

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 A CONTROLLER OF YOUR PERSONAL DATA?**

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A 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](mailto:dane.osobowe@zaiKS.org.pl).

#### **WHAT ARE THE OBJECTS OF PERSONAL DATA PROCESSING?**

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

1. performing by ZAiKS the legal obligations assumed by ZAiKS to perform collective management of the works used by radio and television broadcasters, cable operators and digital service providers,
2. confirming the authorship of a works,
3. granting a license to use your works to a user,
4. determining an amount of and claiming consideration due and payable to you, and verifying whether it has been accurately calculated,
5. claiming and collecting rights related to the performance of license agreements and to violation of rights to the works created by you,
6. determining the principles to calculate and a value of and filing claims, also in respect of using the works which does not require your consent within extent whereby you have only a right to consideration and file reporting claims related to such use,
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 created by you,
9. registering the works co-created by you,,
10. calculating and transferring a due advance payment for personal income tax and issuing a tax return for personal income tax (PIT),
11. publishing the repertoire of ZAiKS, pursuant to the binding regulations,
12. fulfilling the responsibilities as per the Act on Collective Management of Copyright and Related Rights, specifically in respect of informing about the repertoire managed by ZAiKS,
13. archiving and keeping the documentation on your works,

#### **WHAT ARE LEGAL GROUNDS FOR PERSONAL DATA PROCESSING?**

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

1. with regard to the objects referred to in point 1.10 hereinabove, 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 11 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 12 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 13 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.

#### **TO WHOM WILL ZAIKS DISCLOSE YOUR PERSONAL DATA?**

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

- users in connection with using your works, for the purpose of identification of the repertoire managed by ZAiKS,
- tax authorities in relation to a need to calculate a due advance payment for personal income tax and to issue a PIT tax return,
- courts and prosecutor's offices within extent necessary to file claims related to illegal use of works,
- law firms providing ZAiKS with legal services,
- 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,

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)?**

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Due to the establishing international cooperation with other collecting societies and using IT tools allowing for exchange of information about repertoire, your personal data may be transferred outside the European Economic Area. The personal data are transferred on the basis of applicable contractual clauses. ZAiKS informs about an option to obtain a copy of the personal data which have been transferred.

#### **FOR WHAT TIME WILL THE PERSONAL DATA BE STORED?**

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The personal data will be stored for the entire term of the copyright, i.e. for your life and 70 years after your 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 RECTIFY OR UPDATE THEM?**

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Yes, you have a right of access to your personal data and the right of rectification, erasure, restriction of processing and transfer. In addition, data subject may file an objection to having his/her personal data processed. The access to personal data may be acquired by:

- electronic mail at: [dane.osobowe@zaiks.org.pl](mailto:dane.osobowe@zaiks.org.pl),
- directly at a registered seat of the Society of Authors ZAiKS.

**AM I ENTITLED TO LODGE A COMPLAINT IN CONNECTION WITH PERSONAL DATA PROCESSING?**

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

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

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The disclosure of personal data by you constitutes a statutory obligation. Due to a failure to disclose personal data, ZAiKS will not be able to pay royalties due to you and will prevent ZAiKS from calculating and transferring a due advance payment for personal income tax and issuing a tax return for personal income tax.