

Privacy Notice

Version Control	Changes Made	Author
Version 1 01/04/2023	New Document	Information Governance Team
Version 2 14/06/2023	Added paragraph re. third party data	Information Governance Team
Version 3 20/11/2023	Added paragraph. re data sharing agreement	Information Governance Team

Introduction

By virtue of [The Police, Fire and Crime Commissioner for Cumbria \(Fire and Rescue Authority\) Order 2022](#), from 1 April 2023 the governance of Cumbria Fire and Rescue Service will no longer be the responsibility of Cumbria County Council. A new Cumbria Commissioner Fire and Rescue Authority (CCFRA) will be created and this responsibility will transfer to the Police and Crime Commissioner for Cumbria.

This notice is issued by CCFRA to comply with obligations under Articles 13 and 14 of the UK General Data Protection Regulation (UKGDPR) to provide individuals with the information relating to the processing of their personal data.

Data Ownership

Name	Cumbria Commissioner Fire and Rescue Authority
Address	Cumbria Fire & Rescue Service Headquarters, Carleton Avenue, Penrith CA10 2FA
Registration Number	ZB517990

Making Cumbria a safer place for all



This information is also available via the Information Commissioner's Register of Fee Payers at: <https://ico.org.uk/about-the-ico/what-we-do/register-of-fee-payers/>

Data Protection Officer

The Data Protection Officer for CCFRA is Mark Clement and can be contacted at:

Email: informationgovernance@cumbriafire.gov.uk

Post: Cumbria Fire and Rescue Service, Information Governance Team, Carleton Avenue, Penrith, CA10 2FA

Service Description

This Privacy Notice applies to the functions of Cumbria Fire and Rescue Service that carries out the Fire and Rescue functions under the governance of Cumbria Commissioners Fire and Rescue Authority (FRA). There are four key responsibilities for FRAs that they must ensure they make provision for including:

- extinguishing fires in their area
- protecting life and property in the event of fires in their area
- rescuing and protecting people in the event of a road traffic collision, and
- rescuing and protecting people in the event of other emergencies.

Purpose

Your data is collated for emergency response, community safety and business fire safety to carry out our statutory responsibilities under the different legislative frameworks/provide services/establish good business practices. In addition, we collect your data for the following:

- Service delivery
- Prevention - Community Safety
- Protection - Business Fire Safety
- Detection of crime/fraud
- Service improvement and planning
- Research
- Statistical analysis and reporting
- Safeguarding
- Vital Interests
- Education and Training e.g. Drivers Training

What information / data types do we collect?

Cumbria Fire and Rescue Service is required to process either your personal, special category/sensitive or criminal/law enforcement data to meet legal obligations and make robust

recommendations and decisions.

The **Personal Data** requirements are:

- Name
- Address
- Contact details: Telephone number, e-mail address

The **Demographic/Equality Data** requirements are:

Equality Monitoring is the collection of data to measure **performance and improvement** in relation to **equality & diversity** or to make **reasonable adjustment** for staff and service users.

Equality data include your protected characteristics such as your gender, your ethnicity, and your religion or belief, if any. For each characteristic we'll provide a list of categories and would like you to select the one with which you identify.

The **Special Category Data** requirements are:

- health/medical details

The **Criminal/Law Enforcement Data** requirements are:

- Biometric (CCTV and photographic images)
- Criminal history
- Premises access codes (residential/business)

Legal Basis for Processing Data

Where CCFRA identifies the requirement to process personal, special category/sensitive or criminal/law enforcement data, depending on the specific data being shared, it must have at least one of the following:

- for personal data, a legal basis under **UKGDPR Article 6**,
- for special category/sensitive data, a condition under **UKGDPR Article 9**
- for criminal/law enforcement data, a purpose under **UKGDPR Schedule 8**

The following **legal bases** apply to the processing of your personal data:

- **UKGDPR Article 6(1) (c) Legal Obligation**
- **UKGDPR Article 6(1) (d) Vital Interests**
- **UKGDPR Article 6(1) (e) Public Task/Public Interest/Official Authority**

The following **conditions** apply to the processing of your special category/sensitive data:

- **UKGDPR Article 9(2) (b) Employment/social security and social protection**
- **UKGDPR Article 9(2) (c) Vital interests (where the data subject is physically or legally incapable of giving consent)**

The following **purposes** apply to the processing of your criminal/law enforcement data:

- **UKGDPR Schedule 8(3) Protecting Individual's Vital Interests**
- **UKGDPR Schedule 8(4) Safeguarding Children and Individuals at Risk**

Relevant Legislation

- The Police, Fire and Crime Commissioner for Cumbria (Fire and Rescue Authority) Order 2022
- Fire and Rescue Services Act 2004
- Civil Contingencies Act 2004
- Regulatory Reform (Fire Safety) Order 2005
- Fire and Rescue Service (Emergencies) (England) Order 2007
- Police and Crime Act 2017
- Fire and Rescue National Framework for England (2018)
- Crime and Disorder Act 1998
- Health and Safety at Work Act 1974
- Criminal Justice act 2003,
- Police and Criminal Evidence act 1984
- Health and Care Act 2022
- The Environment Act 2022
- Mental Capacity Act 2005
- Mental Health Act 1983, 2007
- Local Safeguarding Children & Adults Boards Regulations 2006 (SI 2006/90)
- Equality Act 2010
- Anti-Social Behaviour, Crime and Policing Act 2014
- Counter-Terrorism and Security Act 2015 (and subsequent amendments in 2019)
- Serious Crime Act 2015
- Modern Slavery Act 2015
- Children and Social Work Act 2017
- Domestic Abuse Act 2021
- Criminal Damage Act 1971
- Local Government Act 2000

The primary legislative provisions which determine the functions of the Service include:

- Promoting fire safety.
- Extinguishing fires and protecting life and property.
- Rescuing people from road traffic collisions (and a large range of other risks determined through the Emergencies Order).
- Responding to other types of emergencies.

- Entering into reinforcement schemes with other fire authorities for mutual assistance.
- Assessing the risk of emergencies occurring and use this to inform contingency planning; and in this regard to:
 - Put in place emergency plans.
 - Put in place business continuity management arrangements.
 - Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency.
 - Share information with other local responders to enhance coordination; and
 - Cooperate with other local responders to enhance coordination and efficiency.
- Cooperate with other local responders to reduce crime, disorder and re-offending (including anti-social and other behaviour adversely affecting the local environment).

Consent

To process your data, we will explain to you what we are asking you to agree to and why. If we have consent to use your personal data, you may have the right to remove it at any time. If you want to remove your consent, please contact us at the following email address informationgovernance@cumbriafire.gov.uk and we will deal with your request.

Please note: we may not be able to remove your data due to the requirements of other relevant regulations.

Who do we share your data with

- All Civil Contingency Act 2004 category 1 responders
- Other local authority departments for example Adult Social Care and Children's Social Care
- Unitary Authorities, Districts and Boroughs
- Judicial Agencies like courts and the Police
- Multi-Agency Safeguarding Board
- NHS
- Central Government like the Home Office
- National Crime Agency

From time to time, we will share your personal data with third parties, including our contractors, advisors, government bodies, and dispute resolution and law enforcement agencies. We do this in order to comply with our obligations under law, and to help us provide services and carry out our duties, rights and discretions in relation to the Firefighters' Pension Scheme(s).

Occasionally, we may request/provide some of your data from/to a previous pension administrator for the purposes of enabling us to understand your pension rights from the scheme.

As set out on the [Firefighters' members website](#), from October 2023, a second options exercise will take place to allow eligible retained firefighters to buy pension service as a special member of the Firefighters' Pension Scheme 2006 (FPS 2006).

A retained firefighter transferring from one Fire and Rescue Authority (FRA) to another without a break in service will be treated as having continuous service with the second FRA.

If you are a retained firefighter that has expressed an interest in the second option exercise, and you have provided service for more than one FRA, we (i.e. the first FRA) will need to share information about you with that other FRA so they can identify you, including your name, national insurance number and date of birth. This is your personal data under data protection laws. The second FRA would then return that same data back to us along with your relevant service term (s) and pay information. We both need to exchange this information in order to determine your entitlement to the FPS 2006 and this means that sharing the data is justified under data protection laws because (it's necessary for compliance with legal obligations).

If you have any queries about the information that is shared about you as part of your expression of interest in the second option exercise, please contact us.

For information about your data protection law rights and how to exercise them in relation to this data sharing by us, as well as other legal text needed – please see the main section of our privacy notice. This section above is strictly only about the data shared and what lawful reasons justify that.

Automated Decision-Making/Profiling

We do not use automated decision making. Automated individual decision-making is a decision made by automated means without any human involvement. Automated individual decision-making does not have to involve profiling, although in some cases it might.

A definition of Profiling can be found in: [UK GDPR - Article 4\(4\)](#) and further information can be found at: [ICO - Automated Decision Making and Profiling](#)

Data Transfer - Personal data being sent or processed outside of the UK and EU

We do not send or process data outside of the UK and EU.

Redaction

We operate a policy where we routinely redact the following details before making forms and documents available online:

- contact details e.g. telephone numbers, email addresses
- signatures
- personal or special category data

- information agreed to be confidential or commercially sensitive.

Occasionally it may be considered necessary, justified and lawful to disclose data that appears in the list above. In these circumstances the council will make all reasonable efforts to contact you if this processing is going to have an impact on your rights or privacy.

Data Security and Retention

Data will be retained under the Cumbria Fire and Rescue Service-specific [data retention schedule](#).

The data, collected from or supplied by you, will be kept on a secure system and can only be accessed by authorised employees.

Cumbria Fire and Rescue Service will only store your information for as long as is legally required in accordance with the CFRS's Retention and Disposal Schedule or in situations where there is no legal retention period established, best practice will be followed. To help you understand the Schedule the CFRS Records hosting device provider Cumberland Council has published a [Retention Schedule - Quick User Guide \(PDF 787KB\)](#). If you have any questions about the CFRS Schedule please contact us via email informationgovernance@cumbriafire.gov.uk or the Quick User Guide, please contact: recordcentre@cumberland.gov.uk

If you experience any problems in relation to your personal data or you see something that doesn't look right, get in touch to report it.

Your Rights - Data Subject Access

The UKGDPR provides you with the right to access information the CCFRA, as a public authority holds about you. Upon receipt of a valid request they will:

- provide you with a response within one month
- let you know if your request is subject to an extension
- make reasonable efforts to comply with the format of your request
- inform you if your request is going to be refused or a charge is payable.

You can make a Data Subject Access Request (DSAR) by contacting:

Email: informationgovernance@cumbriafire.gov.uk
 Post: Cumbria Fire and Rescue Service, Information Governance Team
 Carleton Avenue, Penrith, CA10 2FA
 E-mail: informationgovernance@cumbriafire.gov.uk
 Online: www.cumbriafire.gov.uk

Your Rights - Other

In addition to your right of access the UKGDPR also gives you the following rights:

- the right to be informed via the Fire Service's Privacy Notice
- the right to withdraw your consent. If we are relying on your consent to process your data, then you can remove this at any point
- the right of rectification, we must correct inaccurate or incomplete data within one month
- the right to erasure. You have the right to have your personal data erased and to prevent processing unless we have a legal obligation to process your personal information
- the right to restrict processing. You have the right to suppress processing. We can retain just enough information about you to ensure that the restriction is respected in future
- the right to data portability. We can provide you with your personal data in a structured, commonly used, machine readable form when asked
- the right to object. You can object to your personal data being used for profiling, direct marketing or research purposes
- you have rights in relation to automated decision making and profiling, to reduce the risk that a potentially damaging decision is taken without human intervention.

Where our processing of your personal data is based on your consent, you have the right to withdraw your consent at any time. If you do decide to withdraw your consent, we will stop processing your personal data for that purpose, unless there is another lawful basis we can rely on – in which case, we will let you know. Your withdrawal of your consent won't impact any of our processing up to that point.

Where our processing of your personal data is necessary for our legitimate interests, you can object to this processing at any time. If you do this, we will need to show either a compelling reason why our processing should continue, which overrides your interests, rights and freedoms or that the processing is necessary for us to establish, exercise or defend a legal claim.

Unless otherwise stated above you can exercise any of these rights by contacting:

Email: informationgovernance@cumbriafire.gov.uk

Post: Cumbria Fire and Rescue Service, Information Governance Team
Carleton Avenue, Penrith, CA10 2FA

Online: www.cumbriafire.gov.uk

Verifying Your Identity

When exercising the rights mentioned above please be aware that under UKGDPR Article 12(6) additional information can be requested to verify that you are the data subject if your identity is unconfirmed. Please note that:

- additional documentation is only required when Cumbria Fire and Rescue service cannot verify your identity using our internal systems that relate to the service you are requesting information about
- the Service will contact you for this documentation prior to processing your request
- the statutory deadline for responding to your request will start when you have provided the additional documentation
- failure to provide additional documentation may lead to your request being rejected.

Complaints

If you have any concerns about the information contained in this Privacy Notice please contact: informationgovernance@cumbriafire.gov.uk

If you have concerns about the way Cumbria Fire and Rescue Service has processed your data, please contact the Data Protection Officer via:

Email: informationgovernance@cumbriafire.gov.uk
 Post: Cumbria Fire and Rescue Service, Information Governance Team
 Carleton Avenue, Penrith, CA10 2FA
 Online: www.cumbriafire.gov.uk

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law you can complain to the Information Commissioner’s Office (ICO): <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>

Reviews and Updates

In accordance with UK GDPR Article 13(3) where either, the extent of the data being collected or the purpose for collecting it changes this notice should be updated and republished, to ensure that data subjects are properly informed.

Document Approval
 This document requires approval:

Version	Approval Date
1.0	13/04/2023
2.0	14/06/2023
3.0	20/11/2023

This Privacy Notice will be reviewed by the Head of Corporate Service in consultation with Fire Strategy Reform Manager and data Protection Officer when required from the date of formal approval by the Authorised Signatory (below).

Authorised Signatory

Officer Name	Position	Version	Signature	Date
Mark Clement	Head of Assurance and Performance	1.0	Mark Clement	13/04/2023
Mark Clement	Head of Assurance and Performance	3.0	Mark Clement	20/11/2023