

## REGISTRATION AND DECLARATION PRIVACY POLICY

### 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 POLICY

This Registration and Declaration 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 and, when applicable, other data protection laws such as the Regulation (EU) 2016/679 of the European Parliament and of the Council 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 (the “GDPR”).

When we refer to “you” or “your” we refer to you as Declarant, User of AGICOA’s International Rights Royalty Information System (“IRRIS”), or any third-party whose personal data might be processed in the context of the registration of Declarants and the declaration of audiovisual works and rights with AGICOA.

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 you** when you fill in the applicable forms available on our website ([www.agicoa.org](http://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, commercial registers or social networks.

Personal data that we may collect from third-parties will depend on the context, but can include the following categories :

- Contact details such as name, address, telephone numbers and email;
- Payment information such as bank details;
- Works, rights and broadcast information such as titles, series and episodes details of audiovisual works, channel, and broadcast date;
- Third-parties information in relation to an audiovisual work such as the director's and the actors' names.

Whenever personal data is collected (e.g. in registration and declaration forms), we will indicate whether the provision of such data is mandatory (e.g. with an asterisk). In general, if mandatory data fields are not completed, we will not be able to provide our services.

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

## **V. HOW DO WE PROCESS YOUR PERSONAL DATA?**

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

<b>Contractual necessity</b>	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.
<b>Legitimate interests</b>	<p>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.</p> <p>Our legitimate interests include: (i) ensuring that our services are provided to our declarants, (ii) protecting the security of our IT systems and (iii) achieving our purpose as set forth in our Bylaws.</p>
<b>Consent</b>	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.
<b>Legal obligation</b>	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
Your registration with AGICOA, the administration of your declaration(s) and enforcement of your rights	Contractual Necessity
The calculation and distribution of royalties due to you	Contractual Necessity
The management of conflicts (for more information, please refer to <a href="#">AGICOA's Conflict Rules</a> )	Contractual Necessity
The detection and prevention of fraud and performance of due diligence (please see the <a href="#">AGICOA's Registration and Declaration Rules</a> )	Legitimate Interests
The proof of AGICOA's repertoire when required	Legitimate Interests
The compliance with any legal obligation or enforcement of the AGICOA Governing Rules, or any other agreements	Legal Obligation
The protection of the rights, property, or safety of AGICOA, its members and/or declarants, or other third parties	Contractual Necessity Legitimate Interest
Your punctual information regarding the developments of our activities	Legitimate Interest

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

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

- Partner Organizations within [the AGICOA Alliance](#), other collective management organizations, independent management entities or with users authorizing the exploitation of the rights managed by AGICOA 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 (such as IT and cloud providers, tax and accounting service providers), or any other third-parties engaged for the fulfilment of undertakings we have with you and the provision of support services to us; 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. 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 countries from which declarants access IRRIS.

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 Policy 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.

Any access to your IRRIS online account is controlled by a username and password that is unique to you.

### **IX. LINKS TO OTHER SITES**

IRRIS may contain links to external websites and should not be construed as constituting any endorsement or approval of the external websites' content. We take reasonable care in linking external websites but have no direct control over their content or the changes that may occur to the content on those external websites.

If you access external websites using the links provided, the operators of those websites may collect personal information from you that will be processed by them in accordance with their own privacy policies. We encourage you to familiarize yourself with the privacy policies of any other websites that you choose to visit.

### **X. RETENTION OF YOUR PERSONAL DATA**

We will erase or anonymize 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.

Information that pertains to the management of your rights must be retained for as long as a we receive a mandate from you. 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.

## **XI. 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 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 termination of our services.

Please note that subject to your type of access in IRRIS, you may update and correct personal data at any time.

## **XII. COOKIES**

IRRIS uses cookies. For more information on which cookies we use and how we use them, please read our [IRRIS Cookies Policy](#).

## **XIII. CONTACT US**

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 contact us by email at [privacy@agicoa.org](mailto:privacy@agicoa.org).

## **XIV. 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  
FDPIC Feldeggweg 1  
CH - 3003 Berne  
Tel.: +41 (0)58 462 43 95*

or with the supervisory authority of the country of your habitual residence, of the place of work or of the place of the alleged infringement. As applicable, a list of EU Member States Data Protection Authorities is available [here](#).

**XV. LAST UPDATE OF THE PRIVACY POLICY**

This Privacy Policy was last updated on 1 September 2023.

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