

South Wales Fire and Rescue Service Independent Review of Culture, Discipline Processes and Historic Discipline Cases (“the Review”)

The Review's Privacy Notice

1. This notice explains how the Review collects and uses personal information and informs you of the nature of the personal information that the Review collects about you and how the Review processes it in line with the obligations under the UK GDPR and the Data Protection Act 2018
2. The Independent Chair of the Review is Fenella Morris KC and reference to the Review in this privacy notice include a reference to the Chair.
3. Further details as to the objectives of the Review can be found [here](#) and the terms of reference can be found [here](#).
4. Fenella Morris KC, as Chair of the Review, is a data controller responsible for the personal information processed for the purposes of the Review, in accordance with the Review's Terms of Reference. Fenella Morris KC's professional address is 39 Essex Chambers, 81 Chancery Lane, London WC2A 1DD.
5. If you have any questions about use of your personal data by the Review, or want to exercise your rights set out in this Privacy Notice, please send an email to swfrsreview@gmail.com.
6. South Wales Fire and Rescue's privacy notice, which details how SWFRS will share personal data with the Review, can be found [here](#).

The personal information collected

7. The Review is collecting personal information from you solely for the purposes of the Review. The Review will also collect and retain contact details. The records that the Review holds include personal information, which may include sensitive personal information (known as 'special category data'). Such information may include name, age or date of birth, gender, role, job title, role profile and/or job title, employment status, qualifications, performance and training records, details of experience, disciplinary records, details of complaints, concerns, grievances, exit interviews (including details of outcomes and any action taken or not taken), information about physical or mental health, injuries and/or medical treatment, racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, sex life or sexual orientation, criminal prosecution(s), conviction(s) and/or sentence(s), charges that did not lead to prosecution, actual or alleged criminal offences and/or incident reports that did not lead to charge.
8. The personal data collected by the Review may relate to current SWFRS staff, former SWFRS staff, individuals who have made complaints, whistle-blown, submitted exit interviews, or raised grievances to SWFRS, individuals who have been the subject of complaints, whistleblowing, exit interviews, or grievances made to SWFRS, individuals who have been subject to disciplinary actions or investigations undertaken by SWFRS, individuals who have contributed as witnesses or other parties to complaints, whistleblowing, exit interviews, or grievances made to SWFRS and individuals who wish to participate in the Review.

9. When you write to the Review, the Review will store your name, e-mail and/or postal address and any other personal information which you choose to provide to the Review. If you meet in person, or by video-link, or speak on the telephone, the Review stores and processes any notes and recording of the personal information which you provide to the Review during the meeting or conversation.
10. The Terms of Reference may, from time to time, be updated or amended and the scope of information the Review will consider may be updated or amended and therefore may require further information to be processed. If so, this privacy notice will apply to any such information and the Review will update this privacy notice accordingly.

The purposes of processing personal information

11. The Review processes your personal information solely for the purposes of carrying out the objectives of the Review, in accordance with its Terms of Reference. The Review collects it in order to gather information relevant to the Review. The Review stores and analyses it in order that the Review can produce a report, and, thereafter, in order to deal with any issues which might arise as a result of the Review. Personal information is used by the Review in a number of ways - for example, to gather evidence, to facilitate access to the Review, and to communicate with you about the Review. Your personal information will be used in accordance with the law, including any contractual obligations in connection with the Review.

Confidentiality

12. All contributions to the Review will be treated in accordance with the Confidentiality, Privacy and Privilege Annex to the Terms of Reference (“the Annex”).
13. Your personal information will be shared with a confidential independent transcription service, for the purposes of enabling it to provide transcripts to the Review for the purposes of the Review.
14. Your personal information will not be disclosed to any individual or organisation unless you agree or the Review considers it necessary to disclose it as set out in the Annex.

How the Review collects personal information

15. Most of the personal information which the Review processes is provided directly by you for one or more of the following reasons:
 - 15.1. You want to give evidence to the Review;
 - 15.2. You have been asked to provide evidence to the Review, whether in the form of a written and/or oral statement and/or documents;
 - 15.3. You have provided evidence to the Review;
 - 15.4. You have contacted the Review by email, video-link, telephone and/or letter;
 - 15.5. You wish to attend, or have attended, a meeting or interview with Fenella Morris KC or another member of the Review Team;
 - 15.6. You are representing your organisation in relation to the Review.

16. The Review may also receive information about you in other ways. For example, as part of its investigation the Review has access to organisational records from SWFRS – see SWFRS' privacy notice [here](#) for further details. Other individuals may also include information about you in their evidence to the Review.

Lawful bases for processing

17. The different legal bases under which the Review is able lawfully to process your personal information are that:

17.1. Processing of the personal information is necessary for the purposes of the legitimate interest in carrying out the Review in order to produce a report, in accordance with the Terms of Reference; or

17.2. in some circumstances, with the express consent of the individual.

18. Where the Review is processing special category data (such as information about health (physical or mental health or disabilities), sexual orientation, race or ethnic origin, religious beliefs or criminal offence data) the main condition the Review will rely on to use such information will be on the basis that the processing of the special category data is necessary for reasons of substantial public interest, in particular it is necessary for:

18.1. purposes of the prevention or detection of unlawful act(s) - paragraph 10 of Schedule 1 of the Data Protection Act 2018

18.2. purposes of protecting members of the public against dishonesty, malpractice or other seriously improper conduct, unfitness or incompetence, mismanagement in the administration of a body or association, or failures in services provided by a body or association. - paragraph 11 of Schedule 1 of the Data Protection Act 2018

18.3. purposes of complying with, or assisting other persons to comply with, a regulatory requirement (including a requirement imposed by legislation or by a person in exercise of a function conferred by legislation or a requirement forming part of generally accepted principles of good practice relating to a type of body or an activity) which involves a person taking steps to establish whether another person has committed an unlawful act, or been involved in dishonesty, malpractice or other seriously improper conduct- paragraph 12 of Schedule 1 of the Data Protection Act 2018

18.4. purposes of protecting individuals at risk from neglect or physical, mental or emotional harm or protecting the physical, mental or emotional well-being of an individual (paragraph 18 of Schedule 1 of the Data Protection Act 2018)

19. The Review may also rely on consent to process the special category data.

Security of personal information

20. Personal information will be stored on the Review's own and/or third-party outsourced IT services, cloud-based storage and document storage providers on terms whereby it is security protected and, where held on third party services or storage, where the Review has an appropriate processing agreement (or similar protections) in place. The arrangements with those third parties do not permit transfer outside of the UK and the EEA. Any hard copy information will be stored in Fenella Morris KC's room at 39 Essex

Chambers, or the chambers of the Review Teams' members, which also includes Littleton Chambers.

21. The Review is committed to taking all reasonable and appropriate steps to protect the personal information that the Review collects from you from improper use or disclosure, unauthorised access, unauthorised modification and unlawful destruction or accidental loss. The Review has taken and shall take appropriate information security, technical, storage and organisational measures to such end, including measures to deal with any suspected data breach. All those third party outsourced IT services, cloud-based storage and document storage providers who are associated with the processing of your information are obliged to respect the confidentiality of your personal information, as is the independent transcription service.

The period for which personal information will be stored

22. The Review shall process your personal information throughout the course of the Review. Thereafter, the Review shall keep such information for such period as may be permitted or required by law (including data protection law) where the Review considers it necessary to do so for the purpose of a legitimate interest. No later than 12 months after the Review is concluded, Fenella Morris KC shall determine whether to retain the personal information for any longer period. The Review shall consider the volume, nature and sensitivity of the personal information, the potential risk of harm from unauthorised use or disclosure, the purposes for which the Review needs to process such information and whether the Review can achieve them through other means.
23. At the end of such 12 months (or any longer period which the Review may so determine to be necessary), the Review shall take all necessary and appropriate steps to destroy your personal information or otherwise put it beyond use.
24. If personal information that you provide to the Review is only useful for a short period (for example, any temporary contact details or other information which the Review is able to determine does not need to be kept during the conduct of the Review) the Review may delete it before the time periods set out above.

What are your rights?

25. You have no obligation to provide your personal information to the Review for the purposes of the Review. If you choose to provide your personal information to the Review, you have the right to request:
 - 25.1. access to your personal information, and the provision of copies;
 - 25.2. rectification of inaccurate or incomplete personal information;
 - 25.3. erasure of your personal information;
 - 25.4. restriction of processing of your personal information; and
 - 25.5. data portability, i.e. transfer of your personal information.
26. If you wish to exercise any of these rights, please contact Fenella Morris KC. Data protection legislation provides for the circumstances in which she must agree to such requests. If she refuses, she shall explain the legal basis for refusal. She may keep a record of your communications, to help to resolve any issues which you raise.

27. You also have the right to object to the Review processing your personal information, where she are processing it because it is necessary for the Review's, SWFRS or any third party's legitimate interests.

Your right to lodge a complaint with the supervisory authority

28. If you have a concern about any aspect of these privacy practices, including the way in which your personal information has been handled, you can report it to the UK Information Commissioner's Office (ICO). You can find details about how to do this on the ICO website at <https://ico.org.uk/concerns>, or by calling its helpline on 0303 123 1113.

Freedom of Information

29. The Review operates independently from SWFRS. As such, SWFRS has no right of access to communications within the Review or between the Review and others, evidence collected by the Review, its assessment of such evidence, and/or legal advice provided to the Review and the Chair.
30. The Chair and Review are not public authorities subject to the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 and do not hold information on the behalf of SWFRS.

Changes to this Privacy Notice

31. The Terms of Reference may, from time to time, be updated or amended and the scope of information the Review will consider may be updated or amended and therefore may require further information to be processed. If so, this privacy notice will apply to any such information and Fenella Morris KC will update this privacy notice accordingly.
32. Fenella Morris KC may make changes to this Privacy Notice from time to time. To ensure that you are always aware of how she uses your personal information, she shall update this Privacy Notice where she needs to reflect any changes to the Review's use of your personal information. She may also make changes, as required, to comply with changes in applicable law or regulatory requirements. She shall notify you of any such changes by e-mail, or such other means of communication as may be requested by you.