

## BBC's Publication of the Gemma White (KC's) Report Privacy Notice

Your trust is very important to us. This means the BBC is committed to protecting the privacy and security of your personal data. It is important that you read this notice so that you are aware of how and why we are using such personal data. This privacy notice describes how we have collected and how we used personal data about you, in accordance with data protection law.

### **Why are we doing this?**

In August 2022, the BBC Board commissioned barrister Gemma White KC to examine what was known about Tim Westwood's conduct during his time at the BBC and to provide a report to the BBC Board (the "**Report**"). The Terms of Reference for Gemma White's review are publicly available here:

<https://www.bbc.co.uk/aboutthebbc/documents/response-review-tor.pdf>

A Process Protocol for the review was also published and is available here: <https://www.bbc.co.uk/mediacentre/documents/process-protocol.pdf>

The purpose of the BBC publishing the Report is to communicate the findings of Gemma White's review to the public. Publication of the Report is important for the transparency and accountability of the BBC as an organisation.

### **What personal data will the BBC collect and process and how will we use it?**

The personal data was collected for the purposes of the Gemma White review and for publication of the Report by the BBC. The BBC will, of course, have to carefully consider the findings of the Report. Personal data in the Report may therefore be processed in connection with relevant internal processes and governance.

#### **Personal data**

The Report has been written in a way that minimises the use of personal data. However, the Report does refer to personal data such as names, job titles and age. It also refers to information such as extracts from emails and descriptions of conduct, and it is possible that this may lead to identification in some circumstances.

The BBC will only collect and process personal data for the purposes set out in this privacy notice.

For information about how the BBC processes current or former staff members' data, please see our staff privacy notice: <people-privacy-notice.pdf>

#### **Special category personal data**

The Report references the following types of special category data:

- Racial/Ethnic Origin
- Data concerning sex life
- Data concerning sexual orientation

The BBC will only collect and process the special category data for the purposes set out in this privacy notice.

### **Criminal offence data**

The Report references conduct that includes 'criminal offence data'. This might include information about offences and/or suspected offences in the context of criminal activity.

The BBC will only collect and process criminal offence for the purposes set out in this privacy notice.

### **Who is the Data Controller?**

The BBC is the "data controller" of the Report as published. This means that the BBC decides what the personal data is used for, and the ways in which it is processed. For the avoidance of doubt, personal data will be collected and processed solely for the purposes set out in this privacy notice. As the data controller, the BBC has the responsibility to comply, and to demonstrate compliance with, data protection law.

Gemma White KC is a data controller responsible for personal data processed for the purposes of the review, and acts as an independent data controller for the processing of personal data for her own purpose. Such processing was conducted by her in accordance with her own applicable privacy notice – this is publicly available here: <https://www.bbc.co.uk/mediacentre/documents/bbc-privacy-policy-gwkc.pdf>

Linklaters LLP ("Linklaters"), the solicitors to the review, are also a data controller responsible for personal data processed for the purposes of the review. Such processing was conducted by Linklaters in accordance with their applicable privacy notice – this is publicly available here: [https://www.bbc.co.uk/mediacentre/documents/220927\\_ll-privacy-policy\\_bbc\\_final.pdf](https://www.bbc.co.uk/mediacentre/documents/220927_ll-privacy-policy_bbc_final.pdf)

### **Lawful basis for processing the personal data**

The lawful basis on which the BBC processes the personal data in the published Report is **the performance of its public task**. The public interest in the review is evident, in order to hold the BBC and its management to account. This public interest reflects the BBC's obligations as set out in the Charter, pursuant to which it is a function of the BBC Board to hold to account its management, and an implied function of the BBC Board to ensure that those who work for the BBC in any capacity conduct themselves with propriety, and to investigate allegations of misconduct. The BBC must also, under the Charter, observe high standards of accountability. The BBC processes the special category data and criminal offence data on the basis that this is necessary for reasons of **substantial public interest** under Schedule 1, Part 2 (paragraphs 6, 11, 12) of the Data Protection 2018: namely, exercising a function conferred by an enactment (in this case, the BBC Charter); exercising a protective function including protecting the public against serious improper conduct; and meeting regulatory requirements to establish if there has been any improper conduct or unlawful activity.

## **Sharing the personal data**

The Report will be made available publicly on the BBC's website.

We may share personal data with a third-party where required or permitted by law.

## **Retaining your personal data**

The BBC will retain and archive the published Report in perpetuity. The personal data will be stored in the UK and the European Economic Area (EEA).

## **Your rights and more information**

You have **rights** under data protection law:

- You can **request a copy** of the personal data that the BBC stores about you.
- You have the right to request that we **rectify** any inaccurate or incomplete personal data that we hold about you.
- You have the right to ask for the personal data we collect about you to be **deleted**, however there are limitations and exceptions to this right which may entitle the BBC to refuse your request.
- In certain circumstances, you have the right to **restrict** the processing of your personal data or to **object** to the processing of your personal data.
- You have the right to ask that we **transfer** the personal data to you or to another organisation, in certain circumstances.

You can contact our **Data Protection Officer** if you have questions. If you wish to find out more details about your rights, please visit the BBC's Privacy and Cookies Policy at <https://www.bbc.co.uk/usingthebbc/privacy-policy/>

If you have a concern about the way the BBC has handled your personal data, you can raise your concern with the supervisory authority in the UK, the Information Commissioner's Office (ICO): <https://ico.org.uk/>

## **Updating this privacy notice**

We will revise this privacy notice if there are significant changes to how we use your personal data.