

THE GARDEN PRODUCTIONS, PART OF ITV STUDIOS PRIVACY NOTICE FOR PROGRAMME

APPLICANTS, CONTRIBUTORS AND TALENT

1. Introduction

- a. The Garden Productions is part of ITV Studios Limited (company no. 03106525). ITV produce programmes through a number of different label teams and/or subsidiary production companies across the globe including The Garden. This Privacy Notice applies to ITV labels and subsidiary companies which operate out of the UK. You can find a list of these labels and subsidiary companies by visiting <https://www.itvstudios.com/global-production> and filtering by country.
- b. This Privacy Notice explains how we collect, use, store and share your personal information in connection with one or more of our programmes which you may be involved in, for example if you:
 - i. apply, are put forward to take part in/nominated to be in, and/or audition for one of our programmes;
 - ii. interact with us or our content; and/or
 - iii. contribute to, take part and/or feature in one of our programmes.
- c. The label or subsidiary company which is developing and/or commissioned to produce the programme you are involved in is a “**data controller**” and is responsible for your personal information. The name of the data controller will be set out in your application/entry form, contributor agreement and/or release form (as applicable).
- d. Some of our labels and subsidiary companies will have their own privacy notices which this Privacy Notice overrides, in the event of any inconsistencies. We might also provide you with additional privacy notices which will supplement this Privacy Notice.
- e. In this Privacy Notice, when we refer to: a “**programme**”, we mean broadcast programmes, pilots, nonbroadcast development projects, adverts, clips and/or online and ancillary footage (including rushes and unused material); and “**process**” and/or “**processing**”, we mean any operation or set of operations which we may carry out in relation to your personal information, including collecting, using, storing and sharing your personal information.

2. What personal information do we collect, store and use?

- a. The personal information which we will process about you will depend on, and be specific to, the programme you are taking part in and the nature of your contribution.
- b. We may process your: name; contact details; gender; date of birth; passport details or other national identifier; driving licence; proof of address; national insurance or social security number; bank details; tax status; and / or details about your previous roles, background, interests, general knowledge, opinions and/or family and friends.
- c. Depending on the programme, we may also process types of more sensitive information about you, such as information about your: physical and/or mental health; race; ethnic origin; political opinions; sex life; sexual orientation; religion; philosophical beliefs; genetics; biometrics; trade union membership; and/or information about your criminal offences, if any (which may include allegations, proceedings and/or convictions) (which we refer to in this Privacy Notice as “**sensitive information**”).
- d. We may process your personal information (which may include your sensitive information) as part of the content of the programme (for example, footage, recordings, images, audio of you and/or about you) and/or other materials created/used during production of the programme (for example, scripts and/or research notes).

3. Where do we collect your personal information from?

a. We collect your personal information from a number of sources, including from you directly. The table below sets out some of these sources in more detail.

WHAT	OUR SOURCES
<i>Information that you give to us</i>	<ul style="list-style-type: none"> ● from emails or other types of correspondence, application forms, pre-filming questionnaires, release forms, payment instructions and any associated documentation that you (or an agent on your behalf) complete; and ● from discussions, interviews, consultancy, audition footage, footage of the actual programme (live or pre-recorded), behind the scenes material, contributions to the programme and participation in social media chats (including Instagram Stories, Instagram Live and similar on other social media channels).
<i>Information we obtain from others</i>	<ul style="list-style-type: none"> ● publicly available and accessible reports, directories and sources; ● interviews and correspondence with friends, family members, and/or people connected to you; ● social media platforms, including Facebook, Instagram, Twitter, LinkedIn, Snapchat and TikTok; ● subscription only databases such as Factiva, HooYu and Reuters; ● tax authorities, including those that are based outside the UK and the EEA if you are subject to tax in another jurisdiction; ● governmental and competent regulatory authorities to whom we have regulatory obligations; ● agents, production companies, audience ticketing companies and other broadcasters; ● our insurer, and its representatives including brokers, third party claims adjusters, reinsurance companies and insurance regulatory authorities; ● fraud prevention and detection agencies and organisations; ● where authorised by applicable laws, crime enforcement and authorised criminal records organisations, such as the DBS (sometimes via a DBSregistered organisations such as uCheck), Disclosure Scotland and/or Access NI (depending on where in the world you live / have lived before); and ● registered health professionals.

4. [How we use your personal information](#)

a. Generally, we will only process your personal information on one or more of the following legal grounds:

- i. **Our contracts with you:** Where it is necessary to use your information to perform our contract(s) with you (for example, to process a payment which may be due to you) or to take steps at your request prior to entering into the contract(s) with you.
- ii. **Our legitimate interests:** Where it is necessary to use your information for the purposes of our legitimate interests (or those of a third party). We have explained some of these interests in more detail below. We only use your information on this legal basis where we have considered that, on balance, our legitimate interests are not overridden by your interests, fundamental rights or freedoms.

Purpose	More information
<p><i>To produce television programmes for commercial exploitation, including finding suitable contributors for programmes</i></p>	<p>We have a legitimate interest in collecting basic personal details (such as names, contact numbers and/or email addresses), from the sources listed above (see 'information we obtain from others'), so we can contact potential contributors to see if they are interested in taking part in our programmes.</p> <p>If you apply or someone else puts your name forward to take part in a programme, we have a legitimate interest in using personal information which you and/or that person provides to us and/or which we obtain from the sources listed above (see 'information we obtain from others'), so we can assess your suitability to take part in a programme. We may also keep this information so we can contact you and/or consider you for future series of the same programme, though you can opt out of this at any time.</p> <p>We have a legitimate interest in collecting basic personal details about contributors' next of kin (usually their name, a contact number and/or address) so we can contact them in the event of an emergency.</p> <p>We also have a legitimate interest in providing certain personal information to third parties who may require it to supply any benefits to contributors and/or to help facilitate their participation in the programme (for example, travel agencies, airlines, resorts and/or hotels).</p>
<p><i>Commercial use of television programmes</i></p>	<p>If you contribute to a programme and/or are part of the subject matter of a programme, we have a legitimate interest in making, selling, distributing and broadcasting the programme (including any footage, images, audio and/or information about you featuring in it), as a whole and/or as clips, around the world (including repeats) for the period in which we have rights in the programme (which may be indefinitely).</p> <p>If you contribute to a programme, we have a legitimate interest in using your personal information to deal with any questions or complaints arising in relation to your contribution to the programme.</p>

- iii. **To comply with legal obligations:** Where it is necessary to process your personal information to comply with legislation and/or regulatory obligations (for example, we may need to keep financial records for tax purposes).

- iv. **Consent:** We may ask you for your consent to use your personal information for a specific purpose. We will explain the specific purpose for processing at the time we ask you for such consent. For example, during the casting process, we may ask you for your consent to contact you about other programmes you may be interested in applying for and/or being involved with.

5. How we use your sensitive information

a. Generally, we must have an additional legal ground to process your sensitive information. These include:

- i. **In the substantial public interest:** Where it is necessary to process your sensitive information in the substantial public interest, including for the:
 - 1. equality of opportunity or treatment;
 - 2. prevention and detection of unlawful acts;
 - 3. purposes of insurance;
 - 4. purposes of safeguarding of children and individuals at risk;
 - 5. 'special purposes' of journalism, art and literature in connection with unlawful acts and dishonesty; and/or
 - 6. purpose of archiving.
- ii. **Employment, social security, and social protection law:** Where it is necessary to process your sensitive information for the purposes of your or our obligations and rights in relation to your engagement in so far as it is authorised by law or collective agreement (for example, if you are attending any of our premises and/or studios or locations which we are filming at, we may need to ask you about your health or any requirements you have so we can provide appropriate adjustments during your attendance and protect you and others in compliance with health and safety laws).
- iii. **Vital interests:** Where it is necessary to process your sensitive information to protect your interests or someone else's (for example, if there is a medical emergency and consent cannot be obtained).
- iv. **Information that has been manifestly made public:** Where you have clearly made your sensitive information public (for example, on publicly available social media websites or when speaking in interviews or footage).
- v. **Legal claims and defence of rights:** Where it is necessary to process your sensitive information for the purposes of establishing, making and/or defending legal claims.
- vi. **Consent:** We may ask you for your explicit consent to use your sensitive information for a specific purpose (for example, health assessments and/or background checks). We will explain the specific purpose for processing at the time we ask you for such consent.

6. Who uses your personal information and who do we share it with?

a. We may share your personal information as follows:

- i. **Internally:** Your personal information will be used by our employees, contractors and staff who are working on the programme on a need-to-know basis and, where necessary, may be shared internally with our other teams (such as Legal & Business Affairs and Finance).
- ii. **With ITV Plc group companies, with our suppliers and others:** Where necessary, your personal information may be shared:
 1. with other ITV Plc group companies (for example, those responsible for Health & Safety, Duty of Care, Insurance, Talent Payments, Commissioning, Compliance and/or Rights); and/or
 2. outside of ITV Plc group companies (for example: our professional advisors; our insurers; the programme's commissioning broadcaster; the programme's commissioning broadcaster's insurer; the programme distributor; auditors; IT administrators; your agent (where applicable); other production companies; regulatory authorities including the Office of Communications (Ofcom); suppliers of platforms; service providers (such as hotels, transport providers), tools and/or software (such as Etribez, Zoom and Adobe); transcription service companies; studio venues; post-production companies; ticket providers; and/or consultants, presenters, experts and / or health professionals working with us).
- iii. **Viewers:** If your personal information is included in the content of the programme and broadcast, this information will be shared with anyone who views the programme and/or clips of the programme throughout the world.
- iv. **Broadcasters:** The broadcaster of the programme will receive and use your personal information if it is included in the programme. Broadcasters are also 'data controllers' of your personal information and have their own privacy notices, for example: ITV - [https://www.itv.com/data/documents/pdf/ITV Broadcasting Privacy Notice.pdf](https://www.itv.com/data/documents/pdf/ITV_Broadcasting_Privacy_Notice.pdf) and UK TV - <https://corporate.uktv.co.uk/article/uktv-contributor-privacy-policy>.
- v. **Other:** We may also need to share your personal information if:
 1. we are required to do so by law, for example by a court order;
 2. we are asked to by competent regulatory, prosecuting and other governmental agencies, or litigation counterparties, in any country or territory;
or
 3. for the purposes of prevention of fraud or other crime.

7. Sending your personal information internationally

- a. Your personal information is mainly processed within the UK and European Economic Area (EEA), however from time to time your personal information (including your sensitive information) may be transferred to ITV group companies and/or third party service providers to process, for the purposes described in this Privacy Notice, to countries located outside of the UK and EEA which do not have similarly strict data protection and privacy laws. ITV has group companies within the EEA and also in Hong Kong, Australia and the USA.
- b. We will only transfer your personal information to a country outside of the UK or EEA if:
 - i. the European Commission or UK government has determined that an adequate level of protection for personal information is in place in the country to which we transfer your information;
 - ii. standard data protection clauses as adopted by the European Commission or UK government are in place governing the transfer; or

iii. other appropriate safeguards have been put in place.

Please contact us at myprivacy@itv.com if you would like to know more about these clauses and/or safeguards.

8. How long do you keep my personal information?

- a. We keep your personal information (including information relating to your application and/or nomination, where applicable) for as long as it is needed for the purposes described in this Privacy Notice or as otherwise notified to you. To decide the appropriate retention period for personal information, we think about: the amount, nature, and sensitivity of the information, the potential risk of harm from its unauthorised use or disclosure, the reason(s) we need to process the information, and whether we can achieve these through other means, and any applicable legal or regulatory requirements or available exemptions.
- b. In general, we will keep your contribution to a programme for the duration of the copyright in the programme.
- c. If your application and/or nomination is unsuccessful we will usually delete your personal information within eighteen months from the broadcast date of the final episode of the programme.
- d. If you have not opted out of us contacting you about future series of the programme you applied for, or you have agreed to us contacting you about other programmes, we will keep your contact details and other relevant information for up to three years from the date we receive your application, although you can opt out at any time.
- e. For more specific information about the programme you applied to and/or were involved in, please contact us at myprivacy@itv.com.

9. What are my data subject rights and how can I use them?

- a. You have several rights that you can exercise over your personal information. However, rights are not absolute and there may be situations where you cannot exercise these rights or they do not apply depending on the circumstances:
 - i. **Right to withdraw consent:** Where we have asked you for your consent to use your personal information, you can withdraw consent at any time. Please note, however, that withdrawing your consent may potentially have an impact on your participation in a programme and, in some circumstances, withdrawal of your consent will not prevent us from still using some or all of your information (in particular, where the "special purposes exemption" applies (see "Exemptions" section below)). For example, you may already have been filmed for participation in a programme but then withdraw your consent but we might determine that broadcast of the programme, including you in it, is still in the public interest.
 - ii. **Right of access:** You can request access to the personal information we hold on you and we will also tell you: the source of the information, if it was not collected directly from you; why we are processing it; who are we sharing it with; and how long we will keep it for. However, in some circumstances there may be a lawful reason why we cannot provide you with some or all of the information you request. If you are making a request for a copy of your personal information that we are processing, please be as specific as possible as this will help us to identify the information more quickly.
 - iii. **Right to rectification:** If the personal information we hold on you is inaccurate or incomplete, you can ask us to correct or update it.

- iv. **Right to erasure:** You can request that we erase your personal information in certain circumstances.
- v. **Right to restrict the processing:** You can ask us to restrict our use of your personal information in certain circumstances.
- vi. **Right to object to the processing:** You can object to us using your personal information in certain circumstances. We will then stop processing the information unless we can demonstrate a compelling legitimate ground that overrides your rights (e.g. exercising or defending a legal claim).
- vii. **Right to data portability:** You can request to receive personal information that you have provided to us in a commonly used format and request that we transmit it to another data controller where feasible, or to you directly.
- viii. **Make a complaint:** We are committed to safeguarding your personal information and upholding your rights, but if you feel we have not done that, please contact myprivacy@itv.com. Additionally, you have the right to complain to the relevant supervisory authority, which in the UK is the Information Commissioner's Office (ICO).

- b. Please contact myprivacy@itv.com if you want any of the information above or want your rights further explained.

10. What do we do with children's personal information?

- a. We are committed to protecting the privacy of children aged under 18 years old. Where we rely on consent for processing of information and you are under the age of 18, we will obtain the permission of the person with parental authority.
- b. You can view a child-friendly version of this Privacy Notice at <https://one-itv-production.s3-eu-west-1.amazonaws.com/assets/children.pdf>.

11. Exemptions

- a. Under data protection law, there are a number of exemptions from our obligations, your rights and certain aspects of this Privacy Notice, which may apply in some circumstances. In particular, as a creator and producer of programmes, we may process personal information for journalistic and/or artistic purposes where it is in the public interest to do so. This is known as the 'special purposes exemption'.
- b. Depending on the nature of the personal information and what we are using it for, we may make an assessment that our rights under the special purposes exemption apply to all or some of your personal information. We may continue to use that personal information even if, for example, we have not been transparent on how we intend to use that information or where you have given your consent to such use but later withdrawn it.

12. Diversity monitoring by broadcasters

- a. ITV is part of an industry-wide diversity monitoring initiative called Diamond. The Diamond project uses personal information regarding on and off-screen contributors to programmes to report on the diversity of TV production in the UK.
- b. If you have provided us with your email address, we will share this with Creative Diversity Network Limited (CDN) and the broadcaster of the programme (unless you have asked us not to), and you will be invited to participate in the Diamond project. They have a legitimate interest to collect diversity information about our industry. They will contact you to ask whether you are willing to contribute to the

project by providing certain information regarding your diversity characteristics such as; gender, ethnicity, disability, age, gender identity and sexual orientation.

c. Further information about Diamond can be found here:
<http://creativitydiversitynetwork.com/diamond/contributors/>.

This Privacy Notice was last updated on 29 September 2020 and historic versions can be obtained by emailing us at myprivacy@itv.com or by writing to the ITV Privacy Team at 2 Waterhouse Square, 140 Holborn, London, EC1N 2AE.

To contact our data protection officer please email myprivacy@itv.com.