

Magnox Electric Group of the Electricity Supply Pension Scheme (the “Scheme”) - Data Protection Complaints Procedure

In accordance with Section 164A of the DPA 2018, individuals have a right to make a Data Protection Complaint to a ‘data controller’. Magnox Electric Group Pension Trustee Company Ltd (the Trustee) is the data controller in respect of the Personal Data that it holds and processes in connection with the Scheme. As the data controller, it is required to facilitate the making of Data Protection Complaints by the data subjects to whom that Personal Data relates.

This Procedure sets out the Trustee’s process in relation solely to Data Protection Complaints. If your complaint relates to any issues regarding your pension benefits (eg how your benefits have been calculated, communicated or paid) or about the administration of the Scheme more generally, you should use the Scheme’s internal dispute resolution procedure (or IDRP), details of which are here <https://www.my-magnox-pension.com/knowledge-hub/about-the-scheme/scheme-documents> to raise your concerns. If you are not sure which procedure to use, please contact Broadstone, the Scheme administrators, in the first instance.

An individual's right to make a Data Protection Complaint to the Trustee (as data controller) is separate to the individual’s right to make a Data Protection Complaint to the ICO. The ICO does expect individuals to have gone through the Trustee’s internal complaints process before contacting it with a Data Protection Complaint.

For the avoidance of doubt, if the Data Protection Complaint concerns an actual, suspected or potential Personal Data Breach or Cyber Incident, the existence of which the Trustee was not previously aware, the Trustee will ensure that the breach or incident itself will be addressed under the Scheme’s appropriate policy.

Definitions

- (a) Data Protection Complaint means: A complaint made by an individual who considers that there has been an infringement of the UK GDPR or DPA 2018 in connection with their Personal Data.
- (b) DPA 2018 means: Data Protection Act 2018.
- (c) UK GDPR means: Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018.
- (d) ICO means: Information Commissioners Office (or the Information Commission, if this has taken over the functions of the Information Commissioner's Office).
- (e) Personal Data means: Information relating to an identified or identifiable individual. For these purposes, an identifiable individual is one who can be identified directly or indirectly, in particular by reference to an identifier such as a name, an identification number, a description of their location, or one or more factors specific to that individual.
- (f) Personal Data Breach means: Any breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data. This includes breaches that are the result of both accidental and deliberate causes.

- (g) Cyber Incident means: An event which has compromised (or seems likely to have compromised) the confidentiality, integrity, security or availability of any information on the IT systems used by and/or relied on by the Trustee (including information on cloud and other systems hosted or utilised by the Trustee's service providers).

Who can use this procedure and when can it be used?

Any individual whose Personal Data is held or processed by the Trustee (or its processors) can make a Data Protection Complaint to the Trustee if the individual considers that data protection legislation has been infringed because of the way the individual's personal data has been handled.

If an individual has made a Data Protection Complaint to the Trustee but has subsequently died, the Data Protection Complaint may be continued on behalf of the complainant by their personal representative.

A Data Protection Complaint addressed to the Trustee may be made, or continued, on behalf of the complainant by a representative of the complainant who shall be:

- (a) if the complainant is a minor or is otherwise incapable of acting on their own behalf, a member of the complainant's family, or another person suitable to represent the complainant; or
- (b) in any other case, a representative nominated by the complainant in writing.

The Trustee reserves the right to request confirmation that a representative, or personal representative, acting on behalf of the complainant has been appropriately appointed.

What is the complaint process and how to make a complaint?

To enable a Data Protection Complaint to be considered by the Trustee, complainants should provide the following information in writing:

- (a) the complainant's name, address, date of birth;
- (b) national insurance number (if available);
- (c) payroll number (if known);
- (d) relationship to the Scheme e.g. member/beneficiary etc;
- (e) if a representative is appointed, the representative's name, address and proof of appointment; and
- (f) full reason(s) for the complaint – please provide as much detail as possible about the complaint and any relevant documentation.

The Trustee can be contacted:

- by post addressed to: Broadstone, 2 Rye Hill Office Park, Birmingham Road, Coventry, CV5 9AB; or
- by email addressed to Magnox@broadstone.co.uk

If a complainant contacts the Trustee directly, or via the Scheme's administrators, to make a Data Protection Complaint, the Trustee will acknowledge receipt of the complaint within 30 days of receiving it and will provide details of the Scheme's Privacy Notice. Where possible, the acknowledgment will be made in writing. If you have not received an acknowledgement by that

time, please contact the Trustee or Scheme administrators to check your complaint has been received.

What happens then?

Your complaint will be acknowledged within 30 days of receipt, as outlined above.

The Trustee will, without undue delay, investigate and consider the Data Protection Complaint. In doing so, it will conduct such investigations as it sees fit to ensure it has all the appropriate information to make an informed decision and may request any further information or documentation as it considers necessary.

The Trustee will keep the complainant informed of the progress of its investigation without undue delay.

The Trustee will inform the complainant of the outcome of the Data Protection Complaint as soon as it is able to but cannot give a specific timeframe, as some complaints may take longer than others to investigate. The notice informing the outcome of the complaint will:

- (a) explain the decision and the reasons for it;
- (b) explain any actions taken as a consequence of the complaint; and
- (c) inform the complainant of their right to complain to the ICO and provide the ICO's contact details.

The Trustee and the Scheme's administrators will keep a record of the following:

- (a) the date the Data Protection Complaint was received;
- (b) the acknowledgement from the Trustee of receipt of the Data Protection Complaint;
- (c) any relevant conversations, evidence gathered and documents.;
- (d) the outcome of the Data Protection Complaint;
- (e) communications with the complainant regarding the progress of the investigation and the outcome of the Data Protection Complaint; and
- (f) any actions taken as a result of the investigation.

These records will be retained in line with the Trustee's data retention policy and then securely deleted.

What if you are not satisfied with the outcome?

If you are unhappy with the outcome of the complaint, the Trustee would be happy to discuss it further with you. You also have the right to complain to the ICO.

The ICO's contact details are:

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

Phone: 0303 123 1113

Web: [Make a complaint | ICO](#)