Privacy notice 25: Specialist image capture
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 and processing the data listed below.

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

- 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 images taken by our drones and the Fire Investigation Team both during emergencies and as part of post-incident scene examination.

Under Part 2, Sections 7, 8 and 9 of the Fire and Rescue Services Act 2004, we have a **legal** duty to make provision for, and discharge functions related to, fire-fighting, road traffic accidents and other emergencies.

In order to discharge these duties effectively we use specialist devices to record images and film of incidents we attend. We use this data to:

- To aid locating and rescuing those at risk during an incident
- To aid operational decision making to assist in resolving the incident.
- To understand the origin and cause of fires and other emergencies.
- To support our ability to learn from incidents and thereby continue to improve our response and decision-making.

The use of drones and images taken by our Fire Investigation Team may result in the inadvertent recording of living persons, however, this is unlikely to be identifiable imagery.

The types of personal data we collect and process

When undertaking specialist image capture, we may collect and process the following types of personal data:

- Inadvertent recording of living persons. This is unlikely to be identifiable imagery.
- Images of an identifiable person's property.

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 carrying out specialist image capture, both during emergencies and as part of post-incident scene examination, we will collect and use personal data. We will rely on the following lawful bases:

- **Compliance with a legal obligation** as set out as set out in Article 6(1)(c) of the UK GDPR.

- **Vital interests** as set out as set out in Article 6(1)(d) of the UK GDPR.

- **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 [Part 2 of the Fire and Rescue Services Act 2004](#) for fire and rescue authorities to make provision for , and discharge functions related to, fire-fighting, road traffic accidents and other emergencies. Obtaining the types of specialist images described in this privacy notice, helps us to locate and rescue those at risk, resolve the incidents more effectively, and supports our ability to learn from incidents.

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

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?

At an incident, specialist images may be shared with other agencies for the purposes of preserving life, rendering assistance and aiding in resolving the incident.

Where is the data stored?

All imagery is captured on devices provided by KFRS, from where it may then be transferred to KFRS' 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.

The use of personal devices for such imagery is forbidden and may be investigated under KFRS' code of conduct for employees.

How long will we hold your data for?
Specialist images and footage recorded from incidents, will be retained in accordance with the periods set out in section 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