



West Yorkshire Pension Fund

PERSONAL DATA RETENTION POLICY EXPECTATIONS FOR FIRE and Rescue Authorities (FRA)

This document has been prepared by Bradford Metropolitan District Council, on behalf of WYPF for the FPS pension administration service in their capacity as the administrator. FRAs participating in the service are under a statutory duty to provide data to the WYPF under the regulations of the Firefighters Pension Scheme (FPS) Regulations 2014. This document sets out the FPS pension administration service expectations for FRAs participating in the FPS in relation to the retention of personal data that is required.

This document can also be accessed via the following link: www.wypf.org.uk/shared-service-pension-administration/ and should be read in conjunction with the WYPF privacy notice, which can be accessed via the same link.

This document largely takes the form of a template personal data retention policy for individual FRAs participating in the FPS pension administration service to tailor to their own circumstances before adopting or incorporating into their existing personal data retention policy. In collecting and processing personal data required by the FPS pension administration service, individual FRAs will be acting as separate, independent controllers to their own Administering Authority. In order that the WYPF can fulfil its legal and contractual obligations in relation to that data (as well as to pay the correct benefits to current and former Firefighters and their beneficiaries), the Administering Authorities in Whose FRA is a member of the FPS pension administration service, should expect their FRA to adopt certain minimum data retention periods. Those minimum periods are set out in the template personal data retention policy.

In determining what data retention period to adopt, FRAs should note in particular that:

- you may have to provide salary information to the Administering Authority for certain Members relating to the thirteen years prior to the date of ceasing pensionable service in the Fund;
- the working hours of Members who have pre-1 April 2015 pensionable service in the FPS and are entitled to final salary benefits, are used in the calculation of certain benefits - queries regarding the Firefighters working hours can be received many years after any change in the Firefighters working pattern took effect;
- you are responsible for making ill health determinations in respect of both active and deferred Members (i.e. your former employees) and, in the case of deferred Members, may need to provide job descriptions to Independent Qualified Registered Medical Practitioners many years after a Member has ceased employment with you in order to assess if the Member is permanently incapable of doing the job they were employed to do whilst in employment with you;¹
- queries about salary data may arise sometime after the relevant pay period for which it was provided, due to the complex definitions of pensionable pay in the FPS Regulations 2014 and the interaction with the tax regime for pension benefits;
- legal and tax requirements may change, requiring WYPF to recalculate benefits for which additional personal data is needed (for example, the Government may amend the FPS Scheme Regulations 2014 to take account of recent court cases concerning age discrimination within public sector pension schemes following benefit changes in 2015/6).

These factors mean the WYPF, as the administrator for the FPS pension administration service, requires some types of personal data to be available for longer periods of time than may usually be the case in relation to employees.

¹ This may involve your HR department rather than your payroll department or provider. Generic job descriptions may not be personal data. However, if the individual member can be identified from the job description, it will still be personal data protected by data protection legislation.



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FRA's wishing to make significant amendments to the template data retention policy are invited to discuss their policy with their Administering Authority before adoption, so that both parties can ensure they will be able to fulfil their legal obligations in relation to personal data required by FPS pension administration service.

FRA's are responsible for providing payroll information and other data to the WYPF, even if those services are outsourced. You should provide your payroll department or provider with a copy of your data retention policy once adopted or updated and ask them to confirm that personal data will be retained in line with your policy. FRA's should also ensure that they retain access to historical pay information if there is a change to the payroll provider.

Failure to provide historic salary/hours worked information or job descriptions may result in the Administering Authorities having to make decisions or reasonable assessments in respect of a scheme member's benefits payable from the FPS. In the absence of such information, these could be challenged by the scheme member under the Internal Dispute Resolution Procedure, ultimately resulting in referral to the Pensions Ombudsman.

Issued on behalf of the FPS pension administration service by:

Matt Mott

July 2023