

Privacy notice 21: Feedback, engagement and consultation with employees

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 20: Consultations, information requests, freedom of information and data subject access requests
- Privacy notice 23: Customer feedback on KFRS' services
- The overall privacy notice
- KFRS Customer Feedback Policy. This can be found here: <https://www.kent.fire-uk.org/report/customer-feedback-policy>
- 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 when we undertake feedback, engagement and or consultation with KFRS employees.

Under the Fire and Rescue National Framework for England, we have a **legal** duty to consult about significant changes to the services we provide. This includes the documented views of employees and their accredited representatives. We also need to be able provide details to our suppliers to contact staff directly.

We may use an on-line survey tool for some staff engagement, via our website and social media platforms, resulting in the creation of personal data.

The types of personal data we collect and process

When seeking feedback from and consultation with KFRS employees, we may collect and process the following types of personal data:

- Name
- Address
- Email address
- Gender
- Role-related information relevant to the nature of the feedback/consultation
- Online identifiers such as IP addresses and cookie identifiers; and other identifiers from which inferences as to your identity could potentially be made, such as voice and video call recordings and details that are unique to you.

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.

We may collect and use personal data to seek feedback on our services or consult employees about certain issues relating to KFRS. We will rely on the following lawful basis:

- **Consent** as set out in [Article 6\(1\)\(a\) of the UK GDPR](#).

We will obtain your consent when collecting personal data directly from you and the use of that data. We will rely on **consent** (UK GDPR Article 6(a)) as the legal basis for these activities. We will ensure that consent is freely given, specific, affirmative (opt-in) and unambiguous, and able to be withdrawn at any time.

There is a 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.

Sometimes we may use existing data held by KFRS. When we do this we may reuse existing personal data for a purpose that differs from the original purpose of the processing of that personal data – for example to contact customers to ask them about the level of service they received when we attended a fire or other emergency. If we do so, we will obtain your **consent** to process this data further and rely on the consent legal basis where practicable.

No personal data will be published.

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 collect, 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)

In relation to any special category data, we rely on the **explicit consent** condition as set out in Article 9(2)(a) of the UK GDPR. We will ensure that consent is freely given, specific, affirmative (opt-in) and unambiguous, and able to be withdrawn at any time where practicable.

Because we rely on the explicit consent condition, we do not need to prepare an appropriate policy document, as this is only necessary when relying on the following Article 9 conditions for processing: (b) Employment, social security and social protection (if authorised by law); or (g) Reasons of substantial public interest (with a basis in law).

Who might we share your data with?

Personal data collected for the purposes of feedback and engagement will not be shared outside of KFRS. Outcomes of feedback will normally be aggregated or fully anonymised before publication.

Where is the data stored?

Data relating to employee feedback or consultation will be stored within KFRS' document management system, which is hosted on a cloud-based server system. Additionally some data may be held securely in third-party systems, for example on-line surveys.

How long will we hold your data for?

Personal data collected for feedback or consultation purposes will be retained for 7 years in accordance with the periods set out in section 1.5 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>