

DATA PROTECTION POLICY (GDPR)

Flying Elephant Films Limited

2026 Version – BBC / Ofcom Aligned

1. Introduction

Flying Elephant Films Limited is committed to protecting personal data in accordance with the **UK Data Protection Act 2018**, the **UK General Data Protection Regulation (UK GDPR)**, and relevant **broadcasting standards including BBC Editorial Guidelines and Ofcom Broadcasting Code**.

As a film and television production company, we handle personal data as part of content creation, including working with contributors, children, vulnerable individuals, and members of the public. We recognise our responsibility to ensure that all personal data is handled lawfully, ethically, and in line with both legal and editorial standards.

2. Regulatory and Editorial Compliance

We operate in accordance with:

- **UK GDPR and Data Protection Act 2018**
- **BBC Editorial Guidelines** (including sections on privacy, consent, fairness, and harm)
- **Ofcom Broadcasting Code** (particularly Section 7: Fairness and Section 8: Privacy)
- **ICO guidance on media and journalism exemptions**

Where data is processed for journalistic, artistic or literary purposes, we will apply the **journalistic exemption** responsibly, ensuring a balance between freedom of expression and individuals' rights.

3. Core Data Protection Principles

We follow the UK GDPR principles:

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation

- Integrity and confidentiality
- Accountability

In addition, we adhere to **editorial principles**:

- **Fairness** – individuals are treated justly and not misrepresented
- **Privacy** – personal lives are respected unless there is a clear public interest
- **Harm and Offence** – contributors are not exposed to unnecessary risk or distress

4. Personal Data in Film Production

In our work, personal data may include:

- Contributor identities and contact details
- Audio-visual recordings (video, voice, still images)
- Personal histories and lived experiences
- Sensitive data (e.g. health, trauma, belief systems)

We recognise that filmed content itself constitutes personal data and must be handled with care.

5. Lawful Basis and Editorial Justification

We process personal data under the following lawful bases:

- **Consent** – especially for contributors and participants
- **Contract** – for employees, freelancers, and suppliers
- **Legitimate interests** – for operational and production purposes
- **Public interest / journalistic purposes** – where editorially justified

In line with BBC and Ofcom standards:

- Contributors will be **informed of the nature and purpose of the production**
- Consent will be **meaningful, informed, and documented**
- Any departure from consent must be **editorially justified and proportionate**

6. Informed Consent and Duty of Care

We will ensure:

- Clear explanation of how footage and personal data will be used
- Ongoing consent throughout production where appropriate
- Additional safeguards for **children and vulnerable contributors**
- Right to withdraw consent, subject to editorial and contractual considerations

In accordance with BBC and Ofcom guidance, we will take particular care where contributors may be:

- In distress
- Lacking capacity
- Unfamiliar with media processes

7. Handling Sensitive Content

Where productions involve sensitive personal data:

- We will obtain **explicit consent**
- We will conduct **risk assessments**
- We will consider potential **impact on contributors post-broadcast**

Editorial decisions involving sensitive material will be assessed against:

- Public interest
- Proportionality
- Potential harm

8. Data Storage, Security and Footage Handling

We implement strict controls over all personal data and recorded material:

- Secure storage of rushes, footage, and archives
- Restricted access to production material
- Encryption and secure file transfer where appropriate
- Controlled editing and post-production environments

Footage containing personal data will be treated as **confidential production material**.

9. Data Sharing and Third Parties

We may share data with:

- Broadcasters (including the BBC)
- Distributors and commissioners
- Post-production teams and technical suppliers

All sharing will be:

- Governed by contracts and data processing agreements
- Limited to what is necessary
- Compliant with editorial and legal standards

10. Retention and Archiving

We retain data:

- For the duration of production and distribution
- In line with contractual and legal obligations
- For archival purposes where editorially justified

In accordance with broadcasting practice, some material may be retained as part of the **historical or editorial record**, subject to appropriate safeguards.

11. Individual Rights and Editorial Balance

Individuals have rights under UK GDPR, including:

- Access
- Rectification
- Erasure
- Objection

However, where data is processed for journalistic purposes, these rights may be balanced against:

- Freedom of expression
- Public interest
- Editorial integrity

All such decisions will be carefully assessed and documented.

12. Data Breaches and Incident Management

Any data breach will be:

- Reported immediately to senior management
- Assessed for risk and impact
- Reported to the ICO where required
- Managed in line with legal and editorial obligations

Where relevant, broadcasters will also be informed.

13. Safeguarding and Data Protection

Where safeguarding concerns arise:

- Personal data may be shared without consent to protect individuals
- Decisions will prioritise safety and welfare
- Actions will align with safeguarding policy and legal duties

14. Responsibilities

Data Protection Lead

The Director of Flying Elephant Films Limited acts as Data Protection Lead and is responsible for:

- Ensuring compliance with legal and editorial standards
- Overseeing data protection practices across productions
- Acting as the point of contact for data protection matters

All Staff and Crew

All personnel must:

- Handle data responsibly
- Follow production data protocols
- Maintain confidentiality
- Report concerns immediately

15. Training and Awareness

We will ensure:

- Staff are aware of GDPR requirements
- Production teams understand editorial responsibilities
- Safeguarding and data protection are integrated into production briefings

16. Policy Review

This policy will be reviewed annually and updated in line with:

- Legal developments
- ICO guidance
- BBC and Ofcom standards
- Industry best practice

17. Contact

Flying Elephant Films Limited

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