

Marks and Spencer Pension Scheme: Privacy Policy

The Trustee of the Marks and Spencer Pension Scheme (the “Scheme”, “we”, “our” or “us”) is committed to protecting your information and acting in accordance with your rights under data protection law.

This privacy policy, also known as a privacy notice or fair processing notice, contains information on what personal information about you the Scheme collects, what we do with this information, the lawful basis on which personal information is processed and what rights you have.

Collection of your information

We collect and process the following information about you:

- your personal details such as your name, gender, date of birth, current and former home address, telephone number, e-mail address, national insurance number, bank account details (in some cases), and country of residence;
- information relating to your benefits such as your member identifying number (which is assigned to you by the Scheme), the date you joined or left the Scheme, your earnings (including any bonuses), contracted-out earnings and pensionable earnings, the category and value of benefits that you have built up or receive (including any contributions), and relevant matters impacting your benefits such as voluntary contributions, fund value, investment choices, pension sharing orders, tax protections or other adjustments;
- information provided in order to allow us to assess your entitlement, e.g. copies of passports and certificates, your tax code and data received from Her Majesty's Revenue and Customs in order to allow us to calculate your guaranteed minimum pension;
- some employment information, such as store location, department and, where applicable, redundancy details and your reason for leaving the business; and
- in some cases, special categories of personal data such your marital status (including spouse / civil partner details) or information concerning your health (e.g. in the case of ill-health early retirement and ill-health reviews, and where incapacity or similar reasons determine the benefits paid to you).

Where applicable, we also collect information about your dependants or next of kin. Before providing us with any such information, you should provide a copy of the information in this policy to those individuals.

In some cases, we will collect personal information about you indirectly from the Marks and Spencer entity which is (or was) your employer and from our service providers (e.g. the Scheme administrator, which is Marks and Spencer plc at present).

How we use your information

We use your information for the following purposes:

- (a) communicating with you in relation to your benefits and contributions, handling requests for transfers and allocation of death benefits, dealing with complaints, and making disclosures at your request such as in relation to transfers to other plans;
- (b) for general administration of the Scheme, such as: to record and pay benefits; to produce actuarial valuations; for reviews we or our administrators conduct for statistical and reference purposes; and for other administrative activities that may become necessary from time to time (like member tracing) should we happen to lose contact with you and to prevent fraud;
- (c) for meeting our on-going regulatory, legal and compliance obligations, and investigating or preventing crime;

- (d) to improve our processes and our use of technology, including testing and upgrading of systems, and to learn about other processes we can use to improve the administration of the Scheme; and
- (e) when we undertake activities from time to time to help us manage the liabilities of the Scheme, such as longevity hedging, insuring Scheme liabilities with an insurer, scheme mergers, bulk transfers, pension increase exchanges and enhanced transfer value exercises, including (where relevant) disclosures to administrators for calculating offers made to you in relation to these activities and disclosures to advice providers to allow you to obtain financial advice.

Our use of your information as described above is permitted by applicable data protection law because it is:

- (i) necessary for our legitimate interests in pursuing the purposes set out in (a) to (e) above, and (when we make disclosures to the Marks and Spencer Group for the audit and corporate transaction purposes referred to below) necessary for the legitimate interests of the Marks and Spencer Group, such interests in each case not being overridden by your privacy interests;
- (ii) in some cases, necessary to meet our legal or regulatory responsibilities, such as disclosures to authorities, regulators or government bodies referred to below; or
- (iii) in some cases, necessary for the performance of a task carried out in the public interest and, when we use special categories of personal data, necessary for establishing, exercising or defending legal claims or, where the processing relates to personal data, manifestly in the public domain;
- (iv) in limited circumstances, processed with your consent which we obtain from you from time to time, such as when you ask us to make disclosures or allocate benefits or where the Scheme rules require you to provide information which we cannot otherwise process without your consent.

Where the personal data we collect from you is needed to meet our legal or regulatory obligations or to calculate or pay benefits to you or your nominated beneficiaries, if we cannot collect this personal data we may be unable to administer your contributions and benefits or record or calculate or pay your or your beneficiaries' benefits.

Disclosures of your information

We typically share your information with the following recipients:

- our suppliers, including the Marks and Spencer Group and other providers of services to us and them, financial advisers (to provide you with financial advice), payroll providers (to record and pay benefits), providers of printing and communication services, IT and hosting, marketing, and tracing services (and when we share information with these recipients we take steps to ensure they meet our data security standards, so that your personal data remains secure);
- the Marks and Spencer Group, such as for audit purposes, in relation to corporate transactions initiated by the Marks and Spencer Group;
- insurance and reinsurance companies, such as when we carry out the activities referred to in (e) above;
- public authorities, regulators or government bodies, including when required by law or regulation, under a code of practice or conduct, or when these authorities or bodies require us to do so; and
- other persons from time to time when the disclosure is needed to exercise or protect legal rights, including those of the Trustee or other stakeholders, or in response to requests from individuals or their representatives who seek to protect their legal rights or such rights of others (e.g. the Pensions Regulator, the Pensions Ombudsman, the police, courts and our legal advisers/representatives).

For a list of the third parties we share your information with, please visit:

www.mandspensionscheme.com/third-parties.

Transfers of your information abroad

The use and disclosure of your information for the purposes referred to in this privacy policy may involve transferring your information to countries outside of the European Economic Area.

In those cases, except where the relevant country has been determined by the relevant public authority to ensure an adequate level of data protection, we will ensure that the transferred information is protected in compliance with applicable data protection rules. To ensure an appropriate level of protection, we typically enter into data transfer agreements. Further details of these transfers and copies of these agreements are available from us on request.

Retention of your information

We will keep your information for the longer of the period required in order to meet our legal or regulatory responsibilities, and the period envisaged within our retention management policies. We determine the period envisaged within such documentation with regard to the Scheme's operational and legal requirements. In general, we will keep your information until your death, so that we are able to address any queries you may have during your lifetime. Where a benefit is payable to your beneficiaries, we may need to keep information in respect of you and your beneficiaries for longer.

Your rights

You have rights under data protection law of access to and rectification or erasure of your personal data and to restrict its processing, to tell us that you do not wish to receive marketing information, and (in some circumstances) to require certain of your information to be transferred to you or a third party. To the extent, the use of your information is based on your consent, you have the right to withdraw your consent.

You also have the right to object to our processing of your personal data.

If you have any questions or wish to exercise any of the above rights, you may send an email to mandspensions@capita.com or write to The M&S Pension Scheme, Hartshead House, 2 Cutlers Gate, Sheffield, S4 7TL. You can also use these contact details if you wish to make a complaint about how we process your information.

You can also lodge a complaint about our processing of your personal information with the Information Commissioner's Office (www.ico.org.uk).

Further information may be required to carry out requests

In some cases, it may be necessary to obtain additional information from you, such as in order to carry out your request for a transfer or allocation of benefits. We will notify you when your information is required for this purpose.

Status of this privacy policy

This privacy policy was last updated on 6 July 2021.

It may be subject to amendments. Any future changes or additions to the processing of personal data as described above in this private policy affecting you will be communicated to you through an appropriate channel, depending on how we normally communicate with you.

The Trustee of the Marks and Spencer Scheme

Address– The M&S Pension Scheme, Hartshead House, 2 Cutlers Gate, Sheffield, S4 7TL

Contact – Trustee.Board@marksandspencer.com