

## SMITH AND JONES FILMS Ltd PRIVACY NOTICE

### I. WHAT IS THE PURPOSE OF THIS DOCUMENT?

Smith and Jones Films Ltd ("Smith and Jones Films", "us" or "we") is committed to protecting the privacy and security of your personal data. This privacy notice describes how we collect and use personal data about you before, during and after your relationship with us, in accordance with the General Data Protection Regulation (GDPR). It applies to all clients, agency contacts, talent, crew, freelancers, business contacts, marketing contacts and other interested parties.

Smith and Jones Films Ltd. Company number 04771761.

Registered office: 6<sup>th</sup> Floor, Charlotte Building, 17 Gresse Street, London, W1T 1QL.

Our contact details are: Smith and Jones Films Ltd, Berkeley Square House, Berkeley Square, London, W1J 6BD. Tel: +44 (0)776 646 6877. Email: [mail@smithandjonesfilms.net](mailto:mail@smithandjonesfilms.net).

Smith and Jones Films is a "data controller". This means that we are responsible for deciding how we hold and use personal data about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

We may update this notice at any time. A copy of this notice appears on our website: <http://www.smithandjonesfilms.net>.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal data about you, so that you are aware of how and why we are using such information.

### 2. DATA PROTECTION PRINCIPLES

We will comply with data protection law. This says that the personal data we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

### 3. THE KIND OF INFORMATION WE HOLD ABOUT YOU

Personal data, or personal data, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

"Processing" of personal data includes any activity that involves the use of personal data. It includes obtaining, recording or holding, organising, amending, retrieving, using, disclosing, erasing or destroying personal data. Processing also includes transmitting or transferring personal data to third parties.

We will collect, store, and use the following categories of personal data:

#### **Talent**

Name, addresses, telephone number, email address, date of birth, National Insurance number, bank details.

Headsheet data - height; skin, hair and eye colour; shoe and clothing size; medical conditions; details of previous jobs and any conflict of interest with brand being cast for.

**Crew**

Name, addresses, telephone number, email address, date of birth, National Insurance number, bank details

**Clients, agency contacts, business contacts**

Name, addresses, telephone number, email address.

**4. HOW PERSONAL DATA IS COLLECTED**

**Talent**

We collect personal data about talent through casting call sheets, personally from talent themselves or through their agency or booking representative.

**Crew**

We collect personal data about crew personally from crew themselves, through other crew members or through their diary service or agents.

**Clients, agency contacts, business contacts**

We collect personal data about clients, agency contacts and other business contacts when we are approached by them with new projects or job proposals.

**Marketing contacts**

Clients, agency contacts and other business contacts are added to our mailing list. We do not add individuals such as crew or talent to our marketing list unless they have confirmed in writing that they wish to be added.

**5. HOW WILL WE USE INFORMATION ABOUT YOU**

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

1. Where we have your consent to process your personal data for a specific purpose.
2. Where we need to perform the contract we have entered into with you, or where you have asked us to take steps to enter into a contract with you.
3. Where we need to comply with a legal obligation.
4. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal data in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest.

**If you fail to provide personal data**

If you fail to provide certain information when requested, we may not be able to enter into a contract with you, perform the contract we have entered into with you, or we may be prevented from complying with our legal obligations.

**Marketing**

We add clients, agency contacts and other business contacts to our marketing lists. We do not add individuals such as crew or talent to our marketing list unless they have confirmed in writing that they wish to be added.

### **Opting out**

You can ask us to stop sending you marketing messages at any time by contacting us.

### **Change of purpose**

We will only use your personal data for the purposes for which we collected it.

## **6. HOW WE USE PARTICULARLY SENSITIVE PERSONAL DATA**

Special categories of particularly sensitive personal data require higher levels of protection.

Sensitive personal data is information revealing racial or ethnic origin, political opinions, religious beliefs, trade union membership, health, sex life, sexual orientation, biometric or genetic data, and personal data relating to criminal offences and convictions. We will only process special category data relating to you in very limited circumstances.

We need to have further justification for collecting, storing and using sensitive personal data. We may process special categories of personal data in the following circumstances:

1. With your explicit written consent.
2. Where we need to carry out legal obligations in employment.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving consent, or where you have already made the information public.

We only hold limited sensitive personal data about talent as provided in their headsheet for casting purposes, for which we seek explicit written consent. We may also hold information about any medical conditions for health and safety purposes.

We generally do not hold or process sensitive personal data about crew, clients, agency contacts, business contacts, marketing contacts, visitors to our offices or other interested parties.

We do not hold information about criminal convictions.

## **7. DATA SHARING**

We may have to share your data with third parties, including third-party service providers. We require third parties to respect the security of your data and to treat it in accordance with the law. We may transfer your personal data outside the EEA. If we do, you can expect a similar degree of protection in respect of your personal data.

### **Why might you share my personal data with third parties?**

We will share your personal data with third parties where required by law, where necessary to perform our contract with you or where we have another legitimate interest in doing so.

We may share your personal data with other companies in the Smith and Jones Films group, including in the US.

### **Which third-party service providers process my personal data?**

Our third party service providers change from time to time and we can let you have details of parties who are processing your data at any given time upon request. We routinely share personal data with IT service providers, cloud storage providers, our bank, accountants, legal advisers, other professional advisers and other service providers.

We may also share your personal data with casting directors, our bookkeeper and production team freelancers engaged by us, as well as with the agency and/or client which booked a job.

### **How secure is my information with third-party service providers?**

All our third-party service providers are required to take appropriate security measures to protect your personal data in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

### **What about other third parties?**

We may share your personal data with a regulator, HMRC or to otherwise comply with the law.

### **Transferring information outside the EEA**

We may transfer your personal data outside the EEA. If we do, we will ensure there are appropriate measures in place to provide a similar degree of protection for your personal data as that required in the EEA.

Please contact our data protection officer if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## **8. DATA SECURITY**

We have put in place measures to protect the security of your information. Details of these measures are available upon request. Third parties will only process your personal data on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## **9. DATA RETENTION**

### **How long will you use my information for?**

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

We retain basic contact details of talent, crew, clients, agency contacts and business contacts for future jobs, employment or engagement. If you wish us to delete your details please let us know.

Only hero talent information is kept on record and shared with the agency that booked the job for contractual reasons. All other talent information is securely disposed of on job wrap.

We retain financial records for six years so that we can deal with any enquiries from HMRC and legal claims.

We retain job records for six years after the production as it is in our legitimate interests and those of our clients (i.e. our interest of running a film and advertising production business for our clients) to retain job records for a reasonable period of time, and to deal with legal claims.

## **10. RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RETRICTION**

### **Your duty to inform us of changes**

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

## Your rights in connection with personal data

Under certain circumstances, by law you have the right to:

- **Request access** to your personal data (a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have objected to processing (see below).
- **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and you have a reason to object to processing on this ground. You also have the right to object where we are processing your personal data for direct marketing purposes.
- **Request the restriction of processing** of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or our reason for processing it.
- **Request the transfer** of your personal data to another party.

If you want to exercise any of your rights in relation to your personal data, please contact our data protection officer in writing.

### No fee usually required

Normally you will not have to pay a fee to access your personal data or to exercise any of the other rights. We may charge a reasonable fee if your request for access is clearly unfounded or excessive, or we may refuse to comply with the request in such circumstances.

### What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information or to exercise any of your other rights.

### Right to withdraw consent

Where you have been asked to give your consent to processing your personal data, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact our data protection officer.

### Data protection officer

We have appointed a data protection officer to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal data, please contact our data protection officer.

### Right to complain to the ICO

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

### Changes to this privacy notice

We reserve the right to update this privacy notice at any time.

**If you have any questions about this privacy notice, please contact our Data protection officer: Tori King, Tel: +44 (0)776 646 6877. Email: [mail@smithandjonesfilms.net](mailto:mail@smithandjonesfilms.net).**