
BORGWARNER TRUSTEES LIMITED

BorgWarner Trustees Limited

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Bradford
West Yorkshire
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26 October 2023

DATA PRIVACY NOTICE

Who we are

The BW Plan (“the Plan”) is managed by BorgWarner Trustees Limited (“the Trustee”).

As the Trustee of the Plan, we hold certain personal information (known as “personal data”) about scheme members and, where applicable, their dependants and beneficiaries. Most of the information held about you and processed by the Trustee in running the Plan will be personal data (in other words, because we hold information from which you as an individual can be identified, any information we hold in respect of you will be subject to certain protections).

For legal purposes, the Trustee is known as the “data controller”, as we decide the purposes for and the means by which the personal data we hold is processed.

What information we collect about you

Depending on the circumstances and the stage of your membership, we may hold some or all of the following information about you:

- details such as your name, gender, age, date of birth, email address, postal address, telephone or mobile number and identifiers such as national insurance number;
- family such as details about current marriage and partnerships and marital history, details of family and dependants;
- employment details such as pensionable pay, length of service, employment and career history, recruitment and termination details, attendance record, health and safety records, security records, job title and job responsibilities, financial details such as income, salary, assets and investments, bank account details to process pension payments, benefits, grants and insurance details;
- if you are a member in receipt of a pension and have opted into paying Sovereign Health membership directly from your pension receipts, information on this membership;
- medical and other details about your health (in cases of ill health early retirement)

How we gather your personal information

Your personal information will generally be collected directly from you and may be provided at any time from the outset of your membership to when you come to claim benefits and when those

benefits are in payment. However, we may also receive personal data from other parties such as HM Revenue & Customs, the Pensions Ombudsman or someone acting on your behalf such as an independent advisor (on your authority). We will not collect any personal data that we do not need.

How we use that information

The Trustee has a legitimate interest in holding and processing the above information about you as it is needed for us to properly administer the Plan and to calculate and pay benefits. We also keep the above information in order to allow us to comply with our obligations towards members under the Plan governing documents, as well as under relevant legislation. We will not collect any personal data from you that we do not need.

Personal data relating to the Plan is held on paper and on computer systems. As the “data controller”, the Trustee must process this information fairly and lawfully.

As part of running the Plan, we may also need to hold and process particularly sensitive information about you and/or your dependants and beneficiaries (known as “sensitive personal data”). Under the legislation, details relating to health, racial or ethnic origin, religious or other similar beliefs, sexual orientation and political affiliations are regarded as “sensitive personal data”. Except where the legislation allows it, this information cannot be processed or passed to a third party without your explicit consent.

In general, the information we collect from you will be held and processed in the UK/EEA. If we need to transfer your information outside of the UK and the EEA, we will ensure that appropriate safeguards are put in place to keep your data secure, such as the US Privacy Shield or EU model clauses. Details of any such safeguards will be available by contacting us at the details at the end of this notice.

Who we share it with

We are not allowed to disclose personal data about you to other parties except:

- when required for contractual or legal reasons or other specifically identified purposes; or
- where you have given your consent.

However, as the Trustee needs help from various advisers, suppliers and other parties to properly administer the Plan, we share personal data with the following:

- your current employer and we may also share personal data with other group companies including group companies based outside the UK and EEA. If we send data outside the UK and EEA, we will ensure appropriate safeguards are put in place to keep your data secure such as the US Privacy Shield or EU model clauses. Details of any such safeguards will be available by contacting us at the details at the end of this notice
- the Plan’s professional advisers, including the Plan actuary, auditor, medical advisers, investment adviser and lawyers. Our Scheme Actuary and actuarial advisers are also a data controller (at the date of this notice, our actuarial advisers and Scheme Actuary are from Willis Towers Watson) as they use the data in relation to their work, eg, to make actuarial valuation calculations. Please refer to www.willistowerswatson.com/personal-data for information on how Willis Towers Watson uses personal data when it provides actuarial services to UK pension scheme trustees

- the third parties who are responsible for the day-to-day administration of the Plan on behalf of the Trustee
- HM Revenue & Customs and other statutory bodies (such as the Pensions Ombudsman and the Pensions Regulator) – the Trustee can be fined and subject to other action if it fails to provide certain information to these authorities
- the advisers and printers who help us prepare various communications we send to you, such as the newsletter, any benefit statements, etc.
- our appointed insurance company or companies for the purposes of life insurance and additional voluntary contributions
- depending upon how we pay pensions, the personal data we have to supply in order to effect a BACS transfer (the Bankers' Automated Clearing Service) in the UK and/or a payment via Deutsche Bank (the Company's banking providers] when pensions are being paid overseas
- other purposes, eg beneficiary or mortality tracing agencies

How long we keep personal data for

We must keep all personal data safe and only hold it for as long as necessary. To meet the requirements of both UK tax and pensions law, we must keep certain personal data, for example, details about the date a member joins the Plan, their name and address, and details of benefits paid, for a minimum of 6 years. But, given the nature of pension schemes, the Trustee may be required to keep some of your personal information for the life of the Plan or longer.

If we conclude that certain personal data is no longer needed, that personal data will generally be securely destroyed.

Reporting breaches

We will follow the Information Commissioner's Office ("ICO") guidance on reporting breaches, which can be found at: <https://ico.org.uk/for-organisations/report-a-breach/>. Any breach will be reported within 72 hours of happening.

Your rights

- **Right of Access** – you have the right to see personal data that is held about you and a right to have a copy provided to you, or someone else on your behalf, in a machine readable (namely, digital) format
- **Right to Rectification** – if at any point you believe that the personal data we hold about you is inaccurate/wrong, you can ask to have it corrected
- **Right to Restrict processing** – you can require the Trustee to restrict/limit the processing of your personal data in certain circumstances, for example, whilst a complaint about its accuracy is being resolved
- **Right to object to processing** – as we are relying on legitimate interests as a reason for processing, you can object to your personal data being processed, although the Trustee can override this objection in certain circumstances.
- **Withdrawing consent** – where you have given us your consent to processing your personal data, you can withdraw that consent at any time by notifying us (see "Who to contact" below). However, withdrawing your consent will not affect the processing of any personal data which took place beforehand and it may be possible for the Trustee to continue processing your personal data where this is justified.

- **Right to be forgotten** – you can request that your personal data is deleted altogether, although the Trustee can override this request in certain circumstances.

You should be aware that taking any of the above steps could impact on the payment of your benefits, your participation in the Plan, and/or our ability to answer questions relating to your benefits.

Information will generally be provided to you free of charge, although the Trustee can charge a reasonable fee in certain circumstances.

Who to contact about your personal data

If you wish to:

- see your personal data or to exercise any of the rights mentioned above
- request a hard copy of the notice
- make a complaint about how we have handled your personal data

please contact Anthony Frith, Professional Trustee, Dalriada Trustees Limited, Princes Exchange, 2 Princes Square, Leeds, LS1 4HY.

Making a complaint to the Information Commissioner's Office

If you are not satisfied with our response to any query you raise with us, or you believe we are processing your personal data in a way which is inconsistent with the law, you can complain to the Information Commissioner's Office whose helpline number is: 0303 123 1113.

Updates to this notice

This notice is the latest version as at 26 October 2023. This notice may be updated from time to time and you can ask for the current version at any time (see "Who to contact" above).