

# Privacy Notice

## What is the purpose of this document?

The Royal National Theatre is committed to protecting the privacy and security of your personal information. This Privacy Notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the UK General Data Protection Regulation (UK GDPR).

The Royal National Theatre is a "data controller". This means that we are responsible for deciding how we hold and use your "personal data". We are required under data protection legislation to provide you with the information contained in this Privacy Notice.

This notice applies to all current and former employees, workers and contractors. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time and if we do so, we will provide you with an updated copy of this notice as soon as reasonably practical.

It is important that you read and retain this document, so that you are aware of how and why we are using your personal data and what your rights are under the data protection legislation.

## What kind of information do we hold about you?

Personal data 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).

There are certain types of more sensitive personal data which require a higher level of protection under the data protection legislation, such as information about a person's health or sexual orientation. Information about criminal convictions also warrants this higher level of protection.

We may collect, store, and use the following categories of personal information about you:

- personal contact details such as name, title, addresses, telephone numbers, and personal email addresses;
- personal IP address;
- date of birth;
- gender;
- marital status and dependants;
- next of kin and emergency contact information;
- nationality and immigration status and information from related documents, such as your passport or other identification and immigration information;
- National Insurance number;
- bank account details, payroll records and tax status information;

- salary, annual leave, pension and benefits information (including National Minimum Wage records);
- start date and, if different, the date of your continuous employment;
- leaving date and your reason for leaving;
- location of employment or workplace;
- recruitment information (including copies of your passport or other right to work documentation, references and other information included in an application form, CV or cover letter or otherwise collected as part of the recruitment/appointment/casting/fixing process);
- where you are a chaperone, a copy of your chaperone licence;
- employment records (including job titles, work history, working hours, holidays, contract information, training records and professional memberships);
- compensation history;
- performance information;
- disciplinary and grievance information;
- CCTV footage and other information obtained through electronic means such as swipe card records;
- information about your use of our information and communications systems;
- where you are an actor or musician, your measurements and other information about your body shape necessary for costume fittings; and
- photographs, audio recordings and videos of you including, where you are an actor or musician, recordings made of workshops, rehearsals and performances of productions.

We may also collect, store and use the following more sensitive types of personal information:

- information about your race or ethnicity, religious beliefs and sexual orientation;
- trade union membership;
- information about your health, including:
  - details of any allergy or medical condition;
  - details of any disability status;
  - details of any absences (other than holidays) from work including time on statutory maternity, paternity, shared parental, parental and sick leave, and time in quarantine;
  - where you leave employment and the reason for leaving is related to your health, information about that condition needed for pensions and permanent health insurance purposes;
  - details of your fitness to work; and
  - details of any COVID-19 testing and symptoms; and
- information about criminal convictions and offences.

We explain why we may collect, store and use this personal information in the 'When will we use your personal information?' section below.

## How is your personal information collected?

We collect personal information about you through the recruitment/appointment/casting/fixing process, either directly from you, an employment agency, your agent or a background check provider. We may sometimes collect additional information from the Internet or from third parties including referees and other industry professionals. We will also collect additional personal information in the course of job-related activities throughout the period of you working for us, including information about your health provided by you and health professionals working in collaboration with us.

## How will we use information about you?

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

1. where we need to perform the contract we have entered into with you;
2. where we need to comply with a legal obligation; or
3. where it is necessary for legitimate interests pursued by us or a third party and your interests and fundamental rights do not override those interests.

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

1. where we need to protect your interests (or someone else's interests); or
2. where it is needed in the public interest.

## When will we use your personal information?

We need all categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with our legal obligations. In some cases, we may use your personal information to pursue legitimate interests, provided your interests and fundamental rights do not override those interests. We will process your personal information in the following situations:

- making a decision about your recruitment or appointment;
- determining the terms on which you work for us;
- checking you are legally entitled to work in the UK;
- paying you and, if you are an employee, deducting tax and National Insurance contributions (NICs);
- providing applicable benefits to you, including pension;
- enrolling you in a pension arrangement in accordance with our statutory automatic enrolment duties;
- administering the contract we have entered into with you;
- business management and planning, including accounting and auditing;
- planning and putting on productions or events, including, where you are an actor, musician, or stage crew, including you in team emails, making costumes for you and marketing the production;
- conducting performance reviews, managing performance and determining performance requirements;

- making decisions about salary reviews and compensation;
- assessing qualifications for a particular job or task, including decisions about promotions;
- gathering evidence for possible grievance or disciplinary processes;
- making decisions about your continued employment or engagement;
- making arrangements for the termination of our working relationship;
- education, training and development requirements;
- dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work;
- ascertaining your fitness to work;
- managing sickness and quarantine absence;
- contacting you or your next of kin in an emergency;
- complying with health and safety obligations, guidance and best practice;
- to prevent fraud;
- to monitor your use of our information and communication systems to ensure compliance with our IT policies;
- to ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems;
- where you are an employee, to conduct data analytics studies to review and better understand employee retention and attrition rates;
- equal opportunities monitoring and complying with our Arts Council England and Equity equal opportunities reporting obligations. We always anonymise your personal data before providing it to these outside organisations;
- where you have previously worked for us, to offer you further work or to invite you to our events; and
- to respond to reference requests.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

### **Change of purpose**

We will only use your personal information 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 we need to use your personal information 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 information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **How we use particularly sensitive personal information**

"Special categories" of particularly sensitive personal information, such as information about your health, racial or ethnic origin, sexual orientation or trade union membership, 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 a

Data Protection Policy and safeguards which we are required by law to maintain when processing such data. Our Data Protection Policy can be found on LARRY in the Data Protection section or provided on request. We may process special categories of personal information in the following circumstances:

1. in limited circumstances, with your explicit written consent;
2. where we need to carry out our legal obligations or exercise rights in connection with employment; or
3. where it is needed in the public interest, such as for equal opportunities monitoring or in relation to an 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.

### **Situations in which we will use your sensitive personal information**

In general, we will not process particularly sensitive personal information about you unless it is necessary for performing or exercising obligations or rights in connection with your employment or appointment. On rare occasions, there may be other reasons for processing, such as it is in the public interest to do so. The situations in which we will process your particularly sensitive personal information are listed below.

- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence or quarantine periods and to administer benefits including statutory maternity pay, statutory sick pay, pensions and permanent health insurance. We need to process this information to exercise rights and perform obligations in connection with your employment or appointment.
- We will use information about your race or national or ethnic origin, religious beliefs, or your sexual orientation, to ensure meaningful equal opportunity monitoring and reporting. You have a genuine choice about whether or not to provide this information and there will not be any adverse consequences for those who choose not to provide it.
- We will use trade union membership information to pay trade union premiums, register the status of a protected employee and to comply with employment law obligations.

### **Do we need your consent?**

We do not need your consent if we use special categories of your personal information in accordance with our written policy, as set out in our Data Protection Policy, to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, 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. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

## 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 Data Protection Policy and our policy "Recruiting Safely at the National Theatre" which can be found on LARRY or on request from HR.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us.

We have in place a Data Protection Policy and safeguards which we are required by law to maintain when processing such data.

## Data sharing

We may have to share your data with third parties, including third-party service providers.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the EEA.

If we do, you can expect a similar degree of protection in respect of your personal information.

### Why might you share my personal information with third parties?

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

### Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within our group. The following third-party service providers process personal information about you for the following purposes:

- Reach ATS, for our Recruitment system;
- Sage HR, for our Payroll and HR records;
- MyHR, to allow you to access and review your HR records;
- MitreFinch & Silverlight, for our Front of House rostering system;
- Capita, for our DBS checking service;
- Sterling Talent Solutions, for our financial and basic criminal records checking service;
- SurveyMonkey to collect equal opportunities data and to gather your feedback on employee engagement initiatives;
- CLC, for our training system;

- Bloomberg Consulting to provide content on the Bloomberg Connects app; and
- on occasion we also use an external company for our Staff Survey.

### **How secure is my information with third-party service providers and other entities in our group?**

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

### **What about other third parties?**

We may share your personal information with other third parties if we are legally obliged to do so or where we need to comply with our contractual duties to you. For instance, we may need to pass your name onto a third-party health professional if we book an appointment for you or we may need to pass on certain information to your pension scheme or to HMRC or we may need to pass your contact details to NHS test and trace. We may also share your personal information with other third parties who work with us on productions, including co-producers and, where you are represented by an external third party, we may also share your personal information with them.

### **Transferring information outside the EEA**

Your personal information may be transferred to countries outside the European Economic Area (EEA). By way of example, this may happen if any of our computer servers are located in a country outside of the EEA. If we transfer your personal information outside of the EEA in this way, we will take steps to ensure that your privacy rights continue to be protected as outlined in this Privacy Notice.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring that either:

- the provider is based in a country which is covered by a European Commission 'adequacy decision' meaning that your personal data is afforded a similar degree of protection as in the EEA; or
- 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](#).

## **Data security**

We have put in place measures to protect the security of your information. Details of these measures are available in the Data Security Policy, which can be found on LARRY in the Data Protection section or on request. We require any third party which processes your personal information on behalf of the National Theatre to have appropriate security measures in place to keep your personal information secure.

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

We have put in place procedures to deal with 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.

## Data retention

### How long will you use my information for?

We will only retain your personal information 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. For further information, please see our Data Retention Policy, which is available on LARRY in the Data Protection Section or on request.

## Rights of access, correction, erasure, and restriction

### Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us. If you are an employee with access to LARRY, you can do this by completing the Change in Personal Details form on LARRY in the Resources section.

### Your rights in connection with personal information

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

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **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 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.



- **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.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact [datarequest@nationaltheatre.org.uk](mailto:datarequest@nationaltheatre.org.uk).

### **No fee usually required**

You will not have to pay a fee 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 clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such 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 the information (or to exercise any of your other 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.

### **Right to withdraw consent**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact [datarequest@nationaltheatre.org.uk](mailto:datarequest@nationaltheatre.org.uk). Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## **Changes to this Privacy Notice**

We reserve the right to update this privacy notice at any time and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

## **Questions**

If you have any questions about this Privacy Notice, please contact the Legal team or email [datarequest@nationaltheatre.org.uk](mailto:datarequest@nationaltheatre.org.uk). You also 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.