

Lancashire Fire and Rescue Service Privacy Notice

Human Resources – Employee Data

General Data Protection Regulation (GDPR) Privacy Notice for employees, former employees, volunteers and secondees.

What is the purpose of this document?

Lancashire Fire and Rescue Service (LFRS) is committed to protecting the privacy and security of your personal / sensitive information.

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the UK Data Protection legislation.

It applies to all employees, former employees, volunteers and secondees. Not all aspects of this privacy notice apply to all categories; personal data will be processed in accordance with the circumstances relevant to each category of person. For the remainder of this privacy notice the term “employee” and “employment” will be used to refer to all of these categories.

LFRS is the data controller for the information held about you relating to your employment with the Service. If you have any queries about the process or how we handle your information please contact us at Human Resources, Lancashire Fire and Rescue Service, Headquarters, Garstang Road, Fulwood, Preston, PR2 3LH.

This notice does not form any contract of employment or other contract to provide services. We may update this notice at any time.

How is your personal information collected?

We collect personal information about employees, through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers or other background check agencies such as EDBS or Home Office in terms of Senior Officers for security vetting by secure email. We will collect additional personal information during job-related activities throughout the period of your employment/relationship with us.

The kind of information we hold about you.

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are “special categories” of more sensitive personal data which require a higher level of protection.

We will collect, store and use personal information that you supply to us. We will also process information about you that has been supplied by others or created by LFRS during your employment.

The information we receive from others or create during your employment includes:

- Tax status information.
- Salary deduction information.
- Employment records (including job titles, working history, working hours, training records, professional memberships).
- Legal claims and compensation history.
- Performance information, to plan career development, and for succession planning and workforce management purposes.
- Absence records to ensure employees are receiving the pay or other benefits to which they are entitled.
- Leave records, including maternity, paternity, adoption, carer's, parental and shared parental leave, to allow effective workforce management, and to ensure that the organisation complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay and other benefits to which they are entitled.
- Disciplinary and grievance information.
- Photographs.

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Trade union membership, where deductions from pay are made by LFRS.
- Information about your health, including any medical conditions, health and sickness records.
- Information about criminal convictions and offences where required for certain pre-employment or discipline matters.

What will we do with the information you provide us?

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- Where we need to perform the contract we have entered into with you.
- Where we need to comply with a legal obligation.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Provide references on request for current or former employees.
- Respond to and defend against legal claims.
- Maintain and promote equality in the workplace.

We may also use your personal information in the following situations:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest (or for official purposes).

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations. LFRS processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring. Data that LFRS uses for these purposes is anonymised. Employees are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

Situations in which we will use your personal information.

We use this information primarily to allow us to perform our contract or in the case of volunteers, our agreement with you and to enable us to comply with legal obligations.

In some cases, we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests:

- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing the benefits to you as are outlined in your contract of employment.
- Liaising with your pension provider.
- Administering the contract, we have entered into with you.
- Conducting appraisals and managing performance.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Gathering evidence for possible grievance or disciplinary hearings.
- Making decisions about your continued employment or engagement.

- Making arrangements for the termination of our working relationship.
- Education, training, and development requirements.
- Dealing with legal disputes involving you, or other employees, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- Equal opportunities monitoring. Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

If you fail to provide personal information.

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our employees).

Lawful basis for processing

The information collected by Human Resource Department is classed as Special Categories of Data as it is more sensitive than other forms of personal data. In order to process Special Categories of Data we must have a lawful basis under Article 6 and a separate condition under Article 9 of the GDPR.

General Data Protection Regulation

The condition for processing under the GDPR will be:

- Article 6(1)(b) of the GDPR, the processing is necessary for the performance of a contract to which the data subject is a party; or, in order to take steps at the request of the data subject with a view to entering into a contract.
- Article 6(1)(c) of the GDPR, the processing is necessary for the compliance with any legal obligation to which the controller is subject.
- Article 6(1)(e) of the GDPR, the processing is necessary for you to perform a task in the public interest of for your official functions, and the task or function has a clear basis in law.
- Article 6 (1) (f) of the GDPR, 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.

- Article 9 (2) (b) of the GDPR, the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment or social security or social protection law.
- And Schedule 1 part 1(1) and (2)(a) and (b) of the DPA2018 which relates to processing for employment, the assessment of your working capacity and preventative or occupational medicine.
- Article 9 (2) (f) of the GDPR, processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.
- Article 9 (2) (g) of the GDPR, processing is necessary for reasons of substantial public interest, on the basis law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.
- And Schedule 1 part 2(6) statutory and government purposes, (8) equality of opportunity or treatment, (9) racial and ethnic diversity at senior levels, (10) preventing or detecting unlawful acts, (12) regulatory requirements, (14) preventing fraud, (18) safeguarding or economic well-being of certain individuals, and (21) occupational pensions.

Automated decision making, including profiling.

When Lancashire Fire and Rescue Service process your information, we will not process your data to make a decision by wholly automated means.

Change of purpose.

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so. Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

Disclosure of personal information

In many circumstances we will not disclose personal data without consent. However when we investigate a complaint, for example, we will need to share personal information with the organisation concerned and with other relevant bodies.

In addition LFRS participates in the National Fraud Initiative. We are required to provide payroll data to the Cabinet Office to enable a data matching exercise to be conducted by the Cabinet office to support fraud prevention controls. The National Fraud Initiative is conducted using the data matching powers bestowed on the Minister for the Cabinet Office by Part 6 of the Local Audit and Accountability Act 2014 (LAAA).

Under S 109 of the Social Security Administration Act 1992, we have a legal obligation to respond to requests for information from the Department of Social Security in relation to payroll and employment history, to enable the Department to correctly administer benefits.

Under Working Together to Safeguard Children 2015, we will share information about our employees with the relevant Local Authority Designated Officer where there is a safeguarding concern relating to a child or a vulnerable adult.

We are required to share personal data with the Police in the prevention or detection of crime, the apprehension or prosecution of offenders or the assessment or collection of tax or duty.

Manchester FRS

As an employee of LFRS, relevant details about you are provided to Manchester FRS who provide payroll services to LFRS. This will include your name, bank details, pension details, absence details due to maternity, sickness, address, date of birth, National Insurance Number and salary.

Local Pensions Partnership Administration

Likewise, your details are provided to the Local Pensions Partnership Administration who are the administrators of the Local Government and the Fire Service Pension Schemes, of which LFRS is a member organisation. The details provided to LPPA will be your name, date of birth, National Insurance number, pension membership, opt-out details, unpaid leave dates and salary. Your bank details will not be passed to LPPA at this time.

How long will you keep hold of my information?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, we will retain and securely destroy your personal information in accordance with applicable laws, regulations and our retention schedules.

Your Rights

In certain circumstances the Data Protection Act 2018 will provide you with various rights regarding your personal information, such as the right to;

- Request sight of the information that we are holding on you
- Request the rectification of any inaccurate personal data
- Request erasure of personal data
- Request restriction of processing
- Object to the processing of your data
- Data portability
- Lodge a complaint with the Information Commissioner's Office
- Request to withdraw consent where the processing is based on consent

To find out more about your rights [click here](#).

If you have any concerns or would like to discuss how we use your information, please contact:

Information Governance
Lancashire Fire and Rescue Service
Fire Service HQ
Garstang Road
Fulwood
Preston
PR2 3LH

Email: infogov@lancsfirerescue.org.uk
Telephone: 01772 866842
Or:

The Data Protection Officer,
Email: dominichowell@lancsfirerescue.org.uk

You can also contact the Information Commissioner's Office for further guidance or to lodge a complaint at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
www.ico.org.uk

Telephone: 0303 123 1113

Changes to this Privacy Notice

We keep this privacy notice under regular review. It will be reviewed at least once every 3 years and if appropriate, amended to maintain its relevance with changes to legislation and best practice guidelines.

Changes to this Privacy Notice	
Last Review:	11 July 2024
Next Review:	11 July 2027