

# Lancashire Fire and Rescue Service

## Privacy Notice - Fire Investigations

This privacy notice is designed to help you understand how and why your information is processed during a fire investigation.

### Why do you need to process my information and how will you use it?

The type of personal information that will be collected and held by us to fulfil this obligation will be dependent on the situation but for the majority of fire investigations it would be;

- Occupier Name(s), address, contact details and statement to confirm the facts of the case, as they are relevant to your knowledge and understanding of: events surrounding ownership of the premises; occupancy of the premises, and; circumstances of the fire, as far they are known to you.
- Witness Name(s), address, contact details and your statement of witness evidence, in relation to: the origin of the fire (where it started); the cause of the fire, and; why the fire spread, as it did.

In some circumstances we may need to collect and use sensitive information, such as health details, this is necessary to meet our obligations.

Evidential photographs of the incident may be taken to provide contemporaneous evidence of the investigation. Copies of photographs are available to any person with legitimate right of access, such as: owner; occupier, appointed insurance investigator, and; other agencies using their own legal powers, such as the Police.

Photographs will not be supplied without appropriate right of access or jurisdiction.

Photographs may be reproduced to assist with training and supporting community safety programmes. Any photographs reproduced with public access will be anonymised and unable to identify an individual or private residence.

Failure to provide the information requested as part of the fire investigation may mean you are in breach of the Fire and Rescue Services Act 2004. To find out more about our fire investigation powers, [click here](#).

The information we collect is used to assist in determining the origin and most likely cause of fire. Your contact details are taken in case we need to get back in contact with you, and to document the source of the information provided as part of the investigation.

The most likely cause of the fire is entered into the Incident Recording System against the incident details. Anonymised statistics on cause of fire will be produced

to inform our Integrated Risk Management Plan which is a requirement of the National Firefighter Framework and to report to Government and auditors.

In circumstances where the cause of a fire is thought to be suspicious or otherwise deliberate, we have a responsibility to seek the involvement of the Police at the earliest practicable stage. Fire Investigation Officers will work to provide evidence from the scene and associated enquiries to assist the police in prosecuting those responsible. The Fire Investigation Officer will examine and record evidence from the scene, collecting samples of materials which may have been used to start or accelerate the development of the fire, working with the Police and other partners to help identify and convict the culprits. Where appropriate, information gained or received by us in relation to a fire related crime or fatality will be passed onto the Police and any information the Police obtain that assists determine the cause of the fire will be passed to us, unless this prejudices their investigation.

Fire Investigators are often called upon to provide evidence as an 'expert witness' regarding the origin and cause of a fire to the Coroner and criminal or civil courts.

### **Lawful basis for processing**

The Fire and Rescue Services Act 2004 places a duty on fire and rescue services to protect life and property from fire. Section 45 to 48 of the Act empowers a Fire and Rescue Service to obtain information and investigate fires and provides certain powers to investigate what caused a fire or why it progressed as it did. Therefore, the processing of personal information is necessary to meet our obligations under the Act (exercising official authority vested in us as a controller).

Some of the Information collected about Incidents 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)(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 the performance of a task carried out in the public interest or in the exercise of official authority invested in the controller.
- **Article 9(2)(g) of the GDPR**, the processing is necessary for the performance of a task carried out in the public interest.
- **Article 9(2)(j) of the GDPR**, the processing is necessary for archiving in the public interest, scientific or historical research, or statistical purposes.
- **And Schedule 1 part 1(4)(a) of the DPA2018** which relates to processing for archiving, scientific or historical research or statistical purposes; and (c) processing is in the public interest.

- **And Schedule 1 part 2(6)(2)(a) of the DPA2018**, to exercise a function conferred on a person by an enactment or rule of law; and (b) the exercise of a function of the crown, a minister of the crown or a government department.
- **And Schedule 1 part 2(10)(1)(a) of the DPA2018**, the processing is necessary for the purposes of the prevention or detection of an unlawful act.

### **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.

### **Is there anything else you do with general information gained as an outcome of a fire investigation?**

The general findings from investigations, but not your personal information, are used to inform and develop safety strategies, targeting those identified as the most vulnerable groups in our society. Lessons learned from investigations of fires, and in particular those with accidental causes, are passed on to other agencies including the Local Authority, Trading Standards, Health and Safety Executive and Her Majesty's Coroners.

### **Who will have access to the information?**

After all incidents we attend certain information is entered into the Incident Recording System (IRS). One of the fields is the most likely cause of a fire; this is accessed by those within the Service who have a role requirement to access the system and also the Home Office. For more about the Home Office use of IRS please [click here](#).

On the occasions where the investigation has been undertaken by one of our Fire Investigators or a Fire Investigation Officer from a neighbouring fire and rescue service, information is stored on our internal systems with access restricted to the Investigator and those that require access to provide administration support. This allows us to keep your information safe and control those that need access to the information.

As stated above, information will be shared to other statutory bodies for the purpose of prevention and detection of crime. In these circumstances, we will disclose information which is necessary for this purpose.

In accordance with The Coroners and Justice Act 2009, there are occasions whereby we are requested to provide evidence at Coroner's inquests, including disclosure of the fire investigation report. The Coroner must normally disclose copies of relevant documents to interested persons (such as the family), on request at any stage of the investigation process as soon as is practically possible.

Where a concern is identified by the Coroner, which could have been identified as a result of an issue raised or recommendation made, within a fire investigation report,

the Coroner is under a duty to undertake a Report to Prevent Future Fire Deaths. For more information on this process, [click here](#)

We do get requests for copies of the fire investigation report, and these are disclosed to members of the public who can provide evidence of residence or ownership of a property or vehicle or the solicitors, insurance companies and loss adjusters who are acting on behalf of the owner/occupier of an affected property or vehicle. 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 where appropriate personal information will be redacted.

### **How long will you keep hold of my information?**

We review Fire Investigation Reports every five years to decide whether they should be further archived, these are reviewed on a case by case basis.

## **Is there anything else I need to know when it comes to my personal information?**

To find out more about the rights you have when it comes to your personal information or who you can contact to discuss it further, please see below.

### **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](#).

### **Contact Us**

If you have any concerns or would like to discuss how we use your information, please contact the Knowledge and Information Officer via:

Knowledge and Information Officer (Info Governance)  
Service Development Department  
Lancashire Fire and Rescue Service  
Fire Service HQ  
Garstang Road  
Fulwood  
Preston  
PR2 3LH  
Email: [infogov@lancsfireandrescue.org.uk](mailto:infogov@lancsfireandrescue.org.uk)  
Telephone: 01772 866907

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](http://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.