



## **Legal Basis for the Disclosure of Personal Information to Third Parties**

Under Data Protection legislation, South Wales Fire and Rescue Service (SWFRS) is able to disclose personal information to a third party only where there is a legal basis under Article 6 of the General Data Protection Regulation (GDPR). Where the information requested also contains Special Category (sensitive) Data, as defined by GDPR, we must also have a basis under Article 9.

The legal basis available are defined below. Where any third party (i.e. not the data subject) requests personal data, we will require them to advise under which legal basis they are requesting the information.

Where consent is being relied upon, we will require proof of this in writing from the data subject and may request documentation to enable us to prove the identity of the subject. We must also be assured that any consent has been fully informed and freely given, therefore we may contact the subject directly prior to any disclosure being made.

*Please note – a legal basis allows, but does not oblige us to disclose. The decision rests entirely with SWFRS as Data Controller.*

### **Article 6**

- a) The data subject has given consent;
- b) Processing is necessary for the performance of a contract to which the data subject is party;
- c) Processing is necessary for compliance with a legal obligation on the part of the Controller;
- d) Processing is necessary in order to protect the vital interests of the data subject or other natural person;
- e) Processing is necessary for a task carried out in the public interest or in exercise of the official authority of the Controller;
- f) Processing is necessary for the purposes of the legitimate interests of the Controller, or third party, except where such interests are overridden by the interests or fundamental rights of the data subject.

### **Article 9**

- a) The data subject has given explicit consent;
- b) Processing is necessary for the purposes of carrying out the obligations and specific rights of the controller or of the data subject in the field of employment and social security and social protection law;
- c) Processing is necessary in the vital interests of the data subject (or another natural person) where the data subject is physically or legally incapable of giving consent;
- d) Processing is carried in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with

a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subject

- e) processing relates to personal data which are manifestly made public by the data subject
- f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject
- h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3
- i) processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;
- j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.