

## JOB APPLICANT 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 Job Applicant Privacy Notice (the “Privacy Notice”) contains important information on how we collect, use and protect your personal data during the recruitment process.

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 you as an applicant to a position at AGICOA.

Note that this Privacy Notice applies from the moment we receive your application file either (i) when sent directly to AGICOA or (ii) received from recruitment agencies.

### IV. WHAT PERSONAL DATA DO WE PROCESS?

We may receive personal data:

- **From you** when you apply via AGICOA’s website or when you contact us in writing, by telephone, email or otherwise;
- **From third-parties** such as references or recruitment agencies; and
- **From publicly available sources** such as company websites or professional social networks.

Personal data that we may collect from you can include:

- Your contact details including your address, email and telephone number;
- Your date of birth;
- Your application file and references including details of your qualifications, skills, experience and employment history; and
- Information about your entitlement to work in Switzerland.

Whenever personal data is requested (e.g. in the application form), we will indicate whether the provision of such data is mandatory (e.g. with an asterisk). If mandatory data fields are not completed, you will not be able to apply.

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

- Contractual necessity**            The processing is necessary to fulfil our contractual obligations to you. 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 we have all information to evaluate your candidacy, (ii) enforcing our rights in case of claim and (iii) achieving our purpose as set forth in our By-laws.
- 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?**

Purpose	Lawful basis
Evaluation of your skills and competences, including reference check and the sending of an employment proposal	Your consent Legitimate Interest
The compliance with any legal obligation or enforcement of our rights	Legitimate Interest

## **VII. WHO YOUR PERSONAL DATA MIGHT BE SHARED WITH?**

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

- Members of the HR and recruitment team, interviewers involved in the recruitment process, managers in the business area with a vacancy and IT staff if access to the data is necessary for the performance of their roles;
- Your former employers when taking references;
- Recruitment agencies;
- 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 them; and
- Any authority such as courts, law enforcement agencies, regulatory bodies, auditors and professional advisers in order to, inter alia, comply with any legal obligation, prevent fraud, enforce any agreement or protect the rights, property and safety of AGICOA, its declarants or any other third-parties.

In the contexts described above, your personal data may be made accessible to recipients located outside of Switzerland. As applicable, in the countries from where our service providers operate (including the U.S.) or for top management positions, in the country of residency of our Administrative Board members.

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 any applicable 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**

Personal data of unsuccessful candidates is erased at closure of each recruitment process.

Subject to the applicant's approval, AGICOA might keep in file applicant's personal data, including its CV for one (1) year after the application in case AGICOA might wish to reconsider the applicant's profile later on.

If an employment relationship is established as a result of your application, your personal data will be entered into your individual file and further processed in accordance with AGICOA's Employee Privacy Policy.

## **X. YOUR RIGHTS**

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

- The right to be informed about how we collect and process 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 object at any time 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 exercising the rights to erasure, restriction or objection during the recruitment process will result in the rejection of your application.

## **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, you can contact us at [privacy@agicoa.org](mailto:privacy@agicoa.org).

## **XII. COMPLAINTS**

We take your privacy very seriously and are committed to processing your personal 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 country 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 was last updated on 15 July 2024.

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