

Fair Processing and Privacy Notice

Processing of Personal Information by Fire Control

This Fair Processing and Privacy Notice relates to Leicestershire Fire and Rescue Service Control Room that operates 24 hours every day and is designed to help you understand how and why your information is processed during an emergency call and also during the fire service responding to an incident. It also covers information obtained during non-emergency calls received and made from the Control Room and radio messages that contain personal data.

999 Calls and emergency incidents

Are calls recorded and do you have the callers' telephone number?

All calls that are made in and out of our Control Room are recorded, including 999 calls. They are recorded so that they can be played back if we need to check information recorded in order to carry out tasks required to locate and attend emergency and non-emergency incidents.

When you call 999 it is vital that your number is recorded by Fire Control, so that we can contact you again if we need further information from you during the incident or later for the purposes of fire investigation. We may also contact you later after the call has ended to ask you how we did and to identify how we may improve our call handling training and procedures.

Even if you have barred the 'calling line identity' facility, your telephone number will be displayed to the telephone exchange operator. This is a safety feature to enable us to ascertain an approximate location of the emergency. No warning is given that the calls are recorded at the time of making the call as this would obviously cause delay in an emergency situation.

Why do we need to process your information?

Under the Fire and Rescue Services Act 2004, Leicestershire Fire and Rescue Service have a statutory duty to extinguish fires and protect life and property in the event of fire and road traffic collisions. We also have a responsibility, where necessary, to attend emergencies other than fires and road traffic collisions such as environmental.

It is a legal obligation for us to make arrangements for dealing with emergency calls for help and summoning personnel. In order to make arrangements to respond to an incident we are required to obtain certain information. If we did not collect and use this information, we would not be able to effectively provide an emergency response.

We also have powers to investigate causes of fires, and any information gathered during the emergency call could be used during such investigations.

What types of information do we need to collect?

The personal information we are likely to collect during a 999 call or at an incident include;

- Caller's telephone number and name where required
- The address of the incident, which may be the address of your property
- Injured parties' names, injuries, details of any medical support given, age and gender
- Other third parties' names and contact details

We may need to collect and use sensitive information, such as

- Health details
- Vulnerabilities such as disability

We may collect health or medical information to support the ambulance service in providing care to you, in order to protect your vital interests.

Following an incident, we may send an 'After the Incident Feedback Card' to the premises and ask that it is completed and returned so that we can monitor the service that's been provided. The information provided will only be used to ensure that we are providing a good level of service to our diverse communities. If you express dissatisfaction with the Service we will use the incident number to review our records of what happened and identify if we can make any improvements in the future. All published reports using the information will be anonymous - names are not included.

How will my information be used?

The 999 call is directed to Leicestershire Fire and Rescue Service Control Room, and the caller is asked numerous questions regarding the incident. During busy periods the call may be taken by a joint control room that services Nottinghamshire Fire and Rescue Service and Derbyshire Fire and Rescue Service. Formal agreements are in place with our neighbouring fire services to ensure your privacy is protected should they have a need to process it.

We collect information such as the address where the emergency is, what is on fire, or what other emergency you have, to enable us to decide what our response will be, for example, how many fire engines we will send and what type they are.

We may then gather other valuable information from the caller which will be passed on to the operational crew while they are travelling to the incident. This information may include things such as do you know if anybody is trapped and there whereabouts? Whether there are hazards such as an oil tank or gas cylinders near the fire or incident? How many vehicles are involved in the collision?

We may need to know a caller's name and address. This can be used as a guide to where the incident has been seen from and to enable the crew to locate the original

caller if there are any difficulties locating the incident. We would also ask a caller's name if they were the one trapped by fire or involved in another incident.

Sometimes in the event you are trapped inside a building or a vehicle and are in contact with us by telephone we may obtain your name and those with you in order to give survival guidance information to you to help keep you safe until our resources arrive on scene.

During the incident we record all the information we gather in our Command and Control system electronic logs. After the incident certain information is entered into our Incident Recording System (IRS), this may include your personal information.

Who do we share your information with?

There may be occasions where the information we have gathered during an incident, including our response, is disclosed to other agencies. For example, the Police may be investigating the cause of an incident and they require certain information for the prevention and detection of crime or apprehension of an offender, this could include the details of the caller or a copy of the audio call itself.

The Health and Safety Executive may be investigating an incident and require the information. In the unfortunate circumstances of a fatality, the Coroner will request that we disclose certain information for them to take into consideration during a Coroner's Inquest. We will not rely on your consent to disclose this information, as we will have another legal basis we apply such as compliance with certain legislation.

Sometimes the audio call recordings are shared with the Police for the detection of crime and apprehension and prosecution of offenders; and used as evidence in court cases. We may also share information safely and securely for research purposes that result in enhanced training for our staff leading to improvements to our performance.

The information we gather is used to report to the Home Office, manage our performance, inform our Integrated Risk Management Plan which is a requirement of the National Firefighter Framework and report to Government and auditors. When we share information for these purposes we will not include your personal information as our reports are anonymised.

You have rights of access to your information as a Data Subject and all requests for information will be treated in accordance with our Subject Access Request (SAR) procedures – see contact details later.

Why do we need to record non-emergency administrative telephone calls?

- The call could be upgraded to an emergency call and therefore there may be a need to review information given again after the caller has cleared

- Audit purposes – e.g. vehicles availability, staff sickness reporting, reports of injuries of our staff whilst on duty, crewing of fire appliance information (staffing)
- Fault reporting and resolution
- For the protection of our staff who make operational decisions that may be subject to post event challenge in order that future learning and policy is reviewed when required
- Outgoing calls to our emergency and non-emergency partners for future audit
- Complaints and concerns – to enable information to be available for investigation purposes
- Privacy by design does not allow selective recording therefore all calls are recorded regardless of purpose and content

Why do we need to record radio messages?

Radio messages are a vital communication method between Fire Control and operational crews at incidents and when mobile carrying out other duties. All radio messages from operational crews at incidents made into Fire Control and responses made out of our Control Room are recorded. They are recorded so that they can be played back if we need to check information in order to carry out tasks required by us to manage an incident.

They are also used for post incident audit, that is debriefs to assess our performance and to determine where we can do things better.

Who will have access to the information we collect during an incident?

All information gathered during the incident is stored on the Fire Control mobilising system(s), with access restricted to those who need it to perform their role, including the Fire Control Room staff in Leicestershire Fire and Rescue Service, Derbyshire Fire and Rescue Service and Nottinghamshire Fire and Rescue Service.

There may be occasions where it is identified that a multi-agency response is required, and relevant details about the incident may be disclosed to other parties to enable their emergency response.

We sometimes receive requests for copies of the incident reports and fire investigation reports, and these are disclosed to members of the public or to solicitors, insurance companies and loss adjusters who are acting on behalf of the owner/occupier of an affected property or vehicle. We are permitted to make a charge for disclosing such information and any personal information they contain will always be considered for disclosure and often removed or redacted. Information can also be provided to someone acting on behalf of an individual who has been recorded on the incident record as being injured as a result of the incident. Necessary identification will be requested to ensure information is not disclosed

inappropriately and personal data removed if the person requesting the information is not lawfully entitled to receive it.

To support community safety messages we may also use general incident information without names and identifying details (so it is depersonalised).

Our lawful basis for processing your personal data

We have due regard to:

- UK General Data Protection Regulations (UK GDPR)
- Data Protection Act 2018
- Fire and Rescue Services Act 2004
- Regulatory Reform (Fire Safety Order) 2005
- Human Rights Act 1998
- Regulation of Investigatory Powers Act 2000
- Freedom of Information Act 2000
- Protection of Freedoms Act 2012

Note: The above list is not exhaustive as many other pieces of legislation apply to our work. Our personal data processing will be proportionate, legitimate and necessary to the situation.

The lawful basis for processing are set out in Article 6 of the UK GDPR. At least one of these must apply whenever we are processing your personal data. For our use of your personal data in our Control Rooms we apply:

Public task: the processing is necessary for us to perform a task in the public interest or for our official functions as a Fire and Rescue Service, and the task or function has a clear basis in law. Some of the tasks performed by the Service are published in the Fire and Rescue Services Act 2004.

Legitimate Interest: Processing is necessary for the purposes of the legitimate interests pursued by the controller. We use this when sharing information for research purposes and apply additional safeguards to protect your privacy.

Whilst we will try to avoid it where we can, we may also process sensitive personal data captured on our recording systems, for example this may relate to a person's race, disability or health. The lawful basis for processing are set out in Article 9 of the UK GDPR. In addition to the above, at least one of these must apply whenever we are processing your sensitive personal data. For our use of your special category (sensitive) personal data in our Control Rooms we apply:

Substantial public interest: Processing is necessary for reasons of substantial public interest - Specifically when carrying out our Statutory purposes.

Research purposes: Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) of the UK GDPR.

How long will you keep my information for?

How long we retain the information depends on the purpose it was collected for. We keep:

- All call recordings for the current year plus five years.
- Data on the Command and Control system incident logs for the current year plus ten years.
- All radio recordings for the current year plus five years.
- Information on the Incident Recording System is held for 70 years allowing the Home Office analysts to perform useful longer-term trend analysis into the drivers of change.

Who can I contact about my personal information?

You can contact our Data Protection Officer with regard to any issues related to the processing of your personal information, including exercising your rights of access or when making a complaint.

We encourage people to bring to our attention any instances where they think our collection, or use of, information is unfair, misleading or inappropriate.

If you would like to discuss how your personal data is being handled and anything in this Fair Processing and Privacy notice, please contact:

Information Governance Manager (DPO)
Leicestershire Fire and Rescue Service,
12, Geoff Monk Way,
Birstall,
Leicester,
LE4 3BU

Telephone: 0116 210 5555

Email: dpo@leics-fire.gov.uk

Who can I contact if I want to make a complaint?

If you are not satisfied with how the Service is processing your personal data then we encourage informal resolution by speaking to our Data Protection Officer. If this not possible and you are still dissatisfied, then you may apply for an independent internal review by our Senior Information Risk Owner (SIRO). To do this email: info@leics-fire.gov.uk

Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you have concerns about the use of your personal data, the Information Commissioners Office is an independent body set up to uphold information rights in

the UK. They can be contacted through their website: www.ico.org.uk or their helpline on 0303 123 1113, or in writing to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

For more information about your rights:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

To complain to the Information Commissioner's Office:

<https://ico.org.uk/concerns/>

Review

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