

SOUNDMOUSE SERVICES PRIVACY POLICY

1 **INTRODUCTION**

1.1 This policy (the **Privacy Policy**) sets out the basis on which any personal data that Soundmouse collects from you, or about you, or that you provide to us, will be processed by us. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

1.2 For the purpose of data protection law, and except where noted in sections 4.4, 4.7 and 4.8 below, the data controller of your data is Soundmouse Limited (**Soundmouse, we, us**), a company registered in England and Wales with registered company number 03962610 and registered address at 26 Litchfield Street, London, WC2H 9TZ. As a data controller we have registered with the Information Commissioner’s Office and our registration number is Z930458X.

2 **DEFINITIONS**

In this Privacy Policy capitalised words and expressions have the meanings given to them in the Soundmouse [<Terms of Use>](#) unless defined below:

Company means the business you work for or represent, if any.

Producer means the owner and/or producer of a Production.

Production means an audio or audiovisual production and/or transmission of any kind, including films, TV programmes, TV channels, radio stations, videos, advertisements, sound recordings, idents, websites, and apps.

Soundmouse Customer means any person authorised by Soundmouse to access and use the Soundmouse Services.

Soundmouse Services means the range of services provided on the Soundmouse and Silvermouse platforms from time to time.

you means you, the data subject, whose personal data we process, and **your** shall be understood accordingly.

3 **THE PERSONAL DATA THAT SOUNDMOUSE COLLECTS ABOUT YOU**

Soundmouse Services users

3.1 If you wish to use the Soundmouse Services, you will be required to register first. When you register, Soundmouse will collect necessary personal data about you including your name, title, fixed line number, mobile number, fax number, email address, preferred language, username, territory, primary country of operation, company name and other company details. This data allows us to provide a personalised service to you. This information may be provided to us by your employer if you work for a Company.

3.2 We may also collect technical data including your internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to

access the Soundmouse Services. Please also see section 3.8 below for additional personal data we may collect from you as a visitor to our website.

3.3 We may also hold your personal data in usage logs which record your activities while uploading, amending, or deleting data uploaded via the Soundmouse Services.

3.4 We will create an account for your use of the Soundmouse Services based on the information you give (an **Account**). We may also ask that you provide other information to us for the Account. You are under no obligation to provide such information. However, if you choose to withhold requested information, Soundmouse may not be able to provide the Soundmouse Services to you.

Actors, crew, performing artists, songwriters, and others

3.5 The Soundmouse and Silvermouse databases are repositories of data relating to Productions and to creative content that is available for use in Productions or in isolation. The data is provided and used by broadcasters, production companies, record labels, music publishers and other Producers, and collecting societies, industry organisations and others. If you are or were involved in the creation or production of a Production or other creative content, your personal data may be included in a file relating to that Production or creative content on our databases. Such data may be limited to your name alone, but in the case of actors and some others certain other data may be included such as the details of your participation in the Production or the creative content, details of your agent, your collecting society or union membership, your music rights, or other rights you hold in relation to the Production or creative content. Your name and the nature of your participation in a Production or creative content may also be collected as part of any analysis of the creative content of a Production that we carry out.

Creative Diversity Network Diamond project contributors

3.6 We collect your personal data if you complete and submit a form in contribution to the Creative Diversity Network Diamond project. The data involved, and the terms under which we collect, store, and process your Diamond data, are set out in the privacy policies on the CDN Diamond page, which are available via this link: <http://creativitydiversitynetwork.com/diamond/contributors/>

Suppliers, business contacts and others

3.7 We collect your personal data either in person, or by your filling in forms, from third parties, from publicly available sources, or by corresponding with you by post, phone, email or otherwise. This data is likely to include your name, contact details, job title, the company or business you work for and other business-related information.

Website visitors

3.8 If you visit our website, we may automatically collect technical data about your equipment, browsing actions and patterns. If so, we collect this personal data by using cookies, server logs and other similar technologies. See section 10 below for more information about cookies.

4 **HOW YOUR PERSONAL DATA IS USED**

4.1 We have set out below a description of all the ways we may use your personal data, and which of the lawful bases of processing we rely on to do so. We have also identified what our legitimate interests are where appropriate.

4.2 Note that we may process your personal data on more than one lawful basis depending on the specific purpose for which we are using your data.

Soundmouse Services users

4.3 We use your personal data to do one or more of the following:

- (a) to administer and assist in the provision of the Soundmouse Services to you;
- (b) to monitor, develop and improve the Soundmouse Services and your experience;
- (c) to process and deal with any enquiries or complaints made by or about you or your Company;
- (d) to contact you about a submission you have made to the Soundmouse Services; and/or
- (e) to understand customer trends and patterns.

4.4 Unless we agree otherwise with your company, we process your personal data on the lawful basis that it is necessary for the purposes of our legitimate interest in providing the Soundmouse Services to you and (if applicable) your Company and developing and improving the Soundmouse Services, and the legitimate interest of your Company (if applicable) in receiving the Soundmouse Services. If you are accessing the Soundmouse Services personally (and not on behalf of a separate business) we process your personal data, to the extent necessary, on the lawful basis that it is necessary to fulfil our obligations to you under the Terms and Conditions of Business. Please note that in some cases your Company may require us to process your personal data as a data processor (not as a data controller), in which case please see your Company's privacy policy for details of how your personal data is processed by us.

Actors, crew, performing artists, songwriters, and others

4.5 We use your personal data to do one or more of the following:

- 4.5.1 to enable Producers to create and access a database of contributor data relating to Productions so as to facilitate the management, licensing, and operation of the Production;
- 4.5.2 to create music cue sheets in respect of audiovisual Productions;
- 4.5.3 to analyse and report on the usage of creative content as contained in Productions or in isolation; and
- 4.5.4 to carry out other operations required of us by our customers.

4.6 Except as described in section 4.7 below, we process your personal data on the lawful basis that it is necessary for the purposes of our legitimate interest in providing the Soundmouse Services, and the legitimate interest of Producers in being able to manage their Productions, and the legitimate interest of rightsholders, licensees and others who are entitled to manage and/or receive revenue/royalties from the exploitation of Productions so as to enable relevant rightsholders and contributors (including you if applicable) to be appropriately credited and paid.

4.7 In some case we may process what is known as 'special category' personal data about you if a Producer or broadcaster enters such data into our database. Special category data (sometimes known as sensitive data) may include details of your health, your racial or ethnic origin or your trade union membership. Unless you have clearly made the special category data public yourself, we process that data as a data processor, and the data controller is the company or business (usually either the relevant Producer or broadcaster) which enters that data onto our database. Please see their privacy policy for details of how your personal data is processed by us.

Creative Diversity Network Diamond project contributors

4.8 The purpose for which and the lawful basis on which Diamond data is collected and processed is set out in the Diamond privacy policies which are available via this link: <http://creativitydiversitynetwork.com/diamond/contributors/>

Suppliers, business contacts and others

4.9 We process your personal data on the lawful basis that it is necessary for the purposes of our legitimate interest in doing business with your Company, and your Company's legitimate interest in doing business with us.

All individuals

4.10 Unless we process your personal data as a data processor, we may use your personal data to deliver marketing and event communications to you across various platforms, such as email, telephone, text messaging, direct mail, and online. If we send you a marketing communication, it will include instructions on how to opt out of receiving these communications in the future. Any such communications will relate to the Soundmouse Services only and will be made on the lawful basis of our legitimate interests in developing our business and will comply with all laws regarding marketing communications.

4.11 We may be required to use and retain personal data for legal and compliance reasons or under a legal obligation, such as the prevention, detection, or investigation of a crime or fraud. We may also use personal data to meet our internal and external audit requirements, information security purposes, and as we otherwise believe to be necessary or appropriate under applicable law; to respond to requests from courts, law enforcement agencies, regulatory agencies, and other authorities; or to enforce our terms and conditions. The lawful basis on which we will carry out any of these actions is our requirement to carry out a legal obligation, or our legitimate interest in protecting our rights.

5 **WILL SOUNDMOUSE SHARE PERSONAL DATA WITH ANYONE ELSE?**

5.1 We only share your personal data with others in the following circumstances:

Soundmouse Services users

5.2 We will allow access to your personal data by other users of the Soundmouse Services who are involved with the Production(s) in which you are involved, or who have a legitimate interest in accessing details concerning the Production(s). Any such access will only be permitted by way of the normal operational functions of the Soundmouse Services.

Actors, crew, performing artists, songwriters, and others

5.3 If your personal data is included in any Production dataset available via in the Soundmouse Services, that personal data will be accessible by the Production Producer(s) and any other person or business with rights in or to the Production, or with a legitimate interest in accessing details concerning the Production. Any such access will only be permitted by way of the normal operational functions of the Soundmouse Services.

Creative Diversity Network Diamond project contributors

5.4 The extent to which your Diamond data is shared with third parties is set out in the Diamond privacy policies which are available via this link:

<http://creativitydiversitynetwork.com/diamond/contributors/>

Suppliers, business contacts and others

5.5 We may share your personal data with our group companies, affiliates, other suppliers, and business contacts in the course of our business.

All individuals

5.6 We engage third party service providers to manage our data, systems, and communications. Personal data will be made available to these parties only where necessary to fulfill the technical services they provide to us, such as software, system, and platform support; cloud hosting services; advertising; data analytics; and customer fulfilment. Our third-party service providers are not permitted to share or use personal data we make available to them for any other purpose than to provide services to us.

6 **EXPORTS OUTSIDE THE UK**

6.1 We export your personal data outside the UK and the EEA when engaging with other group entities, third party service providers and other parties (including organisations that receive personal data for reporting purposes) which are based outside and/or process data outside the UK and the EEA.

6.2 We transfer personal data to recipients outside the UK and the EEA on the basis of standard contractual clauses approved by the European Commission: https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/standard-contractual-clauses-scc_en , or on the basis that the country in question is the subject of an adequacy decision by the UK or European Commission. After the decision of the European Court in the Schrems II case, in which the Court found that the US/EU Privacy Shield does not afford sufficient protection for personal data when transferred to the US, we have been monitoring the instances in which personal data is transferred to the US to establish whether any such transfer presents a significant risk to

your rights and freedoms even when done under the clauses approved by the Commission. If it does, we commit to making necessary changes.

6.3 In addition to the export details in section 6.1 above, it is possible for registered and approved users of the Soundmouse Services to access the Soundmouse Services online from anywhere in the world, and if any such access involves access to your personal data, that data may be processed outside the UK and the EEA by the relevant user. The relevant user or their Company is solely responsible for their processing of that data off our platforms, but any use within the Soundmouse Services is governed by our contract with that user.

6.4 Where a client has agreed with Soundmouse that none of their data will leave the UK or the EEA, all data held for the client will remain within the UK or the EEA.

7 **KEEPING OUR RECORDS ACCURATE**

We aim to keep the personal data we have about you as accurate as possible, but we ask you to help us by notifying us of any change to your personal data whenever necessary. You can change the details you have supplied to us at any time by sending your name, Company (if applicable) and full details of the change required to privacy@soundmouse.com.

8 **HOW LONG DO WE KEEP YOUR PERSONAL DATA?**

8.1 We keep your personal data only for as long as is necessary for the purposes for which it is processed. Here are some examples of our retention periods:

Soundmouse Services users

8.2 We keep your personal data for a period of seven years after you (or your Company) terminates the Account which you use to access the Soundmouse Services. However, any personal data contained in usage logs that we create will be held in those logs for as long as our customers may need to access that data via the Soundmouse Services.

Actors, crew, performing artists, songwriters, and others

8.3 We keep your personal data on the applicable database(s) that we operate as part of the Soundmouse Services for as long as users of the Soundmouse Services may need to access the relevant data.

Creative Diversity Network Diamond project contributors

8.4 The retention period of your personal data is set out in the Diamond privacy policies which are available via this link:

<http://creativitydiversitynetwork.com/diamond/contributors/>

9 **YOUR RIGHTS**

9.1 You have the following rights at law in relation to your personal data:

- The right of access to a copy of the personal data we hold about you;
- The right to require us to correct any inaccuracies in your personal data;

- The right to object to decisions about you being taken by automated means (although we do not make any decisions by automated means);
- If we have sought your consent as regards any processing, the right to withdraw your consent at any time; and
- The right to ask us not to process your personal data for direct marketing purposes.

9.2 You also have the following rights at law in relation to your personal data in certain circumstances:

- The right to restrict or object to our use of your personal data;
- The right to require us to provide a copy of your personal data to others; and
- The right to require us to erase your personal data.

9.3 If you contact us to exercise your rights we will respond as required under data protection legislation, but please note that not all rights are absolute. Sometimes they may not apply, or other legal obligations or third-party rights will take precedence. Please also note that in circumstances where we are a data processor not a data controller of the relevant data, i.e., in the circumstances described in sections 4.4, 4.7 and 4.8 above, your rights must be exercised against the relevant data controller not against us.

9.4 If you contact us by telephone, email or by any other remote means we may require proof of ID before dealing with your request.

9.5 You may send us your request by email to privacy@soundmouse.com, quoting "Subject Access Request" as part of the email subject.

9.6 You can find out more about your rights on the Information Commissioner's Office website: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

10 **IP ADDRESSES, COOKIES AND WEB BEACONS**

10.1 We use cookies and similar technologies on the Soundmouse website. As you probably know, a "cookie" is a small file of text which is downloaded onto your computer or device when you access a website to perform either a necessary or a useful function. We use necessary cookies to permit your use of the site and the Soundmouse and Silvermouse platforms, and to enable core functionality such as security, network management and accessibility. We use analytics cookies to monitor the use of the website and the services we provide through the website.

10.2 We will obtain your consent to use these cookies (via our cookie banner) except where the use of the cookie is strictly necessary for the operation of our website.

10.3 Most browsers have cookies enabled by default, but you are able to change your cookies settings, which are usually found in the 'options' or 'preferences' menu of your internet browser. You can block any cookies from any website by activating the setting on your browser that allows you to refuse the setting of some or all cookies. You can also use your browser settings to delete cookies. For more information about cookies please visit <https://ico.org.uk/your-data-matters/online/cookies/>.

10.4 To learn more about cookies and how to disable them please visit www.youronlinechoices.com and www.allaboutcookies.org.

11 **SECURITY**

We have installed security measures to ensure that any personal data entered via the Soundmouse Services is protected against loss, misuse, or alteration. However, due to the nature of the internet, we cannot guarantee the protection of your personal data and we cannot be responsible for any outcomes resulting from a breach of security beyond our control when the Soundmouse Services are used.

12 **CHANGES TO THIS PRIVACY POLICY**

We may occasionally update this Privacy Policy. When we do, we will revise the "last updated" date at the bottom of this Privacy Policy, and we will take reasonable steps to make you aware of any material changes to it. We also recommended that you revisit this page regularly to keep informed of our current privacy practices.

13 **CONTACTING SOUNDMOUSE**

If you have any questions or comments about this Privacy Policy or our processing of your personal data, or if you would like to exercise any rights you have, or if you would like to terminate your Account, please contact us at privacy@soundmouse.com.

Policy last updated on 09 August 2021