

Privacy Notice



CORNWALL
FIRE & RESCUE SERVICE
A service of Cornwall Council

Fire Investigation

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

The type of personal information that will be collected and held by us to fulfil this obligation will be dependent on the situation but for the majority of fire investigations it would be;

- Occupier Name(s), address, contact details and statement to confirm the facts of the case, as they are relevant to your knowledge and understanding of: events surrounding ownership of the premises; occupancy of the premises, and; circumstances of the fire, as far they are known.
- Date of birth will be required for Fire Death reviews linking in with the Coroners.
- Witness Name(s), address, contact details and your statement of witness 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, this is necessary to meet our obligations.
- Evidential photographs of the incident may be taken to provide contemporaneous evidence of the investigation.

Failure to provide the information requested as part of the 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 Fire and Rescue Services Act 2004](#)

Why we collect and use this information

At all fires the Incident Commander (IC) has a duty to investigate the circumstances leading to its discovery, to determine the most probable cause and origin and to evaluate the behaviour of the fire. On those occasions where persons are involved, it is also essential that a record is made of their involvement i.e. if and how they escaped, how they were rescued, type and degree of injury/fatalities.

The information is used to:

- Identify dangerous processes or faults in plant and machinery.
- Identify design failings or negligent behaviour leading to the occurrence of accidental or careless acts or omissions.
- Evaluate how a property fire has behaved in relation to its structure and contents.

- Comment on the effect fire protection measures have had on the fires development.
- Assess the reactions and behaviour of people involved in fire e.g. Means of Escape, Evacuation, etc.
- Draw lessons in terms of fire safety, operations, training and publicity.
- Help prevent similar fires occurring
- Identify and reducing arson.
- For attendance at a Coroner's, Magistrate's or Crown Court.
- By the Police if for a criminal investigation.

Anonymised statistics on 'cause of fire and development' will be produced to inform our Integrated Risk Management Plan which is a requirement of the National Firefighter Framework and to report 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 enquiries to assist the police in prosecuting those responsible. The Fire Investigation Officer will examine and record evidence from the scene, collecting samples of materials which may have been used to start or accelerate the development of the fire, working with the Police and other partners to help identify and convict the culprits.

After all incidents we attend certain information is entered into the Incident Recording System (IRS). 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 more about the Home Office use of IRS please [click here](#).

The lawful basis on which we use this 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 empowers 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. The processing of personal information is necessary to meet our obligations under the Act (exercising official authority vested in us as a controller).

<https://www.legislation.gov.uk/ukpga/2004/21/part/6/crossheading/powers-of-entry>

Article 6(1)(c) - processing is necessary for compliance with a legal obligation to which the controller is subject.

Article 9(2)(f) - processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

Storing this information

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. Paper copies of the reports and CD (evidential) photos are being stored securely in a lockable cabinets.

We review Fire Investigation Reports every seven years to decide whether they should be further archived, these are reviewed on a case by case basis.

Who we share this information with and why

Evidential photographs: Copies of photographs are available to any person with legitimate right of access, such as: owner; occupier, appointed insurance investigator, and; other agencies using their own legal powers, such as the Police. 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 and unable to identify an individual or private residence.

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 determine 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.

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, Public Health, Health and Safety Executive and Her Majesty's Coroners.

On the occasions where the investigation has been undertaken by one of our Fire Investigation Officers or a Fire Investigation Officer from a neighbouring fire and rescue service, 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.

As stated above, information will be shared to 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. The Coroner must normally disclose copies of relevant documents to interested persons (such as the family), on request at any stage of the investigation process as soon as is practically possible.

Where a concern is identified by the Coroner, which could have been identified as a result of an issue raised or recommendation made, within a fire investigation report, the Coroner is under a duty to undertake a Report to Prevent Future Fire Deaths.

We do get requests for copies of the fire investigation report, and these are disclosed (chargeable) to members of the public who can provide evidence of residence or ownership of a property or vehicle or the solicitors, insurance companies and loss adjusters who are acting on behalf of the owner/occupier of an affected property or vehicle. 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.

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

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: 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-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

To complain to the Information Commissioner's Office:

<https://ico.org.uk/make-a-complaint/>

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

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>