

Privacy Notice

Fire Investigations

This privacy notice is designed to help you understand how and why your information is processed during a fire investigation.

Why do you need to process my information?

The Fire and Rescue Services Act 2004 places a duty on fire and rescue services to protect life and property from fire. Sections 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).

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 to you.
- 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. 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.

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](#).

How will you use my information for a Fire Investigation?

The information we collect is used to assist in determining the origin and the 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 the Enterprise Information System (EIS) against the incident details. 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.

For information on incident statistics [click here](#).

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. 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.

To find out more about our fire investigation team and their role [click here](#).

To find out more about fire prevention and protection statistics [click here](#).

Is there anything else you do with general information gained as an outcome of a fire investigation?

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.

Who will have access to the information?

After all incidents we attend certain information is entered into our Enterprise Information System (EIS) for incident recording. 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](#).

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. For more information on this process, [click here](#) for details on the Coroners (Investigations) Regulations 2013

We do receive requests for copies of the fire investigation report but these are only disclosed to members of the public who can provide evidence of residence or ownership of a property or vehicle or to solicitors, insurance companies or loss adjusters 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.

How long will you keep hold of my information?

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

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

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 [click here](#).

Who can I contact about my personal information?

You can contact our Data Protection Officer with regard to any issues related to the processing of your personal information, including exercising any of your rights or making a complaint.

We encourage people to bring to our attention any instances where they think our collection, or use of, information is unfair, misleading or inappropriate.

Data Protection Officer
Joint Police & Fire Headquarters
Butterley Hall
Ripley

Derbyshire DE5 3RS

Telephone: 01773 305305

Email: dpo@derbys-fire.gov.uk

Right to make a complaint to the Information Commissioner's Office

If you wish to complain about any aspect of the handling of your request, then you should contact our Data Protection Officer at:

Data Protection Officer
Joint Police & Fire Headquarters
Butterley Hall
Ripley
Derbyshire DE5 3RS

Telephone: 01773 305305

Email: dpo@derbys-fire.gov.uk

If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by our Chief Fire Officer/Chief Executive. Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner. Please note that the Information Commissioner will not investigate your case until our internal review process has been completed.

The Information Commissioner's Office (ICO) is the UK's independent body set up to uphold information rights. You have a right to lodge complaints with them.

To find out more about them, visit <https://ico.org.uk/about-the-ico/who-we-are/>
To contact them, either visit their website, dial 0303 123 1113 or 01625 545745 or write to them at:

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

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