

MEMBERS AND DECLARANTS PRIVACY POLICY

(Of March 27, 2018 as amended on March 2, 2021)

I. WHO WE ARE

AGICOA, the Association of International Collective Management of Audiovisual Works (hereinafter also referred to as “us”, “we”) established at 1, rue Pestalozzi, CH-1202 Geneva, Switzerland, is a not-for-profit organization whose purpose consists in the worldwide collective management of copyright and related rights on behalf of producers of audiovisual works.

As the data controller, AGICOA is responsible for the processing of your personal data. As such, AGICOA is committed to protecting and respecting your privacy.

II. WHY YOU SHOULD READ THIS PRIVACY POLICY

This Members and Declarants Privacy Policy (the “Privacy Policy”) contains important information on how we collect, use and protect your personal data.

AGICOA’s international operations are facilitated through [the AGICOA Alliance](#), a network of partner organizations, and cooperation with other collective management organizations in key media markets, in particular within the European Union (the “EU”). This Privacy Policy is therefore based on the data protection laws applicable in Switzerland (where AGICOA is established) and in the EU (including the General Data Protection Regulation 2016/679). When we refer to “you” or “your” we refer to you as AGICOA’s Declarant, Member and/or User of AGICOA’s International Rights Royalty Information System (“IRRIS”).

This Privacy Policy, as updated from time to time, applies to your use of AGICOA’s services such as those provided on IRRIS.

We reserve the right to modify this Privacy Policy at any time. Your continued use of our services following the posting of changes shall constitute your acceptance of such changes. We encourage you to review the applicable version of the Privacy Policy whenever you use our services.

III. PERSONAL DATA WE MAY COLLECT AND PROCESS FROM YOU

In order to enable AGICOA to manage rights on behalf of its Members and Declarants AGICOA maintains IRRIS.

AGICOA’s core activities (such as declarations, identifications, distributions and payments) are processed through and supported by IRRIS.

IRRIS may comprise the following information:

1. Personal information: such as name, address, telephone numbers, and email (“contact

details”).

2. Payment information: such as bank details.
3. Works, rights and broadcast information: such as titles, series and episodes details of audiovisual works, channel, and broadcast date.

We may receive such information:

- **From you** when you fill in the forms available on our website (www.agicoa.org), in IRRIS or contact us in writing, by telephone, email or otherwise.
- **From third parties**, such as providers of broadcast data.
- **From publicly available sources**, such as company websites or the registry of commerce.

AGICOA shall consider that by providing any personal data to AGICOA - whether relating directly to you or relating to third parties – you represent and warrant that you have the authority to transfer such data to AGICOA and to authorize AGICOA to process it where necessary in compliance with this Privacy Policy.

IV. HOW WILL WE USE YOUR PERSONAL DATA?

- We process the information we collect as described above for the management of rights entrusted by you to AGICOA or for the provision of other services. This processing is necessary for the performance of the mandate(s) for the management of rights or agreement(s) for other services you have entered into with AGICOA or in order to take steps at your request prior to entering into such mandate(s) or other agreement(s). This includes:
 - Using your contact details to contact you regarding your registration with AGICOA or the administration of your declaration(s).
 - Processing your personal, payment and works and rights information while performing the calculation and distribution of royalties due to you; and
 - Processing your personal data while managing conflicts. A conflict may arise if you and other Declarants of AGICOA or another collective management organization declared the same rights in respect of the same work. For more information, please refer to AGICOA’s [Conflict Rules](#).
- We may use your contact details to keep you informed about developments of our activities. This processing is necessary for the legitimate interests of our activity of providing services related to the collective management of rights.
- We may consult your personal information and/or use it to contact you in order to perform due diligence and detect and prevent fraud (please see the [AGICOA Registration and Declaration Rules](#)). The processing is necessary for our legitimate interests and that of our

Members and Declarants by ensuring the proper collective management of rights, distribution of royalties and minimizing financial risks.

- We may process your personal information, such as your name, address, email address and phone number, while responding to any communications that you send to us by telephone, email or otherwise. This processing is necessary for the legitimate interests of our rights management activity.
- We may process your personal data in order to prove AGICOA's repertoire when required. This processing is necessary for the legitimate interests of our rights management activity.
- AGICOA may process your personal data to comply with any legal obligation or to enforce or apply the AGICOA Governing Rules, or any other agreements; or to protect the rights, property, or safety of AGICOA, its Members and/or Declarants, or other third parties.

V. WHO YOUR PERSONAL DATA MIGHT BE SHARED WITH

We may disclose your personal data, for the purposes described above, to:

- Partner Organizations within the [AGICOA Alliance](#), other collective management organizations, independent management entities or distribution platforms located in the countries where AGICOA [collects royalties](#) to comply with the existing agreements, secure new agreements with them or claim royalties on your behalf;
- Your opposing parties in a conflict in order to facilitate the resolution of such conflict;
- Your authorized representatives, our business partners, suppliers, agents and sub-contractors. These parties may be engaged for the fulfilment of undertakings we have with you and the provision of support services to us; and
- Courts, law enforcement agencies, regulatory bodies, auditors and professional advisers to comply with any legal obligation; or for the purposes of fraud prevention; or in order to enforce any agreements; or protect the rights, property, or safety of AGICOA, its Members, Declarants, or others; or obtain any related professional advice.

VI. TRANSFERS OF YOUR PERSONAL DATA OUTSIDE OF SWITZERLAND

Occasionally we may need to transfer your personal data for processing by third parties as described in the Section "Who your personal data might be shared with" above who are located outside of Switzerland. We will take steps reasonably necessary to ensure that your personal data is treated securely, in accordance with this Privacy Policy and Swiss and EU data protection legislations.

VII. PROTECTION OF YOUR PERSONAL DATA

All information you provide to us is stored securely and any access to your IRRIS online user account is controlled by a password and user name that is unique to you. We have put in place appropriate technical and organizational measures against unauthorized access, accidental loss or destruction of, or damage to, your personal data.

Please note that where IRRIS includes links to, or content embedded from third party websites, such websites are outside our control and are not covered by this Privacy Policy.

VIII. COOKIES

AGICOA's IRRIS uses cookies. Cookies are text files placed on your computer or mobile device. For more information on which cookies we use and how we use them, see our [IRRIS Cookies Policy](#).

IX. RETENTION OF YOUR PERSONAL DATA

We may keep your information as long as necessary to provide our services, including those aspects of such services which continue beyond the term of your registration or membership with AGICOA (for example, if we are asked in the future to contact you in respect of royalties or we need to process your information to prevent fraud).

X. WHAT RIGHTS DO YOU HAVE?

You can request AGICOA:

- to give you a copy of your personal data together with explanations on how it is being processed;
- to correct any mistakes;
- to erase your personal data;
- to restrict their processing; or
- to receive personal data you provided to AGICOA in a structured, commonly used and machine-readable format.

You may withdraw at any time your consent to us processing your personal data or ask your personal data to be deleted. AGICOA will cease the processing and will delete your personal data if our legal basis for processing your personal data is a legitimate interest pursued by AGICOA or a third party (such as listed in paragraphs 5 to 9 of the Section "How will we use the personal data?" above).

Please note that all Declarants and Members have direct access to the personal, payment and works and rights related information they have provided to us via their IRRIS account where they

can update and correct such data at any time.

XI. CONTACT INFORMATION

If you have any questions about this Privacy Policy or would like to make a request to exercise any of your rights in relation to your personal data, please use the following contact details or contact your AGICOA Portfolio Manager:

AGICOA

Rue Pestalozzi 1
CH- 1202 Geneva
Switzerland

+41 22 544 83 00

info@agicoa.org

XII. COMPLAINTS

We take your privacy very seriously and are committed to processing your data in compliance with applicable Swiss and EU data protection legislations. However, if you have any concerns or problems with the way your personal data has been processed, please contact us or raise your concerns with your AGICOA Portfolio Manager.

If you are unhappy with how your complaint has been handled, you may lodge a complaint with the Swiss data protection supervisory authority:

*Federal Data Protection and Information Commissioner FDPIC
Feldeggweg 1
CH - 3003 Berne*

Tel.: +41 (0)58 462 43 95

or with the supervisory authority of the European Member State of your habitual residence, place of work or place of the alleged infringement.

XIII. LAST UPDATE

This Privacy Policy was approved by AGICOA's Administrative Board and last updated on 2 March 2021.