

Rothesay



Privacy Notice

Who needs to read this privacy notice

You should read this privacy notice if you, or the trustees of your pension scheme, hold a pension annuity policy with another insurer and that insurer has reinsured such policy with Rothesay Life Plc.

Understanding the terms used in this privacy notice

The meaning of words which are shown in **green bold** text are explained in the **Glossary**. Throughout this notice any reference to “we” or “us” refers to Rothesay Life Plc.

About us

'Rothesay' is the trading name for Rothesay Life Plc, an insurance company established in the UK with company registration number 06127279. We are authorised in the UK by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority. Our registered office address is The Post Building, 100 Museum Street, London WC1A 1PB.

We offer a range of insurance products to pension schemes and pension scheme members including bulk purchase annuity products and individual pension annuity policies. We also acquire blocks of pension annuity business from other insurers via transactions which are typically structured initially as a reinsurance contract, pending completion of a **Part VII Transfer** (subject to regulatory and court approval) to effect a legal transfer of the underlying portfolio.

If your **Insurer** has entered into a **reinsurance contract** with us in respect of your policy (or a policy held by the trustees of your **Scheme**), we will control the **processing** of **personal data** concerning you in connection with the **reinsurance contract**. As a result we are a **controller** under **data protection laws**. This means we have a legal responsibility to ensure that we, and other companies with whom we share your **personal data**, **process** your **personal data** securely and lawfully in accordance with the **data protection laws**.

We are required to provide you with the information in this privacy notice in order to comply with our legal obligations. Please read it carefully – we take the privacy of your **personal data** very seriously.

About this document

This privacy notice contains information about:

- The **personal data** that we **process** as a **controller**
- The reasons why we **process** your **personal data**
- The legal grounds upon which we **process** your **personal data**
- The security measures that we have in place to keep your **personal data** secure
- The length of time we store your **personal data** for
- The organisations with whom we might share your **personal data**
- The rights you have under the **data protection laws** in relation to our **processing** of your **personal data**

If you are reading this document electronically you can click on the page numbers shown in the contents table on the next page to jump straight to that page. There are also embedded links throughout the document shown in **bold** to help you to navigate through the document if reading online.

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Please note that we may change this privacy notice from time to time

The latest version of our privacy notice can be found on our website

> rothesay.com/data-protection

To request a printed copy of this privacy notice please contact us using the details contained in the part of this privacy notice headed **Contact details**.

We will notify you if the purposes for which we **process** your **personal data** change.

What personal data do we process?

The categories of **personal data** we **process** include the following:

1. Personal information relating to each individual who has pension benefits reinsured under a **reinsurance contract**, which may include:
 - Name
 - Address (email and postal)
 - National Insurance number
 - Date of birth
 - Gender
 - Marital status (and dependants and next of kin, if applicable)
 - Retirement age
 - Retirement date
2. Information relating to the employment relevant to the benefits of each individual who has pension benefits reinsured under a **reinsurance contract**, which may include:
 - Employer (or former employer) name
 - Job title, job codes and job location
 - Pension benefits
3. Health information (and any other **sensitive personal data** that might be provided by a registered medical practitioner) relating to individuals who have pension benefits reinsured under a **reinsurance contract**, to the extent strictly necessary to determine eligibility for any ill-health benefits which are reinsured under that contract.
4. The names of individuals who, on the death of an individual who has pension benefits reinsured under a **reinsurance contract**, are potentially entitled to any death benefits which are reinsured under that contract.

The exact **personal data** concerning you that we **process** will depend upon the information provided to us by your **Insurer**.

In addition to your **Insurer**, we might also obtain **personal data** about you from the following third parties:

1. Tracing agencies and mortality screening companies

We may engage tracing agencies to check whether we hold the correct address for individuals who have pension benefits reinsured under a **reinsurance contract**.

We may engage mortality screening companies to check whether individuals who have pension benefits reinsured under a **reinsurance contract** are alive.

2. Financial sanctions screening companies

We may engage financial sanctions screening companies to ensure that we do not break laws and regulations by making a payment under a **reinsurance contract** in respect of an individual who:

- appears on a list of financial sanctions targets; or
- is subject to a sanctions programme as determined by any government or law enforcement agency

The purposes for which we **process** your **personal data** are described in the following section of this privacy notice (**Why do we process your personal data?**).

Why do we process your personal data?

We **process personal data** as **controller** for the purposes listed below.

1. Fulfilling our obligations under reinsurance contracts

We need to **process personal data** in order to fulfil our contractual obligations under our **reinsurance contracts** and to ensure that we are paying the right amounts under each of those contracts. This involves sharing **personal data** with our sub-contractors, service providers and professional advisers.

The third parties with whom we might share **personal data** (and the circumstances in which we would share it) are described in the following sections of this privacy notice:

- **What personal data do we process?**
- **Who has access to your personal data?**

2. Managing our risks that are associated with reinsurance contracts

We **process personal data** in order to manage the risks to our business that are associated with the **reinsurance contracts** we have entered into. In particular, we may provide information about the liabilities that we are reinsuring under our **reinsurance contracts** to third party reinsurance companies who may reinsure some of the risks associated with those liabilities under the contractual agreements that they have in place with us. In these circumstances, we need to provide **personal data** to our third party reinsurers so that both we and our reinsurers can comply with our respective obligations under those contractual agreements.

None of the steps we take to manage our risks will affect your benefits under the policy you or the trustees of your **Scheme** hold with your **Insurer**.

3. Fulfilling our legal and regulatory obligations

We **process personal data** in order to comply with obligations imposed upon us by laws and regulations, many of which apply to us because we are an insurance company that is authorised by the Prudential Regulatory Authority and regulated by the Financial Conduct Authority and the Prudential Regulatory Authority.

In particular, those regulatory authorities and law enforcement agencies might require us to share **personal data** with them.

4. Operating our business

We **process personal data** by providing it to third parties who collate such data from a wide variety of sources and publish reports on how long people in the UK live and other demographic trends.

We use these reports in connection with the performance of our business, for example, by using them to help us understand our liabilities in respect of our current and future policyholders. The reports do not impact upon the scope of our payment obligations under our policies or **reinsurance contracts**.

5. Preparing for a Part VII Transfer

Where we have agreed to acquire an annuity portfolio from another insurer, this is typically structured initially as a **reinsurance contract**, to be followed by a **Part VII Transfer** to effect the legal transfer of the underlying annuity policies (subject to Court and regulatory approvals). As part of the preparation for a **Part VII Transfer** (for example, records and data migration preparatory work), it would be necessary for the insurer (as transferee) to provide us (as transferor) with the relevant data they hold in respect of the transferring policies, which will include **personal data**. We would need to **process** this **personal data** to ensure we can administer the transferred policies following the completion of the **Part VII Transfer**.

If the **Part VII Transfer** is sanctioned by the High Court, the transferring business (including the transferred policies) will transfer to us, and we will need to **process personal data** in order to fulfil our obligations under those policies and to ensure we are paying the right amounts under each of those policies.

6. Storing personal data to exercise our legal rights and defend ourselves against potential legal claims

We store **personal data** in case we need it to exercise our legal rights, and to defend ourselves against potential legal claims that might be brought against us under the terms of any of our policies, **reinsurance contracts** and/or laws and regulations.

Legal grounds for processing your personal data

We are allowed to **process** your **personal data** on certain legal grounds.

The table below provides details of the legal grounds upon which we **process personal data** for each of the purposes detailed in the section of this privacy notice headed **Why do we process your personal data?**.

Please be assured that, in respect of all **processing** of **personal data** that we or our third parties carry out, we have robust technical, security and organisational measures in place to ensure that the risk of a privacy breach by us, or one of the third parties with whom we share **personal data**, is low.

Purpose	Legal grounds for processing
<p>1. Fulfilling our obligations under reinsurance contracts</p> <p>We process personal data in order to fulfil our contractual obligations under the reinsurance contracts that we have entered into and ensure that we are paying the right amounts under each of those contracts.</p>	<p>Legitimate interests pursued by us or by a third party</p> <p>It is in our interest, and the interest of insurers with whom we have entered into a reinsurance contract to ensure that we fulfil our contractual obligations and ensure that we are paying the right amounts under each of those contracts. It is also in the interest of the individual who has pension benefits reinsured under a reinsurance contract.</p>
<p>2. Managing our risks</p> <p>We process personal data in order to manage the risks to our business that are associated with the reinsurance contracts we have entered into.</p>	<p>Legitimate interests pursued by us or by a third party</p> <p>It is in our interest to manage the risks to our business associated with the reinsurance contracts we have entered into (including the risk of making payments in breach of laws and regulations). We need to manage our risks (including the risk that individuals who have pension benefits reinsured under a reinsurance contract live for longer than we had assumed) in order to operate our business. Our risk mitigation measures do not impact upon our payment obligations under our reinsurance contracts.</p>

Purpose

Legal grounds for processing

3. Fulfilling our legal and regulatory obligations

We **process personal data** in order to fulfil obligations imposed upon us by applicable law and regulation.

Compliance with a legal obligation to which we are subject

We need to ensure that we run our business in accordance with laws and regulations.

4. Operating our business

We **process personal data** by providing it to third parties who collate such data from a wide variety of sources and publish reports on how long people in the UK live and other demographic trends. We use this information in connection with the performance of our business.

Legitimate interests pursued by us or by a third party

It is in our interest to estimate how long people in the UK are likely to live as accurately as possible and to understand other demographic trends. This helps us to understand our liabilities in respect of our current and future policyholders and **reinsurance contracts**. The reports we receive do not impact upon the scope of our payment obligations under our policies or **reinsurance contracts**.

5. Preparing for a Part VII Transfer

In connection with a **Part VII Transfer**, we process personal data to ensure we can administer the transferred policies following the completion of the **Part VII Transfer** (subject to Court and regulatory approval). If the **Part VII Transfer** is sanctioned by the High Court, we will also **process personal data** in order to administer the transferred policies and fulfil our obligations under those transferred policies (including to ensure that we pay the right amounts under each of those policies).

Legitimate interests pursued by us or by a third party

It is in our interest, and the interest of insurers with whom we have entered into a contractual arrangement to acquire a block of pension annuity business to ensure that we fulfil our contractual obligations. It is also in the interest of the individual under a transferred policy that we can continue to administer that policy following a **Part VII Transfer**.

6. Establishment, exercise or defence of legal claims

We store **personal data** in case we need it to exercise our legal rights, and to defend ourselves against potential legal claims that might be brought against us under the terms of any of our policies, **reinsurance contracts** and/or laws and regulations.

Legitimate interests pursued by us or by a third party

It is in our interest to ensure that we are able to exercise our legal rights and defend against potential legal claims.

You can object to **processing** that we carry out on the grounds of legitimate interests. See the section headed **Your rights** to find out how.

Separate legal grounds apply to the **processing** of **sensitive personal data**.

We will only **process sensitive personal data** where your **Insurer** or, where applicable, the trustees of your **Scheme**, have obtained your explicit consent to this for the purposes described in this privacy notice, or where the **processing** is necessary for one of the following reasons:

- The establishment, exercise or defence of legal claims
- To comply with obligations under laws and regulations and any criminal reporting requirements that we are subject to. This includes compliance with law enforcement agency procedures in connection with various investigations and compliance with any requirement to prevent or detect unlawful acts
- To protect your vital interests if you are physically or legally incapable of giving your consent to the **processing**

How do we keep your personal data secure?

We take the security of information, infrastructure and applications very seriously. Our commitment to corporate security is demonstrated through the implementation of policies, controls and procedures, which are externally certified and audited to the international information security standard, ISO 27001:2013. In addition, we are certified to Cyber Essentials, a government-backed scheme demonstrating cyber security.

Our security policies, controls and procedures are regularly reviewed and updated so that we maintain good practices across our business to keep your information safe.

We have contractual arrangements in place with all of our service providers who **process personal data** which are compliant with **data protection laws**. We regularly check that our service providers are complying with their contractual commitments. This includes assessing and reporting on our service providers' information security controls to check their compliance using questionnaires and/or on-site audits.

How long do we store your personal data?

We will keep **personal data** relating to individuals who have pension benefits reinsured under **reinsurance contracts** for so long as it is required to operate our business, fulfil our contractual obligations under those contracts (including obligations under the underlying policies where such policies have transferred to us pursuant to a **Part VII Transfer**) and our legal and regulatory obligations.

Who has access to your personal data?

We share **personal data** with a variety of other companies in order to operate our business and perform our obligations under our **reinsurance contracts**. However, we only share the **personal data** that those companies need to provide their services to us.

We have detailed the types of companies with whom we currently share **personal data** below. The companies fall into two categories:

- **Processors with whom we share personal data**

For these companies, we determine the purposes for which the **personal data** we pass to them is **processed** and they should not **process** that **personal data** other than in accordance with our written instructions.

- **Controllers with whom we share personal data**

For these companies, we do not determine the purposes for which the **personal data** we pass to them is **processed**. To understand how the other **controllers process** your **personal data** you should refer to their privacy notices. Processors with whom we share personal data

1. Third Party Administrators

We use specialist third party pension administration companies to help us administer our pension annuity policies. This enables us to meet our obligations in accordance with the terms of those policies. To enable them to do this, we need to provide them with all **personal data** that is relevant for this purpose.

Currently, we engage as administrators, companies trading as:

- Capita Employee Solutions
- Mercer
- Willis Towers Watson

2. Professional advisers

We sometimes have to share **personal data** with our professional advisers (including accountants and lawyers) where it is relevant for the purposes of their advice.

3. IT service providers

Our main IT infrastructure and core software is provided by Goldman Sachs. This means that **personal data** we **process** is stored on Goldman Sachs' IT systems.

4. Tracing agencies, mortality screening companies and financial sanctions screening companies

We may use these companies in order to check one or both of the following:

- Whether an individual who has pension benefits reinsured under a **reinsurance contract** is alive and that the individual's address remains current
- Whether an individual appears on a list of financial sanctions targets or is subject to a sanction programme

The section headed **What personal data do we process?** contains further detail.

5. Other service providers to our business

Other companies who **process personal data** on our behalf include those who provide day-to-day operational business services such as archiving, document scanning and copying, document destruction and printing.

Controllers with whom we share personal data

1. Reinsurers

We may provide information about the liabilities reinsured under our **reinsurance contracts** to third party reinsurers with whom we reinsure some of the risks to which we are exposed under those contracts. The main such risk is that individuals who have pension benefits reinsured under our **reinsurance contracts** live longer than we anticipated.

2. Trend analysis providers

We provide information to, and use services provided by, third parties to analyse how long people in the UK live and other demographic trends. We use information provided to us by these third parties in connection with the performance of our business. For example, we use it to help us to estimate how long our policyholders and individuals under our **reinsurance contracts** are likely to live in order to understand our liabilities in respect of our current and future policyholders.

Your rights

You have the following rights under **data protection laws**:

- The right to object to us **processing** your **personal data**
- The right to correct any mistakes in your **personal data**
- The right to restrict our **processing** of your **personal data**
- The right of access to **personal data** relating to you (known as 'Subject Access Requests')
- The right to require us to delete your **personal data**
- Rights in relation to automated decision-making (not relevant here)
- The right to have your personal data provided to another **controller** (not relevant here)

These rights are described in the following section **Your rights in more detail**.

How to exercise your rights

If you wish to exercise any of your rights, please contact us using the details contained in the part of this privacy notice headed **Contact details**.

You can also make a request to exercise your rights via your **Insurer**, or the trustees of your **Scheme** (if applicable). If you choose to do this, your **Insurer** will notify us and we will respond to your request. When seeking to exercise any of your rights, please ensure that your request contains sufficient information and supporting documentation to enable us to consider your request and take appropriate action.

There are exemptions that apply to some of your rights. If any of these are applicable such that we are unable to comply with your request to exercise any of your rights, we will confirm this to you when responding to your request and apply those exemptions in accordance with **data protection laws**.

What will happen if your rights are breached?

You might be entitled to compensation for any damage caused by contravention of **data protection laws**.

Your rights in more detail

Your right to object to us processing your personal data

You may object to us **processing** your **personal data** where we rely on a legitimate interest as our legal grounds for **processing**. The section headed **Legal grounds for processing your personal data** explains where this is the case.

If you object to us **processing** your **personal data** we will no longer be able to **process** your **personal data** unless we can demonstrate compelling grounds for continuing to do so. We believe we have demonstrated compelling grounds in the section headed **Legal grounds for processing your personal data**.

Your right to correct any mistakes in your personal data

You can require us to correct any mistakes (including adding missing information) in any of your **personal data** which we hold.

Your right to restrict our processing of your personal data

You may request that we restrict the **processing** of your **personal data** in any of the following circumstances:

- Where you do not think that your **personal data** is accurate. In this case we will start **processing** again once we have checked the accuracy of your **personal data** and it has been corrected if necessary
- Where the **processing** is unlawful, but you do not want us to erase your **personal data**
- Where we no longer need the **personal data** for the purposes of our **processing**, but you need the data to establish, exercise or defend legal claims
- Where you have objected to **processing** because you believe that your interests should override our legitimate interests. In this case we will start **processing** again once we have checked whether or not our legitimate interests override your interests

If our **processing** is restricted in any of the circumstances described above, we will inform you in advance if that restriction is to be lifted.

Your right to access your personal data (Subject Access Request)

You can ask us to confirm whether we are **processing personal data** relating to you. If we do, you may ask us to provide the following:

- A copy of your **personal data** (please note that, if you want more than one copy of your **personal data**, we reserve the right to charge a reasonable fee based on our administrative costs for the provision of such further copies)
- Details of the purpose for which your **personal data** is being, or is to be, **processed**
- Details of the recipients or classes of recipients to whom your **personal data** is, or might be, disclosed, including, if the recipient is based in a country outside of the European Union, what protections are in place in relation to the transfer to that recipient
- The period for which your **personal data** is held (or the criteria we use to determine how long it is held)
- Any information available about where we obtained your **personal data** from
- Confirmation as to whether we carry out any automated decision-making (including profiling) and, where we do, information about the logic involved and the envisaged outcome or consequences of that decision or profiling

Your right to require us to delete your personal data

You can ask us to delete your **personal data** in any of the following circumstances:

- You believe that we no longer need to **process** it for the purposes set out in this privacy notice
- You had given consent to **process** it, but you withdraw that consent and there are no other legal grounds upon which we can **process** it
- You have successfully objected to our **processing** it
- It has been **processed** unlawfully or has not been erased when it should have been

Your rights in relation to automated decision-making

You have the right to ask a **controller** to review manually any automated decisions the **controller** makes about you. However, please note that we do not carry out **decision-making** by automated means in connection with our policies or **reinsurance contracts**.

Your right to have your personal data provided to another controller

In specified circumstances, an individual can ask a **controller** to provide them with an electronic copy of **personal data** that the **controller** holds, or to have such a copy transmitted directly to another **controller**. Those circumstances do not, however, apply in relation to our **processing of personal data** in connection with our policies or **reinsurance contracts**. This is because we do not rely on consent as our legal grounds for **processing**.

Contact details

Any queries regarding your pension benefits should in the first instance be directed to your **Insurer**, or the trustees of your **Scheme** (if applicable).

How to contact us regarding this privacy notice

You may want to contact us to:

- Ask any questions you have in relation to the information contained in this privacy notice
- Exercise any of your rights under the **data protection laws**
- Request a version of this privacy notice printed in large print or braille
- Request an audio version of this privacy notice
- Make a complaint (see below)

To contact us you can email us at **dpo@rothesay.com** or write to:

> Data Protection Team, Rothesay Life Plc, The Post Building, 100 Museum Street, London WC1A 1PB

If you live within the European Union, you can also contact our European representative. Their details are as follows:

> Bird & Bird GDPR Representative Services SRL, Avenue Louise 235, 1050 Bruxelles, Belgium

Or email **EUrepresentative.Rothesay@twobirds.com**

How to make a complaint

If you have a problem or concern relating to the matters set out in this privacy notice that you would like us to look into, please contact us in the first instance.

We hope that we will be able to address the problem or concern to your satisfaction. However, if you remain unsatisfied you will have the right to make a complaint to the Information Commissioner's Office. The process for making a complaint to the Information Commissioner's Office can be found on its website. Their contact details are as follows:

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

Or phone 0303 123 1113

> **ico.org.uk**

Glossary

The terms shown in **bold green** text in this privacy notice have the meanings shown below.

controller: the person who determines the purposes for which, and the manner in which, any **personal data** is **processed**

data protection laws: the **GDPR** and any other data protection or privacy laws, regulations and provisions which apply in the UK from time to time

GDPR: the General Data Protection Regulation (EU) 2016/679 as it forms part of the law of England and Wales, Scotland and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018 (the "GDPR"), and the Data Protection Act 2018 and any other national legislation that relates to data protection and privacy

Insurer: an insurance company with whom you or the trustee of your **Scheme** holds an annuity policy

Part VII Transfer: a legal process pursuant to Part VII of the Financial Services and Markets Act 2000 to effect a transfer of all or part of a long-term insurance business from one insurance company to another.

If sanctioned by the High Court, the contracts, properties, assets and liabilities comprised in the transferring business will transfer from the transferor to the transferee, and accordingly, policyholders comprised in the transferring business will become policyholders of the transferee

personal data: any information from which a living individual can be identified, including:

- Information such as names, addresses, telephone numbers, email addresses, photographs, voice recordings and financial information
- Expressions of opinion and indications of intentions about individuals (and their own expressions of opinion/intentions)
- Information which on its own does not identify someone but which would identify them if put together with other information which we have or are likely to have in the future

processor: any person or service provider who **processes personal data** on behalf of a **controller**

processing or **process**: this covers almost anything a company or individual can do with **personal data**, including:

- Obtaining, recording, retrieving, consulting or holding it
- Organising, adapting or updating it
- Disclosing, sharing or otherwise making it available
- Cleansing, blocking, erasing or destroying it

reinsurance contract: a reinsurance contract that we have entered into with another insurer whereby we agree to reinsure certain liabilities in respect of the underlying annuity portfolio

Scheme: if applicable, the pension scheme of which you are a member whose trustees hold a bulk annuity policy with your **Insurer** under which your **Insurer** has an obligation to pay specified benefits to the trustees in respect of you

sensitive personal data: any information relating to any of the following:

- Racial or ethnic origin
- Political opinions
- Religious beliefs or beliefs of a similar nature
- Trade union membership
- Physical or mental health
- Sexual life or orientation
- Genetic data or biometric data for the purpose of uniquely identifying an individual

Rothesay

'Rothesay' is the trading name for Rothesay Life Plc. Registered in England No. 6127279.
Registered office: The Post Building, 100 Museum Street, London WC1A 1PB.

Authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority
and Prudential Regulation Authority. Firm Reference Number 466067.