

Privacy notice



Protection and Organisational Performance

Cheshire Fire and Rescue Service (CFRS) has a joint team for Protection and Organisational Performance. This privacy notice tells you what to expect when we handle your information. It also tells you what your rights are in relation to your data.

The Protection team works closely with other organisations in order to provide fire safety advice to businesses (enforcing fire safety where required), deal with fire safety concerns about business premises and advise on compliance when premises are planned, built or changes made to the structure of existing non-domestic buildings. In addition to this, the Protection team also investigate the cause of fires.

The Organisational Performance team has responsibility for the Service's response to the Home Office Inspection regime (HMICFRS) and analysing internal performance information. We endeavour to analyse performance information using anonymised data. However, HMICFRS inspections can involve the use of personal information.

How we use and share your information

Business Fire Safety – as part of our public task under the Fire & Rescue Services Act 2004 states that we should make arrangements for the provision of information to the public on prevention, fire spread and means of escape and to achieve compliance with the requirements of the Regulatory Reform (Fire Safety) Order 2005. In order to do this, we record the name and contact details of the person responsible for fire safety within the organisation, along any other employee we speak to. Most information is provided by individual themselves or from staff observations. We keep these records for 7 years.

Enforcing Fire Safety – under the Environment and Safety Information Act 1988 the Fire Authority is obliged to enter details of any enforcement notice into a register to which the public have access. Enforcement notice, alteration notices, prohibition notices and prosecutions are entered on to the NFCC online enforcement register for the public to view. This will require the publication of information. Where a prosecution is likely, our use of personal information will fall under the law enforcement rules of the Data Protection Act 2018. In these cases, we will also use criminal data.

The Regulatory Reform Order 2005 also provides us with our public task to follow up fire safety complaints in respect of commercial premises. Usually received from third parties, these complaints may trigger enforcement action to be taken. In these circumstances we usually record names, addresses and contact details. We could record information relevant to physical health and/or disability if it is relevant to the complaint (means of escape, for example).

We may share our enforcement records with other prosecuting agencies, including Trading Standards, HSE and enter prosecution information onto the police national database (PNC). We may also share details with other internal departments (including our shared service legal service team at Cheshire Constabulary), North West Fire Control and prosecution lawyers. We keep these records for 7 years.

Fire Investigation – the Fire & Rescue Services Act 2004 provides us with our public task to conduct investigations into the cause of both fatal and non-fatal fires. The majority of information provided to us is given by witnesses. We may record names, addresses, dates of birth, contact details and vehicle information (where applicable) relating to suspects, victims, witnesses and children. Information may be shared with the Coroner and Police where there is a fatality, and to insurance fire investigators and solicitors where there is a civil case. We keep these records for 15 years unless they relate to serious investigations such as fatal fires (these are kept permanently).

Multi Agency Working – the Localism Act 2011 and the Care Act 2014 provides us with a legal obligation to enable joined up working between partners such as safeguarding and immigration concerns. We may receive complaints and information direct or indirectly relating to organisations where there are safeguarding or immigration concerns. This may be passed on through inspections, employees of an organisation, business owners, members of the public or other internal work streams. We could record a name and address (usually the business address) and we may share this information with other organisations where relevant, such as UK Border Force, Local Authorities, Coroner and Care Quality Commission. This is shared via a secure means such as secure email and is retained in line with Local Retention Policy for the relevant work stream.

Primary Authority Scheme – the Regulatory Enforcement and Sanctions Act 2008 and the CORE Regulations 2017 provide a public task to provide consistent fire safety advice to businesses across England and Wales. This is a partnership between the Fire Authority and relevant business. We will record the name of the director of an organisation to fulfil this requirement which usually obtained from a contract. It may be relevant to share this information with local authorities, Food Hygiene and Food Standards Agency. We retain this information for 7 years however, advice given is retained permanently.

Building Consultations - the Regulatory Reform (Fire Safety) Order 2005 provides a legal obligation to consult the Fire Authority and provide advice on compliance when premises are planned, built or changes are made to the structure of an existing non-domestic building. We will record names and contact details of consultants, agents or other professional experts, which may be shared with Local Authorities and other consultants. We also share building data with Greater Manchester Fire Service where we require advice from a fire engineer. This information is retained permanently in line with the Local Retention Policy.

Feedback & Equality Forms – in order to support compliance with the Equality Act 2010 and provide the same level of service to everyone in Cheshire, you may be asked to provide feedback and/or complete equality monitoring forms. We collect the information directly from you although we strive to collect this anonymously. We ask for special category data such as race and ethnic origin, physical mental health and or disability data where there is a substantial public interest (equality of opportunity and treatment). This helps us to understand who we are speaking to across the community, ensure we are providing a high service and accessible to everyone. **(Currently CFRS do not have the facility to carry this out but will do in the near future)**

HMICFRS Inspections – We are legally obliged to provide personal information to HMICFRS in accordance with the Police & Crime Act 2017. This is also supported by the National Framework 2018, which places a duty to facilitate Home Office appointed inspectorate to inspect Fire and Rescue Services. Personal information is collected directly and indirectly and may include sensitive personal information where we have a statutory and government purpose to do so. HMICFRS may require direct access to our systems to view personal information when an inspection/visit takes place. Some information may also be passed internally for audit and assessment to our Joint Corporate Services Performance and

Planning team (based at Cheshire Constabulary). Audits will be retained for 6 years. Where there is historical interest, these will be retained permanently.

Your rights

We recognise that people trust us to handle information correctly and keep it safe. We will not use information for marketing, and we will only use it for the purpose we collected it. It is important to us that all service users are fully aware of their rights under the Data Protection legislation in relation to the information we hold about you. These rights are:

- To request a copy of your data and rectify any errors and delete data in certain circumstances;
- To be told what we use your data for, how long we keep it, whether we share or disclose it;
- To object to us processing your data;
- Complain to us and complain to the ICO - for details see www.ico.gov.uk.

You can exercise your formal Data Protection rights via Freedom-of-Information@cheshirefire.gov.uk. If you have concerns regarding the use of information please contact our Data Protection Officer (who is part of the collaboration with Cheshire Constabulary) via email requests@cheshire.pnn.police.uk or telephone 01606 362384. We also have further information about your rights on our website: cheshirefire.gov.uk