



PENSION REMEDY – PRIVACY NOTICE

Last updated: March 2024

Scottish Fire and Rescue Service (SFRS) is committed to protecting your personal information. The processing of personal data is covered by the General Data Protection Regulation 2018 and Data Protection Act 2018.

This privacy notice explains the information SFRS (“we”) are collecting about you, why we have collected it and how it will be used.

Process owner: **People**

This notice relates to the following categories of data subject: **Retired Employees**

Why are we collecting your information?

In April 2015, the UK Government introduced reformed public service pension schemes.

In December 2018, the Court of Appeal found this transitional protection to be discriminatory against younger members in the judicial and firefighters’ pension schemes, as transitional protection was only offered to older scheme members.

The government accepted that this applied across all the public sector pension schemes.

[The Public Service Pensions and Judicial Offices Act 2022](#) makes provisions to rectify unlawful discrimination in the way in which relevant schemes were instructed

under the Public Service Pensions Act 2013. Consequently, relevant regulations have been introduced to implement the scheme level changes as required by the Act.

When considering reassessments, the lawfulness of processing can be identified within [Firefighters' Pensions \(Remediable Service\) \(Scotland\) Regulations 2023 S.52](#). We have a dependency upon Scottish Public Pensions Agency (SPPA) to receive accurate data in order to comply with this legislative requirement and respect the Accuracy Principle of UK GDPR (Article 5(4)). As a retired employee, we have obtained your most up to date address details from SPPA to enable us to offer and gain your consent for a IQMP re-assessment.

Further detail on the remedy can be found on the SPPA Website [here](#).

How we collect the information about you?

By you returning your consent form to us in response to our communication with you.

What information is being collected and processed by us?

Personal Information:

- Full name;
- Home Address;
- Date of Birth;
- Contact Telephone Number;
- Payroll Number (if applicable).

Special Category Information

- Medical (most recent IQMP Report and any associated medical notes).

Legal basis for the processing

Before we process your data, we need a legal basis for doing so.

In respect of processing your personal information:

- the data subject has given consent to the processing of his or her Personal Data for one or more specific purposes – Art. 6(1)(a);
- processing is necessary for compliance with a legal obligation to which the controller is subject – Art 6(1)(c).

In respect of processing your special category information:

- the data subject has given explicit consent to the processing of those Personal Data for one or more specified purposes – Art. 9(2)(a);
- processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law – Art. 9(2)(b).

How the information will be used and shared?

On receipt of your consent, your information will be used to share securely with our IQMP provider to enable reassessment and remedy rectification to be applied where necessary and SPPA to make any necessary rectifications.

Where will be retain and for how long your information for?

A tracker will be retained within the Health and Wellbeing SharePoint with restricted access for a period of 12 months. This will enable us to keep an update on the status of your reassessment.

Once an updated Outcome Report is shared with us by SPPA, we will retain this in your medical file within the Health and Wellbeing Management System for a period

of 40 years since last entry, as per our [Records Retention Schedule](#). Only those within the business remit of their role will have access to your information.

Automated decision-making?

There is no automated decision-making as part of this processing.

Requesting access to your personal data and your rights

Under data protection legislation, you have many rights regarding your personal data.

You have the right to:

- be informed of how we will process it;
- request a copy of what we hold about you;
- have it deleted (where we do not have a legal requirement to retain it);
- have it rectified, restricted;
- object to us using it;
- data portability (in certain circumstances).

Where we are processing data based on your consent, you have the right to withdraw that consent at any time.

To act on any of the above rights or if you have any concerns about how we are using your personal information, please contact the Data Protection Officer (contact details below).

However, if you are unhappy with the way we have processed your information or how we have responded to your request to exercise any of your rights in relation to your data, you can raise your concerns directly with the Information Commissioner's Office, Tel. No. 0303 123 1113 or in writing to:

Information Commissioner's Office
Wycliffe House
Water Lane

Wilmslow
Cheshire
SK9 5AF

For more information about your rights:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

To complain to the Information Commissioner's Office:

<https://ico.org.uk/concerns/>

We are a Data Controller for personal data. Our details have been registered with the Information Commissioner's Office (ICO) and our register number is Z3555625. The ICO's register can be viewed online at <http://ico.org.uk>

If you would like to discuss anything in this privacy notice, please contact:

Carol Wade, Information Governance Manager / Data Protection Officer

Email: carol.wade@firescotland.gov.uk

Review date: March 2025