

Privacy notice 17: Investigations by other agencies

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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 16: Operational incidents
- Privacy notice 18: Memoranda of understanding (MoUs) and data sharing agreements
- Privacy notice 19: Safeguarding
- The overall privacy notice
- The Data Protection Policy and the Data Breach Policy which sets out the principles we follow when processing data 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 collected as part of our prevention, protection, response (including information about those present at the incident), 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.

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 relevant 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.

KFRS also has lawful responsibilities to ensure we have effective arrangements to safeguard children, young people and adults at risk; the lawful and proportionate sharing of relevant information forms a key part of this. For information about how we share data and information in relation to our safeguarding duties, including the specific lawful basis, please see Privacy notice: 19 Safeguarding.

In addition, we may also share data with other agencies or organisations who have a legitimate interest in the incident or aspects of it for investigations they are undertaking. This latter group could include local authorities (for additional reasons other than enforcement), solicitors, insurers, forensic investigators, loss adjusters, product safety advisory groups, managing agents and housing associations. Any such sharing will always be lawful and proportionate.

The types of personal data we collect and process

As part of our prevention, protection, response, consultation, engagement or feedback, activities, we may collect and process the following types of personal data:

- Name
- Date of birth
- Contact details such as addresses, telephone numbers and email addresses
- Protected characteristics under the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity race, religion or belief, sex, and sexual orientation)
- Relevant characteristics of the person and their home environment, including behavioural information if disclosed
- Health data (medical conditions/physical and cognitive impairments) SCD
- NHS number and Swift I.D. number
- Name and contact details of third parties, such as carers, next of kin, family
- Any specific information you provide to us as part of correspondence related to a Safe and Well Visit.
- Online identifiers such as IP addresses and cookie identifiers; and other identifiers from which inferences as to your identity could potentially be made,

Our lawful reasons for collecting and processing personal data

The 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.

(ea) Recognised legitimate interests: the processing is necessary for the purposes of a recognised legitimate interest. These conditions are set out in Schedule 4, Annex 1 of the Data (Use and Access) Act 2025, which was added to the UK GDPR in 2025.

This additional lawful basis was implemented through Section 70 of the Data (Use and Access) Act 2025.

(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.

Processing and sharing information with the police or other agencies with enforcement powers

When processing and sharing information with the police or other agencies with enforcement powers (such as the Environment Agency, Health and Safety Executive, local authorities, or HMRC) we will collect and use personal data. We rely on **compliance with a legal obligation** (UK GDPR Article 6(1)(c)) and **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.

Both of these 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.

Any data would be shared using the exemption from the UK GDPR granted under [Schedule 2, Part 1, Paragraph 2\(1\) of the Data Protection Act 2018, \(Crime and taxation: general\)](#).

Processing and sharing information with agencies and 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 for investigations they are undertaking.

When sharing information with agencies and 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 for investigations they are undertaking. (e.g. local authorities [for additional reasons other than enforcement powers], solicitors, insurers, forensic investigators, loss adjusters, product safety advisory groups, managing agents and housing associations) we will 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.

The basis in law for this is our compliance with the requirements of the legislation and statutory guidance set out below:

- 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.

Any data would be shared using the exemption from the UK GDPR granted under [Schedule 2, Part 1, Paragraph 5\(3\)\(a\)\(b\)\(c\) of the Data Protection Act 2018 \(Information required to be disclosed by law etc or in connection with legal proceedings\)](#).

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 on protected characteristics that we might share with other agencies to support their investigations, the following meet the definition of special category data:

- disability
- pregnancy and maternity
- race
- religion or belief
- sexual orientation
- health data (medical conditions/physical and cognitive impairments)

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)

As stated above, 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 enforcing agencies where this is held. This may include special category data.

In relation to any special category data, we rely on the **substantial public interest** condition as set out in Article 9(2)(g) of the UK GDPR.

The basis in law for this 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.

As we are relying on the 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 substantial public interest conditions that we rely upon are:

- Condition 6. 'Statutory etc and government purposes'. As above, this links to our responsibilities under Section 17 of the Crime and Disorder Act 1998, the Fire and Rescue Services Act 2004 and the other legislation and statutory guidance set out above.
- Condition 10. 'Preventing or detecting unlawful acts'.
- Condition 33. 'Legal claims'. This links to those set out in Schedule 2, Part 1, Paragraph 5(3)(a)(b)(c) of the Data Protection Act 2018

Appropriate policy document

When processing special category data under the '(g) Reasons of substantial public interest' condition (Schedule 1, Part 2, Paragraph 5, DPA 2018, respectively), there is a requirement under the Data Protection Act 2018 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 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 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 have a responsibility to promote social wellbeing and prevent harm, including safeguarding and to reduce and prevent serious violence. Sharing data with Kent Police, Kent County Council and Medway Council Social Services' departments, when there is a safeguarding, or other violence or crime-related concern, is a legal duty placed upon us and when appropriate to do so, we will share data with the most appropriate partner.

Upon receipt of a lawful request from the police, 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 enforcing agencies where this is held.

Data collected as part of our prevention, protection, response (including information about those present at the incident), consultation, engagement or feedback, activities, which upon receipt of a lawful and proportionate request, may be shared with the police or other agencies with enforcement powers (such as the Environment Agency, Health and Safety Executive, local authorities, or HMRC)

We may also share data with agencies and organisations who have a legitimate interest in the incident or aspects of it for investigations they are undertaking. This latter group could include local authorities (for additional reasons other than enforcement), solicitors, insurers, forensic investigators, loss adjusters, product safety advisory groups, managing agents and housing associations.

In relation to sharing with forensic investigators appointed by insurers our fire investigation reports, other incident information or reports (including information about those present at the incident), or the images of fire scenes taken by our Fire Investigation team, these will be shared in order to assist with their enquiries in determining the origin and cause of any fires they may be investigating in relation to the insurance process.

We may share with our Monitoring Officer information about the legal purposes of performing an investigation into the conduct of Members or Officers.

Where is the data stored?

Data relating to requests from the police or other enforcing agencies will be stored within KFRS' document management system, which is hosted on a cloud-based server system.

How long will we hold your data for?

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's Publication and Retention Scheme (<https://www.kent.fire-uk.org/freedom-information-foi>).

Data provided to the police or other enforcement agencies will be subject to their own retention policies.

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.

How to contact us

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>