

This Privacy Statement regards the use of your personal data by the Trustees of ESB Defined Contribution Pension Scheme – Effective from 25 May 2018 and updated 16 October 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 Contribution 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.

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Where we need to process your personal data in connection with the Scheme, or where we have a legal obligation to collect 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 we collect 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 so it cannot be identified with you (anonymous data).

We will collect, store and use the following categories of personal data about you:

- Your personal contact details such as your name, title, address(es), telephone numbers and personal email addresses;
- Your date of birth;
- Your gender;
- Your marital status;
- Your Personal Public Service Number;
- Your pension scheme membership number;
- Your bank account details, payroll records, salary and tax status information;
- Your ESB Employer and your location of employment or workplace or employment history;
- Details of your assets and payments made into the pension scheme operated by the Trustees; and
- Details about your dependants such as their name, title, addresses and their relationship to you.

We will collect, store and use personal data about you. We may also collect, store and use 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 “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 collected 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 also 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 also collect additional personal data about you from the operators of those schemes or pension products.

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

As 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 use 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 (see section 1) in the following circumstances:

Action of Trustees	Trustees' Reasons for Processing of your Data
To process your Scheme membership benefits, to give you information about your participation in the Scheme, to prevent unauthorised access to information about you	For each of the situations listed in which your personal data is processed, one, several, or all of the following grounds justify this use of your personal data: • processing is necessary for the performance of a contract to which you are party or in order to take steps at your request prior to your entering into the Scheme; • processing is necessary to comply with our legal obligations, including those contained in pension laws; and/or • to pursue legitimate interests of our own or those of third parties, such as for the proper operation and administration of the Scheme, provided your interests and fundamental rights do not override our legitimate interests. • To respond to any complaints you may have or to resolve disputes which may arise between you and the Scheme
Making investment decisions when investing your contributions to the Scheme	
Arranging to receive payments in connection with your membership of the Scheme	
Making payments to you (whether you are a member or dependant of a member) under the Scheme	
To target communications for the purpose of endeavouring to get the best outcome for you under the Scheme	
To verify the personal information provided to us and to comply with anti-money laundering, anti-terrorist financing and fraud prevention rules	
To comply with applicable pension, data protection laws, tax and regulatory reporting obligations	

Some of the above grounds for processing will overlap, and there may be several grounds which justify our use of your personal data. We may also use your personal data in the following situations, which are likely to be rare:

- with your explicit written consent, and you will be aware as we will tell you about the processing at the time in order to procure your explicit consent;
- where we need to protect your interests (or someone else's interests, such as one of your dependents) such as processing required to ensure to the proper operation and administration of the Scheme; and/or
- where it is needed in the public interest or for an official purpose, for example if we are required to address a query from the Financial Services and Pensions Ombudsman.

4. Why we process your personal data

On the date of this privacy statement (i) ESB Telecoms Limited; (ii) ESB International Investments Limited; (iii) ESBI Engineering & Facility Management Limited; (iv) ESB Independent Energy Limited; (v) ESBI Computing Limited; (vi) ESB 1927 Limited; (vii) Electricity Supply Board and (viii) ESB Trading Limited; are the Republic of Ireland subsidiary companies of the ESB.

As a member of the Scheme, in order for us to provide benefits to you, and as 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.

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. We may use automated decision-making to process your personal data in the following circumstances:

- a. To determine how to target communications to you based on your age and sex; this is done in order to ensure we engage most suitably with you for the purpose of getting the best outcome for you under the Scheme;
- b. To determine whether or not to contact you in relation to any educational sessions aimed at particular age groups within the Scheme; such educational sessions are aimed at providing age-specific information about the options and benefits available under the Scheme;
- c. To determine whether or not to contact you in relation to any options or benefits that may apply to you as a result of the duration of time you have been a member of the Scheme;

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 is provided with a copy of this privacy statement. We may also inform those individuals that you have provided their details to us and provide them 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 The Scheme may disclose your personal data to various recipients in connection with 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, 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;
- **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.
- **Insurer** – The Scheme engages the services of an insurance broker and insurance companies. These parties may require access to your personal data in order to put in place a policy, and to process a claim that is made under a relevant insurance policy.
- **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.
- **Your Advisors and Service Providers** – We will transfer your personal data to third parties at your request, including your advisors, providers of ARF, annuity and AVC products, and where you transfer out of the Scheme to another scheme. The personal data that we provide to these parties will be in accordance with your instructions.

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.

Please note however that where you are transmitting information to us over the internet this can never be guaranteed to be 100% secure. For any payments which we take from you or pay to you online we will use a recognised third party online secure payment system, and we are not responsible for the security of this system.

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 on the basis of 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 twelve years after you have left the Scheme, 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 rights of access, correction, erasure, and restriction

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. You agree to 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. 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 the 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. 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. 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 ask us to delete or remove your personal data is limited;
- d. Object in certain circumstances to our processing 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 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 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 where you provided that information to us (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 for your membership in the Scheme. This means that, should you exercise 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 data please contact the Trustees 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 pension benefit statement and all active and deferred members receive an annual pension benefit statement. Your annual pension benefit statement will be available online on the members' website. If you are a Scheme member you will need to set up your own account and password to access your annual benefit statement online from time to time.

Our response to your requests; no fee usually required

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 for access to your data 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 and ensure your right to access the personal data, or to exercise any of your other rights. 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 bill 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 16th October 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 and on the ESB Defined Contribution Pension Scheme member's internet site, on the Aon Member Hub (Aon Hub) and on www.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

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

If you are still dissatisfied with how the Trustees have handled your complaint, you also have the right to lodge a complaint with the Data Protection Commission. You can visit the website of the Data Protection Commission at **www.dataprotection.ie** for more details on how to lodge a complaint.