



The Scottish Parliament
Pàrlamaid na h-Alba

Information Management and Governance
Scottish Parliament
Edinburgh
EH99 1SP

foi.officer@parliament.scot

13 April 2022

Dear Requester

REQUEST FOR INFORMATION: 2022-673144

We acknowledge your request for the following information:

In the factors guidance issued to the Trustees by GAD dated 10 September 2020 a number of recommendations were made including that the Trustees should discuss the note. I can find no record in the minutes of the Committee that such a discussion took place. Please may I ask for a search for minutes and correspondence relating to these including emails that may include the terms "pension trustee", "pension transfers", "pensions factors", "GAD decision", or similar such terms.

Just one aspect of relates to the practice of accepting transfers in. It is not mandatory, confirmed by GAD and by reference to the Scheme Rules, to accept transfers in (rules 82) and indeed it is virtually unheard of in UK DB schemes, including the public service schemes, to do so without any restriction, given the significant risk transfer and selection risk that inevitably occurs. The SPPS continues to accept transfers. I'm interested to see the correspondence and better understand why the Trustees feel this is appropriate.

Your request was received on 18 March 2022 and has been handled in accordance with the Freedom of Information (Scotland) Act 2002 (FOI(S)A). Please note that the Trustees of the Scottish Parliamentary Contributory Pension Fund (the "Fund Trustees") are not subject to FOI(S)A. The SPCB provides a secretariat to the Fund Trustees in order to assist and support the Fund Trustees. Information which the SPCB has access to in this role is not "held" by the SPCB in terms of s1(1) of FOI(S)A and is instead held by the SPCB "on behalf of another person" in terms of Section 3(2)(a)(i) of FOI(S)A. Accordingly, the SPCB cannot undertake searches of Fund Trustee information without their express consent.

We have identified a set of minutes of a meeting of the Fund Trustees on 18 March 2021 which is already in the public domain and which are relevant to the subject matter of your request; in particular item 5. These minutes can be accessed at the following link. [2021_03_18_minutes_final.pdf](#) ([parliament.scot](#)).

In response to the second part of your request about accepting transfers in, the Scottish Parliamentary Pensions Act 2009 sets out the Rules of the SPPS, describing the provisions of the scheme that the Trustees need to follow. Part N Chapter 2 of the Rules covers the provisions which allow members to transfer-in benefits. However, there are a number of conditions and limitations (including capping of service) which must be satisfied as set out in Rule 81 and 83.

It is not mandatory for the Trustees to accept an incoming transfer payment, and they are entitled to impose such conditions regarding incoming transfers as they consider reasonable.

The additional risk to the Scheme as a result of accepting transfers in is managed through a combination of the provisions in the Rules (as referred to above) and how the Actuary and Trustees set the terms for transfer-in.

In keeping with our FOI procedures, this information may also be posted on the Parliament's disclosure log (usually within 24 hours). For further details on the Parliament's Disclosure Log and the information released under FOI, visit:

<https://archive2021.parliament.scot/abouttheparliament/17700.aspx>

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<https://www.parliament.scot/about/copyright>

We would welcome feedback or comment on how we handled your request. Please feel free to contact the Head of Information Governance at foi.officer@parliament.scot

Please find below Annex A, which explains how we handle FOI requests and reviews.

We are currently working remotely and so would ask you to contact us by email at foi.officer@parliament.scot

Yours sincerely,

Robin Davidson
Head of Information Governance

REQUESTS MADE UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

How we handle FOI requests

Information on how we handle FOI requests is available on the Parliament's website at:

[Privacy notice: Information rights: Freedom of Information request handling | Scottish Parliament Website](#)

Alternatively, please contact the Public Information & Resources Team to request a copy.

<https://www.parliament.scot/contact-us>

Review

If you are dissatisfied with the way in which we have dealt with your request for information, you can ask us to review our decision and actions. You must do this in writing (or other permanent form) within 40 working days of the date of this letter, stating the reasons for your dissatisfaction, and we will respond within 20 working days of receipt. A request for a review should be made to the Head of Information Governance:

Post: Head of Information Governance
The Scottish Parliament
Edinburgh
EH99 1SP
Telephone: 0131 348 5281

We welcome calls using the Text Relay service or in British Sign Language through [contactSCOTLAND-BSL](#).

E-mail: foi.officer@parliament.scot

Application to the Scottish Information Commissioner

If, on the outcome of any review, you are still dissatisfied, or if we are unable to resolve any other complaint, then you can contact the Scottish Information Commissioner:

Post: The Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Email: www.itspublicknowledge.info/Appeal

Telephone: 01334 464610

Fax: 01334 464611

Website: www.itspublicknowledge.info

A decision by the Scottish Information Commissioner may be appealed on a point of law to the Court of Session.

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Feedback or comment

We would welcome feedback or comment on how we handled your request. Please contact the Head of Information Governance.

Data Protection

If you wish to find out more about how we use your personal data then you can access our Privacy Notice at the following link:

[Privacy notice: Information rights: Freedom of Information request handling | Scottish Parliament Website](#)

Complaints

If you are dissatisfied with the way in which we dealt with your enquiry, then you may wish to raise the matter with Public Information and Resources.

How to contact us

Post: The Scottish Parliament
Edinburgh
EH99 1SP

Telephone: 0131 348 5000
0800 092 7500 (Public Enquiries)
0131 348 5395 (Gàidhlig)

We also welcome calls using the Text Relay service or in British Sign Language through [contactSCOTLAND-BSL](#).

E-mail: info@parliament.scot