

# Broadband Competition for Event Venues – Legal Notices

The legal notices below apply to all stages of the broadband competition for event venues (the **Competition**), including the participation by applicants in the Competition. The Competition is managed by the Department for Digital, Culture, Media and Sport (**DCMS**) and Building Digital UK (**BDUK**), which is part of DCMS. References to DCMS below include references to BDUK.

## Confidentiality

Subject to the disclosure rights below, DCMS will not disclose any information which has been provided in connection with the Competition and expressly designated as confidential.

DCMS may disclose any information which has been provided in connection with the Competition to (i) any member, director, officer, employee or agent of DCMS; (ii) any person acting as an adviser or consultant to DCMS; and (iii) any other part of the UK government.

Applicants must not disclose any information which has been provided to them by DCMS in connection with the Competition and designated by DCMS as confidential or which ought reasonably to be treated as being confidential, except that applicants may disclose such information to any third party for the purpose of developing their applications (after having obtained a similar obligation from that third party to treat such information disclosed as confidential).

## Freedom of information

DCMS may be required to disclose information submitted by applicants under applicable freedom of information legislation including the Freedom of Information Act 2004.

Where an applicant identifies material as commercially sensitive, DCMS will endeavour to maintain confidentiality. However, DCMS may be required to disclose such information in accordance with relevant legislation and the final decision to disclose shall sit with DCMS. If an applicant receives a request for information under the Freedom of Information Act 2004 or similar legislation in connection with the Competition, this should be immediately passed on to DCMS and the applicant should not attempt to answer the request without first consulting with DCMS.

## Personal data

It is acknowledged that in completing the application form and/or participating in the Competition, limited personal data will be provided to, and collected by, DCMS, who for the purpose of data protection law acts as the controller of such data.

Where the point of contact and/or the individual submitting the application form shares other people's personal information (e.g. name of conference centre owners where this is an individual or the name of a budget holder) the individual should bring this section to the attention of those people whose information is being shared.

The data DCMS expects to collect is restricted to the contact details of the individual acting in a business capacity, who completes and submits the application form. The data is processed for the purpose of DCMS reviewing applications and operating and managing the Competition. It does this to further its public duties and tasks, comply with legal and regulatory obligations and because it is in the public and the legitimate interests of DCMS to do so. The data may be shared with local and central government.

Otherwise, DCMS will only disclose this data to:

- (a) the professional advisers and consultants of DCMS;
- (b) regulators (including Ofcom where applicable), law enforcement or fraud prevention agencies, courts, the police and any other authorised bodies, for the purposes of investigating any actual or suspected criminal activity or other regulatory, legal, commercial or public matters etc. The use of this data by these third parties will be governed by the third parties' privacy statements and policies. These parties are also "controllers", which means they have independent obligations under data protection law to protect personal data and provide relevant individuals with information as to how they process it (subject to certain exemptions). DCMS also has contracts in place with these third parties to safeguard the personal information shared with them; and
- (c) other third-party suppliers for business administration or IT purposes. The use of personal data by these third-party suppliers is governed by this notice. DCMS appoints these third parties on a "processor" basis, which means they are subject to contractual and legal obligations to protect the personal data shared in line with data protection law, this section and contractual obligations put in place with these third parties to safeguard the information shared with them.

DCMS will not share the data outside of the UK. The data will only be kept for as long as necessary in order for DCMS to review applications and operate and manage the Competition.

The following rights under data protection law are available to individuals who DCMS holds data about under this section. You may contact DCMS at [LFFN@Culture.gov.uk](mailto:LFFN@Culture.gov.uk) to exercise any of these rights and DCMS will respond to any request received promptly and in compliance with data protection laws.

Right 1 – A right to access personal data held by DCMS about the individual; Right 2 – A right to require DCMS to rectify any inaccurate personal data held about the individual; Right 3 – A right to require DCMS to erase personal data held about the individual. This right will only apply where (for example): the personal data is no longer needed to achieve the purpose it was collected it for or where the individuals objects to the way DCMS process the individual's data (in line with Right 5 below); Right 4 – In certain circumstances, a right to restrict processing of personal data held by DCMS about the individual. This right will only apply where (for example): the accuracy of the personal data is disputed by the individual or where the individual would have the right to require DCMS to erase the personal data but would prefer that the processing is restricted instead or where DCMS no longer needs to use the personal data to achieve the purpose it was collected it for, but the individual requires the data for the purposes of dealing with legal claims; Right 5 – A right to object to the processing of personal data held by DCMS about the individual where the processing of such data is necessary in the public interest, unless DCMS is able to demonstrate, on balance, legitimate grounds for continuing to process personal data which override the individual's rights or which are for the establishment, exercise or defence of legal claims.

DCMS encourages individuals affected by this section to contact it first if they have any queries, comments or concerns about the way data is handled. However, in the event of dissatisfaction with the handling of any request by such individual in relation to rights or concerns, affected individuals also have the right to make a complaint to the lead supervisory authority, which is the UK's Information Commissioner's Office. Their address is: First Contact Team, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF.

For further information from DCMS on data protection and privacy or any requests concerning personal information, please contact [LFFN@Culture.gov.uk](mailto:LFFN@Culture.gov.uk).

Any changes to this section in the future will be, where appropriate, notified by email or by way of other contact information held.

## **Publicity**

Publicity activities with any section of the media concerning any aspect of the Competition may not be taken without the prior written agreement of DCMS (including as to the content of any such publicity). In this section "media" includes (without limit) radio, television, print, newspapers, trade and specialist press, the internet and email or mobile content accessible by the public.

## **Disclaimer**

Whilst all Competition information (including as set out or referenced on the Competition website) has been prepared by DCMS in good faith, it does not purport to be comprehensive nor has it been independently verified. Neither DCMS nor its advisers and their respective

directors, officers, members, partners, employees, other staff or agents (i) makes any representation or warranty (express or implied) as to the accuracy, reasonableness or completeness of the information provided; (ii) accepts any responsibility for the information provided or for its fairness, accuracy or completeness; and (iii) will be liable for any loss or damage of any kind (other than in respect of fraudulent misrepresentation) arising as a result of reliance on such information or any subsequent information.

## **Costs**

Applicants must obtain at their own responsibility and expense, all information necessary for the preparation of applications and all future stages of the Competition. Applicants are solely responsible for the costs and expenses incurred in connection with the preparation and submission of their applications and all other stages of the Competition. Under no circumstances will DCMS or any of their advisers be liable for any costs or expenses borne by the applicants or their contractors or advisers in connection with the Competition.

## **Right to vary or cancel the Competition**

DCMS reserves the right to amend the terms of the Competition, cancel the Competition at any stage, require any applicant to clarify its application in writing and/or provide additional information. Failure to respond adequately may result in the relevant application not being selected for funding.

## **Canvassing**

Any applicant who directly or indirectly canvasses any officer, member, employee, agent or consultant of DCMS concerning the Competition will be disqualified.