

FILMING AND TALENT PRIVACY POLICY

Effective: February 2020

This Privacy Policy is for individuals who are applying and/or being considered for any of our Productions (as further described below) or who otherwise feature in our footage or submit footage to us. This Privacy Policy describes the way that we will use your Information. For the avoidance of doubt, by providing Information to us, including as part of any application process, you agree to the terms set out in this Privacy Policy.

The controller is the entity which will be making decisions about how your Information will be used. To find out more about your data controller, click [here](#).

Please read this Privacy Policy carefully to understand our policies and practices regarding your Information and how we will treat it. If you have any further questions, or if you aren't sure about anything, please feel free to get in touch with us using the contact details set out at the end of this Privacy Policy and we will be happy to help.

A FEW DEFINED TERMS

- **"Content"**: we mean a piece of creative content that is not considered a Film and/or a Programme, that you have either applied for, are being considered for or have been approached to appear in or to work on as a contributor or in which you have otherwise featured, and which is intended to be made publicly available (including online on social media channels).
- **"Film"**: we mean a live-action, animated film, documentary (or short film) intended either for cinema or home entertainment (such as Wonder Woman or Fantastic Beasts and Where to Find Them) that you have either applied for, are being considered for or have been approached to appear in or to work on as an actor or talent, or in which you have otherwise featured.
- **"Information"**: we mean the information, materials and/or documents about you that you may share with us or that we collect or infer, including our footage.
- **"Marketing Communications"**: we mean offers, promotions, publicity, information, news and/or updates, job/casting opportunities and/or other marketing communications.
- **"Privacy Policy"**: we mean this privacy policy.
- **"Process"**: we mean operation or set of operations which is performed on Information or on sets of Information, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- **"Production"**: we mean a Film, or a Programme or Content.
- **"Programme"**: we mean the development, programme and/or series, whether a scripted or non-scripted production or documentary (including any other versions that we might create) that you have either applied for, are being considered for or have been approached to appear in or to work on as a contributor, actor or talent or in which you otherwise feature.
- **"Special categories of data"**: we mean data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation as well as information about criminal conviction and offences or related security measures.

INFORMATION WE COLLECT ABOUT YOU

When applying for one of our Productions, we will Process: (i) Information you provide us with as part of your application or as part of any other communication or form you may provide to us; (ii) where applicable, additional Information from third parties or public sources (e.g. casting agencies/talent managers, health/benefit providers, insurance companies, co-production companies, online news stories, social media profiles through which we may contact you and/or any references you provide us with) and/or (iii) inferred Information (e.g. assessment of your application, notes taken during the interview/casting process etc.).

This Information may include for example, contact details (e.g. your name, address, email address and/or phone number) or casting information (e.g. gender, personal performance (including an image or video of you)) and details about your experience (e.g. portfolio or showreel etc.).

In certain circumstances, in particular, if you are applying for one of our Productions, this information may also include your interests, audition materials and casting notes as well as Special categories of data such as information about your sex life/sexual orientation, medical information, political opinions, religious or philosophical beliefs, trade union membership, genetic/biometric data and criminal history data. Where we do not ask you to provide Special categories of data as part of our application process, please refrain from providing such information (e.g. in your portfolio or showreel etc).

We will tell you where Information collection is required by us – this will include Information that is necessary for us to perform any contract with you, or as otherwise indicated as mandatory on an application form. You should be aware that a failure to provide Information in these circumstances may be a breach of your agreement with us. Where Information is optionally provided, for example details of an emergency contact, there may be some adverse consequences if you refuse to provide this (for example, we would be unable to contact your next-of-kin if you suffered a medical event).

When your application is successful, we collect additional Information about you as reasonably required by us, for example financial details, tax/identity information and your inclusion in our footage. If you do not apply, but otherwise feature in one of our Productions (for example, if you feature in the background of one of our films or participate in user-generated Content submitted by another individual) then we will only Process Information that appears in our footage, or that you otherwise supply to us on any relevant release form or in any communication you send to us.

HOW WE USE THE INFORMATION

We use Information for the purposes described in this Privacy Policy and as further disclosed to you. In particular, we Process Information:

- Where necessary to establish and perform our contract with you and to maintain, manage or terminate our contractual relationship, including rights management, making payments, contacting you or your agent about your engagement where we have entered into a Contributor Agreement or other contractual arrangement with you.
- Where necessary to comply with a legal obligation, such as:
 - Carrying out necessary occupational health and safety and/or medical assessments; and
 - Administration of accounts and providing any information to tax and social security authorities as required by law.
- Where necessary for our legitimate interests, as listed below, and where our interests are not overridden by your data protection/privacy rights, including to:
 - commission, develop, produce, publish, distribute and promote our Productions;
 - make a decision as to whether you are the right person for the position you have applied for or to take part in the Production, or whether to accept and make use of Content that features you;
 - contact you about your application, and/or casting process and/or your involvement in the Production as well as to respond to any of your communications, complaints or requests;
 - investigate and resolve any concerns or other matters that may arise from your involvement with us and/or our Productions;
 - consider you for any other Productions intended to be produced by us or our affiliate companies; and
 - protect our legitimate business interests and legal rights. This includes but is not limited to, use in connection with legal claims, compliance, regulatory, auditing, investigative and disciplinary purposes (including disclosure

of such information in connection with any legal process or litigation or where requested by law enforcement or other relevant third parties).

- Where necessary to prevent or detect unlawful acts, such as when carrying out background checks (e.g. checking your references and/or criminal record): such background checks will be carried out only to the extent permitted by applicable law and at different stages of the application process depending on the type of application you've made (e.g. it may apply only to the successful or shortlisted applicants);
- When required under applicable law, we will ask for your consent, unless there is another legal basis for processing your information (e.g. a legitimate interest or a legal requirement), for example:
 - we will usually seek your consent before sending you Marketing Communications: e.g. when applying for a Production, you have the option to choose whether or not you wish to receive Marketing Communications from us by email and/or on behalf of the commissioning broadcaster, distributor or exhibitor; our specially chosen partners; and/or sponsors in the entertainment, media and leisure sectors;
 - as part of your involvement in the Production and given the nature of the Production, you may choose (or in some circumstances be asked) to disclose Special categories of data all of which may be of direct relevance to the nature of the Production, and could therefore be included in the final Film or Programme.
- Where necessary to protect the vital interests relating to you or another person (for example, avoiding serious risk of harm to you or others).

We will only Process the Special categories of data you share on the following grounds:

- with your explicit consent, unless we are otherwise legally permitted to use your Information for another reason below;
- on the basis that the you have chosen to make the personal data manifestly public, from the filming stage until after broadcast of the Production (e.g. filming test interviews, filming your contribution or the publication of footage as part of the broadcast of the Production) – unless specifically stated to the contrary, and Information you reveal during the development, production and/or filming of a Production could be broadcast;
- for the purposes of freedom of expression and information, journalism and artistic expression where relevant for the Production; or
- where necessary and permitted by law, to assess your suitability for a Production and/or analyse and monitor the diversity of our applicants.

We will only process Special categories of personal data for these purposes without your consent to the extent this is permitted by applicable law.

INFORMATION SHARING AND DISCLOSURE

We are part of the Warner Media, LLC group of companies. We may sometimes share your Information with other companies within that group because the group companies may provide functions and services to help each other run our businesses and/or are involved in the casting/recruitment decision making process.

We may also share your Information with other companies, organisations and/or individuals with whom we work with and/or who provide services to us. As a result of this, and where applicable, we may share your Information with: (i) our service providers; (ii) the organisation that operates our website; (iii) casting agency, the production team, co-producers, the relevant broadcasters, distributors, licensees and/or exhibitors, investors, insurers, distributors, unions and/or industry representatives, IT system suppliers and/or travel and medical service providers of Productions; and/or (iv) where we have to, in order to comply with laws, as required by a court; and/or (v) in the event of an actual or potential merger, acquisition, or business transaction.

In respect of Marketing Communications:

- if you have indicated that you wish to receive Marketing Communications from us, then we will share certain Information, such as your name, email address and/or any other chosen method of communication with the organisations that help us send you Marketing Communications; and
- if you have indicated that you wish to receive Marketing Communications from someone else, then we will share certain parts of your Information, such as your name and contact details with that other organisation who will use it to send you the Marketing Communications that you have requested.

We will share certain Information such as your name, email address and/or such other chosen method of communication with development and/or production teams, commissioning broadcasters and/or distributors to contact you about potential opportunities with other productions, unless you have told us that you don't want us to.

INTERNATIONAL TRANSFER

We operate internationally, and some of the processes involved in our use of your Information will require your Information to be stored or processed in countries outside the country where you are located. In particular, your Information may be transferred to, and processed in the United States, where some of our systems are located.

Whenever we transfer your Information outside of a country or region, such as the UK and/or European Economic Area, we will make sure that we take steps necessary to comply with applicable legal requirements. Therefore, where required, we will ensure that appropriate safeguards are in place by using appropriate contractual mechanisms, such as the EU Standard Contractual Clauses, or by relying upon the service providers' participating in an approved international data transfer mechanism, including the EU-U.S. Privacy Shield Framework or the adoption of Binding Corporate Rules. For further information about the documents we use to protect your Information when it is transferred outside of your country or region, please submit a request through our individual rights request portal [here](#).

INFORMATION RETENTION

We will only retain your Information for as long as is necessary to achieve the purposes for which your Information was collected as described in this Privacy Policy or further disclosed to you as part of the application process.

This means that the retention periods will vary according to the type of Information and the reason for which we need to process it (e.g. recruitment, Marketing Communication, establishment, exercise or defence of legal claims, applicable legal or regulatory obligations etc.). Please be aware that if you are a successful applicant or if you are otherwise featured in final footage, your Information will be kept for a longer period (i.e. your Information will be kept for at least as long as the Production is being broadcast, distributed and/or exploited).

We have an internal retention policy that sets out varying retention periods for different categories of Information depending on our legal obligations and the purposes for which we need this information. After the relevant retention period has elapsed, the Information is securely deleted. For more information about our retention policy, please submit a request through our individual rights request portal [here](#).

CHANGES TO THIS PRIVACY POLICY

We may need to make changes to this Privacy Policy from time to time and if the changes are important, we will let you know about it. We encourage you to come back and review this policy every now and again so that you don't miss out on any updates.

YOUR RIGHTS

Subject to applicable laws (such as those in the EU) and to the extent legal requirements are met, you may have the right to **access**, **correct** and **update** your Information and/or Special categories of data and, in certain circumstances, request that it be **erased**, **restricted** and/or **ported** to another controller by visiting our individual rights request portal [here](#). You may be able to **withdraw your consent** where we rely upon this to process your data or to **object** to the Processing of their Information in some circumstances (in particular, where we don't have to process the data to meet a contractual or other legal requirement).

All of these rights may be limited under the GDPR or national law, for example, if you change your mind about participating, we may not be able to delete or restrict recordings that have already been made. To safeguard our confidential information and its intellectual property rights, access to personal data contained in footage may only be made available at our premises.

If you would like to exercise any of the rights listed above, please submit a request through our individual rights request portal [here](#).

Please, be aware that the rights set out above, are not always applicable and, under certain circumstances, we may not action your request. However, we will notify you of such decision.

HOW TO CONTACT US

If you have any queries, concerns or would like to raise a complaint about the way that we use your Information or any questions about this Privacy Policy, please submit a request through our individual rights request portal [here](#) in the first instance and we will do all we can to help. If you are not happy with how we have responded to you, you have (where applicable) the right to complain to the local data protection authority where you live, work or where you believe a breach may have occurred.