

## **Lancashire Fire and Rescue Service**

### **Privacy Notice – Technical Fire Safety**

Although the majority of information we collect, and process, for the purposes of Fire Safety Audits is non-personalised, we have designed this privacy notice to help you understand how we would use any personal information that we might have collected from them.

#### **Why do you need to process my information and how will it be used?**

The Regulatory Reform (Fire Safety) Order 2005 gives us the authority to go into non-domestic buildings to check the fire safety provisions and procedures.

The personal information we are likely to collect for a fire safety audit would be;

- Name of responsible person
- Contact details of responsible person
- Details of any person providing us with information

Under the Order, the responsible person must carry out a fire safety risk assessment and implement and maintain a fire safety management plan. We have a statutory duty to enforce the requirements of the Order and one of the ways we do this is to carry out fire safety inspection work in non-domestic buildings. That work will entail identifying and working with the responsible person. Once we have identified the responsible person, we will keep a record of their name, contact details and all correspondence and documentation completed for the purpose of the audit or managing a fire safety complaint we've received. We may also keep a record of any other person providing us with the information i.e. a manager.

If we consider that the responsible person has failed to comply with any provision of the Order, we may consider taking further action. If a fire risk is present, depending on how severe the fire risk is, we can take enforcement action to ensure that the fault is corrected and the risk is eliminated. In certain circumstances we will investigate and prosecute for fire safety failings. Relevant details about the responsible person and (possibly employees) may be gathered from other agencies as part of the investigation process.

To find out more about the Order, our and your regulatory responsibilities as the responsible person and the consequences of not complying please [click here](#)

## Lawful basis for processing

We need your information to carry out our statutory duties under the Regulatory Reform (Fire Safety) Order 2005 and Fire and Rescue Services Act 2004.

Some of the Information collected about people 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)(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)(1)(b) of the DPA2018**, the processing is necessary for reasons of substantial 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.

## 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.

## Who will have access to the information?

Your information will be stored on an internal system and will be used by staff that requires it to undertake their role; to prepare and carry out the audit, progress outcomes from the audit, keep all correspondence and documentation, manage complaints and administer and evaluate processes.

Under the Order we are obliged to publish a public register of Alteration, Prohibition and Enforcement action. In addition, if we consider prosecution all documentation relevant to the prosecution will be disclosed to our legal team. As stated above, we may also approach other regulatory bodies to ascertain who the responsible person

is and if the requirements of the Order have been complied with. Where we have a duty to share information with other enforcing authorities we will.

We do receive Freedom of Information requests regarding fire safety audits and there are occasions where the outcomes of the audit are disclosed, if on balance, it is in the public interest to do so. Decisions will be made on a case by case basis, whilst monitoring any outcomes from large scale incidents, such as the Grenfell fire, surrounding fire safety standards and transparency. We will ensure confidentiality of commercially sensitive and protective security information available to us, such as premises plans and access codes, unless we are required by law to disclose it.

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

The majority of fire safety audit and complaint documentation and any outcomes are kept for a period of 7 years and then reviewed for destruction.

### **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](#).

## **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.

## 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@lancsfirerescue.org.uk](mailto:infogov@lancsfirerescue.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