

# Privacy notice 17: Investigations by other agencies

Date completed 11/04/2023

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 18: Memoranda of understanding (MoUs) and data sharing agreements
- 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](mailto: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 prevention, protection, response, consultation, engagement or feedback, activities which, upon receipt of a lawful request, may be shared with the police or other enforcing agencies.

Under [Section 17 of the Crime and Disorder Act 1998](#), we have a legal duty to reduce crime and disorder within our area, working with partners such as the police, or a public agency with enforcement powers. This privacy notice sets out our approach.

On occasions, following incidents we have attended or other activities we have undertaken, the police or other agencies may provide us with the details of cases they are investigating, and request any information we hold about named individuals relevant to their enquiries. The data is shared with us securely and in confidence.

## The types of personal data we collect and process

As part of our prevention, protection, response, consultation, engagement or feedback, activities, 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,

We will provide the police with a full disclosure of all records we hold about an individual, or premises they are known to have visited or lived in. We will provide a relevant disclosure to other enforcing agencies where this is held.

We may also share with our Monitoring Officer information about the legal purposes of performing an investigation into the conduct of Members or Officers.

Furthermore, we may also share images of fire scenes taken by our Fire Investigation team with forensic investigators appointed by insurers. These will be shared in order to assist with their enquiries in determining the origin and cause of any fires they may be investigating. However, any images shared with forensic investigators acting on behalf of an insurer will not include images of identifiable persons, either living or dead

## 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 processing and sharing information with the police or other law enforcement agencies we will collect and use personal data. 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 [Section 17 of the Crime and Disorder Act 1998](#).

In relation to sharing with forensic investigators appointed by insurers our fire investigation reports, incident reports, or the images of fire scenes taken by our Fire Investigation team, these will be shared in order to assist with their enquiries in determining the origin and cause of any fires they may be investigating in relation to the insurance process. However, any images shared with forensic investigators acting on behalf of an insurer will not include images of identifiable persons, either living or dead.

Any data is then shared using the exemption from the UK GDPR granted under [Schedule 2, Part 1, Paragraph 2\(1\) of the Data Protection Act 2018, \(Crime and taxation\)](#).

## 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 on protected characteristics that we might share with other agencies to support their investigations, the following meet the definition of special category data:

- disability
- pregnancy and maternity
- race
- religion or belief
- sexual orientation
- health data (medical conditions/physical and cognitive impairments)

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)

As stated above, we will provide the police with a full disclosure of all records we hold about an individual, or premises they are known to have visited or lived in. We will provide a relevant disclosure to other enforcing agencies where this is held. This may include special category data.

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 17 of the Crime and Disorder Act 1998](#).

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](#).

The substantial public interest conditions that we rely upon are:

- Condition 6. 'Statutory etc and government purposes'. As above, this links to our responsibilities under Section 17 of the Crime and Disorder Act 1998.
- Condition 10. 'Preventing or detecting unlawful acts'.

## Appropriate policy document

When processing special category data under the '(g) Reasons of substantial public interest' condition (Schedule 1, Part 2, Paragraph 5, DPA 2018, respectively), there is a requirement under the Data Protection Act 2018 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 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?

Upon receipt of a lawful request from the police, we will provide the police with a full disclosure of all records we hold about an individual, or premises they are known to have

visited or lived in. We will provide a relevant disclosure to other enforcing agencies where this is held.

## **Where is the data stored?**

Data relating to requests from the police or other enforcing agencies will be stored within KFRS' document management system, which is hosted on a cloud-based server system.

## **How long will we hold your data for?**

Requests made by the police or other enforcing agencies for information we hold, along with our responses, will be held for 7 years in accordance with the periods set out in section 2 of KFRS's Publication and Retention Scheme (<https://www.kent.fire-uk.org/freedom-information-foi>).

Data provided to the police or other enforcement agencies will be subject to their own retention policies.

## **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.

## **How to contact us**

If you wish to make a request, please contact us at:

Email: [data.protection@kent.fire-uk.org](mailto: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>