

THE VINEY SHAW AGENCY

TVSA PRIVACY NOTICE

1. INTRODUCTION

This privacy notice sets out the ways in which we, The Viney Shaw Agency collect and use your personal data (your personal information) in connection with our business. It also explains what rights you have to access or change your personal data.

Our website is not intended for children. We do not knowingly collect or maintain the personal information of children under the age of 18. If you are under the age of 13, please do not access our website at any time or in any manner.

We will take appropriate steps to delete the personal information of persons under the age of 18 which we may inadvertently collect.

2. ABOUT US

2.1. We are a company registered in England under company number 934 1708 28. Our registered address is 64 Cavendish St, London, W1G 8TB and our office address is set out below.

2.2. You can contact us as follows:

FAO: Charlie Viney, Director

Address: 23 Erlanger Road, London, SE145TF

Email: charlie@thevineyagency.com

3. INFORMATION WE MAY COLLECT ABOUT YOU

3.1. Information that you provide to us:

3.1.1. We will collect any information that you provide to us when you:

- (a) make an enquiry over the phone, by email or in writing;
- (b) submit manuscripts or other content to us by post or email;
- (c) enter into a contract with us to represent you;
- (d) submit an application to a job vacancy or provide us with information in the course of your employment with, or contract period with, us.

3.1.2. The information you provide to us will include your name, address, email address and phone numbers; and if you are submitting a manuscript or job application you may also provide additional information about your academic and work history, references, and any other such similar information as may be required. If we pay, employ or contract you, you may give us your bank account details. For authors we represent we may need to collect some other fiscal information (tax ID number, VAT number and/or other financial data, including residency information) so that we can carry out the service we have been contracted to provide to our clients, and meet our legal and financial obligations. You may also provide us with information about your existing contracts (and related correspondence) with publishers or other licensees of your work; and you may also send us your approved photograph and biography.

3.2. Information we collect about you:

3.2.1. We will collect any information contained in any correspondence between us. For example, if you contact us by email or telephone, we keep a record of that correspondence. We may make notes of any information you may give us in face to face meetings.

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3.3. Information we receive from third parties:

3.3.1. In certain circumstances, we will receive information about you from third parties in and outside the E.U. For example:

- (a) if you are an author or a literary estate we represent, you will authorise us to receive information about you from your publishers and other licensees such as information about your contracts, performance, royalties and other fiscal data as required. We may also verify and add to information provided by you in connection with your publication history so we can effectively represent you. For example, we may seek information from third party providers, such as online booksellers, and publisher and agency websites.
- (b) if you are a job applicant we may contact your recruiter, current and former employers and/or referees in order to obtain information about you and your application.
- (c) if you submit a manuscript to us for our review, we may use third party providers to verify and add to the information that you provide to us in connection with that submission. For example, we will use third-party databases or websites to confirm your publication history.

4. HOW WE USE INFORMATION ABOUT YOU AND RECIPIENTS OF YOUR INFORMATION

4.1. We will use your information for the purposes listed below either on the basis of:

- 4.1.1. performance of your contract with us and the provision of our services to you;
- 4.1.2. your consent (where we request it);
- 4.1.3. where we need to comply with a legal or regulatory obligation; or
- 4.1.4. our legitimate interests or those of a third party (see paragraph 4.3 below).

4.2. We may use your information for the following purposes:

- 4.2.1. for authors and estates: to enable receipt, review, promotion, licensing and management of your literary work(s) including sharing your information with our co-agents, foreign publishers and literary scouts (on the basis of performing our contract with you or your agent/publisher, including administration of any contracts with third parties when we represent you on such contracts); and
- 4.2.2. for authors and estates: to administer publishing contracts we have made on your behalf, including processing and payment of royalties, we may share some of your personal information with our bookkeeper, accountants, and website developer; and our co-agents in the UK and the US, and foreign publishers across the world (on the basis of performing our contract with you and to comply with our legal obligations);
- 4.2.3. for authors and estates: to best represent and promote you and your work to potential publishers, scouts and other potential licensees including but not limited to film & TV production companies, we may share approved details of your literary works, approved biographical information and approved author photograph(s) on our website, in rights reports compiled for and discussed at book fairs and meetings, and in announcements sent to such media as *Publishers Marketplace* and *The Bookseller*;
- 4.2.4. to manage our relationship with you, which will including notifying you about changes to our terms of use or privacy policy, on the basis of performing our contract with you, to comply

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with our legal obligations and on the basis of our legitimate interests to keep our records updated;

- 4.2.5. to process any job applications you submit to us, whether directly or via an agent or recruiter including sharing this with any third-party recruitment agency we may decide to engage (on the basis of our legitimate interest to recruit new employees or contractors);
 - 4.2.6. to interact with users on any social media platforms we may use now or decide to develop in the future, such as Facebook, Twitter, Instagram and so forth;
 - 4.2.7. to enable us to comply with our policies and procedures and enforce our legal rights, or to protect the rights, property or safety of our employees and share your information with our technical and legal advisors (on the basis of our legitimate interests to operate a safe and lawful business or where we have a legal obligation to do so).
- 4.3. Where we refer to using your information on the basis of our “legitimate interests”, we mean our legitimate business interests in conducting and managing our business and our relationship with you, including the legitimate interest we have in:
- 4.3.1. personalising, enhancing, modifying or otherwise improving the services and/or communications that we provide to you;
 - 4.3.2. detecting and preventing fraud and operating a safe and lawful business;
 - 4.3.3. improving security and optimisation of our network, sites and services;
 - 4.3.4. providing representation according to our client agreements.
- 4.4. Where we use your information for our legitimate interests, we make sure that we take into account any potential impact that such use may have on you. Our legitimate interests don’t automatically override yours and we won’t use your information if we believe your interests should override ours unless we have other grounds to do so (such as your consent or a legal obligation). If you have any concerns about our processing please refer to details of “Your Rights” in paragraph 9 below.

5. WHO WE MIGHT SHARE YOUR INFORMATION WITH

- 5.1. In connection with the purposes and on the lawful grounds described above and in addition to the recipients of your information as described above, we will share your personal information when relevant with third parties such as:
- 5.1.1. third parties we work with to deliver our business which include our IT support provider Computer Soup, Computer Solutions and Microsoft Assure; our accountants Harris and Trotter LLP, our bank Coutts and Co, our Bookkeepers Kamila Cantor and Karl Crick, our Web Designer Liquid Jigsaw, website editor Jack Viney, external web hosts 1and1 webhosting in Australia, our payroll service Pinnacle, HMRC, The Pension Regulator, and our pension provider The Pension People.
 - 5.1.2. any UK-based or international publishers or other licensees of your work (or prospective publishers and licensees) as well as sub- or co-agents, advisors (such as your solicitor or accountant) and editorial service providers, or co-authors, where applicable.
 - 5.1.3. any prospective seller or buyer of such business or assets, only in the event that we decide to sell or buy any business or assets; and
 - 5.1.4. any other third parties which include possible legal or other advisors, regulatory authorities, courts, law enforcement agencies and government agencies, where necessary to enable us to enforce our legal rights, or to protect the rights, property or safety of our employees and authors, or where such disclosure may be permitted or required by law. For example, we

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are required to provide to HMRC, annually, details of all payments from publishers to authors which are administrated and facilitated by us.

- 5.2. We require third parties to maintain appropriate security to protect your information from unauthorised access or processing.

6. COOKIES

- 6.1. Our website www.thevineyshawagency.com does not use cookies, but it may contain content and links to other sites that are operated by third parties that may operate cookies. We don't control these third party sites or cookies and this Privacy Notice does not apply to them. Please consult the terms and conditions and Privacy Notice of the relevant third party site to find out how that site collects and uses your information and to establish whether and for what purpose they use cookies.

7. HOW WE LOOK AFTER YOUR INFORMATION AND HOW LONG WE KEEP IT FOR

- 7.1. We operate a policy of "privacy by design" by looking for opportunities to minimise the amount of personal information we hold about you. We use appropriate technological and operational security measures to protect your information against any unauthorised access or unlawful use, such as:

- 7.1.1. ensuring the physical security of our offices and equipment;
- 7.1.2. ensuring the physical and digital security of our equipment and devices by using appropriate password protection, and through the use of appropriate firewalls, virus and malware protection regarding our IT equipment, including financial security software Trusteer; by using Office 365 which stores our data in the cloud rather than on site.
- 7.1.3. maintaining a data protection policy for, and delivering data protection training to, our employees; and
- 7.1.4. limiting access to your personal information to those in our company who need to use it in the course of their work.

- 7.2. We will retain your information for as long as is necessary to provide you with the services that you have requested from us or for as long as we reasonably require to retain the information for our lawful business purposes, such as for the purposes of exercising our legal rights or where we are permitted to do. We consider carefully what information and data needs to be retained for the purposes of our work and contracts with our authors and employees and look to find ways to reduce the amount of information we hold about you and the length of time that we need to keep it. For example,

- 7.2.1. we archive our email and paper correspondence regularly and destroy information older than 5 years; and
- 7.2.2. we retain information relating to submissions of your work to publishers and other potential rights licensees, and relating to website users' queries about your work, for approximately 5 years; and
- 7.2.3. we destroy manuscripts and queries from writers whom we do not go on to represent, as soon as we have considered and rejected their work;
- 7.2.4. we destroy our own copies of unpublished manuscripts and related correspondence from our authors after 5 years, however we may permanently keep a log recording brief details of these in the event of a legal claim.

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8. INTERNATIONAL TRANSFERS OF YOUR INFORMATION

- 8.1. Our company is located in the UK.
- 8.2. Your information will be processed outside of the European Economic Area (EEA) in the circumstances listed below and we will take all steps necessary to ensure that any of your information is adequately protected and processed in accordance with this Privacy Notice.
- 8.3. If you are our client, we supply your name (address, fiscal information such as tax ID number, VAT number etc) to publishers around the world as necessary to perform our obligations in our contract with you.
- 8.4. Please contact us for further information on the specific mechanism we use when transferring your personal data out of the EEA.

9. YOUR RIGHTS TO THE INFORMATION WE HOLD ABOUT YOU

- 9.1. You have certain rights in respect of the information that we hold about you, including:
 - 9.1.1. the right to be informed of the ways in which we use your information;
 - 9.1.2. the right to ask us not to process your personal data for marketing purposes;
 - 9.1.3. the right to request access to the information that we hold about you;
 - 9.1.4. the right to request that we correct or rectify any information that we hold about you which is out of date or incorrect;
 - 9.1.5. the right to receive a copy of any information we hold about you in a structured, commonly-used, machine readable format. We will respond to all reasonable requests and provide this information to you within one calendar month. In providing this information in accordance with paragraph 9.1.3 we have the right to charge you a fee of £15 to assist us with the administration of your request
 - 9.1.6. the right, in certain circumstances, to ask us to stop processing information about you;
 - 9.1.7. the right, in certain circumstances, to ask us to limit or cease processing or erase information we hold about you;
 - 9.1.8. the right to lodge a complaint about us to the UK Information Commissioner's Office (<https://ico.org.uk/>), as well as with the relevant authority in your country of work or residence. Please note we may need to retain certain information for our own record-keeping, legal compliance and research purposes.
- 9.2. You may exercise your rights above by contacting us and we will comply with your requests unless we have a lawful reason not to do so.
- 9.3. We may need to request specific information from you to help us confirm your identity and to enable you to access your personal data. This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

10. CHANGES TO THIS PRIVACY NOTICE

- 10.1.1. We may make changes to this Privacy Notice from time to time. We will post any changes to our site or notify you of any material changes by e-mail.

This Privacy Notice was updated by the Board of Directors on 1.10.2018.