

Privacy notice 01: Applications for employment

Date completed 04/04/2023

This notice is one of a set which explain what data we collect, store and process to provide our services to customers. It also sets out the legal basis we are using for collecting the data stated.

It should be read alongside the related privacy notices listed below, all of which can be found here: <https://www.kent.fire-uk.org/report/privacy-notices-0>

- Privacy notice 02: Employees and volunteers
- Privacy notice 03: Primary employment
- Privacy notice 04: Secondary employment
- Privacy notice 05: Medical records
- Privacy notice 06: Grievances, employment complaints and whistleblowing
- Privacy notice 07: Former KFRS employees
- Privacy notice 08: Learning and development
- Privacy notice 09: KFRS housing
- Privacy notice 10: Disciplinary and capability procedures
- Privacy notice 11: Pensions administration
- Privacy notice 12: Insurance
- Privacy notice 26: Videos and images at incidents (employees and volunteers)
- Privacy notice 28: Videos and images at events (employees and volunteers)
- The overall privacy notice
- The breach process contained in Annex 1 of the Data Protection and Information Security Policy which sets out what we will do should any data we collect be lost or misused. This can be found here: <https://www.kent.fire-uk.org/freedom-information-foi>

Our contact details

Kent Fire and Rescue Service
The Godlands
Straw Mill Hill
Tovil
Maidstone
ME15 6XB

Email: data.protection@kent.fire-uk.org

Telephone: 01622 692121

Why we collect and use personal data

This notice covers the personal and sensitive data we will collect when you apply for a post within KFRS as an employee or volunteer.

When you apply for a post with KFRS, including as a volunteer, there are a number of legal responsibilities we have to follow under [Sections 5 to 9 of the Fire and Rescue Services Act 2004](#), [Section 1 of the Employment Rights Act 1996 \(Statement of Particulars\)](#), [The Police Act 1997](#), and the [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order](#).

This means that as part of the process of seeking employment with KFRS, you will need to share a range of personal data with us. In order to meet these requirements placed upon us, and as part of assessing your suitability for employment with KFRS, it is entirely reasonable that we ask you to provide this data.

In addition, when you apply for a post, you will also be asked to voluntarily disclose to KFRS personal and sensitive details related to the following protected characteristics: disability; gender reassignment; race, religion or belief; sex, and sexual orientation. This is collected to allow us to meet our responsibilities under the Equality Act 2010 to remove barriers to entry and increase the diversity of employees and inclusion within KFRS and is not a requirement of application. This is collected with your consent, which can be revoked at any time in the application process.

You will also be asked to provide the contact details of potential referees. By submitting the application form to us, you are confirming you have the consent of your referees for us to contact them if required.

The types of personal data we collect and process

When processing applicants' employment applications, we may collect and process the following types of personal data:

- Name
- Date of birth
- Contact details such as addresses, telephone numbers and email addresses
- Contact details of third parties provided as referees
- Protected characteristics under the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation)
- Declarations of interests and any relevant criminal convictions
- Interview notes
- Statements of qualifications gained outside KFRS or from previous employment
- Testing reports as part of the application process
- Letters of offer and acceptance of a role with us
- Online identifiers such as IP addresses and cookie identifiers; and other identifiers from which inferences as to your identity could potentially be made

Our lawful reasons for collecting and processing personal data

The six lawful bases for processing personal data are set out in [Article 6\(1\) of the UK GDPR](#). These are as follows:

- (a) Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.
- (b) Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- (c) Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).
- (d) Vital interests:** the processing is necessary to protect someone's life.
- (e) Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- (f) Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. NB: This cannot apply if you are a public authority processing data to perform your official tasks.

When processing applications for employment, we will collect and use personal data. We will rely on the following lawful bases:

- **Consent** as set out in [Article 6\(1\)\(a\) of the UK GDPR](#).
- **Compliance with a legal obligation** as set out as set out in [Article 6\(1\)\(c\) of the UK GDPR](#).
- **Performance of a task carried out in the public interest or in the exercise of official authority** as set out in [Article 6\(1\)\(e\) of the UK GDPR](#).

Both **compliance with a legal obligation** and **performance of a task carried out in the public interest or in the exercise of official authority**, require a separate basis in law.

This comes from the following:

- Our compliance with the requirements of [Sections 5 to 9 of the Fire and Rescue Services Act 2004](#) to maintain a fire and rescue service. Recruiting suitable employees as needed and having sufficient information about them to make a judgement about their suitability for employment allows us to meet this requirement.
- Our compliance with the requirements of [Section 1 of the Employment Rights Act 1996 \(Statement of Particulars\)](#), [The Police Act 1997](#), and the [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order](#)
- The requirement placed upon us to meet the Public Sector Equality Duty as set out in [Section 149 of the Equality Act 2010](#). As part of this we actively seek to remove barriers to working for KFRS. In order to assist us in this, we may seek to gather information about some protected characteristics of applicants.

Special category data

[Article 9 of the UK GDPR](#) covers special category data. Special category data is personal data that needs more protection because it is sensitive. The nine types of special category data are as follows:

- personal data revealing racial or ethnic origin;
- personal data revealing political opinions;
- personal data revealing religious or philosophical beliefs;
- personal data revealing trade union membership;
- genetic data;
- biometric data (where used for identification purposes);
- data concerning health;
- data concerning a person's sex life
- data concerning a person's sexual orientation

Among the data listed above that we might collect, the following types meet the definition of 'special category data' as set out in Article 9 of the UK GDPR:

- disability
- pregnancy and maternity
- race
- religion or belief
- sexual orientation
- health data (medical conditions/physical and cognitive impairments)

In order to lawfully process special category data, we must identify both a lawful basis under Article 6 of the UK GDPR and a separate condition for processing under Article 9. There are ten conditions for processing special category data, which are as follows:

- (a) Explicit consent
- (b) Employment, social security and social protection (if authorised by law)
- (c) Vital interests (of the data subject)
- (d) Not-for-profit bodies
- (e) Made public by the data subject
- (f) Legal claims or judicial acts
- (g) Reasons of substantial public interest (with a basis in law)
- (h) Health or social care (with a basis in law)
- (i) Public health (with a basis in law)
- (j) Archiving, research and statistics (with a basis in law)

The special category data that we may process in relation to applications for employment is data on the protected characteristics as defined in the Equality Act 2010. Under the Equality Act 2010, as a public authority we have a public sector equality duty, collecting this data allows us to understand the characteristics of applicants which, in turn, supports our efforts to remove barriers to entry. However, applicants do not have to provide this information in order for their employment application to be processed, which is why in relation to any special category data, we rely on the **explicit consent** condition as set out in Article 9(2)(g)

of the UK GDPR. We will ensure that consent is freely given, specific, affirmative (opt-in) and unambiguous, and able to be withdrawn where practicable.

Because we rely on the explicit consent condition, we do not need to prepare an appropriate policy document, as this is only necessary when relying on the following Article 9 conditions for processing: (b) Employment, social security and social protection (if authorised by law); or (g) Reasons of substantial public interest (with a basis in law).

Who might we share your data with?

Data related to applicants is shared with interview panels, subject to separation of personal and sensitive data not relevant to the interview.

Data related to the composition of the workforce at application stage is shared at an aggregated level with the Government.

Where is the data stored?

Any data collected as part of an application for employment is stored within KFRS' document management system, which is hosted on a cloud-based server system.

How long will we hold your data for?

Personal data collected as part of applications for employment will be held in accordance with the periods set out in section 7 of KFRS' Publication and Retention Scheme (<https://www.kent.fire-uk.org/freedom-information-foi>).

What are my data protection rights?

Under data protection law, you have the following rights:

Your right of access

You have the right to ask us for copies of your personal information. You can ask to see it by making a subject access request. Guidance for making a request is available here: <https://www.kent.fire-uk.org/freedom-information-foi>

Your right to rectification

You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

Your right to erasure

You have the right to ask us to erase your personal information in certain circumstances.

Your right to restriction of processing

You have the right to ask us to restrict the processing of your personal information in certain circumstances.

Your right to object to processing

You have the the right to object to the processing of your personal information in certain circumstances.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

If you wish to make a request, please contact us at:

Email: data.protection@kent.fire-uk.org

Telephone: 01622 692121

Address:

Kent Fire and Rescue Service
The Godlands
Straw Mill Hill
Tovil
Maidstone
ME15 6XB

How to complain

If you have any concerns about our use of your personal information, you can make a complaint to us using the contact information above.

You can also complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Helpline number: 0303 123 1113

ICO website: <https://www.ico.org.uk>