

# The Dyson Investigation

## Privacy Notice

Last updated: 23 February 2021

The BBC has commissioned an independent investigation ("the Investigation") into the circumstances around the November 1995 broadcast of an episode of its investigative documentary series, Panorama, which included an interview with Diana, Princess of Wales. The Rt. Hon. Lord Dyson ("the Investigator") has been appointed to lead the investigation. Fieldfisher LLP act as the Solicitors to the Investigation. The scope and Terms of Reference of the Investigation are set out on the Investigation's [website](#).

This Privacy Notice explains how the Investigator and Fieldfisher LLP will process information, including personal information, as part of the Investigation, and how you can exercise your privacy rights. If you have any questions or concerns about our use of your personal information, then please contact us using the details provided at the bottom of this Privacy Notice.

The Investigator and Fieldfisher LLP are joint controllers for the purposes of the Investigation. Accordingly, Fieldfisher LLP have provided this privacy notice on behalf of the Investigator and Fieldfisher LLP. For queries about this privacy notice or exercising any rights under the UK GDPR, please contact [dyson@fieldfisher.com](mailto:dyson@fieldfisher.com).

**What personal information will be processed by the Investigation and what is the legal basis for doing so?**

### **Purposes of collection of personal information**

The Investigator has been appointed by the BBC Board to carry out the Investigation.

Fieldfisher LLP act as Solicitors to the Investigation. Fieldfisher LLP is responsible for sending and receiving all correspondence on behalf of the Investigator, assisting the Investigator with the Investigation and advising him in relation to its conduct.

### **Process for collecting and processing personal information**

#### **Call for evidence**

The Investigator has issued a call for evidence from anyone with direct knowledge of the Panorama interview and the circumstances surrounding it.

The BBC will also share documents requested by the Investigator for the purposes of the Investigation. No such documents will be withheld from the Investigator, save for any

documents which may tend to identify confidential journalistic sources and which cannot be sufficiently redacted.

Fieldfisher LLP may contact individuals who are in possession of relevant documents to request those documents for the purposes of the Investigation.

### **Meeting with individuals**

Where the Investigator wishes to meet with any individual currently or formerly employed by the BBC, or a current or former contractor with the BBC, he will notify the BBC of the individuals he wishes to meet.

The BBC will endeavour to secure the attendance at a meeting of any identified individuals who are its current or former employees or contractors. However, the BBC has no powers to instruct attendance of its former employees.

Attendance by an individual at a meeting with the Investigator is voluntary. The Investigator has no power to compel their attendance. Fieldfisher LLP will arrange any meetings with individuals other than those arranged through the BBC.

At least 5 days prior to meeting any individual, the Investigator will give the individuals a written outline of the topics which he wishes to cover in the meeting and a list of the principal documents to which he wishes to make reference during the meeting.

Where the individuals concerned are current and former employees and contractors of the BBC, the outline of the topics which the Investigator wishes to cover will be passed on as quickly as possible to the individuals concerned.

The Investigator will take steps to ensure that meetings are recorded and that a transcript of each meeting is produced. The Investigator will endeavour to agree the contents of each transcript with the individual concerned. Fieldfisher LLP will assist him with these tasks.

The Investigator will ask questions during such meetings. The Investigator may be assisted by Fieldfisher LLP.

The individual may be accompanied at the meeting by a single friend, colleague or legal representative. The role of any such friend, colleague or representative will be to assist and support the individual, not to answer questions or make legal submissions.

## **Publication of Report**

### **Privileged information**

It may be necessary for the BBC to provide the Investigator with information contained in contemporaneous records and documents from the period 1995 and 1996 that is subject to legal privilege.

The Investigator may refer to privileged documents in his Report, but the Investigation Sponsor (see below) will decide, after consulting the Investigator, whether to redact any material attracting privilege contained in their report before the representations process begins and prior to the Investigator's Report being published. If the BBC considers that redaction is necessary, it will explain the reasons for this when the Report is published.

### **Representations process**

Where the Investigator is minded to criticise individuals, groups of individuals whose members are identifiable or organisations (including the BBC) in their Report, the Investigator will conduct a Representations Process.

This will involve the Investigator writing to individuals, groups and organisations setting out the proposed criticism and providing them with a reasonable opportunity to make written representations in response.

The Investigator will consider any such Representations before concluding the Investigation and finalising their Report.

The BBC will assist the Investigator in ensuring that proposed criticisms are distributed in a timely fashion to any current or former employees.

Where the Investigator is minded to criticise any other individuals, organisations or groups, they will write to those persons direct.

All proposed criticisms that the Investigator is minded to make, and Representations made in response, shall remain confidential as between the Investigator and the person to whom they are addressed. The recipient of any proposed criticisms may, however, share them with their legal representative. If the recipient of any proposed criticisms wishes to share these with any other person, they must first obtain the express written consent of the Investigator.

### **Sharing of Report with the BBC**

At the conclusion of the Investigation, the Investigator will provide their Report to the Investigation Sponsor. The Investigation sponsor is the appropriate contact point for the Investigator at the BBC.

The Investigation Sponsor will secure all necessary internal approvals to prepare for publication.

The BBC will arrange for the Investigator's Report to be published within a reasonable period. Insofar as it considers that any redactions need to be applied to the text prior to publication for legal reasons, it will first consult the Investigator. If it applies any such redactions, it will publish an explanation for these at the same time as publishing the Report.

**The personal information processed for the purposes of the Investigation may include:**

- Biographical personal information such as name, contact details, employment records, disciplinary records and findings; and
- Special category personal information and personal information relating to criminal allegations.

### **Legal basis**

The primary legal basis relied on for lawful processing of personal information by Fieldfisher LLP and the Investigator for the purposes of the Investigation is Article 6(1)(f) of the UK GDPR: processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data.

The legitimate interests in this context include the ability of the Investigation to examine and to produce an evidence-based, balanced analysis of the matters relating to the Terms of Reference.

Where applicable, personal information may be processed on the basis of the consent of the data subject under Article 6(1)(a) of the UK GDPR.

In relation to special category personal information and personal information relating to criminal allegations, the additional legal bases for processing under Article 9 and 10 of the UK GDPR and section 10 of the Data Protection Act 2018 include:

- Processing is necessary for the purposes of the prevention or detecting of an unlawful act (see paragraph 10 of Schedule 1 to the Data Protection Act 2018);
- Processing is necessary for the purposes of complying with, or assisting other persons to comply with a regulatory requirement (see paragraph 12 of Schedule 1 to the Data Protection Act 2018); or

- (where applicable and appropriate) the data subject has given explicit consent to the processing.

### Sharing of personal information

Personal information may be shared with other individuals or organisations who are taking part in the Investigation and may ultimately be published in the final report.

Personal information may also be shared with the following groups of individuals:

- Other witnesses to the Investigation, where this is important to examine the evidence and to make relevant findings of fact;
- Third party processors (such as providers of transcription services);
- The BBC
- The public via published reports; and
- Any competent law enforcement body, regulatory, government agency, court or other third party where we believe disclosure is necessary (i) as a matter of applicable law or regulation, (ii) to exercise, establish or defend our legal rights, or (iii) to protect your vital interests or those of any other person.

### Data retention

Your personal information will be held by Fieldfisher LLP and the Investigator until any limitation period has expired in relation to the Investigation's work. It will then be deleted.

### International Transfers

Your data will not be transferred overseas.

### Your data protection rights

Fieldfisher LLP is the point of contact for exercising data protection rights. You have the following data protection rights:

- If you wish to **access, correct, update or request deletion** of your personal information, you can do so at any time by contacting us using the contact details provided under the "How to contact us" heading below.
- In addition, you can **object to processing** of your personal information, ask us to **restrict processing** of your personal information or **request portability** of your personal information. Again, you can exercise these rights by contacting us using the contact details provided under the "How to contact us" heading below.

- Similarly, if we have collected and processed your personal information with your consent, then you can **withdraw your consent** at any time. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect processing of your personal information conducted in reliance on lawful processing grounds other than consent.
- You have the **right to complain to a data protection authority** about our collection and use of your personal information. For more information, please contact the Information Commissioner's Office at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Tel: 0303 123 1113. Email: [Casework@ico.org.uk](mailto:Casework@ico.org.uk).

Fieldfisher LLP responds to all requests received from individuals wishing to exercise their data protection rights in accordance with applicable data protection laws.

### **Updates to this Privacy Notice**

We may update this Privacy Notice from time to time. When we update our Privacy Notice, we will take appropriate measures to inform you, consistent with the significance of the changes we make. We will obtain your consent to any material Privacy Notice changes if and where this is required by applicable data protection laws.

You can see when this Privacy Notice was last updated by checking the “last updated” date displayed at the top of this Privacy Notice.

### **How to contact us**

If you have any questions or concerns about our use of your personal information, please contact us at [dyson@fieldfisher.com](mailto:dyson@fieldfisher.com).

The joint data controllers of your personal information are Fieldfisher LLP and the Investigator. Fieldfisher LLP is registered with the Information Commissioner's Office (registration number Z9475189. The Investigator is registered with the Information Commissioner's Office (registration number ZA623178.