

Privacy and Personal Information Policy – Third parties

Under the General Data Protection Regulation (GDPR) we must comply with various duties in relation to any personal information that we hold about you. The Pensions Ombudsman is committed to protecting and respecting your privacy.

This Policy explains when and why we collect personal information about people who have not made an application to use our service, but who are connected to the use of our service. This Policy also explains how we use that personal information, the conditions under which we may disclose it to others and how we keep it secure.

Please note this Policy applies to personal information we gather and process in relation to third parties. If you have made an application to use our service, our standard [Privacy and Personal Information Policy](#) applies to you.

We may change or update this Policy from time to time and the latest version will be available on the [publications page](#) of our website.

Who are we?

We are The Pensions Ombudsman. We are an independent organisation set up by law to investigate complaints about pension administration. We also operate an Early Resolution Service (ERS) which helps people involved in a pension complaint to agree a resolution in an informal way. We can also consider complaints about the actions and decisions of the Pension Protection Fund and about some decisions made by the Financial Assistance Scheme.

How to contact us

Any questions or queries regarding this Policy and our privacy practices should be sent by email to our Data Protection Officer at enquiries@pensions-ombudsman.org.uk or by writing to 10 South Colonnade, Canary Wharf, London E14 4PU. Alternatively, you can telephone 0800 917 4487.

What type of personal information could we have collected or received about you?

By personal information we mean information that is about identifiable living individuals. A complaint can include information about a person connected with the complaint, such as their name, age, workplace or former workplace, and possibly their financial affairs.

How do or did we collect or receive the information about you?

When an applicant submits a complaint to us, or a respondent (for example the scheme's trustees, the employer or pension provider) or other person or organisation, responds to a complaint, it can contain information about individuals who are not directly involved in the complaint, as well as the parties.

We can receive information by email, post or telephone.

How is your information used by us?

We use this personal information to help resolve any queries that an applicant has at an early stage or for us to reach a decision about a complaint. Incidental to that, other uses may include publishing decisions, dealing with any appeals or any other legal action concerning our decisions. We may also use your personal information with the aim, for example, of adjusting our practices and improving the performance of our service. This could include training and monitoring purposes; analysing complaints or collating information to identify trends or characteristics; customer surveys; and dealing with any service complaints.

Your personal information will only be used for the purposes for which we collected or received it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

We may share your personal information with the parties to the complaint, as part of our investigation.

By law, we also have the power to share information about a complaint with a small number of designated persons, including other ombudsman schemes, regulators, public authorities and government departments (as set out in section 149 of the Pension Schemes Act 1993), if we think it necessary in helping them carry out their own functions. We will always consider this carefully before doing so.

Publishing our decisions

We aim to carry out our work openly and transparently and for this reason we usually publish Pensions Ombudsman determinations, as well as some opinions made by our adjudicators considered to be of interest, on our website. Since 3 May 2016, our published decisions have generally been anonymised and have the names of individuals, as well as any other identifying personal data, removed – unless such data is essential for understanding the decision or there is another reason why we consider it is appropriate to publish it.

Our policy was amended to reflect the prevailing approach of dispute handling schemes towards increased protection of personal information, while maintaining transparency in demonstrating our work and findings and giving guidance to the industry and consumers.

In certain cases, we may decide not to anonymise names and remove other identifying personal data in the decision. Examples might be: where the case is a particularly notable one with wider (public interest) implications; or where we are taking a position.

If we are considering not anonymising a decision, or we are asked to do so by a party, we will ask the relevant parties for their comments.

If you have concerns about a decision which has already been published on our website you can contact us using the details set out above. Ultimately, it will be a matter for the Pensions Ombudsman to decide on a case-by-case basis.

Exceptionally we might publish a decision in summary form only, while making more information available to anyone who requests it.

The legal basis that we rely on for the processing of your personal information

Our legal basis for processing your personal information will usually be: exercising our official authority or performing our role in the public interest, which includes administering justice and carrying out our statutory function pursuant to Part X of the Pension Schemes Act 1993 (the investigation of complaints into alleged maladministration, and disputes of fact or law, relating to pension schemes); our legal obligations and reasons of substantial public interest; and/or that we are establishing legal claims and acting in our judicial capacity. On those occasions where we are not relying on any of the above, we will ensure that a suitable alternative legal basis is used. The legal basis for using information for incidental purposes would be if there is a legitimate or public interest.

How long do we hold your information for?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider: the amount, nature, and sensitivity of the personal data; the potential risk of harm from unauthorised use or disclosure of your personal data; the purposes for which we process your personal data and whether we can achieve those purposes through other means; and the applicable legal requirements.

Your rights

You have the right to request access to, and rectification or erasure of, your personal data (the right to be forgotten). You also have rights to restrict or object to our processing of your personal information and to request that we send you, or another organisation, certain types of information about you in a format that can be read by a computer (data portability).

That said, due to the nature of the work that we do, we may refuse such requests from you in accordance with relevant legislation. Our overall aim, however, is to be as fair and transparent as possible and we will only refuse such requests where we consider that we are legally justified in doing so.

How you can update your information

The accuracy of your information is important to us. If any of the information we hold about you is inaccurate or out of date, please contact us using the details given in the 'How to contact us' section.

Security precautions in place to protect the loss, misuse or alteration of your information

We know that data security is important to you. We take steps to ensure that personal information is stored securely, both physically and electronically, in accordance with the internal policies that we have in place for the effective and secure processing of personal information.

We also have procedures in place to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

Use of 'cookies'

You can set your browser to refuse all or some browser [cookies](#), or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of our website may become inaccessible or not function properly.

Transferring your information outside of the European Economic Area ("EEA")

We store all your personal information in the EEA and we avoid transferring your personal information outside the EEA whenever possible. If circumstances arise where it does become necessary to transfer your information outside of the EEA – such as any of the other parties involved in the case being located outside the EEA – we will take reasonable steps to ensure that appropriate security measures are taken.

What if you are unhappy about the way we handle your personal information?

If you have any issues or complaints about the way that we have handled your personal information, please contact our Data Protection Officer at enquiries@pensions-ombudsman.org.uk You also have the right to make a complaint to the [Information Commissioner's Office](#)

Review of this policy

We keep this Policy under regular review. This Policy was last updated in October 2022.