

Privacy Notice for Divorcing Parties



Excalibur Actuaries Ltd ("Excalibur") provides expert actuarial reports for divorcing parties, their solicitors ("instructing solicitors") and the courts. More details about us can be found at www.excaliburactuaries.co.uk. This privacy notice covers Excalibur's approach to data protection under the General Data Protection Regulations ("GDPR").

Purpose and Lawful Bases

Excalibur requires personal data in order to calculate appropriate pension sharing orders and "offset" amounts (e.g. where one party offers the other party a sum of money instead of sharing their pension) in our reports. We do not use your data for any other purpose.

We use your data because or one or more of the following:

- a) There is a contractual obligation as we have been asked to quote or carry out the work either by instructing solicitors or by the divorcing parties.
- b) There is a legal obligation under family law and pension sharing legislation. We may be acting under the directions of a court order.
- c) The legitimate interests of the party who requires the pension sharing order or offset amount. Excalibur also has legitimate interests as the provision of expert reports is a key business service.

Depending on the circumstances of your case, we may process details of your health (and perhaps in due course genetic information). We may also be provided with details of sexual orientation (e.g. for same sex marriages). These are classified as "special category data" under GDPR and we use them because of the divorce legal claims process - whether or not the case goes to court.

Data Used

Excalibur receive your personal information (which may include name, gender, date of birth, NI number, address and pension benefits) as well as that of your spouse/former spouse and, occasionally, details (typically date of birth/age and gender) of dependent children. We may also be provided with your wider financial circumstances, which may affect your approach to investments.

We are often also provided with details of the health (which in due course could be extended to genetic) of divorcing parties as this can make a difference to pension sharing.

Usually, the information is provided to us by instructing solicitors or one of the divorcing parties when:

- a) We are asked to provide a quotation for providing a report
- b) We are instructed to provide a report
- c) We receive supplementary instructions to update a report or provide a supplementary letter.

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We may also receive data directly from pension schemes or insurance companies if we are making further enquiries. Data is held both electronically and in paper form.

Who we share your data with

Your data is shared with:

- Our staff (including subcontractors who are actuaries, analysts, lawyers or IT professionals)
- Our IT service providers (e.g. email service provider and cloud storage) and Royal Mail (or other delivery service) where necessary
- Instructing solicitors
- Your spouse/former spouse
- The courts

We do not share your data with any other third parties without your explicit consent. For example, you may ask us to introduce you to an Independent Financial Adviser and to provide that IFA with your data but we would only do that at your request.

We do not transfer your personal data to third countries or international organisations outside the EEA. It is possible that divorcing parties may be based outside EEA so emails may be sent or originate outside the EEA.

Retention Periods

By their nature, pensions are very long term. In many cases, the divorcing parties have yet to retire and may not do so for many years. When the divorcing parties retire the pension debit (and possibly the pension credit) comes into effect. Pension sharing is complex and Excalibur understands that pension sharing orders are not always implemented as intended. Therefore, Excalibur does not currently destroy any data, preferring to retain this in case there are questions as to what the sharing should be.

Your rights

In short, we are happy to tell you what information we hold about you and want to ensure it is correct. You can ask us to destroy your data or not use it and we will consider your request. In particular, under GDPR you have the right to:

- a) Ask what personal data we hold about you (normally, you will have provided this to your solicitor).
- b) Ask us to correct data that is wrong. Please let us know if we have any wrong data (we set the key data out in our reports) as it may change our reports. However, if our data is wrong it is possible that your pension scheme also has the wrong data - which may mean your pension is wrong! So you should contact your scheme as well.
- c) Object to our processing or ask us to destroy your data. Depending on the circumstances, we may be able to agree to your request. However, as we process your data as part of a legal divorce process and because your spouse/former spouse has an interest we may not be able to agree.

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- d) Ask us to restrict processing (i.e. to hold your data but not to process it). Again, as we process your data as part of a legal divorce process and because your spouse/former spouse has an interest we may not be able to agree.

Any requests should be made in writing to:

Richard Nobbs
Director and Actuary
Excalibur Actuaries Ltd
email: rnobbs@excaliburactauries.co.uk
Address: Borrowstone, Jumps Road, Churt, Surrey GU10 2LB

Richard is also happy to discuss any issues if that helps – tel 01252 790370.

If you wish to complain about how we deal with your data then you should contact the Information Commissioners Office at www.ico.org.uk.