

Privacy notice 29: Procurement, personal data in purchasing

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 data about those involved in the procurement process. We buy a range of goods and services each year and strive to be open and transparent in how we do this. We also strive to comply with all relevant guidance on how to source goods and services.

In order to do this we will need to collect and process a certain amount of data about employees of potential suppliers and approved suppliers.

In addition, we will also need to collect and process personal data of KFRS employees involved in, or otherwise connected to, the procurement process as part of the declarations of conflicts of interest.

In order to discharge our procurement processes 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:

- Ensure we meet the requirements of the [Public Contract Regulations 2015](#).
- Allow us to procure goods and services in a manner that maximises efficiency and value for money for the taxpayer.

The types of personal data we collect and process

When undertaking procurement processes, we may collect and process the following types of personal data:

- Name
- Job title and role
- Work-related contact details, such as work addresses, telephone number and email address
- Date of birth
- Declarations of interest made

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 procurement processes we will collect and use personal data. We will rely on the following lawful bases:

- **Contract** as set out in [Article 6\(1\)\(b\) of the UK GDPR](#).
- **Compliance with a legal obligation** as set out as set out in [Article 6\(1\)\(c\) 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:

- Under the [Public Contract Regulations 2015](#) KFRS is legally required to prevent conflicts of interest in the procurement process regarding individual staff members. However, the rules are not prescriptive on what the safeguards should be. Declarations signed by staff to confirm they have no outside interests with bidders is common practice amongst many UK contracting authorities. Consequently, it is judged by us to be an appropriate and proportionate means of achieving compliance with these regulations.
- 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 fire safety, fire-fighting and road traffic accidents. The ability to procure such goods and services as may be relevant, is an essential function in meeting these requirements.

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?

Data will be shared internally with KFRS employees who have a legitimate and justifiable need to access or process this data.

Data will not be shared with any other party outside of Kent Fire and Rescue Service. Declarations will be accessible to the Head of Commercial & Procurement, and other project team members.

Where is the data stored?

Declarations and other personal data related to procurement activity is stored within 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.

How long will we hold your data for?

Personal data collected as part of procurement activity (including declarations) will be held in accordance with the periods set out in section 8 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>