

MEMBERS PRIVACY NOTICE

I. WHO WE ARE

AGICOA, the Association for the International Collective Management of Audiovisual Works (hereinafter also referred to as “us” or “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. WHAT IS PERSONAL DATA?

Personal data is all information relating to an identified or identifiable person such as *inter alia* a person’s name, address, e-mail address, country of residence and phone number.

III. WHY YOU SHOULD READ THIS PRIVACY NOTICE

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

This Privacy Notice is based on the Swiss Federal Act on Data Protection of 25 September 2020 and, when applicable, on the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (the “GDPR”).

When we refer to “you” or “your” we refer to Individual Members or natural persons representing the Members.

Defined terms have the meaning set out in the AGICOA By-Laws, unless otherwise stated herein.

IV. WHAT PERSONAL DATA DO WE PROCESS?

We may receive personal data:

- **From the Member** appointing you as Member’s representative to exercise the office;
- **From you** when exchanging with us in writing, by telephone, email or otherwise transfer any information to us; and
- **From publicly available sources**, such as company websites or the commercial register.

Personal data that we may collect from you or from third-parties may include:

- Your ID Documents, including your nationality, data and place of birth;
- Contact details such as your name, address, email and phone number.



Personal data that we may collect from you or from third-parties may include:

- Contact details such as your name, address, email and phone number.

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 Notice and commit to inform said third-parties of the processing of the personal data by AGICOA according to this Privacy Notice.

V. HOW DO WE PROCESS YOUR PERSONAL DATA?

We process your personal data if we have valid grounds for doing so. Depending on the activity carried out, we will therefore only process your personal data based on the following principles:

Contractual necessity	The processing is necessary to fulfil our contractual obligations to you or to take pre-contractual steps at your request. When the GDPR applies, our contractual necessity is based on Article 6(1)(b) GDPR.
Legitimate interests	The processing is necessary for the fulfilment of our legitimate interests, and only to the extent that your interests or fundamental rights and freedoms do not require us to refrain from processing. When the GDPR applies, legitimate interest is based on Article 6(1)(f) GDPR. Our legitimate interests include: (i) ensuring that our services are provided to our declarants, (ii) protecting the security of our IT systems, and (iii) and achieving our purpose as set forth in our Bylaws.
Consent	Where we have obtained your prior consent in a clear and unambiguous manner. When the GDPR applies, consent is based on Article 6(1)(a) GDPR.
Legal obligation	The processing is necessary to comply with our legal or regulatory obligations. When the GDPR applies, legal obligation is based on Article 6(1)(c) GDPR.

VI. WHY DO WE PROCESS YOUR PERSONAL DATA ?

We process your personal data for the management of rights entrusted by you to AGICOA which includes:

Purpose	Lawful basis
The compliance with any legal obligation or enforcement of the AGICOA Governing Rules or any other agreements	Legal Obligation
The organization of General Assembly meetings	Legal Obligation
The designation or the election of Administrative Board members	Legal Obligation
Your punctual information regarding the developments of our activities	Legitimate Interest
The organization of travel arrangements and other accommodation	Contractual necessity

VII. WHO YOUR PERSONAL DATA MIGHT BE SHARED WITH

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

- Administrative Board members and Members' representatives;
- Our service providers (IT and cloud providers, tax and accounting service providers), to achieve the purposes listed in this Privacy Notice, to the extent they need it to carry out the instructions we have given to them;
- Travel agencies, airline companies, hotels or restaurants;
- Swiss administration such as the Commercial Register, fiscal authorities and AVS insurance;
- Any authority such as courts, law enforcement agencies, regulatory bodies, auditors and professional advisers in order to, inter alia, comply with any legal obligation, enforce any agreement or protect the rights, property and safety of AGICOA, its Members, declarants or any other third-parties.

In the contexts described above, your personal data may be made accessible to recipients located outside of Switzerland. This includes in particular: (i) the countries where AGICOA or members of the [AGICOA Alliance](#) are active directly or indirectly, (ii) as applicable, the countries from where our service providers operate (including the U.S.) and (iii) countries where General Assembly meetings take place.

When we need to transfer your personal data to third parties located outside of Switzerland, we take the necessary steps to ensure that your personal data is processed consistent with this Privacy Notice as well as with Swiss and EU data protection legislations, for instance by relying on standard contractual clauses adopted by the European Commission or by relying on a statutory exception such as consent, performance of contracts, the establishment, exercise or enforcement of legal claims, overriding public interests or published personal data.

VIII. HOW DO WE PROTECT YOUR PERSONAL DATA?

We are committed to protecting the security of your personal data.

We have put in place appropriate technical and organizational measures against unauthorized access, accidental loss or destruction of, or damage to, your personal data.

All personal data you provide us is stored securely.

IX. RETENTION OF YOUR PERSONAL DATA

We will erase or anonymize your personal data as soon as it is no longer necessary for us to fulfill the purposes set forth under section VI above. This period varies depending on the type of data concerned and the applicable legal requirements.

Certain information relating in particular to the contractual relationship, or our tax and bookkeeping duties must be retained for at least 10 years. Other information is generally retained for shorter periods.

X. YOUR RIGHTS

You have the following rights with regards to your personal data:

- The right to be informed about how we collect and use your personal data;
- The right to access the personal data we hold on you in a structured, commonly used and machine-readable format;
- The right to obtain a copy of your personal data;
- The right to correct any inaccurate or incomplete data;
- The right to have your personal data erased; and
- The right to restrict or object to its processing.

When we rely on your consent, you may withdraw your consent at any time. You may also object to the processing of your personal data or ask that your personal data be erased. AGICOA will then cease the processing and will erase your personal data except where there exists a legal basis for processing your personal data or a legitimate interest pursued by AGICOA or a third-party.

Note also that erasure, restriction or objection may result in the impossibility to be admitted or to remain an Individual Member or the designated representative of a Member legal entity.

XI. CONTACT US

If you have any questions about this Privacy Notice or would like to make a request to exercise any of your rights in relation to your personal data, please contact us by email at privacy@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.

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

*Federal Data Protection and Information Commissioner
Feldeggweg 1
CH - 3003 Berne
Tel.: +41 (0)58 462 43 95*

or with the supervisory authority of the state of your habitual residence, place of work or place of the alleged infringement. If in the EU, see the list of EU Member States Data Protection Authorities available [here](#).

XIII. LAST UPDATE OF THE PRIVACY NOTICE

This Privacy Notice is dated of 1st September 2023.

We reserve the right to modify this Privacy Notice at any time. Any changes to the processing of your personal data affecting you will be communicated to you through an appropriate channel.