

BBC REVIEW: GWKC PRIVACY NOTICE

1. **Purpose of this Notice.** I am a data controller responsible for personal information processed for the purposes of the review that I have been appointed by the Board of the British Broadcasting Corporation (“the BBC”) to conduct (“the Review”). The Review is undertaken pursuant to terms of reference published by the BBC on 4 August 2022 (“the Terms of Reference”) and in accordance with a Process Protocol agreed with the BBC on 8 September 2022 (“the Process Protocol”). This Privacy Notice informs you of the nature of the personal data that I collect and how I process it in line with my obligations under the UK General Data Protection Regulation (UKGDPR) and the Data Protection Act 2018 (DPA). My registered address is Blackstone Chambers, Blackstone House, Temple, London EC4Y 9BW and my registration number is Z4623878. If you have any questions about my use of your personal data or want to exercise your rights set out in this Privacy Notice, please contact Gemma White KC by sending an email to GWKCBBCreview@blackstonechambers.com.
2. **The personal data I collect.** I am collecting personal data for the purposes of the Review. If you write to me in connection with the Review I may store your name and email address and any other personal information with which you choose to provide me. If I meet you in person or remotely, or speak on the telephone, I may store and process any recordings, transcripts and/or notes of the personal information with which you provide me in my meeting or conversation. During the course of the Review your personal information may be provided to me by third parties (such as the BBC or other individuals). This personal data will also be stored and processed. Some of the information provided to me may include special category data, for example, information related to your race or ethnicity, health, or sex life. It may also include information relating to criminal offences, including alleged criminal offences.
3. **Lawful basis for processing.** I am collecting personal information relevant to the Review and store and analyse it in order to produce a report for the BBC pursuant to the Terms of Reference. I am lawfully able to process personal information (under the UKGDPR) because data subjects may give their consent (Article 6(1)(a) UKGDPR) and/or 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) and/or because it is necessary for the purposes of the respective legitimate interests pursued by the BBC and by me (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 (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. My legitimate interests 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 or checking whether any conflicts arise. The lawful bases upon which I may process special category data are; explicit consent of the data subject (Article 9(2)(a) UKGDPR); processing is necessary for 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 that processing is necessary for reasons of substantial public interest (Article 9(2)(g) UKGDPR).
4. As regards those reasons of substantial public interest, I rely on any or all of the following conditions, depending on the nature of the information: the processing is necessary for a) the exercise of functions conferred on the BBC by an enactment or rule of law (DPA Schedule 1 Part 2 (6)); b) the prevention or detection of an unlawful act (DPA Schedule 1 Part 2 (10)); c) the exercise of a protective function (DPA Schedule 1 Part 2 (11)); d) for the purposes of assisting the BBC to comply with a regulatory requirement (DPA Schedule 1 Part 2 (12)). As regards information relating to criminal offences and alleged criminal offences, and the lawful basis for processing that information under Article 10 UKGDPR, I may also rely on any or all of the following conditions, depending on the nature of the information a) the consent of

the data subject (DPA Schedule 1 Part 3 (29)); b) personal data manifestly made public by the data subject (DPA Schedule 1 Part 3 (32)); c) processing is necessary for the purpose of obtaining legal advice or is otherwise necessary for the purpose of establishing, exercising or defending legal rights (DPA Schedule 1 Part 3 (33)); d) processing is necessary for the purposes I have referred to in the paragraph immediately above (DPA Schedule 1 Part 3 (36)). Where the processing is based on your consent, you may withdraw your consent at any time by contacting me at the address above, without affecting the lawfulness of processing carried out before the withdrawal of consent. There may still be other lawful bases for the processing of the information.

5. **Sharing your personal information.** Your personal information may be shared with solicitors (Linklaters LLP) who have been appointed to assist with the review and with counsel instructed to advise on legal issues. I may also share your personal information with a person with whom I consider it necessary to share it for the purposes of the Review, or where I am legally required to share it. I will provide the BBC Board with a report or reports in accordance with the Terms of Reference. The report(s) may contain your personal information. I may also provide your personal information to the BBC pursuant to the provisions of section 7 of the Process Protocol agreed for the purposes of the Review, or to the police. If you provide evidence to the Review you may ask me 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 I agree to receive evidence from you on this basis I will not share it, unless I am legally required to do so. I will not share information with which you have provided me with the police unless you agree, or I am legally required to do so.
6. **Security of your personal information and retention.** Personal information will be stored electronically on UK-based third party outsourced IT servers and cloud-based storage on terms where it is security-protected and where I have an appropriate processing agreement (or similar protections) in place. I have taken and will take appropriate information security, technical, storage and organisational measures to protect your personal information from improper use or disclosure, unauthorised access, unauthorised modification and unlawful destruction or accidental loss. I will store any hard copy information with which you provide me, or which I print, in a locked cabinet. Once the Review is complete I will retain the data for up to 6 years from the date of my latest report to the BBC, or longer if I consider it to be necessary for any of the purposes above, for example for the purposes of any legal proceedings or complaint, or for checking whether any conflicts arise. When I no longer consider it to be necessary to retain it, the information will be securely and completely deleted.
7. **How to access your information and your other rights.** Under data protection law, you have rights including the right to request: **Access** to your personal information, and the provision of copies; **Rectification or completion** of inaccurate or incomplete personal information; **Erasure** of your personal information; **Restriction** of processing of your personal information; and **Data portability**, i.e. transfer of your personal information to another organisation, or to you. You also have a right to **object** to me processing your personal information. If you wish to exercise any of these rights please contact me at the email address given above. Data protection legislation provides for the circumstances in which I must agree to such requests. If I refuse, I will explain the legal basis for the refusal. I may keep a record of your communications with me to help to resolve any issues which you raise.
8. **Your right to lodge a complaint with the supervisory authority.** If you have a concern about any aspect of my privacy practices, including the way I have handled your personal information, you can report it to the UK Information Commissioner's Office (ICO). You can find details about how to do this on the ICO website at <https://ico.org.uk/concerns> or by calling their helpline on 0303 123 1113.