

Privacy notice 20: Consultations, information requests, freedom of information and data subject access requests

Date completed 11/04/2023

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 and processing the data listed below.

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 21: Feedback, engagement and consultation with employees
- Privacy notice 23: Customer feedback on KFRS' services
- 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

To inform and engage with users of our services (i.e. the public/our customers), we need to have mechanisms to consult on proposed changes, collect feedback in relation to those proposals, process data requests (including those made under the Freedom of Information Act 2000) process data subject access requests, take relevant action, and feedback to our customers about those requests. This privacy notice sets out our approach in relation to these responsibilities.

Data is collected via forms, email, correspondence or verbally. Data is collected directly from the customer or via a third-party platform, for example via an on-line questionnaire.

This notice covers the provision, processing and re-use of personal data provided directly by customers in connection with the above activities.

The types of personal data we collect and process

Our consultation, customer feedback and data request response activities will use data provided directly by customers, for example someone responding to a consultation or making an FOI request. The types of personal data that we may collect and process include:

- Name
- Contact details, such as address, telephone numbers and email address
- 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)
- Online identifiers such as IP addresses and cookie identifiers; and other identifiers from which inferences as to your identity could potentially be made, such as voice and video call recordings and details that are unique to you.

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.

We may collect and use personal data to seek feedback through consultations on any changes we are proposing to make to our services. 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](#).

We will also collect and use personal data when processing data requests (including those made under the [Freedom of Information Act 2000](#)) and data subject access requests made under the UK GDPR.

As the personal data will be provided directly by customers in connection with these activities we will rely on **consent** (UK GDPR Article 6(a)) as the legal basis for these activities.

By **consent** we provide information by email to data subjects that are interested in what we do. By consent, we will collect personal and identifiable information at events we host or attend to allow us to contact you at a later date to offer services, or as part of research into the effectiveness of our campaigns. The specific purpose will be explained at the event.

In relation to processing and responding to consultations, Freedom of Information Act requests and data subject access requests, we will also rely on **compliance with a legal obligation** as the legal basis for these activities, as we have a legal duty to respond to such requests. Our legal obligations in this regard are set out below:

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

- Under [Section 6 of the Fire and Rescue Services Act 2004](#), we have a **legal** duty to promote fire safety in buildings and other property, including homes.
- Under the [Fire and Rescue Services Act 2004](#) and the National Framework for Fire and Rescue Services, we also have a **legal** duty to consult about significant changes to the services we provided and also to mitigate the impact of other risks in the community, such road and water safety.
- One way we do this is through the provision of advice on a targeted basis (specific campaigns aimed at specific groups) and on a general basis (information released via the website and social media).
- Under the Freedom of Information Act 2000 we have a **legal** duty to receive and process Freedom of Information requests. Under the UK GDPR we have a **legal** duty to receive and process data subject access requests.
- There is a 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 services in order to improve access to our services. In order to assist us in this, we may seek to gather information about some protected characteristics of our customers.

No personal data will be published.

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 on protected characteristics that we might collect, the following meet the definition of special category data:

- 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)

In relation to any special category data, we rely on the **explicit consent** condition as set out in Article 9(2)(a) 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?

We will not normally share any personal data derived from these activities. Outcomes of consultations will normally be aggregated or fully anonymised before publication.

Information requests (including those made under the Freedom of information Act) and data subject access requests, will not be made public or published.

If we do identify the need to share personal data, for example in order to investigate or resolve a complaint, we will always obtain your consent to do so.

If you make an appeal to the ombudsman (e.g. the Information Commissioner's Office) about the outcomes of a complaint or internal review, we may be obliged to share information with the ombudsman as they fulfil their legal duty.

Where is the data stored?

Data relating to consultations, information requests (including those made under the Freedom of information Act) and data subject access requests will be 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 consultations, information requests (including those made under the Freedom of information Act) and data subject access requests, will be retained in accordance with the periods set out in KFRS' Publication and Retention Scheme (<https://www.kent.fire-uk.org/freedom-information-foi>).

Consultation responses will be retained in accordance with the periods set out in section 1.5 of KFRS' Publication and Retention Scheme (<https://www.kent.fire-uk.org/freedom-information-foi>).

General information requests will be retained in accordance with the periods set out in section 1.5 of KFRS' Publication and Retention Scheme (<https://www.kent.fire-uk.org/freedom-information-foi>).

Freedom of Information Act requests will be retained in accordance with the periods set out in section 1.5 of KFRS' Publication and Retention Scheme (<https://www.kent.fire-uk.org/freedom-information-foi>).

Subject access requests will be retained in accordance with the periods set out in section 1.5 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:

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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>