

Dear Sirs,

In order to fulfil the information obligation on the part of the Society of Authors ZAiKS in terms of processing personal data, as provided for in the General Data Protection Regulation of the European Parliament and of the Council (EU) of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) and in relation to the entry into force of the Act of 15 June 2018 on the Collective Management of Copyright and Related Rights, below please find the information on the use of your personal data by the Society of Authors ZAiKS. The information is provided pursuant to Article 13 GDPR. We kindly request you to read the following information.

WHO IS THE CONTROLLER OF YOUR PERSONAL DATA?

The controller of your personal data is the Society of Authors ZAiKS, with its registered seat in Warsaw, at Hipoteczna 2, 00-092 Warsaw, entered into the register of associations, other social and professional organisations, foundations and public health care institutions kept by the Regional Court for the Capital City of Warsaw, the 12th Commercial Department of the National Court Register (KRS), KRS file number: KRS 0000037327, NIP 525-15-71-004, REGON – 000775184 (“ZAiKS”).

Data protection officer: Ewelina Zielska, e-mail at dane.osobowe@zaiKS.org.pl.

WHAT ARE THE OBJECTS OF PERSONAL DATA PROCESSING?

The following are the objects of processing your personal data by ZAiKS:

1. performing by you membership rights in ZAiKS (the foregoing concerns the music publishers who are the Society's members), including specifically in connection with the execution of passive and active voting right in the Society, participation in the Society's electable bodies, participation in the Society's specific sections and committees, participation in the Society's Assembly of Delegates,
2. performing and delivering a collective management agreement executed between you and ZAiKS,
3. granting a license to a user to use the works to which you have been vested the economic rights,
4. determining an amount of and claiming consideration due and payable to you, and verifying whether it has been accurately calculated,
5. claiming and securing claims related to the performance of license agreements and violation of rights to the works to which you have economic rights,
6. determining the principles to calculate and a value of and filing claims, also reporting claims to information,
7. claiming fees charged by competent organisations with importers and manufacturers of equipment allowing to copy copies of works for personal usage and related information storage devices,
8. monitoring the manner of using the works to which you have been vested the economic rights,
9. fulfilling tax obligations,
10. publishing the repertoire of ZAiKS,
11. fulfilling the responsibilities specified in the Act on Collective Management of Copyright and Related Rights, specifically in respect of informing about the repertoire managed by ZAiKS,
12. archiving and keeping the documentation on your works,
13. upon your consent, the personal data are processed in order to provide your contact data to the persons whose copyright is managed by ZAiKS.

WHAT ARE THE LEGAL GROUNDS FOR PERSONAL DATA PROCESSING?

ZAiKS will process your personal data on the basis of the following legal grounds:

1. with regard to the objects referred to in point 1 hereinabove, the personal data are processed on the basis

- of the membership relationship between you and ZAiKS,
- with regard to the objects referred to in points 2–9 hereinabove, the personal data are processed based upon collective management agreement and legal obligations assumed by ZAiKS, as provided for in Articles 51, 87, 89 and 120.3 of the Act on Collective Management of Copyright and Related Rights,
 - with regard to the objects referred to in point 10 hereinabove, the personal data are processed based upon a legally justified interest of ZAiKS (Article 6.1.f GDPR), which involves publishing the repertoire of ZAiKS. ZAiKS has evaluated the effect of such processing on privacy as well as your rights and freedoms. Upon considering the interests of you and ZAiKS, the Society has concluded that such processing has no adverse effect on your rights and freedoms and such processing does not excessively interfere with your privacy,
 - with regard to the objects referred to in point 11 hereinabove, the personal data are processed based upon legal obligation assumed by ZAiKS, as provided for in Article 51 of the Act on Collective Management of Copyright and Related Rights,
 - with regard to the object referred to in point 12 hereinabove, the personal data are processed based on a legally justified interest of ZAiKS (Article 6.1.f GDPR), which involves keeping the archives of works and culture. ZAiKS has evaluated the effect of such processing on privacy as well as your rights and freedoms, with the aim being to retain information about authors, works created thereby and a manner of using their works. Upon considering the interests of authors and ZAiKS, the Society has concluded that such processing has no adverse effect on your rights and freedoms and such processing does not excessively interfere with your privacy,
 - with regard to the objects referred to in point 13 hereinabove, the personal data are processed upon your consent.

TO WHOM WILL ZAIKS DISCLOSE PERSONAL DATA?

ZAiKS may disclose your personal data to the following categories of entities, (i.e. the recipients of personal data):

- users in connection with using the works to which you have been vested rights, for the purpose of identification of the repertoire managed by ZAiKS; an obligation to disclose the data is provided for in Article 51 of the Act on Collective Management of Copyright and Related Rights,
- tax authorities to fulfil tax obligations,
- courts and prosecutor's offices within extent necessary to file claims related to illegal use of works,
- law firms providing ZAiKS with legal services,
- persons whose copyright is managed by ZAiKS – exclusively upon your consent,
- entities providing ZAiKS with accounting and auditing services,
- entities providing ZAiKS with IT support and programming services,
- mail operators and the so-called courier firms, within extent that will prove necessary for these entities to provide ZAiKS with relevant services,
- entities with whom ZAiKS has executed an agreement on the entrusting with personal data processing,
- collective management organizations participating in the system of collective management of copyright and related rights and other entities collecting fees on the order of ZAiKS, including specifically other collective management organizations of author's rights and related rights, with their registered seats in Poland or foreign collective management organizations as well as international organisations dealing with the protection of rights and interests of the rightholders (e.g. CISAC, GESAC).

We also inform that the scope of disclosure may differ depending on the recipient of personal data.

WILL ZAIKS TRANSFER PERSONAL DATA OUTSIDE THE EUROPEAN ECONOMIC AREA (I.E. OUTSIDE THE TERRITORY OF THE EUROPEAN UNION, ICELAND, NORWAY AND LICHTENSTEIN)?

Due to the establishing international cooperation with other collecting societies and using IT tools allowing for exchange of information about repertoire, the author's personal data may be transferred outside the European Economic Area. The personal data are transferred on the basis of applicable contractual clauses or any other appropriate legal mechanisms which specifically ensure security of the processed personal data. ZAiKS informs about an option to obtain a copy of personal data which have been transferred.

FOR WHAT TIME WILL THE PERSONAL DATA BE STORED?

Your personal data will be stored for the entire term of the copyright, i.e. for the author's life and 70 years after his/her death.

For archival purposes, your personal data will be stored for an indefinite term.

DO I HAVE A RIGHT OF ACCESS TO MY PERSONAL DATA? CAN I CORRECT OR UPDATE THEM?

Yes, with reference to your personal data you do have the right of access, rectification, erasure, restriction of processing and transfer. In addition, the data subject may file an objection to having his/her personal data processed, based on relevant legal and actual grounds. The access to personal data may be acquired by:

- 1) electronic mail at: dane.osobowe@zaiKS.org.pl.
- 2) directly at a registered seat of ZAIKS or competent Regional Offices.

MAY I LODGE A COMPLAINT IN CONNECTION WITH PROCESSING MY PERSONAL DATA?

Yes, each data subject may lodge a complaint with the supervisory authority, i.e. President of the Personal Data Protection Authority, Stawki 2, 00-193 Warsaw.

MAY I WITHDRAW A CONSENT TO DISCLOSE MY PERSONAL DATA TO THE PERSONS WHOSE COPYRIGHT IS MANAGED BY ZAIKS?

Yes, you may at any time withdraw your consent to disclose your personal data to persons whose copyright is managed by ZAIKS. However, the processing of personal data by ZAIKS on the basis of a relevant consent granted, before its withdrawal, remains legally effective and binding.

IS THE DISCLOSURE OF PERSONAL DATA A CONTRACTUAL OR STATUTORY OBLIGATION? AM I OBLIGED TO DISCLOSE PERSONAL DATA AND WHAT ARE THE CONSEQUENCES OF A FAILURE TO DISCLOSE THE DATA?

Disclosing your personal data constitutes a statutory and contractual obligation. Due to a failure to disclose personal data, ZAIKS will not be able to perform the license agreement and fulfil its obligations related to tax provisions.