

## **CREATIVE ENGLAND** **PRIVACY POLICY**

Creative England needs to collect and use certain types of information about the Individuals or Service Users who come into contact with us in order to carry out our work. This personal information must be collected and dealt with appropriately whether it is on paper, websites, computer databases, or recorded on other material and there are safeguards to ensure this in compliance with the **General Data Protection Regulation**.

Creative England is the 'Data Controller' under GDPR, which means that it determines for what purposes personal information is held and how it will be used. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for.

This policy sets out the practices used for collecting and storing personal data including personal information given by you to us. This includes our websites:

- [creativeengland.co.uk](https://creativeengland.co.uk)
- [applications.creativeengland.co.uk](https://applications.creativeengland.co.uk)
- [ifeatures.co.uk](https://ifeatures.co.uk)
- [Wearecreativeindustries.com](https://Wearecreativeindustries.com)
- [filminginengland.co.uk](https://filminginengland.co.uk)

### **DATA PROTECTION PRINCIPLES**

We (Creative England) will comply with data protection law. The law says that the personal information that we hold must be:

- Used in a lawful, fair and transparent way.
- Collected only for valid purposes that we have clearly explained and not used in any way that is incompatible with those purposes.
- Relevant to the purposes for which it was collected and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes for which it was collected.
- Kept securely.

### **THE TYPE OF DATA WE COLLECT**

When Individuals/ Service Users contact us we may ask you for some personal data which may include;

- Your name
- Your email address
- Your phone number
- Your postal address

Subject to the reason why you are contacting us e.g. investment application, event attendance, newsletter subscription, production enquiry, website registration, competition entry we may require additional personal data which falls under special category data. (previously referred to as 'special' data)

If we do need to request special category data, you will be informed why and how we intend to use it. These are normally required for monitoring purposes when checking eligibility criteria for applications. You will be asked to provide clear consent for us to process. This will include;

- Age Group
- Employment status
- Qualification
- Gender Identity
- Sexual orientation

- Nationality
- Ethnic background
- Disability

If you contact us through our websites we may keep a record of:

- the correspondence
- details of transactions you carry out
- fulfilment of your orders.
- details of your visits to our websites including, but not limited to, traffic data, location data, weblogs and other communication data, and the resources that you access.

**If you give us personal information about other individuals/** on behalf of someone else, we will need you confirm that the third party has given consent for you to transfer their personal data to Creative England.

**If you fail to provide personal information when we request it,** we may not be able to provide you with services. We have a statutory obligation to obtain personal data for a majority of our services. If you choose not to provide that information, we will not be able to engage you as an Individual/ Service User.

### **IP ADDRESSES AND COOKIES**

When visiting our websites we may collect information about your computer, including your IP address, operating system and browser type, for system administration and to report aggregate information to our advertisers. This is statistical data about our users' browsing actions and patterns and does not identify any individual.

For the same reason, we may obtain information about your general internet usage by using a cookie file. Cookies are small text files sent to your device (computer, tablet or mobile phone) by the website you are using. These are stored on your hard drive and can be retrieved by the original website on your next visit, or another website that recognises the cookie. Using cookies helps us to improve our site and deliver a better and more personalised service. They enable us:

- To estimate our audience size and usage pattern.
- To recognise you when you return to our site.
- To store information about your preferences, and so allow us to customise our site according to your individual interests.
- To speed up your searches.

You may refuse to accept cookies by activating the setting on your browser which allows you to refuse the setting of cookies. However, if you select this setting you may be unable to access certain parts of our site. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you log on to our site. Further information about controlling and deleting cookies can be found at [www.AboutCookies.org](http://www.AboutCookies.org).

### **HOW WE WILL PROCESS YOUR DATA**

The lawful bases for processing data under GDPR are set out below. At least one of these will apply whenever Creative England processes your personal data:

- **Consent:** the Individual/ Service User has given us clear consent to process your personal data for a specific purpose.
- **Contract:** the processing is necessary for a contract we have with the Individual/ Service User, or because they have asked us to take specific steps before entering into a contract.
- **Legal obligation:** the processing is necessary for us to comply with the law (not including contractual obligations).
- **Vital interests:** the processing is necessary to protect someone's life.

- **Public task:** the processing is necessary for us to perform a task in the public interest or for our official functions, and such task or function has a clear basis in law.
- **Legitimate interests:** the processing is necessary for our legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

### **UPLOADING MATERIAL TO OUR PRODUCTION SERVICES DATABASE**

Any content you upload to our crew, facilities or locations database will be considered non-confidential and non-proprietary, and we have the right to use, copy, distribute and disclose to third parties any such content for any purpose. We also have the right to disclose your identity to any third party who is claiming that any content posted or uploaded by you constitutes a violation of their IP rights, or of their right to privacy. We will not be responsible, or liable to any third party, for the content or accuracy of any materials posted by you or any other user of our database.

You are responsible for the content or accuracy of any materials posted by you or any other user of the Database and you agree to indemnify us in respect of any losses, expenses, damages and costs, including any legal fees resulting from: any breach by you of these Terms; any infringement of copyright or other intellectual property rights in material posted by you; or any other wrongful use of the service.

### **WHY WE NEED TO PROCESS YOUR DATA**

It's really important that we are able to identify you in order to use our services. We will need to process your information as set out below:

- To assess expressions of interest and full applications for investment. This includes sharing your data with other individuals and organisations that aid Creative England to assess applications, monitor activities and produce statistics.
- To assess and process any workshops or events you may have applied to be a part of.
- To ensure that content from our site is presented in the most effective manner for you and for your computer.
- To subscribe you to newsletters and provide you with information, products and services that you may be interested in, where you have consented to be contacted for such purposes
- To notify you of any website or service changes which may affect you
- To allow you to participate in interactive features of our service, when you choose to do so.
- To ensure we can comply with our funders/ partners terms to monitor equality and diversity
- To detect and prevent fraud
- To monitor and improve our services
- To carry out our obligations arising from any contracts entered into between you and us
- To enable us to fulfil our requirement to disclose certain information in accordance with the Freedom of Information Act 2000.

Creative England regards the lawful and correct treatment of personal information as very important to successful working, and maintaining the confidence of those with whom we deal. We may be required to share data with other parties, such as our funders, partners, service providers and public services.

Our websites work on an 'opt-in' basis and we will not send you promotional materials, or share your details with third parties, unless you agreed to this when you registered.

### **DATA SECURITY AND STORAGE**

Creative England has implemented security measures to protect your personal information from being lost, used or accessed in an unauthorised way, altered or disclosed. Access to your personal data is limited to those who have a business need to know and who have a duty of confidentiality with Creative England.

It is our responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

We have processes to manage 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.

Creative England may share your information with third party service providers in order to deliver our services. We use the following third-party service suppliers to provide and support our services, such as delivering newsletters and organising events:

- Eventbrite
- MailChimp
- SurveyMonkey
- Hootsuite
- Dropbox
- MovieSite (OpenBrolly)

### **DATA RETENTION**

Creative England will only retain data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any financial, legal and/or reporting requirements. A copy of our Retention Policy can be provided on request.

### **YOUR RIGHTS**

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

**Request access** to your personal information. This is commonly known as a subject access request and enables you to receive a copy of the personal information we hold about you.

**Request correction** of the personal information 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 information. This enables you to ask us to delete or remove personal information 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 information where you have exercised your right to object to processing (see below).

**Object to processing** of your personal information where we are processing your personal information for direct marketing purposes.

**Request the restriction** of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

**Request the transfer** of your personal information to another party.

**Request the reconsideration of an automated decision.** This enables you to ask us to reconsider a decision that may have been made solely by automated means.

If you want to exercise any of the above rights please contact us as below. We will not charge you to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is excessive. Alternatively, we may refuse to comply with the request in such circumstances.

You will be required to provide us with proof of identity when exercising these rights. This is an appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it. Creative England will aim to respond to all requests within 1 month of receipt.

### **CONTACT US**

If you have any requests regarding your personal information held by Creative England please email [data.protection@creativeengland.co.uk](mailto:data.protection@creativeengland.co.uk) or write to Caroline Hinds, Creative England, The Greenhouse, Pod11, MediaCityUK, M50 2EQ.

If you have any questions about this policy please contact Caroline Hinds, Director of People & Operations, [caroline.hinds@creativeengland.co.uk](mailto:caroline.hinds@creativeengland.co.uk)

### **COMPLAINTS**

If you have any concerns over how we use your data, please contact us in the first instance at [data.protection@creativeengland.co.uk](mailto:data.protection@creativeengland.co.uk) and we hope that we can resolve your concerns.

If you are not satisfied with our response, you are entitled to complain to the Information Commissioners Office (ICO), please visit [www.ico.gov.uk](http://www.ico.gov.uk) for full guidance and contact

### **POLICY CHANGES**

We reserve the right to update this policy at any time and shall update our website as appropriate.