



## THE PRODUCTION FACTORY

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### PRIVACY POLICY

#### Introduction

Welcome to the Production Factory London Limited's privacy notice.

The Production Factory respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data (regardless of where you visit us from) and tell you about your privacy rights and how the law protects you.

#### 1. Important information and who we are

##### Purpose of this Privacy notice

This privacy notice aims to give you information on how The Production Factory London Limited collects and processes your personal data through their course of dealings with you.

It is important that you read this privacy notice together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy notice supplements the other notices and is not intended to override them.

#### Controller

The Production Factory is made up of different legal entities, details of which can be found here <https://theproductionfactory.com/pf-group>. This privacy notice is issued on behalf of The Production Factory Group so when we mention "The Production Factory", "we", "us" or "our" in this privacy notice, we are referring to the relevant company in The Production Factory Group responsible for processing your data.

We have appointed a data privacy officer who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the data privacy officer using the details set out below.

#### Contact details

Our full details are:



Full name of legal entity: The Production Factory London Limited

Name or title of data privacy manager: Michelle Hudson

Email address: hudson@theproductionfactory.com

Postal address: The Production Factory, Zeppelin Building, 3rd Floor. 59-61 Farringdon Road, London EC1M 3JB

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

Changes to the privacy notice and your duty to inform us of changes

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

## **2. Data Protection Principles**

We will comply with data protection law. This says that the personal information we hold about you must be:

- a. Used lawfully, fairly and in a transparent way.
- b. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- c. Relevant to the purposes we have told you about and limited only to those purposes.
- d. Accurate and kept up to date.
- e. Kept only as long as necessary for the purposes we have told you about.
- f. Kept securely.

## **3. The data we collect about you**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:



- Identity Data includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.
- Contact Data includes billing address, residential address, email address and telephone numbers
- Transaction Data includes records about the shoots held and invoices that have been raised and bank account and payment card details
- Profile Data includes your preferences on the logistics to and from shoots
- Image Data includes images taken at photo shoots, profile pictures sent to us
- Communications and Logistics Data includes your communication and collection preferences

On some occasions we will collect, store and use these different types of data in relation to child models. However the collection and use of such data will only be carried out with the express consent of the holder of parental responsibility for the child in question.

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with or purchase from your services). In this case, we may have to cancel a service you have with us but we will notify you if this is the case at the time.

#### **4. How is your personal data collected?**

We use different methods to collect data from and about you including through:

- Direct interactions. You may give us your Identity and Contact Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:
  - request our services;
  - provide details for incorporation into a call sheet;
  - request logistics to a shoot;
  - give us some feedback.
- Third parties or publicly available sources. We may receive personal data about you from various third parties and public sources as set out below:
  - Technical Data from the following parties:



- (a) analytics providers such as Google based outside the EU;
  - (b) advertising networks such as Le Book based outside the EU; and
  - (c) search information providers that maybe based outside the EU.
- Identity Data, Image Data and Contact Data from modelling agencies, Photographic agencies, advertising agencies and, large corporations with whom we contract with to provide services.
  - Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based inside the EU.

## 5. How we use your personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

We may also use your personal information in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest or for official purposes.

Generally, we do not rely on consent as a legal basis for processing your personal data other than in relation to sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by **contacting us**.

## 6. Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please **contact us** if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new Customer or a Supplier of services	(a) Identity (b) Contact	Performance of a contract with you
To process and deliver services to you including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us (c) organise and administer photoshoots (d) others	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications (f) Image	(a) Performance of a contract with you  (b) Necessary for our legitimate interests (to recover debts due to us)
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review (c) Organising transportation to photo shoots	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(a) Performance of a contract with you  (b) Necessary to comply with a legal obligation  (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)
To administer and protect our business	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our business and provision of administration)  (b) Necessary to comply with a legal obligation

### How we use particularly sensitive personal information

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to



maintain when processing such data. We may process special categories of personal information in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations or exercise rights in connection with employment.
- Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. We may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.

We may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

### **Information about criminal convictions**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our Privacy Policy.

We do not envisage that we will hold information about criminal convictions.

### **Third-party marketing**

We will get your express opt-in consent before we share your personal data with any company outside The Production Factory Group of companies for marketing purposes.

### **Change of purpose**

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please [contact us](#).



If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **7. Disclosures of your personal data**

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- Internal Third Parties - Other companies in The Production Factory Group acting as joint controllers or processors and who are based in New York, Miami and Mallorca.
- External Third Parties including:
  - Service providers acting as processors who provide IT and system administration services, photographic services and others.
  - Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services.
  - HM Revenue & Customs, regulators and other authorities acting as processors or joint controllers.
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy notice.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## **8. International transfers**

We share your personal data within The Production Factory Group. This will involve transferring your data outside the European Economic Area (EEA).

Many of our external third parties are based outside the European Economic Area (EEA) so their processing of your personal data will involve a transfer of data outside the EEA.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is



implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission. For further details, see European Commission: Adequacy of the protection of personal data in non-EU countries.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see European Commission: Model contracts for the transfer of personal data to third countries.
- Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## **9. Data security**

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## **10. Data retention**

How long will you use my personal data for?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

By law we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for six years after they cease being customers for tax purposes. Any records that we are not required by law to keep for 6 years will be erased after 2 years.





In some circumstances you can ask us to delete your data: see 'Request erasure' below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

## 11. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. You have the right to:

- Request access to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- Request erasure of your personal data. This enables you to ask us to delete or remove personal data 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 data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- Object to processing of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- Request restriction of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d)



you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

- Request the transfer of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please [contact us](#).

### **No fee usually required**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### **Time limit to respond**

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## **12. Glossary**

### **LAWFUL BASIS**

Legitimate Interest means the interest of our business in conducting and managing our



business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by [contacting us](#).

Performance of Contract means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

Comply with a legal or regulatory obligation means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.