

Privacy notice 28: Videos and photographs at events, KFRS employees and volunteers

Date completed 29/03/2023

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 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>

- Privacy notice 25: Specialist image capture
- Privacy notice 26: Videos and images at incidents, employees and volunteers
- Privacy notice 27: Videos and images at events, members of the public
- 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 personal data collected from people in the form of images captured on photographs or in videos taken at our safety events. It covers both photography and video featuring employees who have posed for specific activity or images; and photography and video where employees are inadvertently captured on film as part of community safety work.

Under [Part 2, Section 6 of the Fire and Rescue Services Act 2004](#), we have a **legal** duty to promote fire safety. In addition, as part of our responsibilities under Section 7 to 9 we also

promote road safety and other forms of event safety related to the types of emergencies that we attend (e.g. water safety).

One way we meet this duty is by our Engagement Team undertaking communications and public information activity as part of community safety or business safety events, or training events. As part of this our Engagement Team may capture photographs or video footage of these events and the participants. These images and or footage may be used in promotional activity, displays, internal or external publications or online, for example in safety campaigns conducted using our social media channels.

We do not need to obtain your consent to take videos and images where employees and volunteers are not clearly recognisable, as there is a reasonable expectation that by attending, and receiving payment for doing so by KFRS, inadvertent photographs and recording of images of employees and volunteers by the Engagement Team will take place.

We may also request employees and volunteers pose for photographs for a range of promotional work ranging from community safety activity, customer engagement, demonstrating equipment or operational work, or other events or activities. Again, these images may be used in a variety of ways such as promotional activity, displays, internal or external publications or online, for example in safety campaigns conducted using our social media channels. They may also be shared with media outlets to illustrate and publicise our work. If you do not consent to posed photographs you must inform us when requested to participate in the activity and we will be able to exclude you from such photography or video footage.

The types of personal data we collect and process

When filming or photographing during one of our safety events we may obtain images of you which are clearly recognisable or identifiable.

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.

Inadvertent photographs and video recordings in which employees and volunteers are not clearly recognisable

During an event when taking inadvertent photographs and video recordings in which employees are not clearly recognisable, for the purposes of communications, public safety and public information activity, we will rely on the following lawful basis:

- **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.

Performance of a task carried out in the public interest or in the exercise of official authority requires 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](#) for fire and rescue authorities to promote fire safety. Taking and using photographs and video footage from safety events and training is an important part of supporting us to achieve this duty.

However, if employees and volunteers are not recognisable in photographs or video recordings, they do not meet the definition of personal data as set out in Article 4 of the UK GDPR.

Photographs and video recordings in which employees and volunteers will be clearly recognisable

When taking photographs and video recordings during an event, in which employees will be clearly recognisable, where practicable to do so, we will rely on the following lawful basis:

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

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
- religion or belief

All of the categories above will not be explicitly collected, but it may be possible to infer these categories from images and video recordings.

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 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?

Images or video recordings (obtained with consent where people are identifiable) may be posted to our website, our social media platforms or used on the promotional material that we produce. They may also be shared with media outlets to illustrate and publicise our work.

Where is the data stored?

All imagery is captured on devices owned by KFRS, securely transferred to and stored within KFRS' document management system, which is hosted on a cloud-based server system. It is then deleted from the devices. Access to the data is restricted to those that require it for their role.

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

How long will we hold your data for?

Personal data collected from people in the form of images captured on photographs or in videos taken at our safety or training events will be retained in accordance with the periods set out in section 6.1 and 7.9 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>