

Privacy statement regarding the use of your personal data by the Trustees of ESB Defined Benefit Pension Scheme – effective from 25 May 2018 and updated on 13th August 2024

This privacy statement describes when, why and how we collect and use personal data about you during and after your relationship with us, and what we do with it. It is a privacy statement that we must provide to you in accordance with Irish data protection laws, including the General Data Protection Regulation (EU) 2016 / 679 (“GDPR”) and such laws may be updated from time to time (“data protection laws”).

The Trustees of the ESB Defined Benefit Pension Scheme (the “Scheme”) (“we”, “us”, “our” or, the “Trustees”) are committed to protecting the privacy and security of your personal data, which is data identifying you or from which you can be identified.

Where we need to process your personal data in connection with the Scheme, or where we have a legal obligation to collect and process certain personal data relating to you (for example, in order to comply with our legal obligations), we will not be able to provide you with the full benefit of the Scheme if you do not provide this information to us.

This privacy statement applies to all members of the Scheme, their dependants, deferred members, former members (and their dependants), non-members who receive benefits from the Scheme (beneficiaries) and former beneficiaries and any other living individual about whom we process personal data in the course of operating and dealing with the Scheme for their benefit (“you” and “your”).

We, the Trustees, are responsible for deciding how we hold and use personal data about you.

1. The personal data that we process and use about you

In this privacy statement when we refer to “personal data” this means any information identifying you (such as your name, address, email address, telephone number(s) and date of birth) or information from which you can be identified. It does not include data where the identifying information has been removed so it cannot be identified with you (anonymous data).

We may collect, have transferred to us, use, process and store the personal data about you:

We may also collect, have transferred to us, use, process and store information about your health in the course of dealing with your relationship with the Scheme, including medical conditions, health and sickness records. Information about your health is known as a “special categories of personal data” to which data protection laws require us to apply a higher level of protection. We set out below in section 3 of this privacy statement what personal data and special categories of personal data we collect about you and the purposes for which we process it.

2. How your personal data is gathered by us

We collect personal data about members directly from you, for example through the membership application form which you provide to us and which you give us during your membership of the Scheme.

We also receive personal data about you from third parties, including the data which your ESB Employer provides to us and data which we may receive from Government Agencies (such as in relation to your tax status, or if we need assistance tracing deferred members).

We collect personal data about next of kin, spouses, dependants and beneficiaries directly from members which you provide to us, or which your ESB Employer provides to us. If you elect to transfer your funds into the Scheme from another scheme or pension product, we may sometimes collect additional personal data about you from operators of those schemes or pension products. Please note that where a pension adjustment order is in place which relates to you, we will receive details about that from the Courts Services. We may also consult publicly available sources, where we are seeking to trace deferred members.

3. How we will use information about you, and our basis for use

As the Trustees, we deliver services to you and perform our roles in accordance with documentation relating to the Scheme and to comply with our legal obligations under contracts and applicable laws relating to the Scheme. In order to do this in an effective way, we need to collect and process certain personal data about you. We will only use your personal data when the law, including data protection laws, allows us to or requires us to, that is when a legal basis is in place to make the processing lawful. Most commonly, we will use your personal data in the following circumstances:

Legal Basis: Processing which is necessary for the performance of a contract

When we process the data listed below, we process it as:

- it is necessary for the performance of a contract to which you are a party or in order to take steps at your request prior to your entering into the Scheme; and / or
- it is necessary and proportionate for the purposes of operating your pension arrangement (in accordance with section 50 of the Data Protection Act 2018) to the extent that the data is a special category of personal data (such as your health data)

Purposes of Processing	Personal Data
To set new members up in the Scheme	• Name • Staff number • Address • Date of birth • PPS number • Salary details • Marital status
To process your Scheme membership benefits, to give you information about your participation in the Scheme and undertake typical Scheme functions such as: • Purchase of Additional Services • Claim on Special Funding for Pensionable Allowances • Pension Service Claim • Issue Annual Benefit Statement • Member Reconciliations • Ceasing purchase of additional service and benefits • Reconciliation of Pension Contribution • Purchase of Notional Service-Related Benefits • Retirement Benefit Amendment • Purchase of Pre-Marriage Services • Purchase of Pre-Scheme Services • Repayment of Refunded Contributions	• Name • Address • Contact number • Email address • Date of birth • PPS number • Gender • Marital status • Pension scheme membership number • Bank account details • Payroll details • Tax details • Location and Business Unit of employment • Employment history in ESB • Details of assets and payments made to the Scheme • Details of pension plans transferred from • Dependants • Details of benefits • Beneficiary name, address, date of birth and payment details
Arranging to receive payments in connection with your membership of the Scheme	• Name • Staff number • Address • Date of birth • PPS number • Salary details • Marital status • Employer contributions • Bank account details

Purposes of Processing	Personal Data
Calculating, approving and making payments to you (whether you are a member or dependant of a member) under the Scheme when you retire	• Date you joined the Scheme • Spouse and children's scheme type • Spouse and Children's scheme value • Name • Banked service details • Career Average Revaluation Earnings Service details • Notional service details • Ill Health added years • Guarantee of pension • Annual pensionable salary • Date of 65th birthday • Bank account details
To calculate and approve benefits if you have to retire for reasons of ill-health	• Employment history • Sick leave • ESB employer board's doctor recommendation • Management proposal for ill- health • Individual's decision re ill- health retirement • Information on family background • Efforts company made to retain person in employment • Staff number • Area Code (payroll identifier to indicate where in ESB you worked) • Name • Date of retirement • Reason for retirement • Additional death benefits • Ill-health service details • Service details • Age at retirement • Additional Ill-health added years
To make the necessary changes to your records and benefits if you provide us with a pension adjustment order (PAO)	• Name • Address • Benefits due under specified percentage and relevant service • Name • Address • Title • Gender • Date of birth • Phone number • PPS number • Staff number and similar fields that could identify a person • Employment contract • Salary • Taxation details • Bank details

Purposes of Processing	Personal Data
To calculate and approve your benefits if you resign from your ESB Employer	• Date you joined the Scheme • Spouse and children's pension scheme type • Name • Banked service details • CARE service details • Annual pensionable salary • Date of leaving
To undertake actuarial reporting	• Name • Staff number • Date of birth • Salary • Spouse/ Dependant details
To set up an additional death benefit on your behalf	• Name • Staff number • Date of birth • Contact number • Address • Work location • Additional medical data received by Occupational Health Services • Name and address of staff • GP

Legal basis: Processing is necessary to pursue a legitimate interest.

When we process the data listed below, we process it to pursue our legitimate interests for the proper operation and administration of the Scheme, for the benefit of all members and beneficiaries (provided your interests and fundamental rights do not override our legitimate interests)

Purposes of Processing	Personal Data
To annually verify you (or your widow / widower / civil partner) are still drawing down your pension after you retire	• Staff Name • Name of widow/widower/civil partner • Address • Contact number • Email
To respond to any complaints you may have or to resolve disputes which arise between you and the Scheme	• Name • Staff number • Phone number • Email address • Work location • Address • Pension service details • Nature of complaint or dispute

We may also process any of the above personal data for the purposes of complying with our legal and regulatory obligations, or to enforce our rights where necessary. In those circumstances our legal bases for processing may be one of the following:

- Legal obligation (e.g. to comply with anti-money laundering, anti-terrorist financing and/or fraud prevention rules, or if a regulator or law enforcement body requires your data, for example if we are required to respond to a request from the Financial Services and Pensions Ombudsman); or
- Where processing is necessary for the establishment, exercise or defence of a legal claim (e.g. if a legal dispute arises between you and the Scheme).

We may also process your personal data with your consent or your explicit consent (where we have sought it and you have provided it), in which case you can withdraw your consent at any time.

4. Why we process your personal data

It is a requirement for certain employees of the Electricity Supply Board (the “ESB”) (referred to as a “ESB Employer”) to be a member of the Scheme as a condition of their contract of employment.

When you signed your contract of employment you agreed to become a member of the Scheme, and as a condition you must provide us, your ESB Employer or our service providers with certain information covered in this privacy statement in connection with your membership of the Scheme in order for us to provide benefits to you.

5. Automated decision-making that may impact on you

Automated decision-making takes place when an electronic system uses personal data about you to make a decision about you without human intervention. Automated decision making is used by us in limited circumstances, namely to determine when a member reaches retirement age, so that you will be paid your pension entitlements. This means that we use your personal data to find out when you reach retirement age.

6. Information that you give us about other people

Where you provide us with personal data relating to other people, such as your dependants, you should ensure that before doing so, the individuals in question are made aware of the fact that we will hold information relating to them and that we may use it for any of the purposes set out in this privacy statement. It is the responsibility of members to ensure that any individual whose personal data they provide to us, such as dependants, are provided with a copy of this privacy statement.

7. Why we share your personal data with other organisations

We may share your personal data with other organisations, including our service providers. We will only ever share your personal data with third parties for your benefit as a member of the Scheme or in connection with our role as Trustees, including where we are required to under a legal obligation. The Scheme may disclose your personal data to various recipients in connection with the above purposes, including:

- **Your ESB Employer** - in connection with your participation in the Scheme;
- **ESB** – ESB and in particular ESB's Pensions Office acts as a processor on behalf of the Scheme and provides services including, but not limited to, data hosting and storage, HR and payroll services, communications, data protection compliance related services, storing and filing pensions adjustment orders and training services;
- **The Scheme administrator** – the Scheme employs a third-party service provider, Aon, who undertakes a number of administrative functions on behalf of the Scheme;
- **Consultants** – The Scheme employs consultants to provide advice in connection with the operation of the Scheme, and in particular investment advice. In general, but not exclusively, consultants are provided with aggregated data in relation to the members of the Scheme so that they can use this to provide assistance in analysing how the Scheme is functioning and to put in place plans for the future operation of the Scheme. This means that consultants are not routinely provided with your name or address, so that they cannot link the data that they are provided with directly back to you. However, instances may arise where the consultant is asked to assist with or advise upon a matter relating to a particular individual's pension circumstances;
- **Actuary** – The Scheme engages with an actuary in order to receive advice in relation to your projected benefits under the Scheme. These calculations are dependent on the status of members and beneficiaries, and therefore require the actuary to be given details about the members and beneficiaries
- **Auditors** – The Scheme engages third party auditors to audit its annual report, financial statements, and other aspects of the Scheme. In the process of undertaking an audit the auditor will be given access to all of the Scheme's data and may therefore process your personal data in the context of undertaking the audit.
- **Legal Advisors** – The Scheme does not generally need to provide its legal advisors with personal data in relation to members and beneficiaries. However, there may be instances where there is a dispute with a member or beneficiary, or uncertainty in relation to a member or beneficiary's benefits, that requires the Scheme to get legal advice. In those circumstances, the Scheme will provide such personal data in relation to that member or beneficiary as is required in order to receive such legal advice.
- **Regulatory Authorities and Government Bodies** – Where required by law, we may make your personal data available to regulatory authorities and government bodies, such as the Pensions Authority and the Revenue Commissioners

8. How secure is your data?

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

All service providers to which we disclose your data are required by us to take appropriate security measures to protect your personal data in line with our requirements. We require our service providers to keep your information secure and we only permit them to process your personal data for our purposes (and in accordance with our instructions) or in order to comply with applicable laws.

9. Transfers of personal data

In connection with the above purposes we may transfer your personal data outside the European Economic Area, including to a jurisdiction which is not recognised by the European Commission as providing for an equivalent level of protection for personal data as is provided for in the European Union. If and to the extent that we do so, we will ensure that appropriate measures are in place to comply with our obligations under applicable law governing such transfers.

This may include entering into a contract governing the transfer which contains the 'standard contractual clauses' approved for this purpose by the European Commission or ensuring an adequacy decision of the European Commission is in place for the destination country. In respect of transfers to the United States of America, this may include ensuring that the transfer is covered by the EU-US Privacy Framework. To the extent that we transfer personal data to the United Kingdom, this transfer is made lawfully in the basis of the Commission Implementing Decision (EU) 2021/1772 of 28 June 2021 pursuant to Regulation (EU) 2016/679. Further details of the measures that we have taken in this regard are available from the Secretary of Trustees or the Pensions Services Manager.

All requests for details should be addressed to the **Secretary of Trustees, ESB Pensions, 27 Lower Fitzwilliam Street, Dublin 2, D02 KT92** or by email to **pensions@esb.ie**

10. How long will we use your personal data for?

We will retain your personal data for as long as you are a member of the Scheme and as required under the legislative, accounting, reporting and regulatory rules we must follow. In general, we will hold your personal data for the life of the Scheme and for a period of up to twelve years after the Scheme has wound up, unless we are obliged to hold it for a longer period of time under applicable law or regulations, or in connection with a legal dispute.

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.

We will review your personal data regularly to establish whether we are still entitled to process it.

When it is no longer necessary for us to hold your personal data, we will securely destroy it in accordance with applicable laws and regulations.

11. Your data subject rights

Why you should tell us when your details need to be updated

It is important that the personal data we hold about you is accurate and current. Please notify us without delay in the event of any change in the personal data we hold about you, to enable us to comply with our obligations to keep information up to date (for example if you have a change of address or a change of name). You can contact us using the details set out in section 13.

Your rights in connection with the personal data we hold about you

You have the right, subject to some conditions and limited exceptions contained in data protection laws, to:

- a. Request access to your personal data that we hold about you. This right enables you to receive a copy of this personal data from us, together with other information about our processing of that personal data;
- b. Request correction of inaccurate personal data that we hold about you, or request updating of information we hold about you if we hold incomplete information. This right enables you to have any incomplete or inaccurate information we hold about you corrected;
- c. Request erasure of your personal data. This right enables you to ask us to delete or remove personal data in certain circumstances, such as where it is no longer necessary for us to process it or where your personal data has been unlawfully processed. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below) or you have withdrawn consent to processing or in circumstances where there is no legal basis for such processing.

You also have the right to ask us to delete or remove your personal data for compliance with a legal obligation in the EU or under EU Member State law. We can refuse your request for erasure in certain circumstances. For instance, where we hold and process your personal data in order to comply with legal obligations (e.g. compliance with tax requirements and exemptions, or for the establishment exercise or defence of legal claims) your right to erasure may be limited;

- d. Object in certain circumstances to our processing of your personal data where we are relying on a legitimate interest (or those of a third party) in order to justify the basis for our processing of your personal data;
- e. Request not to be subject to automated decision-making in certain circumstances;
- f. Request that we restrict processing of your personal data; this right enables you to ask us to suspend the processing of your personal data for particular purposes, e.g. if you want us to establish its accuracy or the reason for processing it;
- g. Request the transfer of your personal data to you or another party (i.e. the right to data portability) in a commonly used machine-readable format; and
- h. Withdraw your consent in circumstances where you provided your consent to us to process your personal data. Withdrawing your consent will not make processing undertaken up to the point of withdrawal unlawful.

Certain personal data we hold and process about you is necessary to your membership in the Scheme. This means that, should the exercise of your rights remove our ability to process the personal data it will not be possible for you to continue to be a member of the Scheme.

Where you are required to provide information to the Scheme in order to receive a benefit, this will be made clear to you at the time of the request. If you fail to provide the information, you may not be able to avail of benefits under the Scheme.

If you want to exercise your rights regarding your personal data, please contact the Secretary of the Trustees of the ESB Defined Benefit Pension Scheme by post at **ESB Pensions, 27 Lower Fitzwilliam Street, Dublin 2, D02 KT92** or by email at **pensions@esb.ie** setting out in writing your request clearly, including by specifying the personal data to which the request relates. We recommend that you provide as much detail as possible when sending requests to us so that we can deal with your query properly and efficiently.

In addition to your right to request access to your personal data, we would like to inform you that your personal data is contained on your annual benefit statement and all active and deferred members receive an annual benefit statement.

Our response to your requests

Generally, you will not have to pay a fee to access, or to exercise any of your other rights in connection with, your personal data.

However, we may charge you a reasonable fee if your request to exercise your data subject rights is clearly unfounded or excessive and / or we are permitted by data protection laws to do so. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity in order to ensure that you are permitted to make such a request. This is another appropriate security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may ask you to provide us with your current name and address, proof of identity (a copy of your driving licence, passport or two different utility bills that display your name and address) if we need to confirm your identity.

12. Changes to this privacy statement

This privacy statement was introduced with effect from 25 May 2018 and updated on 13th August 2024. The Trustees shall review the adequacy of this privacy statement at least annually and shall approve amendments as appropriate. We may however change this privacy statement at any time. Changes to the privacy statement will be communicated to you in writing by us where we are legally required to do so.

Changes to this privacy statement shall be applicable on the effective date set out in the updated privacy statement. The latest version of this privacy statement will be available to view by members on the ESB Pensions intranet site, on the ESB Defined Benefit Pension Scheme members' internet site, the AON member hub (AON Hub) and ESB.ie.

If you wish to see a copy of the latest version of this privacy statement, please contact the Trustees by post at **ESB Pensions, 27 Lower Fitzwilliam Street, Dublin 2, D02 KT92** or by email at **pensions@esb.ie**

13. How you can contact us

If you have any queries or complaints regarding our use of your personal data or the contents of this privacy statement you may contact the Secretary of the Trustees by post at

ESB Pensions, 27 Lower Fitzwilliam Street, Dublin 2, D02 KT92 or by email at **pensions@esb.ie**.

You also have the right to lodge a complaint with the Data Protection Commission if you are not happy with the way we have used your information or addressed your rights. Details of how to lodge a complaint can be found on the Data Protection Commission's website at www.dataprotection.ie