



III-health request (DB Member) form

www.btpensions.co.uk

csu@railpen.com

0800 012 1117

PO Box 300, Darlington, DL3 6YJ

Please complete this form using black ink and capital letters, and ensure you sign it before returning.

Your employer should advise you that your incapacity may be sufficient to terminate employment but **may not meet the qualifying criteria within the rules for an incapacity pension**.

You must have five years' pension scheme membership (including any transferred membership or transferred railway pensionable service) before an application can be made.

Qualifying criteria

The Management Committee must be satisfied that you meet the criteria laid down in the pension scheme's definition of incapacity. These include the following:

(a) the member must suffer from bodily or mental incapacity or physical infirmity (other than temporarily);

(b) the incapacity or infirmity must be such as to prevent the member from performing his or her duties other than temporarily; and

(c) the incapacity or infirmity must be such as to prevent the member from performing any other duties other than temporarily, which in the opinion of the Management Committee are suitable for the member.

Your details

Your title (Mr/Mrs/Miss/Other):

Your first name:

Your surname:

Your member reference:

Your date of birth (DD/MM/YYYY):

Your address:

Postcode:

Your telephone number:

Your mobile number (optional):

Your email address (optional):



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Medical Examiner details

GP's name:

GP's address:

GP's postcode:

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GP's telephone number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

GP's email address (if known):

Name of hospital specialist
(if applicable):

Hospital's address:

Hospital's postcode:

--	--	--	--	--	--	--	--

Hospital specialist's telephone
number (if known):

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Hospital's email address (if known):

Hospital's registration number
(if known):

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Please provide the information requested below which will be used to help assess your suitability to do 'other duties'. Note: You can attach the following information to this form and sign it if this is easier.

Please tell us your skills eg. computer literate, project management, supervision, manual labour:

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Please tell us your qualifications:

Please tell us your previous work experience, stating company, job title and main duties:

Please tell us if you believe there is any type of work (inside or outside of the railway industry) that you would now, or in the future, be capable of and suited to doing, and describe it. If you don't think that there are any types of work which you would be capable of and suited to doing, please explain in detail why you think this is the case:



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Member's declaration

Alternative benefits (early retirement)

I understand that if my application for incapacity benefits is successful I will no longer have the right to apply for early retirement benefits which provide a lower level of benefits but cannot reduce or stop (which may occur for incapacity benefits - see below).

I understand an Annual Allowance charge may apply to my incapacity benefits.

Continuation of incapacity pension

I understand that if the Management Committee grants incapacity benefits it has the right to reduce or stop my incapacity pension before pension age (normally age 55) on any terms it decides are relevant to assessing my continuing eligibility for incapacity benefits. This is most often done if:

- the Management Committee asks for a medical review after the pension is granted and the review finds that my health has improved; or
- I return to work. In this situation I understand that a financial review will be carried out to assess my total earnings and if necessary, my incapacity pension will be reduced or stopped.

In both cases, I note that the full incapacity pension will be paid to me from my Normal Pension Age. Before then, I understand that I will be expected to co-operate with any review and that my pension may be suspended if I do not co-operate.

HMRC requirements

To comply with the requirements of HMRC, can you please confirm if, in the six years leading up to your request for payment of a lump sum on the grounds of ill health, you have:

- a) Been a director or a person connected to a director in relation to the sponsoring employer or an associated employer (please tick):

Yes ☐ No ☐

- b) Either alone or with others been the sponsoring employer of the Section (please tick):

Yes ☐ No ☐

or

- c) Been a person connected with the sponsoring employer (please tick):

Yes ☐ No ☐

If you answer yes to any of the above, we are required to report the payment to HMRC.

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Data Protection and how we use information about you

By signing and returning this form I confirm that I have read the enclosed “data protection notification- how we use information about you” notification and provide my explicit consent to the use of personal information as set out in the notification.

I understand that in connection with my application for incapacity benefits, the Trustee or Pensions/Management Committee may wish to make enquiries about my health and ability to work. For these purposes, I agree and consent any one or more of the following actions being carried out by the Trustee or Pensions/Management Committee (please tick as appropriate):

- To have access to my occupational health record held by my employer’s occupational health adviser, or employer as appropriate;
- To correspond with my family doctor for the purpose of obtaining a medical report and/or have access to my medical record;
- To correspond with any hospital or other specialist to whom I may have been referred to get a medical report and/or have access to my medical record;
- To refer me to my employer’s Medical Examiner and/or the Management Committee’s Medical Adviser for the purpose of medical assessment and production of a report on the medical aspects of my application to the Pensions Committee;
- To refer me to a specialist as determined by my employer’s Medical Examiner and/or the Management Committee’s Medical Adviser for the purpose of an independent medical assessment;
- To correspond with my current employer to find out information concerning the nature of my employment
- To the disclosure of any medical report or other relevant medical information, obtained for the purpose of assessing my application, to the Railways Pension Trustee Company Limited, Management Committee (if applicable) and Railpen, both of which are data controllers for the purposes of relevant data protection legislation (including GDPR), in order to help them assess my application.

Yes

☐

No

☐

I understand that my personal and medical information will only be used for the purpose of assessing my application for incapacity benefits and any future review of my continuing eligibility for incapacity benefits.

Under relevant data protection legislation, you are entitled to ask for a copy of the information we hold on you and to have any inaccuracies in your information corrected. If you have any questions about how we will use your personal information please contact the Data Protection Officer, Stoopersdale Offices, Brinkburn Road, Darlington, DL3 6EH.

You do not have to give your consent to the above actions but without it the Trustee is unlikely to have sufficient evidence to properly assess your current or likely future state of health and will not as a consequence be able to consider your application for retirement on grounds of incapacity.



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If you give your consent to the above actions you can withdraw it at any time by contacting the Data Protection Officer using the contact details provided in the enclosed “data protection notification- how we use information about you” notification. The withdrawal of consent will not affect the processing of personal data carried out before consent was withdrawn, but it will impact on our ability to consider your application in the same way as if consent had not initially been given (described above).

I declare that I have read and understand the above and confirm the information in this claim form is true and complete, to the best of my knowledge and belief.

Signature:												
Date signed:	D	D	/	M	M	/	Y	Y	Y	Y	Please enter date in DD/MM/YYYY format.	

Thank you. Please return this form to the address at the top of this page.



A guide for members applying for incapacity benefits

Our promise to you

However long it takes to consider your application, we promise that the aim is only to be sure that the Management Committee has enough information to decide if you are entitled to an incapacity pension under the rules of the pension scheme.

We promise to keep you up to date with the progress of your application. In this leaflet we answer the questions which you are likely to ask. Keep the leaflet handy as you may want to refer to it while your application is being processed. If you have any further questions regarding your incapacity benefits application or need further assistance on completing this form, please ring Customer Services on 0800 012 1117.

Your questions answered

Q. Do you have to give up work because of illness or incapacity?

A. When members become too ill to carry on working, the Scheme may be able to provide an incapacity pension to help make up for the loss of income. The pension is paid to those who meet the pension scheme's requirements, which includes the need for the Management Committee to be satisfied that your medical condition meets the definition of 'incapacity' in the rules which govern the operation of the pension scheme.

Because of this, it can take some time for enough information about your medical condition to be gathered together, so please be prepared for this. In some cases, decisions on applications can be made quickly, but in others **it can take some months**, especially if a doctor or specialist needs to wait to see how your condition progresses, or responds to treatment.

Please note that even if your employer releases you on ill-health grounds, this is no guarantee that you will receive an incapacity benefits from the pension scheme.

Q. What does 'incapacity' mean in the pension scheme's rules?

A. The rules are part of the legal documents which govern the pension scheme so the Trustee Company must stick to them. In the pension scheme rules, 'incapacity' is defined as being incapable of performing duties on account of an accident or bodily or mental infirmity which, in the opinion of the Trustee Company on such evidence as it may require, are other than of a temporary nature. If you are unable to perform any duties, you will be granted an enhanced incapacity pension.

Q. So who decides whether my condition meets the criteria of the rules?

A. The Trustee Company does this through a Management Committee which will consider all the information available when making a decision.

Q. Can you explain what things the Pension Committee will consider in making its decision?

A. To award an incapacity pension the Management Committee must be satisfied that you are incapacitated and that is why you left your employment. Also, it must be satisfied that you meet the criteria laid down in the pension scheme's rules definition of incapacity. This includes:

- you must suffer from bodily or mental incapacity or physical infirmity;
- the incapacity or infirmity must be such as to prevent you from performing your duties as a police officer other than temporarily; and



- in addition, to be considered for an enhanced pension the incapacity or infirmity must usually be such as to prevent you from performing any other duties other than temporarily, which in the opinion of the Management Committee are suitable for you.

The Management Committee will review the medical evidence and reports from the Medical Examiner and its Medical Adviser to help make this decision.

Q. Can anyone apply for incapacity benefits?

A. To apply, you must be under your Normal Pension age, have at least five years' Scheme membership and be leaving employment because of ill health. If you have transferred benefits from another scheme or another section of the Railways Pension Scheme, the membership, or transferred railway pensionable service, for these benefits also counts.

Q. Will I have to have a medical examination?

A. Yes. This will be done by your employer's Medical Examiner. Further specialist advice may be sought which can take considerable time in some cases.

Q. Will my application be accepted automatically?

A. The Management Committee is responsible for deciding if you meet the criteria set out in the rules. Incapacity pension applications can only be accepted if you meet those criteria. If they are not met, the Management Committee will be unable to approve your application.

Q. What happens if a decision can't be made immediately?

A. The Management Committee may be unable to make a decision based on the medical report provided. If this happens then we will pass your application to the Management Committee's Medical Adviser and write to you. It may take some months before the Medical Adviser is able to provide a report as he or she may need to obtain further reports from your own doctor or your specialist, or refer you for a specialist's opinion. The Medical Adviser may also need to examine you. When the Medical Adviser replies, the Management Committee will consider your application again.

Q. It sounds as if it could be a very long time before I find out if my application has been accepted. Will anyone tell me about the progress?

A. If a decision on your application cannot be made quickly we will write to you about this. We will keep you advised on the progress of your application and you should contact us with any queries.

Q. When a decision has been made, how will I find out?

A. We will write to you soon after the decision has been made.

Q. If my application is accepted, is there anything else I have to do?

A. You need to complete a Retirement Option form to receive payment of your benefits from the date of leaving your employment. Your employer will arrange this at the appropriate time. We recommend that this is done at the same time as your incapacity application so that payment of benefits is not delayed.

Q. If my application is accepted, how are my incapacity benefits worked out?

A. Please refer to your Scheme booklet 'A guide for members'. This tells you how incapacity benefits are worked out. If you want to know what your benefits might be, we can give you an estimate. Full details of your benefits will be provided if your application is approved.

Q. Is there an Annual Allowance charge for incapacity retirement?

A. Not if you meet the government's current description of ill health as below. Possibly yes if you

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don't. Railpen will let you know if an Annual Allowance charge applies to you.

The government's current description of ill-health retirement is that 'you are not able to continue in your current job and are not likely to be able to take any other paid work to the extent that is significant. For example, you could undertake voluntary work or unpaid work where out of pocket expenses are reimbursed or small amounts of travelling or subsistence payments are made. Any work should be insignificant; for example it should be infrequent or only for a few days during the year and payments must be small in amount, not just as a proportion of previous pay or salary.'

Q. If my application is approved, when will my benefits be paid and for how long?

A. Your benefits will be paid when:

- your application has been approved by the Management Committee; and
- we have received a correctly completed Retirement Option form; and
- you have left employment.

In most cases, the decision will not be made until you have left employment. If this happens your benefits will be paid as soon as possible and the first pension payment will include any back payments (to the date you left employment) which are owed to you. The continuation of your incapacity pension may be reviewed to ensure that you still meet the conditions. If the Management Committee has medical evidence that you have recovered sufficiently to be able to earn a living, it can decide to reduce or suspend your incapacity pension. If this happens, you will receive your full incapacity pension again when you reach age 55 and for the rest of your life.

Q. If my application is turned down, what benefits can I have?

A. You will be able to have the same benefits as someone who has left employment. If you are under age 50*, you can only have preserved benefits. Once you are 50* you may apply for early payment of your benefits, subject to the approval of the Pensions Committee.

If you are aged 50* to 55 you may be able to ask for your benefits to be paid immediately (early retirement), otherwise they will be preserved. Please note that, with certain exemptions, the earliest age from which benefits may be paid was increased by the Government from age 50* to 55 in 2010.

Your benefits will be reduced because they are being paid early and can only be paid if they are at least as much as the minimum amounts required by the Department for Work and Pensions. From age 55, normal retirement benefits will be paid if you have not taken them early.

We will send you details of the benefits available if your application is turned down.

Q. If I do not agree with the Committee's decision, can I appeal?

A. If you are not satisfied with the Management Committee's decision, you have the right to appeal. The Railways Pension Scheme has an established Internal Disputes Resolution Procedure, in accordance with the requirements of the 1995 Pensions Act.

This is a two-stage procedure. Disputes are referred to the Director of Administration for a decision at stage one, but if you are not satisfied with the response, you may ask for the disagreement to be referred back to the Management Committee for its determination at stage two.

You should write to the Director of Administration, setting out the reasons why you are aggrieved. You will also need to provide additional medical evidence or reports upon which you wish to rely.

Q. I will have no income, can I receive any of my benefits now?



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A. Yes, if you are over age 50*, you can apply to receive early retirement benefits while your incapacity application is considered. If your application is successful, your benefits will be adjusted to take into account the payments you have already received. If your application is declined, you will continue to receive early retirement benefits.

Q. How do I apply for early retirement benefits?

A. When Railpen is advised that you are leaving due to ill health you will be sent a letter, an estimate of your benefits based on early retirement and an option form to return. If you have not completed a Retirement Option form, you will be asked to send one as we cannot pay any benefits without it.

Q. How soon will I receive the pension?

A. Your application for benefits will be processed as soon as we receive a completed Retirement Option form.

* Age 55 for some members (please check with Railpen if you do not know the earliest date from which you are eligible to apply for your benefits).

All 'Read as you Need' information is available from the website at the top of this page.

Disclaimer

The information provided in this leaflet is intended for general information and illustrative purposes. It does not constitute investment or any other advice, and it is not intended to be a substitute for information and statements provided by Railpen. It should not be relied on to make investment or other decisions. Railpen gives no warranty and accepts no responsibility for the accuracy of any information provided, or for your reliance on that information. Your benefits will be worked out in accordance with and subject to the governing trust deed and rules.

Although every effort has been made to ensure that the information given in this leaflet is accurate, none of the information given can give you legal rights to benefits that differ from those provided in the pension trust and rules.



Data Protection notice

We, the Railways Pension Trustee Company Limited and Railpen Limited (each with its registered address at 7 Devonshire Square, London EC2M 4YH), are a "data controller" in respect of your personal information for the purposes of applicable data protection legislation. If there is a Pensions Committee for your Section, it will also comply with the data protection legislation.

This privacy notice is intended to give you a clear picture of how we handle your personal data. It describes what personal data we collect about you, the basis upon which we process it, with whom it is shared, how it is stored and certain other important information relating to the protection of your personal data.

Why we use your data

We will use your personal details in order to deal with and pay any benefits you may be entitled to under the rules of the Railways Pension Scheme, the BT Police Superannuation Fund, the British Railways Superannuation Fund, or any other pension fund administered by Railpen.

The Trustee will also use your personal data for the purposes of complying with any legislation and procedures, which apply to them and to establish, exercise or defend their legal rights.

The Scheme actuary, the Scheme auditor and the appropriate legal advisors may be given access to personal data for the purpose of advising the Trustee and Railpen on the management of the Scheme.

We may occasionally use your personal data for the purposes of statistical analysis or to respond to government surveys (for example, compulsory questionnaires sent to us by the Pensions Regulator or the Office of National Statistics) but this is usually completed on an anonymous basis. If we wish to use your personal data for any other purpose, we will update this privacy notice.

We may collect and use the following types of personal data about you and, in some circumstances, your spouse, civil partner, partner or dependants:

- contact details such as name(s), home address, telephone number and personal e-mail address
- national insurance number
- gender and date of birth
- marital status, next of kin and family / dependants
- dates on which you joined and left pensionable service
- financial details such as your salary information
- information relating to any pension sharing or earmarking order (if your marriage or civil partnership ends)
- information about pension benefits you have accrued, investment choices and death benefit nomination forms
- tax information and any protections that you may have in relation to your pension benefits
- your bank account details

This information may be obtained from your current or former employer, government agencies, any financial or other adviser or representative acting on your behalf, service providers that allow us to verify the accuracy of your personal details (for example, to trace your current address or to verify your continuing existence); and from yourself.

In certain circumstances, we may ask you for information relating to your health; for example, if you are applying for ill health benefits. In some circumstances, additional medical information may be



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required from your doctor or appropriate medical advisor. We will explain to you at the time why we need that information and how we intend to use it. When we need to, we will ask for your consent to use your health information.

You do not have to provide the information requested from you, but there may be a delay in the payment of your benefits if that information is not provided.

You may also need to provide us with personal data relating to other people (for example, your spouse, civil partner or dependants) for example when completing a nomination form. When you do so, you will need to check with them that they are happy for you to share their personal data with us and for us to use it in accordance with this privacy notice.

If you are acting on behalf of a child, we may also hold and use your personal information, which will be dealt with on the same basis as set out earlier.

What our law basis is for using your personal data

Under data protection legislation, we need to have what is called a lawful basis each time we use, share or otherwise process your personal data. The legal basis upon which we will process your personal data could include the following:

- there is a legal obligation for us to do so
- it is for our legitimate business interests
- you have given us your consent to do so

Our legitimate business interests include fulfilling our role in dealing with, assessing eligibility for and paying any benefits you may be entitled to. We will not use your data for our legitimate business interests if your interests, rights or freedoms override them.

Our legitimate interests, can also mean our (or a third party's) interests in operating the Scheme or Fund as efficiently and securely as possible. For example, we may choose to use a third party to store your personal data; we may do this in part because our use of that service means that your personal data is more secure.

In certain circumstances, we will need your consent to collect and use your personal data; this is most likely where we are collecting information relating to your health (for example, in applying for ill health benefits).

If we are processing your data on the basis of your consent, you can withdraw your consent at any time by contacting Railpen's Data Protection Officer (details shown on the back page). The withdrawal of consent will not affect the processing of personal data carried out before consent was withdrawn.

Whom the information may be shared with

From time to time, we may need to share your information with other parties. Where this is necessary, we are required to comply with all relevant data protection legislation. The types of third parties we may need to share some of your information with include:

- your current or former employer - for the purposes of operating the Scheme;
- pension schemes with which the person whose personal information we are processing has an association;
- the Scheme or Fund actuary — this is an actuary that is personally appointed to provide advice on the funding of the Scheme or Fund. The actuary will be supported by an actuarial team who will also have access to your personal data;



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- the Scheme or Fund auditor - they prepare the Scheme's or Fund's annual accounts and audit them for us;
- the Scheme or Fund legal advisor - they advise us on all legal issues affecting the Scheme or Fund;
- government agencies (for example, HM Revenue and Customs);
- ombudsmen and regulatory authorities;
- companies that provide services to us, such as printers, information technology systems suppliers and support, including provider's email archiving, back up and disaster recovery and cyber security services;
- your data may be shared with third parties in order to verify your identity as well as to prevent and detect fraud. This would involve a 'soft' credit check from a credit referencing agency. They are visible on your credit report but don't show up in the same way as a 'hard' check and do not affect your credit rating.

Your personal data will also be disclosed to third parties:

- if we are under a duty to disclose or share your personal data in order to comply with any legal obligation, or any lawful request from any legal or regulatory authority; or
- to respond to any claims and to establish, exercise or defend our legal rights

Details of all of the main advisers to the Scheme are available in the Scheme's annual report and accounts, which are available on request by writing to us.

Most third parties with whom we share your personal data are limited (by law and by contract) in their ability to use your personal data for the specific purposes identified by us.

Certain third parties (most notably, the Scheme actuary and other professional advisers) are themselves subject to certain legal or regulatory obligations (including professional codes of practice). They will be responsible for their own processing of personal data to the extent that processing is subject to, or relates to, those obligations.

Willis Towers Watson provide actuarial services for the Railways Pension Scheme and the British Railways Superannuation Fund. Their Privacy Notice is available at www.willistowerswatson.com/personal-data

XPS Pensions Group provide actuarial services for the BT Police Superannuation Fund. Their Privacy Notice is available at <https://www.xpsgroup.com/legal-regulatory/privacy-policy>

We will always ensure that any third parties with whom we share your personal data are subject to privacy and security obligations consistent with this privacy notice and applicable laws.

How long do we retain your personal data?

Our standard policy is for information or data to be kept for only as long as necessary for the purposes set out above. It is then disposed of in a managed and secure way. However, as pensions are a long-term saving vehicle, it may be necessary to retain your personal data for the remainder of your life and any dependants' lives in order to determine your entitlement to and pay the benefits you may be entitled to, along with any dependant's benefits payable.

Transferring data overseas

Our core systems, data, and administration services are all carried out and stored within the UK.

However, TCS an international multinational information technology service, based in India, provides maintenance support. Therefore, on rare occasions it may be necessary to transfer your data overseas to TCS.



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Transferring personal data to a country outside the European Economic Area that does not have adequate data protection is prohibited unless the country has been approved by the European Commission as providing an adequate level of data protection or adequate safeguards have been put in place to ensure the security of the data.

As India is currently not on the European Commission's list of countries providing adequate data protection, Railpen and TCS have entered into a data protection contract using standard clauses adopted by the EU Commission (so-called 'model clauses'). These contain enforceable data subject rights and effective legal remedies for data subjects against TCS. Further details on the steps we take to protect your personal data in these cases are available on request by writing to us at the address on page 7.

Your rights

You will have a number of rights under the GDPR. These include the right to:

- receive a copy of the personal data we hold about you
- request personal data to be amended if it is inaccurate or incomplete
- request the deletion or removal of personal data where there is no compelling reason for its continued use
- block or restrict the processing of your personal data
- object to the processing of your personal data

There is also a right under the GDPR to receive your personal data (in a structured, commonly used and machine-readable format) and to transfer your data to another service provider or data controller. This right applies where your data is being processed on the basis of your consent or in line with a contract to which you are party. Please note that, for the majority of members, this is not applicable as we rely on our legitimate business interest to collect and process your data rather than individual consent or contracts.

In order to exercise any of the above rights please write to the DPO at the address below.

How do we keep your personal data secure?

We are committed to protecting your personal data from loss, misuse, disclosure, alteration, unauthorised access and destruction. We take all reasonable precautions to safeguard the confidentiality of personal data.

Although we make every effort to protect the personal data, which you provide to us, the transmission of information over the internet is not completely secure. As such, you acknowledge that we cannot guarantee the security of personal data transmitted to us over the internet, and that any such transmission is at your own risk.

Once we have received your personal data, we will use strict procedures and security features to prevent unauthorised access (and take steps to ensure that any third parties with whom we share your personal data do the same).

Further questions or making a complaint

If you wish to exercise any of your rights or have concerns about the processing of your personal data or wish to raise any issues in relation to data protection, including in relation to the use of it by Railways Pension Trustee Company Limited, Railpen Limited or the Pensions Committee for your Section, please contact the Data Protection Officer at Railpen:

Data Protection Officer
Railpen



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Stooperdale Offices
Brinkburn Road
Darlington
County Durham
DL3 6EH
Tel: 0800 012 1117
Email: csu@railpen.com

If you are unhappy with how your personal information is being handled, you also have the right to make a complaint to the Information Commissioner's Office, an independent body set up to uphold information rights, which will investigate your complaint.