

# Privacy notice 03: Primary employment

Date completed 05/04/2023

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/privacy-policy>

- Privacy notice 01: Applications for employment
- Privacy notice 02: Employees and volunteers
- 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](mailto:data.protection@kent.fire-uk.org)

Telephone: 01622 692121

## Why we collect and use personal data

This notice covers the personal data we will collect relating to the primary employment of 'on-call firefighters'.

On-call firefighters for KFRS are professional firefighters who offer days and times when they are available to respond to emergency incidents. By carrying a pager they are able to work in their normal job, either from home, for themselves or for a company, but must be able to get to their local fire station when needed. On-call firefighters also act as ambassadors for the fire service and undertake other duties ranging from attending open days to working with their local communities.

They receive an annual wage to reflect the time they commit to being available, plus additional payments for attending incidents, extra training and pre-planned voluntary additional activities.

More than half of the fire stations in Kent and Medway operate an on-call duty system. Where this system is deployed, under the [Working Time Regulations \(1998\)](#), we have a **legal** requirement to be made aware of an applicant's or existing on-call firefighter's primary employer and the role they perform.

As part of the formal recruitment process for an on-call contract and where the on-call element is in addition to other primary employment, the employee will be required to provide details of this employment. KFRS will then request the necessary details from the primary employer and on this basis we will identify whether the nature of this employment has any potential conflict with us.

It will also be a condition of employment with KFRS that the employee has advised and received the permission of their primary employer of their application for employment to work the 'on-call' duty system. This will ensure that our obligations relating to the Working Time Regulations and driving legislation can be met. The details of any subsequent changes to primary employment must also be provided.

## The types of personal data we collect and process

As part of your on-call contract of employment with KFRS, in addition to the types of personal data listed in 'Privacy notice 02: Employees and volunteers', during the course of your employment with KFRS, we may collect and process the following types of personal data:

- Details of existing primary employment, including employer's contact details, your primary role and working hours in that role.

## 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.

During the course of your employment with KFRS as an on-call firefighter, we will collect and process personal data about your primary employment. We will rely on the following lawful bases:

- **Contract** as set out in [Article 6\(1\)\(b\) of the UK GDPR](#).
- **Compliance with a legal obligation** as set out as set out in [Article 6\(1\)\(c\) of the UK GDPR](#).
- **Public task** as set out in [Article 6\(1\)\(e\) of the UK GDPR](#). This states that 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.

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 legal requirements of the [Working Time Regulations \(1998\)](#).
- 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 and employing suitable employees as on-call firefighters in line with the requisite legislation allows us to meet this requirement.

## 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

However, none of the data listed above would be collected as part of this processing, meaning the additional responsibilities necessitated when processing Article 9 special category data are not applicable to this context.

## Who might we share your data with?

Records of primary employment may be shared with primary employers if we are conducting an investigation under our Ethical Code of Conduct.

We may also provide information following a request from a primary employer for information about their employees working time with us.

## Where is the data stored?

Records of primary employment are 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 your role as an employee of KFRS 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](mailto: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>