

# Privacy notice 32: Email, instant messaging, typed or scanned letters and voice recordings

Date completed 27/03/2023

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 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 02: Employees and volunteers
- Privacy notice 16: Operational incidents
- Privacy notice 20: Consultations, information requests, freedom of information and data subject access requests
- 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 the personal and sensitive data contained within email, instant messaging, typed or scanned letters, and voice recordings.

Under [Part 2, Sections 6 to 9 of the Fire and Rescue Services Act 2004](#), we have a legal duty to provide an emergency response service to fires, road traffic collisions and any other emergency which we can reasonably foresee occurring within Kent and Medway. In order to discharge these duties effectively, we need to be able to communicate and share relevant information. As part of conducting our day-to-day operations, personal data (including sensitive personal data) may be created or contained within and transmitted across these systems (email, instant messaging, typed or scanned letters and voice recordings). This

applies to employees, volunteers, partners, members of the public and anybody else communicating with us from within or outside the organisation.

## The types of personal data we collect and process

This privacy notice covers personal and sensitive data contained within the following electronic communications media:

- Emails
- Instant messages sent on the internal Skype and Teams messaging systems
- Letters scanned or typed
- Emergency 999 calls made to KFRS. Note that any non-999 calls made to KFRS are not recorded.

## 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 using these forms of communications, we rely on **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.

This requires a separate basis in law, which 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 fire safety, fire-fighting and road traffic accidents. The ability to communicate and transmit personal data (including special category personal data) across these systems (email, instant messaging and voice recordings) and then be able to review and use this data, as a means to support effective organisational decision-making, training and organisational learning, is an essential function in meeting these requirements. As part of this we also have the ability

to access any communications held on these systems. This also extends to any capability or disciplinary investigations that we may undertake.

## 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:

- 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;
- data concerning health;
- data concerning a person's sexual orientation

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) Preventative or occupational medicine or 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)

Whilst this data is collected or processed for the purposes of undertaking communications per se, such categories of data may nonetheless be contained within communications (email, instant messaging, scanned or typed letters and 999 call recordings). This data is

collected enable communications and decisions to be made, which are an essential part of our ability to operate as an effective organisation.

To lawfully process this special category data, KFRS is relying on the following conditions:

- **Reasons of substantial public interest** condition as set out in [Article 9\(2\)\(g\) of the UK GDPR](#).

The requisite basis in law for the **reasons of substantial public interest** condition comes from the following:

- Our compliance with the requirements of [Sections 5 to 9 of the Fire and Rescue Services Act 2004](#) to maintain a fire and rescue service. The ability to communicate and transmit personal data (including special category personal data) across these systems (email, instant messaging and voice recordings) as a means to support effective organisational decision-making is an essential function in meeting these requirements.

Because we are relying on the **reasons of 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 further required substantial public interest condition that we rely upon is:

- [6 Statutory etc and government purposes](#), specifically section 2(a), *'the exercise of a function conferred on a person by an enactment or rule of law'*. Again, this links to our responsibilities under Sections 5 to 9 of the Fire and Rescue Services Act 2004 to maintain a fire and rescue service. The ability to communicate and transmit personal data (including special category personal data) across these systems (email, instant messaging and voice recordings) and then be able to review and use this data, as a means to support effective organisational decision-making, training and organisational learning, is an essential function in meeting these requirements. As part of this we also have the ability to access any communications held on these systems. This also extends to any capability or disciplinary investigations that we may undertake.

## Appropriate policy document

When processing special category data under the '(b) Employment, social security and social protection condition; or (g) Reasons of substantial public interest' condition, there is a requirement under the Data Protection Act 2018 ([Schedule 1, Part 1, Paragraph 1\(1\)\(b\) and Schedule 2, Paragraph 5\(1\) respectively](#)) 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 UK 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 UK 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?**

We will share your personal data with third parties where required by law, where it is necessary for us to fulfil our contractual or legal obligations to you as your employer or to exercise our legal rights. We will only share your personal data to the extent needed for these purposes and we will obtain assurance from those third parties of the integrity of their data security arrangements.

It is not anticipated that emails or other communications would be routinely shared outside KFRS, unless you are specifically giving your **consent** to use to do so, by asking us to pass your details on to another agency, or the information is subject to a Freedom of Information request, or data subject access request. In the case of a Freedom of Information request or data subject access request originating from a third party, your personal data would be redacted.

Email addresses of all colleagues below the top tier of management (Corporate Management Board) will never be published on our website. This is to protect colleagues from individuals from cold calls, harassment and potential fraud.

An email, instant message, letter or any other kind of electronic or paper communication is owned by us once it is within our network. When investigating code of conduct and disciplinary matters, these may be shared internally as appropriate.

Copies of 999 call recordings will be shared with the police when required for the purposes of criminal investigation. Requests from other enforcing agencies will need to set out the appropriate lawful basis under the UK GDPR and Data Protection Act 2018 and will be considered on a case-by-case basis.

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

Emails, instant messaging data and copies of letters are 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.

Copies of 999 call recordings are held on an IT system operated by Kent Police.

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

Personal data contained within the forms of communication set out in the privacy notice will be held in accordance with the periods set out in sections 1, 4, 5, 6, 7 and 12 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](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>