAD*;
- The Scheme Auditor: Comptroller and Auditor General, National Audit Office;
- The Scheme Legal Advisor: Government Legal Department;
- The Judicial Pension Board
- The Payroll Provider: Liberata
- Additional Voluntary Contribution Providers: Equitable Life (Clerical Medical) and Prudential;
- For Service Awards and Pension Contributions: Judicial Office, MINISTRY OF JUSTICE* and HM Courts and Tribunal Service*;
- Banking Payments: Government Banking Service;
- Consolidated Fund payments: Her Majesty's Treasury;
- Taxation (including Scheme Pays): Her Majesty's Revenue and Customs (HMRC);
- The Scheme Administrator: XPS Administration Limited (XPS).

*The Ministry of Justice and GAD are both Data Controllers and Data Processors, a copy of the GAD Personal Information Charter can be found at:

<https://www.gov.uk/government/organisations/government-actuaries-department/about/personal-information-charter>

Sub-Processors

The following is a list of the XPS sub-processors -

- Alfresco Software Ltd
- Equiniti
- ITM Ltd
- London & Colonial
- Open Accounts
- Resource link
- Profund Aviary
- Sage (UK) Ltd
- Bottomline
- Cashfac
- Western Union
- Adare Sec Ltd
- CFH
- Higgs Group
- Paragon
- Platinum Print Limited
- Ream Limited
- Haven (Redrock)
- Oasis Group
- Kellys
- Shred-it UK Limited
- Changeworks
- Mimecast
- ATMOS Data Service
- Faraday
- Lexis Nexis Risk Solutions UK Ltd
- Equifax
- Synectics Solutions Ltd
- Capita Tracing & Data Solutions
- Prosearch Asset Solutions Limited
- Experian
- Target Professional Services
- Backbone Connect Ltd
- Covalent Software Ltd
- Database Service Provider Global Limited
- GCI
- Isumo
- Littlefish (UK) Ltd
- Microsoft
- Punter Southall Group
- SynApps
- Talk Desk
- Xpert CS
- Archive Management Services
- Iron Mountain
- Restore

- Lombards Datashred
- Evergreen
- Hodger Recycling Limited

NB: Details of the current Judicial Pension Board (JPB) Members can be found by the following web link given below; details of any JPB membership changes are detailed in the JPS Annual Report for the year in which any membership changes occurred.

<https://www.gov.uk/government/groups/judicial-pension-board>

Appendix C

Lawful basis for processing and subject information rights

| Lawful basis for processing | Right to erasure | Right to portability | Right to object |
|-----------------------------|------------------|----------------------|--|
| Consent | | | No but right to withdraw consent |
| Contract | | | No |
| Legal obligation | No | No | No |
| Vital interests | | No | No |
| Public task | No | No | |
| Legitimate interests | | No | |