

Linklaters

BBC Review: Linklaters Privacy Notice

This privacy notice is issued on behalf of Linklaters LLP (“**Linklaters**”) acting as a data controller and aims to give you information about how Linklaters processes your personal data collected in the course of the review (the “**Review**”) conducted by Gemma White KC pursuant to **terms of reference** published by the British Broadcasting Corporation (“**BBC**”) on 4 August 2022 (the “**Terms of Reference**”) and in accordance with a Process Protocol agreed between the BBC and Gemma White KC on 8 September 2022 (the “**Process Protocol**”). Linklaters has been instructed by the BBC to assist Gemma White KC in her conduct of the Review

Personal data we will process

Your personal data will be processed in order to conduct the Review and may include any information you or other persons choose to provide to Linklaters or to Gemma White KC. Particularly, it may include:

- your name, email address and any other information which you choose to provide;
- recordings, transcripts and/or notes of any conversation or meeting that takes place between you and the Review;
- personal data about you provided to the Review by third parties, including potentially the BBC.

The personal data we process may include information which may reveal your racial or ethnic origin, political opinions, religious or philosophical beliefs, data concerning health or data concerning your sex life or sexual orientation (also called special category data) or information relating to criminal offences, allegations and investigations.

Lawful basis for processing of personal data, special category data and criminal offence data

Linklaters is lawfully able to process your personal information (under the UKGDPR) during the course of and subsequent to the Review for some or all of the following reasons:

- because the data subject has given their consent (Article 6(1)(a) UKGDPR)

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- because processing of the personal information is necessary for the performance of a task carried out in the public interest (Article 6(1)(e) UKGDPR)
- because it is necessary for the purposes of the respective legitimate interests pursued by the BBC and by the persons conducting the Review (Article 6(1)(f) UKGDPR).

The BBC's legitimate interests are in: (a) understanding whether concerns or allegations were raised with the BBC (and if not, why not) and whether the BBC's response to any concerns or allegations was adequate and appropriate; and (b) deciding what, if any, action needs to be taken. The BBC has a legitimate interest in the public having confidence in the findings of the Review and that these matters have been investigated fully, which is best achieved by an independent Review and publication of a report. The legitimate interests of the Review (comprising Gemma White KC and Linklaters) are in effectively carrying out the Terms of Reference and thereafter retaining data for the purposes of further work connected with or relating to those Terms of Reference; and responding to any complaints or legal proceedings.

Special category data

Linklaters is lawfully able to process special category data (under the UKGDPR) during the course of and subsequent to the Review on some or all of the following bases:

- explicit consent of the data subject (Article 9(2)(a) UKGDPR);
- processing is necessary the purposes of performing or exercising obligations or rights which are imposed on the controller or the data subject in connection with employment (Article 9(2)(b) UKGDPR);
- the personal data are manifestly made public by the data subject (Article 9(2)(e) UKGDPR);
- processing is necessary for the establishment, exercise or defence of legal claims (Article 9(2)(f) UKGDPR); and/or
- processing is necessary for reasons of substantial public interest (Article 9(2)(g) UKGDPR).

In processing special category data for reasons of substantial public interest, Linklaters may rely on one or more of the following conditions for processing as set out Schedule 1 to the Data Protection Act 2018 (“**DPA**”):

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- the exercise by the BBC of a function conferred on it by an enactment or rule of law (Schedule 1, paragraph 6 DPA);
- the purpose of preventing or detecting an unlawful act (Schedule 1, paragraph 10 DPA);
- the exercise of a protective function in respect of dishonesty, malpractice or other seriously improper conduct (Schedule 1, paragraph 11 DPA); and
- enabling the BBC to comply with a regulatory requirement associated with whether another person has committed an unlawful act or been involved in dishonesty, malpractice or other seriously improper conduct (Schedule 1, paragraph 12 DPA).

Information relating to criminal offences, allegations and investigations

Linklaters is lawfully able to process information relating to criminal offences, allegations and investigations under Section 10(5) of the DPA by relying on the conditions for processing set out above in relating to special category data, in addition to:

- the data subject having given consent to the processing (Schedule 1, paragraph 29 DPA);
- the processing relating to personal data which is manifestly made public by the data subject (Schedule 1, paragraph 32 DPA); and
- the processing is necessary for the purpose of obtaining legal advice or otherwise necessary for the purpose of establishing, exercising or defending legal rights (Schedule 1, paragraph 33 DPA).

Sharing of your personal information

Your personal information may be shared with Gemma White KC. We may also share your personal information with a person with whom we consider it necessary to share it for the purposes of the Review, or where we are legally required to share it. The report(s) that will be produced as a result of the Review and shared with the BBC in accordance with the Terms of Reference may contain your personal information. In addition, your personal information may be shared with the BBC in accordance with the Process Protocol, or with the police.

If you provide evidence to the Review you may ask us to receive your evidence on the basis that it will not be shared (including with the BBC), or may only be shared on an anonymised basis. If we agree to receive evidence from you on this basis we will not share it, unless we are legally required to do so.

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Information we receive from you will not be provided to the police unless you agree to us doing so, or we are legally required to do so.

You have a right to request access to and rectification or erasure of your personal data, restriction of processing of the data that concern you, as well as a right to object to processing of your personal data. You may also lodge a complaint with a relevant regulatory authority.

If you have any questions about this notice, including any requests to exercise your rights, please contact our Global Head of Regulatory Compliance using the contact details set out below:

Global Head of Regulatory Compliance
Linklaters LLP, One Silk Street, London EC2Y 8HQ
Email: data.protection@linklaters.com
Telephone: (+44) 20 7456 2000

Further details about how we collect and use your personal data, including information on your rights, are set out in our [Global Privacy Notice](#).