

**Privacy Notice: Fire Investigations**

At South Yorkshire Fire and Rescue (SYFR) we are committed to protecting and respecting your privacy. This privacy notice explains why and how we use your information and how we protect your privacy. This privacy notice is designed to help you understand how and why your information is processed during a fire investigation.

SYFR is a registered Data Controller with the Information Commissioner and you are welcome to contact our Data Protection Officer by emailing dataprotection@syfire.gov.uk , by calling 0114 2532456 or by writing to Data Protection Officer, South Yorkshire Fire and Rescue, 197 Eyre Street, Sheffield, S1 3FG

**Who our department are and what we do:**

SYFR Fire Investigation Officers investigate fires to help determine aspects of incidents such as the cause, origin, development of incidents and can sometimes be called upon to provide witness evidence.

**What type of information will we collect from you?**

The categories of information that we collect, process, hold and share (appropriately) will be dependent on the situation, but for the majority of fire investigations, may include:

* Personal contact details such as occupier/owner name(s), address, contact details;
* Statements to confirm the facts of the case and your knowledge and understanding of events surrounding ownership of the premises, occupancy of the premises, and circumstances of the fire, as far as they are known to you;
* Personal contact details for witnesses such as name(s), address, contact details;
* Witness statements for 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;
* Evidential photographs of the incident may be taken to provide contemporaneous evidence of the investigation.

**Why do we need your personal information?**

The information we collect is used to assist in determining the origin and most likely cause of the 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 our internal recording systems. 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 for reports 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 enquires to assist the police in prosecuting those responsible. The Fire Investigation Officer will examine and record evidence from the scene and work 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 in identifying the cause of the fire will be passed to us, unless this prejudices their investigation.

Members of the Fire Investigation Team 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.

Further, 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.

**How we will collect your personal information?**

Your personal information will usually be collected in person, at scene as part of the Fire Investigation. This may include statements, written or verbal accounts of incidents. CCTV footage may also be viewed. Photographic images of scenes may be shared from the Crime Scene Investigators.

**Our legal basis for processing your information**

* 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 allows 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).
* UK GDPR Article 6(1)(c) Processing is necessary for compliance with a legal obligation as outlined above
* UK GDPR Article 6(1)(d) Article 9(2)(c) in order to protect your vital interests or those of another person
* UK GDPR Article 6(1)(e) For the purpose of SYFR public task
* UK GDPR Article 6(1)(f) Legitimate interests pursued by SYFR
* UK GDPR Article 9(2)(g) Processing is necessary for reasons of substantial public interest

**Who will have access to my information?**

After all incidents we attend, certain information is entered into our internal recording system. 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 further information, please see the 999 Calls and Emergency Incidents Privacy Notice.

On the occasions where the investigation has been undertaken by one of our Fire Investigation Officers, information is stored on our internal systems with access restricted to the fire investigation team 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.

**Why we may need to share your information:**

We may need to share your information with:

* SYFR staff for purposes outlined in this notice
* third parties as outlined in this notice such 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.
* Criminal or Civil Courts
* The Home Office
* We receive requests for copies of fire investigation reports, these are only disclosed to insurance companies and loss adjusters acting on behalf of the owner/occupier of an affected property or vehicle, or Forensic Scientists Fire Investigators
* 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.
* Copies of photographs are available to any person with legitimate right of access, such as the owner, occupier, appointed insurance investigator and other agencies using their own legal powers, such as the Police;
* Reports and/or 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 so it will not be possible to identify an individual or private residence;
* when taking legal advice for prospective legal proceedings.

We will not pass on your information to third parties without first obtaining your consent, unless the law and/or our policies allow us to do so for example, in the following circumstances:

* The law states that we can;
* There is a risk of serious harm or threat to life;
* We are directed by a court of law

**How long will your information be kept:**

We will collect, process and retain your information in accordance with data protection legislation and our policies on data retention – this varies according to statutory requirements and other legitimate business reasons. In the case of incident data that will be current year plus 12 years.

**What will happen if you fail to provide this information?**

Failure to provide the information requested as part of a 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](http://www.legislation.gov.uk/ukpga/2004/21/section/45).

**How to access and control your personal information:**

SYFR have a Data Protection framework in place to ensure the effective and secure processing of your information. For details on how we maintain the security of this and 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 our full Privacy Policy, available under ’[Your information](http://www.syfire.gov.uk/your-information-privacy-notice/)’ on our website.

You can find out more about your personal data rights at the Information Commissioners Office Website, or contact them on 0303 123 1113 or by post at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.