Chapter 11

Specific requirements where firms offer data export

11.1   Application

11.1.1   R   This chapter applies to a *firm* which chooses to offer or provide *data export*.

11.2 Permitted data export functionality

11.2.1 **R** A *firm* is not permitted to offer or provide *data export*, apart from:

(1) *data export* to the *customer*; or

(2) *data export* to itself.

11.2.2 **R** A *firm* must not permit another *person* to offer or provide *data export* from the *firm's pensions dashboard platform*.

11.2.3 **R** A *firm* which chooses to offer *data export to the firm* must also offer *data export* to the *customer*.

11.2.4 **G** *Data export* will involve a *firm* processing personal data. Accordingly, *firms* processing such data are data controllers or data processors and are obliged to comply with *data protection legislation* and, in particular, to adhere to the data protection principles.

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11.3 Restrictions on providing data export

11.3.1 | R | A *firm* must not provide *data export* to the *customer* or to itself unless the *customer* has actively elected to select that specific type of *data export*.

11.3.2 | R | A *firm* must not require the *customer* to agree to *data export* as a condition of using the *qualifying pensions dashboard service*.

Restrictions on the content, format and manner of data export

11.3.3 | R | The information exported to the *firm* by *data export* must include the *customer's pensions dashboard view data*, subject to ■ PDCOB 11.3.4R.

11.3.4 | R | When providing *data export* to the *customer*, the *firm* must not export the *customer's* full pension reference.

11.3.5 | R | Where a *firm* exports a partial pension reference in accordance with ■ PDCOB 11.3.4R, it must make a record of the rationale for the approach taken.

11.3.6 | G | For the purposes of ■ PDCOB 11.3.4R, a *firm* may choose how many and which digits to omit or obscure.

11.3.7 | G | A *firm* should transfer the *pensions dashboard view data* securely to the *customer* or itself (as applicable). *Firms* are reminded of their obligation to comply with the principle of integrity and confidentiality in article 5(1)(f) of the *General data protection regulation*.

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11.4 Restrictions on providing data export to the customer

Specific disclosures prior to the provision of data export to the customer

11.4.1　R　In good time before the *customer* elects to receive *data export*, a *firm* must provide the *customer* with appropriate information to help the *customer* make an informed choice as to whether or not to agree to *data export*. This information must include:

　　(1)　the name of the *person* who is the data controller;

　　(2)　the nature of the processing which will take place to export the data; and

　　(3)　the purpose for which the data will be processed.

11.4.2　R　Before the *customer* agrees to *data export*, a *firm* must clearly and prominently display a warning to the *customer* about the risks of *data export* to the *customer*, including that:

　　(1)　their data is valuable;

　　(2)　it is important that they keep their data safe; and

　　(3)　if the *data export* is being facilitated by download, the *customer* should avoid downloading the data on a shared device.

Restrictions on the content, format and manner of data export to the customer

R　A *firm* must ensure that *pensions dashboard view data* exported to a *customer* is in a format which is accessible to a member of the general population.

11.4.4　G　A *firm* should consider whether the format of *data export* engages any accessibility obligations, such as under the Equality Act 2010.

11.4.5　R　The information exported by *data export* to the *customer* must include:

　　(1)　subject to ■ PDCOB 11.3.4R, the *customer's pensions dashboard view data*; and

(2) any display explanations and contextual information which is required by ■ PDCOB 5 and other legislation, such as the *Dashboard Regulations*.

Specific disclosures when providing information by data export to the customer

11.4.6 R The information provided by *data export* to the *customer* must be prominently accompanied by:

(1) the warning at ■ PDCOB 5.5.1R(1);

(2) a signpost to the ScamSmart campaign - such as a link to ScamSmart - Avoid investment and pension scams | FCA;

(3) a message that the *customer's pensions dashboard view data* is sensitive and valuable, and the *customer* should seek to keep their data safe;

(4) a message that, if the *customer* is asked to share their data with a third party, the *customer* should think carefully about whether a third party needs to see the data, check whether the third party is who they say they are and, if they claim to be authorised or exempt, should use the *Financial Services Register* to check; and

(5) signposts to impartial guidance available from MoneyHelper.

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11.5 Data export to the firm

Specific disclosures prior to the provision of data export to the firm

11.5.1 | R | In good time before the *customer* elects to *data export to the firm*, a *firm* must provide the *customer* with appropriate information to help the *customer* make an informed choice as to whether or not to agree to *data export to the firm*. This information must include:

> (1) the name of the *persons* who will be the data controllers both before and after the data is exported;

> (2) the nature of the processing which will take place to export the data and once the data is exported; and

> (3) the purpose for which the data will be processed both during *data export to the firm* and once the data has been exported.

11.5.2 | R | Once the data is exported to the *firm*, the *firm* must not share the data with any other entities.

Restrictions on the content, format and manner of data export to the firm

11.5.3 | R | The information exported to the *firm* by *data export* must include the *customer's pensions dashboard view data*, subject to ■ PDCOB 11.3.4R.

11.5.4 | G | Depending on the nature of the *post-view services* which the *firm* is offering, a *firm* should consider whether it is appropriate to include any display explanations or contextual information required by ■ PDCOB 5 and other legislation such as the *Dashboard Regulations*.

11.5.5 | R | Once the *customer's* data has been exported to the *firm*, the *firm* must only process that data to deliver *post-view services* and to which the *customer* has consented.

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11.6 Data retention

Obligations on firms under general privacy laws

11.6.1 G *Firms* are reminded of the need to comply with *data protection legislation*, including in relation to *pensions dashboard self-asserted data*.

11.6.2 R Without prejudice to the application of the *GDPR* where data has been obtained by the *firm* from *data export*, a *firm*:

(1) must obtain a *customer's* express consent to store that data; and

(2) where consent is obtained, is permitted to store that data for 30 *days* from the date the *customer* consented in accordance with (1) above, after which period it must be deleted.

11.6.3 R A *firm* is not permitted to store data obtained from *data export* where:

(1) the *customer* does not expressly consent; or

(2) the *customer* elected to export the data to themselves only.

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