

Lancashire Fire and Rescue Service

Emergency Planning and Service Delivery Privacy Notice: Covid-19

Emergency Planning and Service Delivery Privacy Notice - Coronavirus Purpose.

This privacy notice is to supplement all the information we currently make available about how we process your personal data. Its aim is to explain how our organisation may seek to collect and hold information about you in relation to the unprecedented challenges we are all facing during the Coronavirus pandemic (COVID-19).

We are committed to protecting your personal data and ensuring that it is processed fairly and lawfully. Information you provide to us or collected about you will be processed in accordance with the General Data Protection Regulation (GDPR), the Data Protection Act 2018 (DPA 2018) and subsequent legislation.

Why do we need to process your personal data and how will we use it?

In response to the outbreak of Coronavirus, we may seek to collect, process and share the personal data of our staff, their dependents and the general public, in ways which go above and beyond normal practice. This is in order to ensure their safety and wellbeing.

Such information will be limited to what is legal, proportionate and necessary, taking into account the latest guidance issued by the Government and health professionals, in order to provide the necessary support to those most vulnerable and in need and also to manage and contain the virus.

A lot of what we will do with your personal data will be covered by existing powers under current laws. You can find out more about how we process your information at: <https://www.lancsfireandrescue.org.uk/contact-us/privacy-notices/>

Lawful basis for processing

General Data Protection Regulation & Data Protection Act 2018

- The legal basis for data processing of non-sensitive personal data comes from Article 6 of the General Data Protection Regulations (GDPR). The following sections apply:
- **Article 6(1) (c) Legal Obligation** - Processing is necessary for compliance with a legal obligation to which the controller is subject to under the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 and Civil Contingences Act 2004; and Article 2 of the Convention on Human Rights,

Article 2 concerns the right to life and public authorities must take steps to safeguard the lives of those within their jurisdiction. It is a positive obligation and includes taking preventative operational measures.

- **Article 6(1) (e) Public task** - Fire and Rescue Service Act 2004, Section 11 and 12 gives us the power to act in situations such as this pandemic.
- **Article 6(1) (d) Vital interest** - the processing is necessary to protect someone's life.

Recital 46 adds that "some processing may serve both important grounds of public interest and the vital interests of the data subject as for instance when processing is necessary for humanitarian purposes, including for monitoring epidemics and their spread".

- **Article 6(1) (f) Legitimate Interests.** A legitimate interest test will be completed if we need to rely on this ground, but it is anticipated that the need to respond to the pandemic is likely to outweigh many other considerations.

Special category data:-

- It is necessary to share sensitive information for the purposes of carrying out the obligations and exercising specific rights in the field of social protection law, for the provision of health or social care treatment or the management of health or social care systems. **(Article 9 (2) (h) GDPR)**. And Schedule 1, Part 1, para 2, (2) DPA for health or social care purposes.
- Public health processing - it is necessary for reasons of public interest in the area of public health **(Article 9 (2) (i) GDPR)**. And Schedule 1, Part 1, para 3 DPA, for public health purposes.
- Necessary for reasons of substantial public interest. In the context of the pandemic, this is likely to arise where the use of data is necessary to safeguard an individual at risk of neglect or harm. **(Article 9 (2) (g) GDPR)**. And Schedule 1, Part 2 of the DPA 2018.
- **Article 9(2) (c) Vital interest** - the processing is necessary to protect the vital interests where the data subject is physically or legally incapable of giving consent.

The Emergency Planning Service deliver the fire services statutory responsibilities and duties as a Category 1 Emergency Responder as set out by the Civil Contingencies Act (CCA) 2004.

As an emergency service Lancashire Fire and Rescue Service must plan for, respond to and recover from major incidents in the Lancashire Area.

The statutory duties placed on the fire service as a Category 1 responder include the anticipation and assessment of risks, production of plans for the purpose of controlling and/or mitigating the impact of emergency incidents and business disruptions as well as effectively responding to, and recovering from, an emergency.

The processing of personal information is necessary for compliance with the statutory requirements of the Civil Contingencies Act 2004(CCA).

Sharing Information:-

The CCA places a duty on Category 1 and 2 responders to share information upon request. To help us provide emergency response services appropriate to your needs both during an incident and throughout the longer-term recovery period, we may share information with others including, but not limited to, Category 1 and Category 2 responders, such as:-

- Local authorities,
- Chief Officer of police,
- A Fire and Rescue authority,
- National Health Service Commissioning Board,
- An NHS foundation trust,
- The Secretary of State for Health and Social Care.

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?

Access will be restricted to those who have a requirement to access the information.

How long will you keep hold of my information?

LFRS will only keep your information for as long as it is necessary, taking into account Government advice and the on-going risk presented by Coronavirus and any need for a review following this pandemic. However, there are some instances where we may need to keep your information for longer:-

- Some information will be kept for up to 40 years after you retire such as your medical records.
- Information regarding sickness records - will be kept in line with the recommended current year + 6 years.
- If your information was to form part of a Subject Access Request that you may make then this would be retained for current year + 6 years.
- Subject Access Request and supporting documentation - Closure of case date + 3 years (if a complaint is received to ICO retain for Closure of case date + 6 years).

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

Where we process your information based on your consent, you have the right to withdraw this, 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, 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](#).

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

Data Protection Officer
Lancashire Fire and Rescue Service
Fire Service HQ
Garstang Road
Fulwood
Preston
PR2 3LH
Email: infogov@lancsfirerescue.org.uk
Telephone: 01772 866907 (information governance)

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 12 months and if appropriate, amended to maintain its relevance with changes to legislation and best practice guidance.

Changes to this privacy notice	
Last review:	27 October 2021
Next review:	27 October 2022