

# **Appropriate policy document for privacy notice 17: Investigations by other agencies**

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**How Kent Fire and Rescue Service (KFRS) protects special category personal data relating to investigations by other agencies.**

## **1. Sharing data with shared with the police, other agencies with enforcement powers (e.g. Environment Agency, Health and Safety Executive, local authorities, or HMRC), or other agencies or organisations who have a legitimate interest in the incident or aspects of it for investigations they are undertaking.**

Under [Section 17 of the Crime and Disorder Act 1998](#), we have a **legal** duty to reduce crime and disorder within our area, working with partners such as the police, or a public agency with enforcement powers.

Under [Section 2 of the Policing and Crime Act](#) we have a legal duty to collaborate with the police, other fire and rescue and ambulance services. The lawful and proportionate sharing of information would fall within this.

Under the [Serious Violence Duty](#) we have a duty to collaborate with police, justice agencies, health, education, and local authorities to collaborate and plan together to prevent and reduce serious violence in our areas.

Under [Section 6 of the Fire and Rescue Services Act 2004](#) we have a duty to actively promote fire safety and fire prevention strategies; sharing relevant information supports that duty.

To meet these legal duties, upon receipt of a lawful and proportionate request, we will share information with the police or other agencies with enforcement powers, such as the Environment Agency, Health and Safety Executive, local authorities, or HMRC.

In addition, we may also share data with other agencies or organisations who do not have enforcement powers, but who are involved in an insurance or legal process or have a legitimate interest in the incident or aspects of it. This latter group could include local authorities (for additional reasons other than enforcement), solicitors, insurers, forensic investigators, loss adjustors, product safety advisory groups, managing agents and housing associations. Any such sharing will always be lawful and proportionate.

## 2. About this appropriate policy document

This is the 'appropriate policy document' that sets out how KFRS will protect special category personal data that is shared with the police or with other agencies with enforcement powers, or other agencies and organisations, either as part of our statutory duties or in response to a lawful and proportionate request from those agencies or organisations for investigations they are undertaking.

It meets the requirement set out in [Schedule 1, Part 2, Paragraph 5 of the Data Protection Act 2018](#) that an appropriate policy document be in place where the processing of special category personal data is necessary for '**reasons of substantial public interest**' as set out in [Article 9\(2\)\(g\) of the UK GDPR](#).

The specific conditions under which data may be processed for reasons of substantial public interest are set out in [Schedule 1, Part 2, Paragraphs 6 to 28 of the Data Protection Act 2018](#) (see section 3.3 below).

## 3. Lawful basis for processing this data

### 3.1 Lawful basis under Article 6 of the UK GDPR

KFRS are relying 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](#).

'**Performance of a task carried out in the public interest or in the exercise of official authority**', 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 of these lawful bases require a separate basis in law. The basis in law for this is our compliance with the requirements of the legislation and statutory guidance set out below:

- [Section 17 of the Crime and Disorder Act 1998](#)
- [The Counter Terrorism and Security Act 2015](#)
- [The Policing and Crime Act 2017](#)
- [Serious Violence Duty](#) (Statutory Guidance from the Home Office)
- Our compliance with the requirements of [Section 6 of the Fire and Rescue Services Act 2004](#) for fire and rescue authorities to actively promote fire safety and fire prevention strategies, where relaying this information supports that responsibility.

The requirement under [Article 13 of the UK GDPR](#) (information to be provided where personal data are collected from the data subject), is met through the provision of [privacy notice 17: Investigations by other agencies](#).

### **3.2 Condition for processing special category data under Article 9 of the UK GDPR**

The special category data that may be collected as part of our prevention, protection, response, consultation, engagement or feedback, activities which we may share with other agencies and organisations, either as part of our statutory duties or in response to a lawful and proportionate request from those agencies or organisations for investigations they are undertaking, may include

- disability
- pregnancy and maternity
- race
- religion or belief
- sexual orientation
- health data (injuries, treatment given by KFRS, medical conditions/physical and cognitive impairments)

We will provide the police with a full disclosure of all records we hold about an individual, or premises they are known to have visited or lived in. We will provide a relevant disclosure to other agencies with enforcement powers where this is held. This may include special category data.

To lawfully process this data, KFRS is relying on:

**‘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 substantial public interest condition is our compliance with the requirements of the legislation and statutory guidance is set out below:

- [Section 17 of the Crime and Disorder Act 1998](#)
- [The Counter Terrorism and Security Act 2015](#)
- [The Policing and Crime Act 2017](#)
- [Serious Violence Duty](#) (Statutory Guidance from the Home Office)
- Our compliance with the requirements of [Section 6 of the Fire and Rescue Services Act 2004](#) for fire and rescue authorities to actively promote fire safety and fire prevention strategies, where relaying this information supports that responsibility.

### **3.3. Where ‘substantial public interest’ is identified as the condition for processing under Article 9 of the UK GDPR, then the organisation also needs to meet one of 23 specific substantial public interest conditions set out in Schedule 1, Part 2 of the Data Protection Act 2018**

KFRS is meeting the specific substantial public interest condition ‘**Statutory and government purposes**’ as set out in [paragraph 6, Schedule 1, Part 2 of the DPA 2018](#); specifically paragraph 6(2)(a) ‘*the exercise of a function conferred on a person by an enactment or rule of law*’.

This ‘*function conferred...by an enactment or rule of law*’ is the requirement under [Section 17 of the Crime and Disorder Act 1998](#) to reduce crime and disorder within our area, working with partners such as the police, or a public agency with enforcement powers.

It also the Fire and Rescue Services Act 2004 and the other legislation and statutory guidance set out above compliance with the requirements of [Section 6 of the Fire and Rescue Services Act 2004](#) for fire and rescue authorities to actively promote fire safety and fire prevention strategies, where relaying this information supports that responsibility.

The other substantial public interest condition being relied upon is ‘**Preventing or detecting unlawful acts**’ as set out in [paragraph 10, Schedule 1, Part 2 of the DPA 2018](#).

The other substantial public interest condition being relied upon is ‘**Legal claims**’ as set out in [paragraph 33, Schedule 2, Part 1, Paragraph 5\(3\)\(a\)\(b\)\(c\) of the DPA 2018](#).

## **4. Retention**

Requests made by the police or other enforcing agencies for information we hold, along with our responses, will be held for 7 years in accordance with the periods set out in section 2 of KFRS’ [Publication and Retention Scheme](#).

Where we no longer require the special category data for the purpose for which it was collected, we will delete it, put it beyond use or render it permanently anonymous.

Whilst the retention period for this data is set at seven years, a review will be conducted every 12 months by a panel which includes, but is not limited to, the Data Protection Officer and the Information Officer.

## **5. Procedures for securing compliance with the data protection principles**

[Article 5 of the UK GDPR](#) sets out the data protection principles. Below are our procedures for ensuring that we comply with them.

## **5.1 Principle 1**

Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

KFRS will:

- Ensure that personal data is only processed where a lawful basis applies, and where processing is otherwise lawful.
- Only process personal data fairly, and will ensure that data subjects are not misled about the purposes of any processing.
- Ensure that data subjects receive full privacy information so that any processing of personal data is transparent.

## **5.2 Principle 2**

Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

KFRS will:

- Only collect personal data for specified, explicit and legitimate purposes, and we will inform data subjects what those purposes are in a privacy notice.
- Not use personal data for purposes that are incompatible with the purposes for which it was collected. If we do use personal data for a new purpose that is compatible, we will inform the data subject first.

## **5.3 Principle 3**

Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

KFRS will only collect the minimum personal data that we need for the purpose for which it is collected. We will ensure that the data we collect is adequate and relevant.

## **5.4 Principle 4**

Personal data shall be accurate and, where necessary, kept up to date.

KFRS will ensure that personal data is accurate and kept up to date where necessary. We will take particular care to do this where our use of the personal data has a significant impact on individuals.

## **5.5 Principle 5**

Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.

KFRS will only keep personal data in identifiable form as long as is necessary for the purposes for which it is collected, or where we have a legal obligation to do so. Once we no longer need personal data it shall be deleted, but beyond use or rendered permanently anonymous.

## **5.6 Principle 6**

Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

KFRS will ensure that there appropriate organisational and technical measures in place to protect personal data. All data will be held in electronic format on password protected devices provided by the Authority and accessible only to those who have a specified need.

## **6. Accountability principle**

The controller shall be responsible for, and be able to demonstrate compliance with these principles. The Data Protection Officer is responsible for ensuring that KFRS is compliant with these principles.

We will:

- Ensure that, where appropriate, records are kept of personal data processing activities, and that these are provided to the Information Commissioner's Office (ICO) on request.
- Carry out a Data Protection Impact Assessment for any high risk personal data processing, and consult the ICO if appropriate.
- Ensure that a Data Protection Officer is appointed to provide independent advice and monitoring of departments' personal data handling, and that this person has access to report to the highest management level within KFRS.
- Have in place internal processes to ensure that personal data is only collected, used or handled in a way that is compliant with data protection law.

## **7. Data controller's policies as regards retention and erasure of personal data**

We will ensure, where special category personal data is processed, that:

- There is a record of that processing, and that record will set out, where possible, the envisaged time limits for erasure of the different categories of data. This is set out in section 4 (Retention).
- Where we no longer require special category data for the purpose for which it was collected, we will delete it, put it beyond use or render it permanently anonymous.
- Data subjects receive full privacy information about how their data will be handled, and that this will include the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period.

## **8. Further information**

For further information about this appropriate policy document or KFRS's compliance with data protection law, please contact us at:

Data Protection Officer  
Kent Fire & Rescue Service  
The Godlands  
Straw Mill Hill  
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ME15 6XB

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