



## Business Fire Safety

### The categories of the information that we collect, process, hold and share include:

Name and contact details for the following categories of data subject:

- responsible person of a business/commercial premises (on behalf of the business/organisation in question)
- landlord / property owner
- licensee held under various Licencing legislation
- those subject to prosecutions under the Regulatory Reform Fire Safety Order (RRFSO) and Fire and Rescue Services Act 2004
- members of staff that work on behalf of 3<sup>rd</sup> party organisations involved in the business fire safety process (such as councils, surveyors, architects, solicitors, law enforcement bodies and other agencies)
- members of the public that raise business fire safety concerns or who may contact us for advice

### Why we collect and use this information

To ensure that we meet our statutory obligations for fire prevention/protection to enable us to facilitate our Fire Service business safety process on behalf of Cornwall Fire, Rescue and Community Safety Service, to include (but is not limited to):

- business/commercial premises audits and inspections
- to deal with public concerns and advice regarding fire safety
- RRFSO notices issued for alternations, prohibitions, enforcement and prosecutions (including Simple Cautions), which is publically available via the National Fire Chiefs Council (NFCC) website <http://www.cfoa.org.uk/notices-register>
- under various Licencing legislation, Cornwall Fire, Rescue and Community Safety Service is nominated as an interested party, which may require us to conduct a premises audit in some circumstances
- promotion of fire safety advice and practices
- to ensure that our premises records remain up to date
- The Petroleum Enforcement Authority (PEA) is Cornwall Fire and Rescue Service, who are responsible for ensuring safety at sites where petrol is delivered, stored and dispensed. The keeping of petrol must be in accordance with conditions attached to a licence issued under the Petroleum (Consolidation) Regulations 2014.
- The Explosives Regulations 2014 (Amendment) Regulations 2016. Storage of up to 2000kg of other explosives (including fireworks and small arms ammunition) where separation distances can be met, none of which requires and explosives certificate.

Any personal information obtained for the purpose of carrying out fire safety activities will only be used for this purpose unless other legislation dictates or further processing is necessary for the performance of a task carried out in the public interest or for Cornwall Fire, Rescue and Community Safety Service to exercise its official duty as a public function.

In the event of any investigation of fraud or other criminal activity, the Authority has a duty to disclose personal data to the relevant authorities and/or external providers (such as legal representatives) appointed by the Authority.

## **The lawful basis on which we use this information**

Our lawful reason to collect and use this personal information is that it is necessary for the performance of a task carried out in the public interest or for Cornwall Fire, Rescue and Community Safety Service to exercise its official duty as a public function for the delivery of:

- fire safety activities and prosecutions carried out under the Regulatory Reform Fire Safety Order (RRFSO) 2005  
<https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business>
- explosive registration, inspection activities and prosecution carried out under the Explosives Regulations 2014 (Amendment) Regulations 2016
- petroleum registration, inspection activities and prosecution carried out under the Petroleum (Consolidation) Regulations 2014
- fire safety prevention activities and providing advice under Section 6 of the Fire Services Act 2004 <https://www.legislation.gov.uk/ukpga/2004/21/section/6>

## **Collecting this information**

Any personal information obtained for this process will be either provided by the individual themselves, from the organisation subject to the business safety activity or from other legitimate sources. Any written correspondence that is sent in relation to business safety activities will signpost to the addressee where they can obtain a copy of this privacy notice and related policies.

## **Storing this information**

Any personal information will be held electronically against the premises ID on our Community Fire Risk Management Information System. The retention of this data will be dictated by the reason for its use, such as audits and inspections for up to 10 years (in line with good practice), or once the information is no longer relevant for purpose, such as change in details for responsible person, change of use for premises.

Prohibitions and enforcements will remain on our records and on the NFCC website until they are actioned and once actioned will remain for 7 years.

Any personal data held for the purpose of Simple Cautions will be retained by the Authority for 7 years in line with the Authorised Professional Practice (APP) management of police information guidelines and Criminal Procedure & Investigations Act (CPIA).

Any personal information held in emails, letters or other paper files will be scanned into the above system against the premises ID and paper copy securely shredded. All information security controls, document retention and practices are as per the associated Cornwall Fire, Rescue and Community Safety Service policies.

## Who we share this information with and why

- Any other organisation involved in the business fire safety process, to include (but is not limited to) Councils, surveyors, architects, solicitors, Law Enforcement bodies, Licencing bodies and other agencies.
- National Fire Chiefs Council (NFCC) website for the publishing of the Authority's public register. Please refer to their website for their own privacy notice.

## Individual Information Rights

Below is a brief summary in relation to personal information held for business fire safety activities:

- The individual has the right of access to what personal information we may hold for our business fire safety activities by contacting the Cornwall Council Data Protection team.
- In some circumstances, individuals who are subject to legal proceedings are unable to exercise all of their information rights, such as objection to processing and data erasure.
- The information held by Cornwall Fire, Rescue and Community Safety Service is not eligible for data portability or subject to automatic processing.
- If an individual is no longer acting as the responsible person for that organisation, or if the premises landlord and has sold the premises in question, please contact a member of the Technical Fire Safety team 01726 223620, [protection@fire.cornwall.gov.uk](mailto:protection@fire.cornwall.gov.uk), or by completing the online form below <https://www.cornwall.gov.uk/community-and-living/cornwall-fire-and-rescue-service-homepage/business-fire-safety/ask-a-fire-officer> or by writing to us at Protection Team at: Protection Team, Cornwall Fire, Rescue and Community Safety Service, Service Headquarters, Tolvaddon, TR14 0E

## Requesting access to your personal data and your rights

Your personal information belongs to you and you have the right to:

- be informed of how we will process it
- request a copy of what we hold about you and in commonly used electronic format if you wish (if you provided this to us electronically for automated processing, we will return it in the same way)
- have it amended if it's incorrect or incomplete
- have it deleted (where we do not have a legal requirement to retain it)
- withdraw your consent if you no longer wish us to process it
- restrict how we process it
- object to us using it for marketing or research purposes
- object to us using it in relation to a legal task or in the exercise of an official authority
- request that a person reviews an automated decision where it has had an adverse effect on you

You are legally entitled to request access to any information about you that we hold, and a copy using the subject access request. Use the links below to find out more:

[Data Protection web page](#)

[Rights of Access, Rectification and Erasure Request](#)

## Contact details of the Data Protection Officer

If you would like to discuss anything in this privacy notice, please contact:

Data Protection Officer

Address: Data Protection Team,  
Cornwall Council,  
County Hall, Truro, TR1 3AY

Telephone: 01872 326424

Email: [dataprotection@cornwall.gov.uk](mailto:dataprotection@cornwall.gov.uk)

## Further information

If you have concerns about the use of your personal data, the Information Commissioners Office is an independent body set up to uphold information rights in the UK. They can be contacted through their website: [www.ico.org.uk](http://www.ico.org.uk) or their helpline on 0303 123 1113, or in writing to:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

For more information about your rights:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

To complain to the Information Commissioner's Office:

<https://ico.org.uk/concerns/>

If you would like to know more about Resilient Cornwall, including Cornwall Fire & Rescue Service, the information we hold about you and how we handle that information and keep it safe:

[www.cornwall.gov.uk/fire](http://www.cornwall.gov.uk/fire)

To find out more about the data collection requirements placed on us by the Home Office (for example; regarding incidents and prevention work) go to

<https://www.gov.uk/government/collections/fire-statistics>