

Privacy notice 04: Secondary 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 03: Primary 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 data we will collect relating to the secondary employment of those employees whose primary employment is with KFRS.

Secondary (outside) employment is considered as any form of employment-related activity undertaken in addition to an individual's main employment with KFRS. This includes paid and unpaid work, contractual employment, self-employment, casual or temporary employment, voluntary work, and duties as on-call firefighter with KFRS or another fire and rescue service.

In providing you with a contract in which your primary employment is with KFRS, we require you inform us of any secondary employment you are undertaking, or will be about to undertake.

We therefore need to collect and process this data so that we can make a determination as to whether any secondary employment will have the potential to cause, or is causing, any of the following: a detrimental impact upon your primary employment with KFRS; a breach of the law or any of our current policies and procedures; a potential conflict of interest with your duties and or the role and functions of KFRS; damage to the reputation and image of KFRS.

The types of personal data we collect and process

As part of your contract of employment with KFRS, in addition to the types of personal data listed in 'Privacy notice 03: Employees', during the course of your employment with KFRS, we may collect and process the following types of personal data:

- Details of any current, or proposed, secondary employment, including employer's contact details, your role and working hours in that secondary employment.

As part of your contract of employment with us, you must inform us of any changes relating to this information. This is so that we can keep the information up-to-date.

If the proposed secondary employment is not approved, we will, as part of your contract create a record which notifies you of this decision.

If the proposed secondary employment is approved, we will, as part of your contract create a record which notifies you of this decision.

If you engage in secondary employment without permission, or in a field which KFRS has declared is not permitted, this may lead to an investigation under our code of conduct as potential breach of contract and a serious disciplinary offence. Details of what fields of work are not permitted are available from the People Team.

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 we will collect and process personal data about your secondary employment. We will rely on the following lawful bases:

- **Contract** as set out in [Article 6\(1\)\(b\) of the UK GDPR](#).

In providing you with a contract in which your primary employment is with KFRS, we require you inform us of any secondary employment you are undertaking, or will be about to undertake. This is so that we can make a determination as to whether any secondary employment will have the potential to cause, or is causing, any of the following: a detrimental impact upon your primary employment with KFRS; a breach of the law or any of our current policies and procedures; a potential conflict of interest with your duties and or the role and functions of KFRS; damage to the reputation and image of KFRS.

- **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.

Performance of a task carried out in the public interest or in the exercise of official authority, requires 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. Employees whose secondary employment has the potential to cause, or is causing, any of the following: a detrimental impact upon their primary employment with KFRS; a breach of the law or any of our current policies and procedures; a potential conflict of interest with their duties and or the role and functions of KFRS; or damage to the reputation and image of KFRS, undermines our ability to meet these requirements and with it the duties and functions that we carry out in the public interest.

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

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>