



## WINDLIGHT PICTURES PRIVACY NOTICE FOR PROGRAMME CONTRIBUTORS AND TALENT

### 1. Introduction

a. We are **Windlight Pictures GmbH** (Rumfordstraße 21a, 80469 München, Amtsgericht München - HRB 262518) - **Part of ITV Studios** - and are active in the creation and production of high-end scripted programs for the German speaking and international market.

b. This Privacy Notice explains how we collect, use, store and share your personal data 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, e.g. in the capacity as director, writer, cast and crew member and other personnel (including independent contractors).

c. As a production company which is developing and/or commissioned to produce the programme you are involved in, we are a "data controller" and are responsible for your personal data

d. In this Privacy Notice, when we refer to: a "programme", we mean broadcast programmes, pilots, non-broadcast 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 data, including collecting, using, storing and sharing your personal data.

e. Beyond that, "**personal data**", "**special categories of data/sensitive data**", "**process/processing**", "**controller**", "**processor**", "**data subject**" and "**supervisory authority/authority**" shall have the same meaning as in Regulation (EU) 2016/679 (General Data Protection Regulation) in the current version ("GDPR").

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

a. The personal data 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 involvement and/or contribution.

b. We may process your: name; contact details; contract data; payroll data; 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; documentation required under immigration laws; leave and vacation records; qualifications and talent management information; details about your previous roles, professional background, interests, general knowledge, opinions;

c. We may also process personal details and contact details of data subjects identified by you as beneficiaries, family members and emergency contacts.

d. Depending on the programme and/or your involvement and/or contribution to the programme, we may also process special categories of data / sensitive data, such as information about you:

- physical and/or mental health;
- diversity-related personal data (such as sex and/or ethnic origin) in order to comply with legal obligations and/or broadcasters' policies relating to diversity and anti-discrimination;
- religion; philosophical beliefs;
- trade union membership;
- information about your criminal offences, if any (which may include allegations, proceedings and/or convictions) to comply with legal obligations, (e.g. where you may be required to work with children);
- We may process your personal data (which may include your sensitive data) 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 data from?

a. We collect your personal data 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"> <li>• 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</li> <li>• 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).</li> </ul>
<i>Information we obtain from others</i>	<ul style="list-style-type: none"> <li>• publicly available and accessible reports, directories and sources;</li> <li>• interviews, discussions and correspondence, if any, with beneficiaries, family members and emergency contacts and/or people connected to you;</li> <li>• social media platforms, including Facebook, Instagram, Twitter, LinkedIn, Snapchat and TikTok; • subscription only databases such as Factiva, HooYu and Reuters;</li> <li>• tax authorities, including those that are based outside Germany and the EU if you are subject to tax in another jurisdiction;</li> <li>• governmental and competent regulatory authorities to whom we have regulatory obligations;</li> <li>• agents, production companies, broadcasters;</li> <li>• our insurer, and its representatives including brokers, third party claims adjusters, reinsurance companies and insurance regulatory authorities;</li> <li>• (where authorised by applicable laws and to comply with legal obligations only) authorised criminal records organisations ; and</li> <li>• registered health professionals.</li> </ul>

### 4. How we use your personal data

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

**i. Our contracts with you:** Where it is necessary to use your personal data 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 data 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 personal data 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
To produce television programmes for commercial exploitation, including finding suitable contributors for programmes	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>If you apply or someone else puts your name forward to take part in a programme, we have a legitimate interest in using personal data 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. We also have a legitimate interest in providing certain personal data 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>
Commercial use of television programmes	<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 data 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 data 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 data 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 data

a. Generally, we must have an additional legal ground to process your sensitive data.

These include:

**i. In the substantial public interest:** Where it is necessary to process your sensitive data in the substantial public interest, including for the:

- equality of opportunity or treatment;
- prevention and detection of unlawful acts;
- purposes of insurance;
- purposes of safeguarding of children and individuals at risk;
- 'special purposes' of journalism, art and literature in connection with unlawful acts and dishonesty;
- purpose of public health on the basis of EU or national law;
- archiving, scientific or historical research purposes or statistical purposes on the basis of EU or national law.

**ii. Employment, social security, and social protection law:** Where it is necessary to process your sensitive data 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 data 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 data 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 data 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 data 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 data and who do we share it with?**

a. We may share your personal information as follows:

**i. Internally:** Your personal data 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 group companies, with our suppliers and others:** Where necessary, your personal data may be shared:

- with other ITV group companies (for example, those responsible for Health & Safety, Duty of Care, Insurance, Talent Payments, Commissioning, Compliance and/or Rights); and/or
- outside of ITV 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); 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 data 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 data if it is included in the programme. Broadcasters are also 'data controllers' of your personal data 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

**v. Other:** We may also need to share your personal data 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 data internationally**

a. Your personal data is mainly processed within the European Economic Area (EEA) and the UK, however from time to time your personal data (including your sensitive data) 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.

b. We will only transfer your personal data 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 data is in place in the country to which we transfer your data; ii. standard data protection clauses as adopted by the European Commission or UK government (if applicable) are in place governing the transfer; or iii. other appropriate safeguards have been put in place. Please contact us at [legal@windlightpictures.com](mailto:legal@windlightpictures.com) and/or [myprivacy@itv.com](mailto:myprivacy@itv.com) if you would like to know more about these clauses and/or safeguards.

## **8. How long do you keep my personal data?**

a. We keep your personal data (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 data, 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 data within eighteen months from the broadcast date of the final episode of the programme.

d. If you have agreed to us contacting you about future series of the programme you applied and/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](mailto: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 data. 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 revoke consent:** Where we have asked you for your consent to use your personal data, you can revoke consent at any time. Please note, however, that revoking your consent may potentially have an impact on your participation in a programme and, in some circumstances, revocation of your consent will not prevent us from still using some or all of your data (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 revoke your consent but we might determine that broadcast of the programme, including you in it, is still in the public interest and/or legitimate in accordance with basic rights that are vested with us a TV production company (e.g. rights of freedom of expression, arts and sciences).

**ii. Right to object:** You shall have the right to object, on grounds relating to your particular situation, at any time to processing of your personal data which is based on our legitimate interests and/or public interests, including profiling based on those provisions, unless we demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or we require the processing of your personal data for the establishment, exercise or defence of legal claims.

**iii. Right of access:** You can request access to the personal data we hold on you and we will also tell you:

- the purposes of the processing;
- the categories of your personal data that we process;
- the recipients or the categories of recipients to whom we have disclosed or will disclose your personal data;
- (if possible) the planned duration for which we will store your personal data or, if this is not possible, the criteria for determining the storage duration;
- the existence of a right to correct or delete your personal data, a right to restrict processing by us or a right to object to this processing;
- the right to lodge a complaint with a supervisory authority;
- all available information about the origin of the data, if the personal data was not collected from you;
- the existence of automated decision-making, including profiling and - at least in these cases - meaningful information about the logic involved and the scope and intended effects of such processing for you;

If you are making a request for a copy of your personal data that we are processing, please be as specific as possible as this will help us to identify the data more quickly.

**iii. Right to rectification:** If the personal data we hold on you is inaccurate or incomplete, you can ask us to correct or update it.

**v. Right to erasure:** You can request that we erase your personal data Where one of the following applies:

- Your personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- You lawfully revoke the consent on which the processing is based and/or you object to the processing of your personal data, and where there is no other legal ground for the processing;
- You object to the processing and there are no overriding legitimate grounds for the processing;
- Your personal data have been unlawfully processed;
- Your personal data have to be erased for compliance with a legal obligation in Union or Member State law to which we are subject;

If we have made your personal data public and are obliged to erase the same, we shall take reasonable technical and other measures (considering available technology and the cost of implementation), to inform other controllers processing your personal data that you have requested the erasure by such controllers of any links to, or copy or replication of the personal data concerned.

The Right of erasure shall not apply, if processing of your personal data is necessary:

- for exercising the rights of freedom of expression, arts and sciences;
- for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- for reasons of public interest in the area of public health in accordance with applicable legislation;
- for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance in so far as the right to erasure is likely to render impossible or seriously impair the achievement of the objectives of that processing; or
- for the establishment, exercise or defence of legal claims.

**vi. Right to restrict the processing:** You can ask us to restrict our use of your personal data where one of the following applies:

- the accuracy of your personal data is contested by you, for a period enabling us to verify the accuracy of the personal data;
- the processing is unlawful and you oppose the erasure of the personal data and request the restriction of their use instead;
- we no longer need the personal data for the purposes of the processing, but they are required by you for the establishment, exercise or defence of legal claims;
- you have objected to processing pending the verification whether our legitimate grounds override yours.

Where processing has been restricted, such personal data shall, with the exception of storage, only be processed with your consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State. If you have obtained restriction of processing we shall inform you before the restriction of processing is lifted.

**vii. Right of notification:** We shall communicate any rectification or erasure of personal data or restriction of processing carried out in accordance with your corresponding rights to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. Upon your request we shall inform you about those recipients.

**viii. Right to data portability:** You can request to receive personal data 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.

**ix. Right not to be subject to automated individual decision making including profiling:** You shall have the right not to be subject to a decision which is based solely on automated processing (including profiling) which is legally or similarly affecting you in a significant way, unless the decision

- is necessary for entering into, or performance of, a contract between you and us;
- is authorised by Union or Member State law to which we are subject and which also lays down suitable measures to safeguard your rights and freedoms and legitimate interests; or
- is based on your explicit consent.

**x. Make a complaint:** We are committed to safeguarding your personal data and upholding your rights, but if you feel we have not done that, please contact [legal@windlightpictures.com](mailto:legal@windlightpictures.com) and/or [myprivacy@itv.com](mailto:myprivacy@itv.com). Additionally, you have the right to complain to the relevant supervisory authority, which for Windlight Pictures is the "Bayerisches Landesamt für Datenschutzaufsicht" and which for ITV in the UK is the data Commissioner's Office (ICO).

b. Please contact [legal@windlightpictures.com](mailto:legal@windlightpictures.com) or [myprivacy@itv.com](mailto: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 data?

We are committed to protecting the privacy of children aged under 18 years old. Where we rely on consent for processing of data and you are under the age of 18, we will obtain the permission of the person with parental authority.

## **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 data in exercise of our rights of freedom of expression, arts and sciences and/or other purposes where it is in the public interest to do so. This is known as the 'special purposes exemption' and/or media privilege ("Medienprivileg").

b. Depending on the nature of the personal data 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 data so we may continue to use that personal data even if, for example, we have not been transparent on how we intend to use that data or where you have given your consent to such use but later withdrawn it.

This Privacy Notice was last updated on February 4, 2022.