

PRIVACY STATEMENT

THE BERRY UK PENSION SCHEME

We, Berry UK Pension Trustees Limited (the "**Trustee**") and Calum Cooper statutorily appointed under the Pensions Act 1995 (the "**Scheme Actuary**") are Joint Controllers of The Berry UK Pension Scheme (the "**Scheme**") in relation to personal data processed under the Scheme – for the purposes of the retained EU law version of the General Data Protection Regulation (EU (2016/679)) ("**UK GDPR**") and the Data Protection Act 2018 ("**DPA 2018**"). For the purposes of this Statement, "**Data Protection Legislation**" shall be taken to mean the UK GDPR and DPA 2018.

Both the Trustee and Scheme Actuary are committed to protecting personal data processed under the Scheme. This privacy statement will inform you as to how we look after your personal data as a member of the Scheme.

If you have any queries related to this privacy statement please contact: Steve Bane, who is one of the directors of the Trustee, at StevenBane@berryglobal.com or by post at Berry UK Pension Trustees Limited, Care of Steve Bane, Suite 2, Sapphire House, Crown Way, Rushden, Northants, NN10 6FB.

1. ABOUT THIS DOCUMENT

In order to administer the Scheme, both of the Trustee and Scheme Actuary require to process personal data (which may be held on paper, electronically, or otherwise) about the Scheme's members and we recognise the need to treat it in an appropriate and lawful manner, in accordance with the Data Protection Legislation. This statement is issued to you by the Trustee and it is intended to make you aware of how the Trustee and Scheme Actuary will handle your personal data.

This statement may be amended at any time. Any amendments will be notified to you through our annual newsletter or in writing from time to time. It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

"**Personal data**" means information we hold about you from which you can be identified. It may include contact details, other personal information, photographs, expressions of opinion about you or indications as to our intentions about you. "**Processing**" means doing anything with the data, such as accessing, storing, disclosing, transferring, destroying or using the personal data in any way.

2. THE ROLES OF THE JOINT CONTROLLERS

Joint controllers

The Trustee and Scheme Actuary are "**joint controllers**" in relation to personal data processed in relation to the Scheme. This means that we decide together on the purposes and means of processing your personal data for our shared purposes.

As required by the Data Protection Legislation, we have entered into a joint controller agreement, setting out our respective roles and responsibilities in relation to members. Among other things, that agreement agrees that the Trustee will be the contact point for members. See section 1 above for the relevant contact details if you have any questions on this arrangement.

3. HOW WE USE YOUR PERSONAL DATA

We process the following types of personal data:

- personal details such as your name, gender, age, date of birth, contact details (e.g. your address and postcode, email, telephone and mobile numbers), and identifiers such as your National

Insurance number, pension or member reference number and employee number (where applicable);

- details of your family, lifestyle and social circumstances. This could include details about your current marriage or civil partnership, any previous relationships and details of your family and dependents;
- financial details such as that about income, other pension arrangements, bank account details (e.g. to process pension payments) and tax code; and
- employment details such as your earnings, length of service, employment and career history, recruitment and termination details, absence record, job title and job responsibilities.

We may process sensitive personal data relating to you including, as appropriate:

- information about your physical or mental health or condition (where there is a legal basis for the processing of such data under applicable law).

We will process data about:

- members and beneficiaries;
- service providers and advisers;
- trustees; and
- employers.

We process the above personal data:

- for legal, personnel, administrative and management purposes and to enable us to meet our legal obligations, for example: to calculate and pay benefits. This includes providing you with details of your benefits and options under the Scheme and dealing with any queries that you have about these;
- to verify your identity;
- to carry out our obligations arising from any agreement that we have with, or concerning, you to provide you with the information, benefits and services that you request from us;
- to notify you about services provided to members of the Scheme and any changes to those services or to enable you to access those services;
- for statistical, financial modelling, accounting and reference purposes;
- for internal record keeping;
- for risk management purposes, including the insurance or management of longevity risks and related demographic risks or of the Scheme's benefits;
- complying with our legal obligations, any relevant industry or professional rules and regulations or any applicable voluntary codes;
- complying with demands or requests made by any relevant regulators, government departments and law enforcement or tax authorities or in connection with any disputes or litigation;
- in connection with any sale, merger, acquisition, disposal, reorganisation or similar change of business relating to the sponsoring employer or its associated companies.

We collect the personal data from:

- directly from you;
- in certain circumstances from spouses, cohabitees, other family members or solicitors in the event of your death.

4. FAIR, LAWFUL AND TRANSPARENT PROCESSING

We will only process your personal data for the specific purpose or purposes notified to you, purposes which are compatible with those original purposes or for any other purposes specifically permitted by the Data Protection Legislation. As a “**controller**”, both the Trustee and Scheme Actuary must process this information fairly and lawfully.

We need to hold and process information about you for us to administer the Scheme, and to calculate and pay benefits. Under the legislation, this means that we either:

- process it in consideration of the contract between us to be a member of the Scheme, or
- we have a legitimate interest in processing the information.

We will not collect any personal data from you that we do not need.

We may also need to hold and process "**special category data**" about you and/or your dependants and beneficiaries (for example information about health). We will only collect this sensitive personal data from you when it is needed, for example, if you apply to receive your benefits on the grounds of ill health.

5. DATA RETENTION

We will not keep your personal data for longer than is necessary for the purpose. for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

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, regulatory, tax, accounting or other requirements.

In terms of the personal data processed by our Scheme Administrator, your personal data is held by the Scheme Administrator for the full duration for which you are a Member of the Scheme. If you cease to be a Member of the Scheme, your member file is then deleted after 20 years however the Scheme Administrator retains minimal data (consisting of basic personal details to allow us to confirm that you were a member of the scheme, the type of benefit that was settled, its value and the receiving scheme's details) indefinitely.

6. DATA SECURITY

We will ensure that appropriate measures are taken against unlawful or unauthorised Processing of personal data, and against the accidental loss of, or damage to, personal data. We have in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction. We will only transfer personal data to a third party if that third party agrees to comply with those procedures and policies, or if they put in place adequate measures themselves. Maintaining data security means guaranteeing the confidentiality, integrity and availability (for authorised purposes) of the personal data.

We have put in place procedures 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.

7. PROVIDING INFORMATION TO THIRD PARTIES/DATA SHARING

We sometimes need to share the personal information we process with other organisations. Where this is necessary, we are required to comply with all aspects of the Data Protection Legislation.

We share information with:

- the Scheme administrator, which is currently Hymans Robertson LLP ("**Scheme Administrator**");
- the Scheme Administrator, acts as a processor and processes member personal data in order to provide the administration services to the Scheme, on behalf of the Trustee;
- the Scheme's other professional advisers and auditors, including the Scheme's legal advisers Brodies LLP, investment advisers Aon Hewitt and auditors KPMG. These organisations use the information when advising the Trustee and carrying out their respective professional obligations;
- the Scheme's insurers (and other insurers for the purpose of obtaining quotations relating to the

- Scheme or its benefits), investment managers, banks and other service providers;
- any financial adviser or other organisation appointed by the Trustee or sponsoring employer to advise you about your options under the Scheme or any adviser appointed by you where you have asked us to provide them with details of your benefits under the Scheme;
- third parties that carry out instructions on our behalf including Western union and Barclays when you request information to be sent to you and you are outside of the UK;
- any other person who is authorised to act on your behalf;
- companies within the sponsoring employer's group and their professional advisers;
- regulators, government departments, law enforcement authorities, tax authorities and insurance companies;
- third parties we engage to assist us with verifying your identity;
- any relevant ombudsman, dispute resolution body or the courts;
- persons in connection with any sale, merger, acquisition, disposal, reorganisation or similar change in business relating to the sponsoring employers or its associated companies;
- pension schemes with which the person whose data we are Processing has an association;
- healthcare, social and welfare organisations; and
- current, past or prospective employers.

8. INTERNATIONAL

We, and processors we engage to provide services on our behalf (including the Scheme Administrator) hold data in the UK and European Economic Area ("**EEA**"). However, it may sometimes be necessary to transfer personal information outside the UK. When this is needed information may be transferred to countries or territories around the world. Any transfers made will be in full compliance with all aspects of UK GDPR.

As described above, we share personal data with the Scheme Administrator in order to provide the administration services to the Scheme, on behalf of the Trustee. In providing these administration services, certain personal data may be processed outside the UK but within the EEA.

Separately, if you request your personal data to be transferred outside of the UK and EEA, we will then facilitate this as per your request.

9. YOUR RIGHTS

Under certain circumstances you have rights under data protection laws in relation to your personal data:

Access to your information – You have the right to request a copy of the personal information about you that we hold.

Correcting your information – We want to make sure that your personal information is accurate, complete and up to date and you may ask us to correct any personal information about you that you believe does not meet these standards.

Deletion of your information – You have the right to ask us to delete personal information about you where:

- You consider that we no longer require the information for the purposes for which it was obtained
- We are using that information with your consent and you have withdrawn your consent – see *Withdrawing consent to using your information* below
- You have validly objected to our use of your personal information – see *Objecting to how we may use your information* below
- Our use of your personal information is contrary to law or our other legal obligations.

Objecting to how we may use your information – You can object to your personal data being processed, although we can override this objection in certain circumstances.

Restricting how we may use your information – in some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal

information about you that we hold or assessing the validity of any objection you have made to our use of your information. The right might also apply if we no longer have a basis for using your personal information but you don't want us to delete the data.

Withdrawing consent using your information – Where we use your personal information with your consent you may withdraw that consent at any time and we will stop using your personal information for the purpose(s) for which consent was given.

You should be aware that taking any of the above steps could impact on the payment of your benefits and our ability to answer questions relating to your benefits.

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances. We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response. We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

If you wish to exercise any of your rights please contact Steve Bane, director of the Trustee of the Scheme at: StevenBane@berryglobal.com.

10. COMPLAINTS

The Trustee seeks to resolve directly all complaints about how it handles personal information. If you would like to raise a complaint in relation to how we process your personal data in relation to the Scheme please contact: Steve Bane, director of the Trustee of the Scheme at: StevenBane@berryglobal.com.

You also have the right to lodge a complaint with the Information Commissioner's Office whose contact details are as follows. We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

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

Telephone - 0303 123 1113 (local rate) or 01625 545 745

Email: casework@ico.org.uk

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