

WINGSPAN PRODUCTIONS' PRIVACY NOTICE

Introduction

This document sets out Wingspan Productions Ltd's (which may also be referred to in this policy as "the Company") policy relating to Privacy and the Protection of Data. The Data Protection Act 1998 has been replaced by the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

Wingspan Productions' policy is to only collect and retain personal data that is necessary for the Company to conduct its business, to respect the privacy of individuals and to ensure that any data held is secure, giving access only to those who have a lawful right to access. This applies to both automated and manual records.

- Everyone with Wingspan Productions Ltd has a responsibility to adhere to the standards of this Data Protection Policy. Directors, managers and anyone else deemed to be a 'Data Controller' has key responsibilities for the implementation, application and monitoring of this policy. The Data Protection Act 2018 prescribes that personal data (personal data is information that relates to an identified or identifiable individual) shall:
 - be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met;
 - be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose;
 - be adequate, relevant and not excessive for those purposes;
 - be accurate and kept up to date
 - not be kept for longer than is necessary for that purpose;
 - be processed in accordance with the data subject's rights;
 - be kept secure from unauthorised access, accidental loss or destruction;
 - not be transferred to a country outside of the European Economic Area, unless that country has equivalent levels of protection of personal data;

Wingspan Productions Ltd and all of its workers who collect or process personal data must ensure that they follow these principles at all times.

The need to ensure that data is kept securely means that precautions must be taken against physical loss or damage, and that both access and disclosure must be restricted. As a worker, you are responsible for ensuring that:

- any personal data which you hold is kept securely;
- personal information is not disclosed either orally or in writing or otherwise to any unauthorised third party.

In some cases express written consent of a Data subject is required before their personal data can be processed, for example;

- if the data is considered to be 'sensitive', i.e. it relates to matters such as health, race or gender; or
- if the data is to be transferred outside the European Economic Area.

Anyone working for Wingspan Productions Ltd is particularly mindful of the Data Protection legislation when they are dealing with information supplied to them by actual or potential programme contributors. This information should be used only for the very specific purpose(s) for which it was supplied and should not be processed for any other reason either inside or outside of the Company.

Personal references are subject to special provisions under the Data Protection Act 2018. References given by Wingspan Productions Ltd are exempt from the Data Subject's right of access.

Details of the purposes for which Wingspan Productions Ltd may hold personal data and the types of data it is permitted to process and retain can be found on the Information Commissioner's Office website [here](#)

The Data Protection Act 2018 contains criminal offences, for which Wingspan Productions Ltd and an individual who makes an unlawful disclosure of personal data, could be held liable in the event of a breach of data protection requirements. Therefore, any breach of this policy could result in the termination of employment with the Company and/or criminal proceedings.

Data Protection protocols for Production Teams;

- documents should be printed only when necessary;
- **shred** all call sheets/unit lists and anything with mobile numbers on
- all previous drafts of a document should be **shredded promptly**;
- all scripts to be **shredded**;
- **encrypt files** like cast lists so that are password protected;
- any such data to be deleted once the production has been delivered;
- include a Data Protection Notice on front of all filming schedules, contact lists, call sheets, etc. explaining that all individuals working on the production have data protection responsibilities.

Data Protection undertakings for Contributors to Wingspan Productions Ltd's work;

1. Wingspan Productions Ltd (as Controller of Data) warrants, undertakes and represents on an ongoing basis that it shall comply with all laws relating to data protection, data privacy and/or information security which are applicable, including the General Data Protection Regulation (GDPR) ((Regulation (EU) 2016/679) and the Privacy and Electronic Communications (EC Directive) Regulations 2003 ('Data Protection Laws'), in each case as amended, repealed, replaced or supplemented from time to time.
2. In particular to the extent Wingspan Productions Ltd processes any personal data as processor in connection with programmes;
 - a. It shall process the personal data only on and in accordance with documented instructions from controller (which may be given by email), including with regards to transfers of personal data to a third country or international organisation, unless required to do so by Union or Member State law to which the Company is subject, in which case the Company shall inform the controller in writing of that legal requirement before processing, unless that law prohibits such information on important grounds of public interest. The Company shall immediately inform the controller in writing if, in its opinion, an instruction from controller infringes the GDPR or other Union or Member State data protection provisions;
 - b. It shall ensure that persons authorised to process the personal data have committed themselves to confidentiality or are under an appropriate statutory obligation of confidentiality;
 - c. It shall take all measures required pursuant to Article 32 (Security Processing) of the GDPR;
 - d. It shall not engage another processor without the prior specific written, or general written, authorisation of the particular controller. Where the Company has the prior general written authorisation of the controller, Wingspan Productions Ltd shall inform the controller of any intended use concerning additional or replacement of other Companies, giving the controller

- the opportunity to object to such changes. In the case of any such objection, the Company shall not engage such additional or replacement processor.
- e. If the Company engages another processor, the Company shall ensure that the same data protection obligations shall be imposed on that other processor by way of a written contract, in particular providing sufficient guarantees to implement appropriate technical and organisational measures in such a manner that the processing will meet the requirements of the Data Protection laws. The Company shall ensure that any such company complies with such obligation and the Company shall remain fully liable to Controller for the performance by such other company of such obligations.
 - f. It shall, taking into account the nature of the processing, assist the Controller by appropriate technical and organisational measures insofar as this is possible, for the fulfilment of the Controller's obligation to respond to requests for exercising the data subjects rights laid down in Chapter III (Rights of the Data Subject) of the GDPR;
 - g. It shall assist any controller in ensuring compliance with the obligations in Section 2 (Security of Personal Data) and Section 3 (Data protection impact assessment and prior consultation) of the GDPR, taking into account the nature of the Company's processing of the personal data and the information available to the Company;
 - h. at the Contributor's election, it shall delete or return all the personal data to Contributors after the provision and terms of the agreement and delete all existing copies unless Union or Member State law requires storage of the personal data;
 - i. make available to Contributors all necessary means to demonstrate compliance with the Data Protection Laws and shall make this information available to Contributors and allow for and contribute to audits, including inspections, conducted by Contributors or any auditor mandated by Contributors, and shall provide reasonable assistance to Contributors and any auditor in respect of such audits;
 - j. taking into account the state of the art, the cost of implementation and the nature, scope, context and purposes of processing as well as the risks of varying likelihood and severity for rights and freedoms of natural persons posed by the processing, it shall implement appropriate technical and organisational measures (which may include, where appropriate; pseudonymising and encrypting personal data; ensuring confidentiality, integrity, availability and resilience of its systems and services; ensuring that availability of and access to personal data can be restored in a timely manner after an incident; and regularly assessing and evaluating the effectiveness of the technical and organisational measures adopted by it) which are designed to implement data-protection principles, such as data minimisation, in an effective manner and to integrate the necessary safeguards into the processing in order to meet the requirements of the Data Protection Laws, to protect the rights of data subjects, and to ensure and to be able to demonstrate that processing is performed in accordance with the Data Protection Laws;
 - k. it shall implement appropriate technical and organisational measures for ensuring that, by default, only personal data which are necessary for each specific purpose of the processing are processed. That obligation applies to the amount of personal data collected, the extent of their processing, the period of their storage and their accessibility.
 - l. It shall promptly inform Contributors if any personal data is lost or destroyed or becomes damaged, corrupted or unusable and will restore such data at its own reasonable and fair expense and it is necessary and appropriate to do so;
 - m. In the case of a personal data breach Wingspan Productions Ltd without undue delay and where feasible no later than 24 hours of becoming aware, notify Contributors of the personal data breach unless the personal data breach is unlikely to result in a risk to the

rights and freedoms of natural persons. If later than 24 hours it shall accompany reasons for the delay. Such notification shall be in writing and shall include at least the information set out in Article 33 of GDPR to the extent such information is available to Wingspan Productions Ltd. Wingspan Productions Ltd shall update such notification if additional information becomes available to it from time to time.

END OF POLICY

Policy update 25 May 2018