

Privacy notice 07: Former KFRS employees

Date completed 06/04/2023

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 04: Secondary employment
- Privacy notice 05: Medical records
- Privacy notice 06: Grievances, employment complaints and whistleblowing
- 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 need to continue to hold once you have left the employment of KFRS.

When you cease to be employed by KFRS, records related to your employment and leaving will be created and stored. These may contain personal and identifiable data and, in some cases, may contain personal sensitive data about you, such as medical conditions. We have a duty under your contract of employment to maintain these records and keep them securely. Furthermore, when employees retire, we maintain a responsibility to ensure pension payments are made to them.

The types of personal data we collect and process

We may collect and process the following types of personal data, which may be provided by you or your next of kin:

- Resignation letters
- Requests for early retirement
- Notification of death post retirement
- Formal notifications of redundancy including any financial offers for compensation for early termination of contract
- Formal offers of garden leave pre-retirement
- Formal notifications of dismissal
- Formal notifications of retirement
- Notifications from our occupational health advisors on ill health

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 and, under certain circumstances, following your departure from KFRS, we will collect, retain and use personal data. We will rely on the following lawful bases:

- **Contract** as set out in [Article 6\(1\)\(b\) of the UK GDPR](#). As part of our contract with our pension administrators, we will collect and share employees' data with them. This will also include records relating to pension disputes raised by existing and former employees. We will also share data with our actuarial service in order for them to be able to advise on the total value of our pension liabilities, which is also required by us in the preparation of our annual accounts.
- **Compliance with a legal obligation** as set out as set out in [Article 6\(1\)\(c\) of the UK GDPR](#), we will rely on this to meet our legal obligations to provide access to an occupational pension scheme for all employees, which includes being able to make a determination in connection with eligibility for, or benefits payable under, an occupational pension scheme. We will also maintain records where employees come into contact with hazardous materials in the course of their work, maintain records where employees have suffered an injury at work, including in connection with ill health retirements and ill health pensions. We may also retain training and competency records from your time as an employee as these may be necessary in order to defend KFRS or any of its employees or partners against legal action that former employees or their next of kin may undertake.

Compliance with a legal obligation requires a separate basis in law. This comes from the following:

- Our compliance with the requirements of the [Pensions Act 2008](#).
- Our compliance with the requirements of the [Health and Safety at Work Act 1974](#).

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 retain and process, the following types meet the definition of 'special category data' as set out in Article 9 of the UK GDPR:

- health data: health data: including medical conditions; sickness and injury.

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) Preventative or occupational medicine or 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)

This data is collected to allow KFRS to prepare and enter and contract with its pension administrators and fulfil its legal obligations to provide access to an occupational pension scheme for all employees and aid us in making a determination in connection with eligibility for, or benefits payable under, an occupational pension scheme. This data may also be retained in order to defend KFRS or any of its employees or partners against legal action that former employees or their next of kin may undertake. To lawfully process this special category data, KFRS is relying on the following conditions:

- **Employment, social security and social protection** condition as set out in [Article 9\(2\)\(b\) of the UK GDPR](#).
- **Legal claims or judicial acts** condition as set out in [Article 9\(2\)\(f\) of the UK GDPR](#).
- **Reasons of substantial public interest** condition as set out in [Article 9\(2\)\(g\) of the UK GDPR](#).
- **Preventative or occupational medicine or health or social care** condition as set out in [Article 9\(2\)\(h\) of the UK GDPR](#).

The requisite basis in law for the **Employment, social security and social protection** condition; the **Reasons of substantial public interest** condition; and the **Preventative or occupational medicine or health or social care** condition come from the following:

- Our compliance with the requirements of the [Pensions Act 2008](#).
- Our compliance with the requirements of the [Health and Safety at Work Act 1974](#).
- 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. Where appropriate to do so, supporting and helping to manage the health and wellbeing of our former employees contributes to

allowing us to meet this requirement by ensuring that KFRS remains a fair and attractive place to work.

Because we are relying on the **reasons of substantial public interest condition** in Article 9(2)(g), we also need to meet one of 23 specific substantial public interest conditions set out in [paragraphs 6 to 28 Schedule 1, Part 2 of the DPA 2018](#).

The further required substantial public interest conditions that we rely upon are:

[6 Statutory etc and government purposes](#), specifically section 2(a), *'the exercise of a function conferred on a person by an enactment or rule of law'*. Again, this links to our responsibilities under the Pensions Act 2008, the Health and Safety at Work Act 1974 and the Fire and Rescue Services Act 2004.

[21 Occupational pensions](#), particularly the ability to make a determination in connection with eligibility for, or benefits payable under, an occupational pension scheme.

Appropriate policy document

When processing special category data under the '(b) Employment, social security and social protection condition; or (g) Reasons of substantial public interest' condition, there is a requirement under the Data Protection Act 2018 ([Schedule 1, Part 1, Paragraph 1\(1\)\(b\) and Schedule 2, Paragraph 5\(1\) respectively](#)) to have an **'appropriate policy document'** in place.

The appropriate policy document must set out the information below and be retained for six months after the date the relevant processing stops.

- a. Which substantial public interest condition is relied on.
- b. How the processing satisfies Article 6 of the UK GDPR (lawfulness of processing).
- c. Whether the personal data is retained and erased in accordance with the controller's policies, including giving an indication of how long such personal data is likely to be retained.
- d. Explain the controller's procedures for securing compliance with the principles in Article 5 of the UK GDPR (principles relating to processing of personal data) in connection with the processing of personal data in reliance on the condition in question.

In line with these requirements, an appropriate policy document is in place.

Who might we share your data with?

We will share your personal data with third parties where required by law, where it is necessary for us to fulfil our contractual or legal obligations to you as your former employer or to exercise our legal rights. We will only share your personal data to the extent needed for these purposes and we will obtain assurance from those third parties of the integrity of their data security arrangements.

Medical data will be shared with our occupational health provider where appropriate to do so. Our current occupational health provider is 'Health Partners' and their privacy notice can be found here: <https://www.healthpartnersgroup.com/privacy-notice>. Our provider may forward your details to further specialists depending on the nature of medical issue.

We may change occupational health providers and when we do so we shall ensure they comply with the requirements of the UK GDPR. Your data will be transferred between occupational health providers in accordance with this privacy notice. As part of any such handover to another provider we may enter into agreements between the exiting and incoming provider to pass records between themselves to maintain continuity of service to employees. This will be subject to a separate privacy impact assessment should it be deemed necessary to perform as part of arrangements at the end of a contract.

We may need to share medical data with our legal advisers or with a court, tribunal, regulator or with our insurers where processing is necessary for the establishment, exercise or defence of legal claims.

We may need to share medical data with LPP (Local Pensions Partnership) the organisation responsible for administering the occupational pension scheme of which you are a member.

We may need to share medical data with HMRC or law enforcement agencies as per their requirements applicable at the time. This may include requests by them to contribute to fraud investigations involving data from one or more former employees.

Where is the data stored?

Data is stored within employees' HR files, these are held in paper copy in secure stage in our headquarters building.

Other data (including payroll) is held in iTrent, which is KFRS' payroll system and electronic employee portal, and is hosted on a cloud-based server system provided by our supplier MHR. Their privacy notice can be found here:

<https://mhrglobal.com/uk/en/privacy-policy>

Data related to the administration of your pension is stored on the system of our pension administrators, Kent County Council and the Local Pensions Partnership. Their respective privacy notices can be found here:

<https://www.kentpensionfund.co.uk/local-government/about-us/privacy-policy>

<https://www.localpensionspartnership.org.uk/Your-Privacy>

How long will we hold your data for?

Personal data collected of former employees will be held in accordance with the periods set out in sections 7, 9 and 13 of KFRS' Publication and Retention Scheme

(<https://www.kent.fire-uk.org/freedom-information-foi>)

Occupational Health and other medical records (including ill health retirements) are retained for the amount of time that those purposes remain relevant and we have a legitimate reason for retaining them as described in this privacy notice.

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>