



Joint data controller Memorandum of Understanding under Article 26 of the General Data Protection Regulations

Civil Service Pension Arrangements – joint data controller responsibilities under the General Data Protection Regulations

1. The General Data Protection Regulations (GDPR) come into effect on 25 May 2018. You will be aware of these new provisions and will have been working to understand your role and responsibilities as a Government Employing Department or Agency that collects, holds, maintains and uses personal data. This MoU between Cabinet Office as the Civil Service Pension Scheme Manager and yourselves as a participating employer in those arrangements covers pension scheme member personal data, as either held by you or passed by you to the pension scheme administrator.
2. The purpose of this MoU is to make clear the position of each party as a joint data controller. For all practical purposes there are no material changes to the current pension scheme data holding, maintenance and transfer arrangements.
3. Under Article 26 of GDPR it is determined that you as an employer participating in the Civil Service Pension arrangements (CSPA) are deemed to be a **joint controller** of pension scheme member personal data, alongside ourselves as the Scheme Manager.

Details

4. This MoU explains that you are a joint data controller of any CSPA related personal data held by you for the purpose of pension scheme administration. You are holding this data under the conditions set out in the Pension Scheme Participation Agreement (or similar) that you have signed in order to take part in the CSPA. You are deemed to be responsible in this regard as part of your continuing participation in the CSPA.
5. What the GDP regulations say about this:

Where two or more controllers jointly determine the purposes and means of processing, they shall be joint controllers. They shall in a transparent manner determine their respective responsibilities for compliance with the obligations under this Regulation, in particular as regards the exercising of the rights of the data subject and their respective duties to provide the information referred to in Articles 13 and 14, by means of an arrangement between them unless, and in so far as, the respective responsibilities of the controllers are determined by Union or Member

State law to which the controllers are subject. The arrangement may designate a contact point for data subjects.

The arrangement referred to in paragraph 1 shall duly reflect the respective roles and relationships of the joint controllers vis-à-vis the data subjects. The essence of the arrangement shall be made available to the data subject.

Irrespective of the terms of the arrangement referred to in paragraph 1, the data subject may exercise his or her rights under this Regulation in respect of and against each of the controllers.

6. Cabinet Office as the Scheme Manager has been working with MyCSP and CSAVC providers in readiness for the GDPR to update contracts and member communications. Cabinet Office manages these contracts and governs pension scheme administration on behalf of all corporate participants such as you.

7. As a participating employer you are amongst other things responsible for the collection of personal data from scheme members for the purpose of enrolling them into the scheme; and thereafter maintaining that information. Participating employers are responsible for meeting their data protection obligations as joint data controllers in relation to any personal information collected and stored for this purpose.

8. When you have sent the member personal data to the scheme administrator (MyCSP) and it has passed the Validation process, it is for the scheme manager (Cabinet Office) as joint data controller to ensure data protection obligations are met.

9. The obligations are as follows:

- All controllers will comply with the data protection principles, and with all relevant data protection legislation.
- All controllers will properly involve their Data Protection Officer in a timely manner in issues that relate to data protection.
- All controllers will ensure an appropriate level of technical and organisational security for the personal data.

10. Within these obligations, each joint data controller is responsible for compliance with the GDP regulations for the personal data they collect and hold in respect of:

- Reporting breaches under relevant data protection legislation to the Information Commissioner within 72 hours, in consultation with the appropriate Data Protection Officer.
- Issuing privacy notices pursuant to Articles 13 and 14.

- Responding to data subject requests, such as for access (SARs), rectification or erasure.
- Carrying out any Data Protection Impact Assessment required under the relevant data protection legislation, including in relation to consultations with data subjects or the Information Commissioner.
- Maintaining records of processing under relevant data protection legislation, including identifying appropriate legal bases and retention periods.
- Maintaining the records of consents, where processing is based on 'consent'.
- Managing agreements with their data processors

11. This MoU acknowledges that you and Cabinet Office are joint controllers of the data collected on behalf of pension scheme administration; the demarcation between where it is your responsibility under GDPR to have scheme member data under your control, and the point at which responsibility for it passes to Cabinet Office (as the Scheme Manager and Contract Manager for the scheme administrator). As such this MoU reflects previous practices, but adds a layer of responsibility and understanding brought about more generally by GDPR.

12. Compliance with GDPR is therefore an integral part of your continuing corporate membership of the CSPA under our Participation Agreement with you, and the underlying Stakeholder Charter which describes how we work together mutually for the benefit of scheme administration.

13. As this MoU builds on existing arrangements and with them outlines such additional overarching responsibilities that are brought about by GDPR, your confirmation of continued support is being assumed.

14. Unless we hear from within 14 days from the date you receive this MoU we will assume you are content and will be complying as described.

15. Should you wish to raise any objection or questions please direct them to:
PensionsGDPRImplementation@cabinetoffice.gov.uk.