

Privacy notice 02: Employees and volunteers

Date completed 04/04/2023

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 03: Primary employment
- Privacy notice 04: Secondary 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 and sensitive data we will collect when you obtain a role with KFRS as an employee or volunteer, the areas necessary for us to draw up a contract of employment with you, and further data we will collect during the course of your employment with us. It also covers ex-employees in receipt of an occupational pension scheme as a result of their employment with KFRS.

When you obtain a post with KFRS, including as a volunteer, there are a number of legal responsibilities we have to follow under [Sections 5 to 9 of the Fire and Rescue Services Act 2004](#), [Section 1 of the Employment Rights Act 1996 \(Statement of Particulars\)](#), [The Police Act 1997](#), and the [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order](#) for us to be able to prepare and enter and contract of employment with you and act as a responsible employer. This means that as part of the process of seeking employment with KFRS, you will need to share a range of personal data with us. In order to meet these requirements placed upon us, and as part of assessing your suitability for employment with KFRS, it is entirely reasonable that we ask you to provide this data.

Under the [Finance Act 2016](#), we are a relevant authority and able to access funding to support the employment of apprentices. To enter into a contract with us as an apprentice, we must pass personal and identifiable data about you to the Government's selected apprenticeship scheme administrator.

As a public body we have a legal duty to ensure that all members of our payroll are appropriately taxed, in accordance with the relevant rules issued by Her Majesty's Revenue and Customs.

Under the Employers Liability (Compulsory) Insurance Act 1969, Local Government Act 1972, and the Road Traffic Act 1988, we also have a number of legal duties placed on us to ensure our staff and their actions are appropriately covered by insurance arrangements.

As part of your contract of employment you must provide your bank details and national insurance number. We need this personal information to perform our obligations under a contract of employment with you including payment of your salary and any other payments for which you may qualify.

In order to ensure your wellbeing, we will collect at the time of appointment details your preferred emergency contact details. We will also ask you to complete a health questionnaire ahead of commencing employment with us, and this may lead to you undertaking a medical at our request. As a public authority we are processing this information for a legitimate reason (i.e. ensuring your wellbeing) other than performing our tasks as a public authority.

In addition, during the course of your employment you will also be asked to voluntarily disclose to KFRS personal and sensitive details related to the following protected characteristics: disability; gender reassignment; race, religion or belief; sex, and sexual orientation. This is only collected to allow us to meet our responsibilities under the Public Sector Equality Duty as set out in the Equality Act 2010 to remove barriers to entry, increase the diversity of employees and inclusion within KFRS and monitor the composition of our

workforce in comparison to the population we serve. It is not a condition of employment. This is collected with your consent, which can be revoked at any time.

The types of personal data we collect and process

During the course of your employment with KFRS 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
- Contact details for emergency contacts
- Your image (used for your KFRS identity card and, for station-based operational colleagues, internal station employee noticeboards)
- Declarations of interests and any relevant criminal convictions
- Information about your health and wellbeing
- Interview notes
- Testing reports as part of the application process
- Letters of offer and acceptance of a role with us
- Probation reports and information about your performance
- Statements of qualifications gained outside the Authority or from previous employment
- Contact details of third parties provided as referees
- Bank details and national insurance number
- Personal details relevant to the issue of uniform and personal protective equipment (as required by the role)
- Notifications of decision to opt out of the Working Time Directive
- Marital status
- Driving licence check
- Employment records (job titles, work history, your working time for the Authority, training/competency records, professional memberships)
- Salary records
- P11D records
- Proof of right to work in the UK
- Time spent on union duties
- Data related to taxable benefits
- Expenses claims and mileage claims
- Authorisations to amend pay
- Health and safety incidents /accidents
- Attendance record and reasons for absence from work
- Other/ secondary employment records
- Correspondence and reports relating to HR processes e.g. grievance, capability, discipline, whistleblowing
- 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)

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 use personal data. We will rely on the following lawful bases:

- **Consent** as set out in [Article 6\(1\)\(a\) of the UK GDPR](#). This is specifically in relation to any data collected about the following six of the nine protected characteristics: gender reassignment; race; religion or belief; sex; and sexual orientation. This data is collected in order to remove barriers to entry, increase the diversity of employees and inclusion within KFRS, and monitor the composition of our workforce in comparison to the population we serve in order to meet our obligations under the Public Sector Equality Duty as set out in [Section 149 of the Equality Act 2010](#). Employment is not conditional on providing this information.

We will also rely on your consent to refer you to, and to receive information from you, or from your GP, or other health provider, or from our occupational health provider, about any illnesses or injuries or disabilities you have or may have during your employment. However, once this information has been received we do not rely on your consent to retain or process that information, but rather on one or more of the other legal bases set out below.

- **Contract** as set out in [Article 6\(1\)\(b\) of the UK GDPR](#). During your employment we will take a store an image of you (to be updated at reasonable intervals) for use on your employee identity card and for station-based operational colleagues, use on internal employee noticeboards. We do not need your permission to use your image for these purposes. We may collect information about your health and well-being and information relating to your role and performance. In order to retain and process this information we rely upon processing being necessary for the performance of a contract to which you are a party (your contract of employment with us). We will also ask you to complete a health

questionnaire ahead of commencing employment with us, and this may lead to you undertaking a medical at our request.

- **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 obligations under the legal duties set out earlier in this document. We will 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.
- **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.

Both **compliance with a legal obligation** and **performance of a task carried out in the public interest or in the exercise of official authority**, require 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. Recruiting and employing suitable employees as needed allows us to meet this requirement.
- Our compliance with the requirements of [Section 1 of the Employment Rights Act 1996 \(Statement of Particulars\)](#), [The Police Act 1997](#), and the [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order](#)
- Our compliance with legal duty to ensure that all members of our payroll are appropriately taxed, in accordance with the relevant rules issued by Her Majesty's Revenue and Customs.
- Our compliance with the [Finance Act 2016](#).
- 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 entry, increase the diversity of employees and inclusion within KFRS, and monitor the composition of our workforce in comparison to the population we serve. In order to assist us in this, we may seek to gather information about some protected characteristics of our employees.

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
- trade union membership
- religion or belief
- sexual orientation
- health data: medical conditions; physical and cognitive impairments, including those for which we might need to make reasonable adjustments; role-related fitness assessments.

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)

This data is collected to allow KFRS to prepare and enter and contract of employment with its employees and act as a responsible employer. To lawfully process this special category data, KFRS is relying on the following conditions:

- **Explicit consent** condition as set out in [Article 9\(2\)\(a\) of the UK GDPR](#). This is specifically in relation to any data collected about the following six of the nine protected characteristics: gender reassignment; race; religion or belief; sex; and sexual orientation. This is because the data about the protected characteristics listed earlier is only collected in order to remove barriers to entry, increase the diversity of employees and inclusion within KFRS, and monitor the composition of our workforce in comparison to the population we serve in order to meet our obligations under the Public Sector Equality Duty as set out in [Section 149 of the Equality Act 2010](#).

- **Employment, social security and social protection (with a basis in law)** condition as set out in [Article 9\(2\)\(b\) of the UK GDPR](#).
- **Reasons of substantial public interest (with a basis in law)** condition as set out in [Article 9\(2\)\(g\) of the UK GDPR](#).

The requisite basis in law for both the **Employment, social security and social protection** condition and the **Reasons of substantial public interest** condition 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. Recruiting and employing suitable employees as needed allows us to meet this requirement.
- Our compliance with the requirements of [Section 1 of the Employment Rights Act 1996 \(Statement of Particulars\)](#), [The Police Act 1997](#), and the [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order](#)
- Our compliance with legal duty to ensure that all members of our payroll are appropriately taxed, in accordance with the relevant rules issued by Her Majesty's Revenue and Customs.
- Our compliance with the [Pensions Act 2008](#).
- Our compliance with the [Finance Act 2016](#).
- 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 entry, increase the diversity of employees and inclusion within KFRS, and monitor the composition of our workforce in comparison to the population we serve.

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 condition that we rely upon is '[6 Statutory etc and government purposes](#)', specifically paragraph 6(2)(a) '*the exercise of a function conferred on a person by an enactment or rule of law*'.

As above, this '*function conferred...by an enactment or rule of law*' is:

- Our compliance with the requirements set out in the relevant employment, pensions and taxation related legislation.
- Our compliance with the requirements of [the Fire and Rescue Services Act 2004](#).

- The need to ensure that we can meet our responsibilities under the Public Sector Equality Duty as set out in [Section 149 of the Equality Act 2010](#).

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 1, 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 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.

We currently share employees’ data with the following organisations:

- MHR, our payroll and employee portal management system provider.
- Kent County Council and the Local Pensions Partnership. Kent County Council is the pension administrator for corporate colleagues’ pension schemes. The Local Pensions Partnership is the pension administrators for the firefighters’ pension scheme.
- Health Partners, our occupational health provider.
- Driveteck, who undertake driving license validation for us.
- Disclosure Records Bureau checks and security vetting checks via Kent Police
- Data related to the composition of the workforce is shared at an aggregated level with the Government. However, as it is anonymised, this does not constitute personal data.

- We will pass taxation and payments records to HMRC and the National Fraud Agency 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 employees.
- We may need to share 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.
- Data related to employees who are new or have changed roles will be shared as appropriate with relevant departments within KFRS.

Where is the data stored?

Employee-related data is held within employees' HR files, this is 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>

All medical data is stored within the Authority's payroll system and the occupational health portal provided under contract by our occupational health provider, 'Health Partners'. Their privacy notice can be found here:

<https://www.healthpartnersgroup.com/privacy-notice>

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>

Data related to driving licence checks and validation is stored on the system of our provider, Drivetech. Their privacy notice can be found here:

<https://www.drivetech.co.uk/global-business-fleet-solutions/privacy-notice/>

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>