

## Diamond: Actual data collection.

### Note for producers about the legal basis for collection.

1. Broadcasters are obliged by their regulator, and as part of the Communications Act, to monitor the diversity of those producing the programmes that they commission. Diamond provides a single and efficient solution for doing this.
2. Diamond works by sending a diversity form to programme participants. In Diamond, we refer to all programme participants - both on and off-screen - as 'contributors'. We require the name and email addresses of contributors in order to send them a diversity form. We are processing names and email addresses in Diamond on the basis that we have a *legitimate interest* in collecting this data.
3. To support this data collection, all commissioning agreements set out the role of producers in diversity monitoring via Diamond:
  - (i) To notify programme participants about the submission of their name and email address into Silvermouse, so that they might be sent a diversity form, and
  - (ii) completing the Contributors Form and the Diversity Actual Form (which is where names and emails are entered).

### Notifying contributors

4. The pan-industry agreed wording for use in contracts with contributors can be downloaded from the Pact website [here](#). It is also available from commissioning broadcasters.
5. The wording explains to contributors about why, and on what legal basis, their name and email address is entered into Silvermouse. There is a link to the [Diamond Privacy Policy](#) for more information.

### Contributors' names and email addresses

6. We use the name and email address:
  - for the purpose of sending an email to inform contributors about Diamond, and to invite them to complete a diversity monitoring form.
  - to identify who does, and who does not want, to be part of Diamond. And to ensure that those who want to opt-out are not contacted again when working for a new production company (the industry has a high number of freelancers).
  - to ensure everyone working on a production can be contacted and participate in the same way.
7. The name and email address also acts as a unique ID which enables us to attribute the data they provide to other productions that they work on. This means that contributors are not repeatedly asked to provide the same information every time they work on a new production.

### FAQs:

**Q: How did you determine *legitimate interest* as the legal basis for collection?**

We have carefully balanced our interest in monitoring diversity against any impact on the rights and freedoms of contributors, and believe that using their name and email address for this purpose, and in the way we set out in the [Diamond privacy policy](#), will not have a disproportionate impact on them.

- (a) it allows us to meet our diversity data monitoring requirements;
- (b) it's safer than the alternative, which is a paper based system;
- (c) it doesn't go beyond what the data subjects themselves would expect;
- (d) the processing has little/no interference with data subjects rights and freedoms.

**Q: Do we need permission from the contributor to put their name and email address into Diamond?**

No. Broadcasters are required by their regulator, and by the Communications Act to monitor the diversity of the people who make their programmes. We established that we have a *legitimate interest* in processing the names and e-mails of contributors for the purpose of e-mailing them a diversity form to invite them to provide their diversity data.

**Q: What about contributors who do not want to take part in Diamond?**

We respect that some contributors may not want to be part of Diamond. There is an opportunity within the first email sent to contributors to opt-out of receiving any further correspondence. In the [Diamond Privacy Policy](#) there is clear guidance as to how data subjects might exercise their other data rights.

**Q The broadcasters might have a *legitimate interest*, but what about producers?**

In the commissioning agreements producers agree to *process* the names and email addresses for Diamond purposes. An indemnity is provided as part of this agreement.

**Q: Is there another way for a contributor to participate, without providing their email address?**

It is best practice in diversity monitoring to allow people to 'self-declare' in an anonymous way. Emailing a form to people which is processed anonymously is a good solution for enabling this.

If a contributor does not want to provide an email address to the producer, but does want to take part in Diamond, they could be given the production key which enables them to log into Diamond and provide their details directly. However, they would have to do this for every production that they work on. Having a contributor's name and email address in Diamond means they will only be asked to submit a diversity form every 2 years.

**Q: Is the name and email used for any other purpose?**

Some broadcasters may use the name and email address for their artist payment process for the purposes of paying residuals for further use of an individual's work (when applicable). Otherwise no, we will only be using the personal data (name and email address) in order facilitate participation in Diamond diversity monitoring.