

Appropriate policy document for privacy notice 14: Firesetters Team

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How Kent Fire and Rescue Service (KFRS) protects special category personal data relating to activity of the Firesetters Team.

1. What is the Firesetters Team?

KFRS has a dedicated team of Firesetter Advisors who work with anyone up to the age of 18 that has an unhealthy interest or fascination with fire. The team work with children and young people and offer them fire safety advice, education and mentoring in order to effect behaviour change and instil a better understanding of the dangers and consequences of using fire in a dangerous way. Our aim is to help children and young people to stop using fire recklessly in order to keep them, their families and others safe.

This service operates on referrals made by schools, social workers, parents, carers or person with parental responsibility and sent directly to the Firesetter Team. The Firesetters team then contacts the parent, carer, or person with parental responsibility to clarify the data and confirm consent.

In order to discharge this duty effectively, we need to collect and process a certain amount of personal data about those individuals who we engage with. Some of this data meets the definition of special category data under Article 9 of the UK GDPR.

As part of its responsibilities 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. Operating a Firesetters Team is one of the ways in which we meet this legal duty.

2. About this appropriate policy document

This is the 'appropriate policy document' that sets out how KFRS will protect special category personal data relating to firesetters activity.

It meets the requirement set out in [Schedule 1, Part 2, Paragraph 5 of the Data Protection Act 2018](#) that an appropriate policy document be in place where the processing of special category personal data is necessary for "*reasons of substantial public interest*" as set out in [Article 9\(2\)\(g\) of the UK GDPR](#).

The specific conditions under which data may be processed for reasons of substantial public interest are set out in [Schedule 1, Part 2, Paragraphs 6 to 28 of the Data Protection Act 2018](#).

3. Lawful basis for processing this data

3.1 Lawful basis under Article 6 of the UK GDPR

When planning or undertaking firesetters activity, 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 team of Firesetter Advisors is one of the ways in which we meet 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 firesetters advisory service is not contingent on people providing this information.

The requirement under [Article 13 of the UK GDPR](#) (information to be provided where personal data are collected from the data subject), is met through the provision of [privacy notice 14: Firesetters Team](#).

3.2 Condition for processing special category data under Article 9 of the UK GDPR

The special category data that is being processed in relation to firesetters activity may include:

- disability
- race/ethnicity
- religion or belief
- health data (medical conditions/physical and cognitive impairments)

Data is collected via an online or paper referral form, comprised of specific questions required to enable us to work with the young person effectively and ensure our activity can be appropriately adapted to the needs of the customer.

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](#).

3.3 Where ‘substantial public interest’ is identified as the condition for processing under Article 9, then the organisation also needs to meet one of 23 specific substantial public interest conditions set out in [Paragraphs 6 to 28, Part 2, Schedule 1 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 provision of a team of Firesetter Advisors is one of the ways in which KFRS meets this requirement.

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.

4. Retention

Personal data collected as part of the work of the Firesetters Team will be held for a period of 7 years after the subject’s 18th birthday 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>)

Where we no longer require the special category data for the purpose for which it was collected, we will delete it, put it beyond use or render it permanently anonymous

Whilst the retention period for this data is set at seven years, a review will be conducted every 12 months by a panel which includes, but is not limited to, the Firesetters Lead, Customer Safety Lead, and the Information Officer.

5. Procedures for securing compliance

Article 5 of the UK's General Data Protection Regulation sets out the data protection principles. These are our procedures for ensuring that we comply with them.

5.1 Principle 1

Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

KFRS will:

- Ensure that personal data is only processed where a lawful basis applies, and where processing is otherwise lawful.
- Only process personal data fairly, and will ensure that data subjects are not misled about the purposes of any processing.
- Ensure that data subjects receive full privacy information so that any processing of personal data is transparent.

5.2 Principle 2

Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

KFRS will:

- Only collect personal data for specified, explicit and legitimate purposes, and we will inform data subjects what those purposes are in a privacy notice.
- Not use personal data for purposes that are incompatible with the purposes for which it was collected. If we do use personal data for a new purpose that is compatible, we will inform the data subject first.

5.3 Principle 3

Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

KFRS will only collect the minimum personal data that we need for the purpose for which it is collected. We will ensure that the data we collect is adequate and relevant.

5.4 Principle 4

Personal data shall be accurate and, where necessary, kept up to date.

KFRS will ensure that personal data is accurate and kept up to date where necessary. We will take particular care to do this where our use of the personal data has a significant impact on individuals.

5.5 Principle 5

Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.

KFRS will only keep personal data in identifiable form as long as is necessary for the purposes for which it is collected, or where we have a legal obligation to do so. Once we no longer need personal data it shall be deleted, but beyond use or rendered permanently anonymous.

5.6 Principle 6

Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

KFRS will ensure that there appropriate organisational and technical measures in place to protect personal data. All data will be held in electronic format on password protected devices provided by KFRS and accessible only to those who have a specified need.

6. Accountability principle

The controller shall be responsible for, and be able to demonstrate compliance with these principles. Data Protection Officer is responsible for ensuring that KFRS is compliant with these principles.

We will:

- Ensure that, where appropriate, records are kept of personal data processing activities, and that these are provided to the Information Commissioner's Office (ICO) on request.
- Carry out a Data Protection Impact Assessment for any high risk personal data processing, and consult the ICO if appropriate.
- Ensure that a Data Protection Officer is appointed to provide independent advice and monitoring of departments' personal data handling, and that this person has access to report to the highest management level within KFRS.

- Have in place internal processes to ensure that personal data is only collected, used or handled in a way that is compliant with data protection law.

7. Data controller's policies as regards retention and erasure of personal data

We will ensure, where special category personal data is processed, that:

- There is a record of that processing, and that record will set out, where possible, the envisaged time limits for erasure of the different categories of data. This is set out in section 4.
- Where we no longer require special category data for the purpose for which it was collected, we will delete it, put it beyond use or render it permanently anonymous.
- Data subjects receive full privacy information about how their data will be handled, and that this will include the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period.

8. Further information

For further information about this appropriate policy document or KFRS's compliance with data protection law, please contact us at:

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