

Privacy notice 08: Learning and development

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 07: Former KFRS employees
- 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 collect and process about you while you are employed by KFRS about your training, learning and development, skills and qualifications to perform your contracted role.

Under [Section 7\(2\) of the Fire and Rescue Services Act 2004](#), we have a legal duty to ensure that employees are effectively trained and competent in their role. When you obtain a role with KFRS as an employee or volunteer, we will provide role-related training, learning and development so that you can do your job effectively and thereby ensure that we have an appropriately trained and skilled workforce. Training, learning and development will continue throughout an employee's career with KFRS, as and when deemed appropriate and necessary.

The types of personal data we collect and process

As part of providing appropriate role-related training, learning and development, during the course of your employment with KFRS we may collect and process the following types of personal data:

- Name
- Date of birth
- Gender
- Role
- Contact details such as addresses, telephone numbers and email addresses
- Learning requirements via a training needs analysis
- Testing reports and outcomes of any learning or training activities
- Records of non-attendance

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:

- **Contract** as set out in [Article 6\(1\)\(b\) of the UK GDPR](#). During your employment we may collect training, learning and development information about you relating to your role and performance. In order to retain and process that 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).
- **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 Fire and Rescue Services Act 2004.
- **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 [Section 7\(2\) of the Fire and Rescue Services Act 2004](#) to ensure that employees are effectively trained and competent in their role. Training our employees and volunteers to ensure that they can carry out their roles effectively and safely allows us to meet this requirement.

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.

However, none of the data listed above would be collected as part of this processing, meaning the additional responsibilities necessitated when processing Article 9 special category data are not applicable to this context.

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 may share employees' and volunteers' data related to training, learning and development with approved learning and development and training providers where required as part of that learning and development function.

Where is the data stored?

Records of training, learning and development is held within Moodle and iTrent.

iTrent 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>

Moodle is hosted on a cloud-based server system provided by our supplier Moodle. Their privacy notice can be found here: <https://moodle.com/privacy-notice/>

Some other older learning and development related information may be held in employees' HR files, these are held in paper copy in secure stage in our headquarters building.

How long will we hold your data for?

Records of training, learning and development collected as part of your role as an employee or volunteer 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>