

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 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.

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

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

1. performing and delivering a collective management agreement executed between you and ZAiKS,
2. granting a license to a user to use the works to which you have rights,
3. determining an amount of and claiming consideration due and payable to you, and verifying whether it has been accurately calculated,
4. claiming and securing claims related to the performance of license agreements and violation of your respective rights,
5. 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, file reporting claims and claims related to such use,
6. claiming fees collected by competent organisations from importers and manufacturers of equipment allowing to copy copies of works for personal usage and related information storage devices,
7. monitoring the manner of using the copyright to which you have rights,
8. registering the works created or co-created by the author to which you have currently rights,
9. calculating and transferring a due advance payment for personal income tax and issuing a tax return for personal income tax (PIT),
10. providing you with the services related to accommodation at the Houses of Creative Work owned by ZAiKS,
11. archiving and keeping the documentation on the copyright to the author’s works, to which you have currently rights,
12. 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,
13. upon your consent, the personal data are processed in order to provide your data to the entities interested in using the copyright to which you are entitled (within extent going beyond collective management),
14. 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 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 points 1-9 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,
2. with regard to the objects referred to in point 10 hereinabove, the personal data are processed based upon the accommodation services provided by ZAiKS,
3. 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 consists of keeping the archives of works and culture in order to preserve information about authors, works created by them and the manner of using those works. 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,
4. 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,
5. with regard to the objects referred to in points 13 and 14 hereinabove, the personal data are processed upon your consent.

#### TO WHOM WILL THE SOCIETY OF AUTHORS ZAIKS DISCLOSE YOUR PERSONAL DATA?

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

1. users in connection with using the works, for the purpose of identification of the repertoire managed by ZAiKS,
2. tax authorities in relation to a need to calculate a due advance payment for personal income tax and to issue a PIT tax return,
3. courts and prosecutor's offices within extent necessary to file claims related to illegal use of the works,
4. law firms providing ZAiKS with legal services,
5. the entities that desire to use the works within extent going beyond collective management of copyright performed by ZAiKS – only upon your consent,
6. the persons whose copyright is managed by ZAiKS – only upon your consent,
7. entities providing ZAiKS with accounting and auditing services,
8. entities providing the ZAiKS with IT support and programming services,
9. mail operators and the so-called courier firms, within extent that will prove necessary for these entities to provide ZAiKS with relevant services,
10. entities with whom ZAiKS has executed an agreement on the entrusting with personal data processing,
11. collecting societies participating in the system of collective management of copyright and related rights and other collecting by order of ZAiKS entities, including specifically to collecting societies with their registered seats in Poland or foreign collecting societies as well as international organisations dealing with the protection of rights and interests of the entitled persons (e.g. CISAC, GESAC).

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

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

The personal data will be stored for the entire term of the copyright, i.e. 70 years after death of the author to whose copyright you have currently rights.

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

Yes, you have a right of access to your personal data, 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](mailto:dane.osobowe@zaiKS.org.pl),
- 2) 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.

**AM I ENTITLED TO WITHDRAW A CONSENT TO DISCLOSE MY PERSONAL DATA TO THE ENTITIES THAT DESIRE TO USE THE WORKS WITHIN THE EXTENT THAT GOES BEYOND COLLECTIVE MANAGEMENT OF COPYRIGHT PERFORMED BY ZAIKS?**

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Yes, you may at any time withdraw your consent to disclose his/her personal data to the entities that desire to use his/her works within the extent that goes beyond collective management performed 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.

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

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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?**

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Your disclosing personal data constitutes a statutory and contractual obligation. Due to a failure to disclose personal data by a legal successor, ZAiKS will not be able to perform the collective management agreement and will prevent from fulfilling the obligations to calculate and deliver a due advance payment for personal income tax, and issuing a PIT tax return.