

Privacy notice 14: Firesetters Team

Date completed 30/03/2023

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 13: Safe and Well Visits, Home Fire Safety Visits, and post-incident visits
- 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 collected as part of our Firesetters Team, which describes the service we offer to young people that demonstrate an interest in fire and are at risk of firesetting.

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.

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. We use this data to:

- Prevent and reduce fire setting behaviour by children and young people up to the age of 18.
- Ensure we provide support tailored to the individual's specific needs in order to increase the effectiveness of our Firesetters programme.
- 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 an 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

The following categories of personal data may be processed through firesetters activity:

- Health data (medical conditions, mental health, physical and or cognitive impairments)
- Date of birth
- Name
- Address
- Gender
- Ethnicity
- Data revealing religious or philosophical beliefs
- Contact details (phone/email)
- Third party details if necessary (next of kin/friend/family/agency)

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 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.

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

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 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.

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?

We will share data with the parent, carer or person with parental responsibility.

We have a responsibility to promote social wellbeing and prevent harm. 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 when appropriate to do so, we will share data with the most appropriate partner.

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

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 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>)

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.

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>