

Privacy notice 13: 'Safe and Well' visits, 'Home Fire Safety Visits' and post-incident visits

Date completed 31/03/2023

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 14: Firesetters team
- Privacy notice 16: Operational incidents
- 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 data about the person(s) being visited. This may include information provided by third parties as well as that provided by the person themselves prior, during or subsequent to the visit. It also includes a record of the visit outcomes, including perceptions of the member of staff completing the visit.

Under [Part 2 paragraph 6\(2\)\(a\) and \(b\) of the Fire and Rescue Services Act 2004](#) we have a legal duty to provide fire prevention advice and promote fire safety. We achieve this through undertaking a programme of Safe and Well Visits, 'Home Fire Safety Visits' and post-incident visits.

A Safe and Well Visit, Home Fire Safety Visit or post-incident visit is a face-to-face visit carried out by a Safe and Well Officer or Firefighter who works for us. During the visit, the

officer will carry out a range of checks around the customer's (data subject's) home, such as testing smoke alarms and making sure existing smoke alarms are located in the best place.

The officer may install new smoke alarms if they feel that there is a need to do so and also provide batteries for any existing smoke alarms. For those customers who have impaired hearing or eyesight, the officer can provide special smoke alarms that flash and vibrate. The officer will also identify any potential fire risks, such as overloaded plug sockets, talk about escape routes, and provide advice about how to enhance safety in the home. A visit usually takes around 45 minutes and the entire service is provided free of charge.

The Safe and Well Visit is more comprehensive and covers a range of safety issues in and around the home, including for example, falls prevention and white goods safety checks. The Home Fire Safety Visit is focussed on a specific range of fire-safety related issues.

A post-incident visit describes a Safe and Well Visit or Home Fire Safety Visit undertaken after a fire, which additionally provides the opportunity to talk about the incident, what happened and how you are, and whether you need any further support from us or other agencies.

In order to discharge these duties effectively, we need to collect and process a certain amount of personal data about those individuals who we engage with. We use this data to:

- Ensure we provide the right service for your specific needs in order to reduce the likelihood and consequences of fires and other accidents in the home.
- Provide tailored support to help you stay well by offering advice, information and onward referrals.
- Record and evaluate our work.
- Derive statistics which inform decisions about how we improve safety and support the development of our staff. These statistics cannot be linked back to the individual.
- Help us to understand more about our customers to ensure that we remove any barriers to accessing our services and ensure that they are made available for all who qualify.

The types of personal data we collect and process

When undertaking Safe and Well Visits or similar services, 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
- 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)
- Relevant characteristics of the person and their home environment, including behavioural information if disclosed

- Health data (medical conditions/physical and cognitive impairments) SCD
- NHS number and Swift I.D. number
- Name and contact details of third parties, such as carers, next of kin, family
- Any specific information you provide to us as part of correspondence related to a Safe and Well Visit.
- 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 planning or undertaking Safe and Well Visits and other similar services, we rely on **compliance with a legal obligation** (UK GDPR Article 6(c)) and **performance of a task carried out in the public interest or in the exercise of official authority** (UK GDPR, Article 6(e)) as the lawful basis for collecting and processing personal data.

Both of these require a separate basis in law. This comes from the following:

- Our compliance with the requirements of [Part 2, Section 6 of the Fire and Rescue Services Act 2004](#), which mandates the need for fire and rescue authorities to actively promote fire safety and fire prevention strategies. This specifies that a fire and rescue authority must make provision for the promotion of fire safety within its area, including publicity and information about how to prevent fires and fire-related deaths and injuries through active strategies targeted at all sections of the population. The provision of a programme of Safe and Well Visits, Home Fire Safety Visits and post-incident visits meets this requirement.
- 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 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.

Although the provision of our Safe and Well Visits and other related services are not contingent on people providing this information.

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)

This data is collected to ensure that Safe and Well Visits, Home Fire Safety Visits and post-incident visits and associated advice can be appropriately adapted to the needs of the customer.

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 **substantial public interest** condition as set out in Article 9(2)(g) of the UK GDPR.

Again, the basis in law for this is our compliance with the requirements set out in [Section 6 of the Fire and Rescue Services Act 2004](#) for fire and rescue authorities to actively promote fire safety and fire prevention strategies; and the Public Sector Equality Duty set out in [Section 149 of the Equality Act 2010](#).

As we are relying on the 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](#).

KFRS is meeting the specific substantial public interest condition **statutory and government purposes** as set out in [paragraph 6, Schedule 1, Part 2 of the DPA 2018](#); specifically paragraph 6(2)(a) '*the exercise of a function conferred on a person by an enactment or rule of law*'.

This '*function conferred...by an enactment or rule of law*' is the requirement under [Part 2 paragraph 6\(2\)\(a\) and \(b\) of the Fire and Rescue Services Act 2004](#) for a fire and rescue authority to give advice on request about how to prevent fires and restrict their spread in buildings and other property.

The other basis for this substantial interest condition is to ensure that we can meet our responsibilities in 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.

In order to focus this advice to those that need it most, we may draw in data from other agencies. The data is shared with us securely.

Sources include:

- Data from the NHS or its outsourced services
- Energy providers about clients at risk from fuel poverty
- Individual referrals from agencies or third parties

We receive requests from other agencies such as local authorities, the NHS, care providers and charitable organisations to provide home safety advice to their clients. In order to provide this essential service, we need to know some detailed information about the individual and their personal circumstances before we visit. The data is shared with us securely.

We also receive requests directly from members of the public to provide home safety advice to them, their family, neighbours or friends. As part of assigning the right advice to meet your

needs, we will ask for some personal and identifiable information about you, and some sensitive personal data, such as existing medical conditions or disabilities.

Appropriate policy document

When processing special category data under the following conditions under Article 9 of the UK GDPR, there is a requirement under the Data Protection Act 2018 to have an **'appropriate policy document'** in place:

(b) Employment, social security and social protection (if authorised by law), Schedule 1, Part 1, Paragraph 5, DPA 2018)

(g) Reasons of substantial public interest (Schedule 1, Part 2, Paragraph 5, DPA 2018)

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 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 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?

Data will be shared internally with officers that provide safe and well visits to your home, and those that arrange appointments on their behalf.

We may refer you to other agencies with your **consent** where we feel this may be of assistance.

We provide statistical returns to the government and public health agencies in Kent and Medway on the number of safe and well visits we have conducted, and the outcomes achieved. However, but this does not include any personally identifiable data.

Once a safe and well visit has been conducted, following a referral to us by another agency, we will provide feedback to the referring agency.

Where is the data stored?

Safe and Well Visits and any details of actions taken is stored within the Authority's document management system, which is hosted on a cloud-based server system. Access to the data is restricted to those that require it for their role.

How long will we hold your data for?

Personal data collected as part of Safe and Well Visits and any similar services will be held for a period of 7 years in accordance with the periods set out in section 2 of our Publication and Retention Scheme (<https://www.kent.fire-uk.org/freedom-information-foi>)

What are my data protection rights?

Sharing data with Kent Police, Kent County Council and Medway Council Social Services' departments, when there is a safeguarding concern, is a legal duty placed upon us, and you cannot remove your consent to us doing so. You may, however, refuse to accept a safe and well visit from us.

If you want to withdraw your consent to us sharing your data with other agencies apart from Kent Police, Kent County Council and Medway Council Social Services' departments, you can do so at any time by emailing dataprotection@kent.fire-uk.org or writing to us at Kent Fire and Rescue Service, Service Headquarters, Straw Mill Hill, Maidstone Kent ME15 6XB.

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>