

Duties of information pursuant to Art. 12, 13 et seq. GDPR

Data Privacy Statement by VG Bild-Kunst

Data is the basis for us to provide an excellent service and to carry out the tasks assigned to us by our members in the best possible way. The trust of our members is our priority. Thus, VG Bild-Kunst takes the protection of personal data seriously. As a matter of course, we comply with legal regulations on data protection.

Visits on our website are logged so that we can enhance and optimise our internet services. Essential data collected are the IP address currently used, date and time, browser type, operating system, and page views. As a rule, it is impossible and not intentional for us to identify a person visiting our website.

1. Name and contact information of the liable institution

Your contact as liable institution according to the European General Data Protection Regulation ("EU-GDPR") and other national data protection regulation of the member states as well as further data protection regulation is:

VG Bild-Kunst
Registered association by public grant
Main office: Frankfurt am Main

For the purpose of prompt processing of your data protection request, please address your inquiry to the office of VG Bild-Kunst.

VG Bild-Kunst
Bonn Office
Weberstr. 61
53113 Bonn

Phone: +49 (0)228 - 915 340

Fax: +49 (0)228 - 915 3439

(hereafter referred to as "we", "us" or "our")

2. Contact information of the Data Protection Officer

Protecting your personal data is our priority. To express this importance, we have commissioned a consulting company specialised in data protection and data security to deal with these central issues. Our data protection officer also comes from this highly experienced circle of experts.

We are being consulted by:

MAGELLAN Rechtsanwälte/Lawyers, Brienner Straße 11, 80333 München / www.magellan-datenschutz.de

Please send any inquiries on data protection and data security directly to our data protection officer of MAGELLAN Lawyers:

Email: datenschutz_bildkunst@magellan-rechtsanwaelte.de

3. Data processing on our website

1. Website availability and logfiles creation

i. Legal basis

Art. 6 par. 1 lit. f EU-GDPR is the legal basis for the processing of your personal data in the context of website availability and logfiles creation.

ii. Purpose

The temporary storage of your personal data by our services is necessary to provide the website availability on your computer. Your personal data therefore have to be stored for the duration of the session.

Your personal data are being stored in logfiles in order to ensure the website's functionality. Furthermore, we use your personal data to optimise the website and to ensure the security of our information technology systems. Any other use of your personal data does not occur.

iii. Storage duration

Your personal data will be deleted as soon as they are no longer necessary for the purpose they were collected for. In case of your personal data being collected for website availability the purpose of collecting data ceases as soon as you have left the website.

Should your personal data be stored in logfiles, these will be deleted no later than after seven days. If data are stored beyond that date, your personal data will be anonymised so that no attribution is possible.

iv. Possibilities of objection and removal

The collection of your personal data for purposes of website availability and storing of your personal data in logfiles is mandatory for the operation of the website. Consequently, there is no possibility for you to object to this process.

2. Use of technically necessary cookies

i. Legal basis

Art. 6 par. 1 lit. f EU-GDPR is the legal basis for the processing of your personal data in the context of the use of technically necessary cookies.

ii. Purpose

The use of technically necessary cookies serves to facilitate your use of our website. Some of our website's functionalities cannot be provided without the use of cookies. It is therefore necessary that your internet browser can still be recognised after having changed to a different page. Any other use of your personal data does not occur.

iii. Storage duration

Your personal data will be deleted as soon as they are no longer necessary for the purpose they were collected for. This occurs when you are leaving the website.

iv. Possibilities of objection and removal

You can find an overview of the technically necessary cookies used on our website at the bottom of the page.

Cookies are stored on your computer if you give your consent and are transmitted from this computer to our website. Thus, you have full control over the use of cookies.

By changing the settings of your internet browser, you can deactivate or restrict the transmission of cookies. You can delete previously stored cookies at any time. This can also be done automatically. If cookies are deactivated for our website, some functionalities of the website may not be available, or you may not be able to use them to their full extent.

3. Declaration of membership - mandate

i. Legal basis

Art. 6 par. 1 lit. b EU-GDPR is the legal basis for the processing of your personal data in the context of the declaration of membership (mandate).

ii. Purpose

The processing of your personal data in the context of your declaration of membership serves solely to process your mandate.

iii. Storage duration

Your personal data will be deleted as soon as they are no longer necessary for the purpose they were collected for. This is the case for the processing of personal data in the context of the mandate if your application has been rejected or, after termination, all mutual claims have been settled and legal storage periods do not prevent a deletion.

iv. Possibilities of objection and removal

You can object to the processing of your personal data at any time in the context of the future mandate. However, in this case we cannot process your request any further.

4. Newsletter

i. Legal basis

Your given consent acc. Art. 6 par. 1 lit. a EU-GDPR is the legal basis for the processing of your personal data for the purpose of circulating our newsletter. As far as you have become our member, Art. 6 par. 1 lit. b EU-GDPR is a further legal basis for the processing of your personal data.

ii. Purpose

The purpose of processing your personal data for the circulation of our newsletter is to transmit information on issues of the mandate, e.g. information on notifications and distributions, committee meetings, our foundations and their funding options, or issues relating to copyright.

iii. Storage duration

Your personal data will be deleted as soon as they are no longer necessary for the purpose they were collected for. Consequently, your personal data will be stored until you have opted out of receiving our newsletter or in case of your mandate having been terminated.

iv. Possibilities of objection and removal

You can always withdraw your consent to receive our newsletter or use the opt-out link in any newsletter to object to receive any further newsletter. After having terminated the mandate, you will also no longer receive our newsletter.

5. Online notifications

i. Legal basis

Art. 6 par. 1 lit. b EU-GDPR is the legal basis for the processing of your personal data in the context of online notifications.

ii. Purpose

The processing of your personal data in the context of online notifications enables you to report your claims to participate in the distribution of royalties. The processing of your personal data in the context of online notifications is therefore necessary to fulfil the mandate.

iii. Storage duration

Your personal data will be deleted as soon as they are no longer necessary for the purpose they were collected for. This is the case for personal data being transmitted for online notifications if, after termination of the mandate, all mutual claims have been settled and legal retention periods do not prevent a deletion.

iv. Possibilities of objection and removal

The processing of your personal data in the context of online notifications is mandatory to fulfil the mandate. Consequently, there is no possibility for you to object to this process.

6. Artist search

i. Legal basis

Art. 6 par. 1 lit. b EU-GDPR is the legal basis for the artist search on our website.

ii. Purpose

The processing of your personal data in the context of the artist search serves to administer your rights by granting licenses to users of works protected by copyright or by distributing proceeds out of the resale of your works by galleries or auction houses.

iii. Storage duration

Your personal data will be deleted as soon as they are no longer necessary for the purpose they were collected for. This is the case for personal data being transmitted for the artist search if, after termination of the mandate, all mutual claims have been settled and legal retention periods do not prevent a deletion.

iv. Possibilities of objection and removal

The processing of your personal data in the context of the artist search is mandatory to fulfil the mandate. Consequently, there is no possibility for you to object to this process.

7. Contacting and e-mail contact

i. Legal basis

Art. 6 par. 1 lit. f EU-GDPR is the legal basis for the processing of your personal data when contacting us. As far as your contacting us aims at concluding a license agreement, Art. 6 par. 1 lit. b EU-GDPR constitutes an additional legal basis for the processing of your personal data.

ii. Purpose

The processing your personal data when contacting us serves exclusively to deal with your request.

iii. Storage duration

Your personal data will be deleted as soon as they are no longer necessary for the purpose they were collected for. This is the case for personal data being transmitted for contacting us if your request has been dealt with and legal retention periods do not prevent a deletion.

iv. Possibilities of objection and removal

You can object at any time to the processing of your personal data for the future when contacting us. However, in this case we cannot process your request any further. In this case, all personal data stored when contacting us will be deleted as long as legal retention periods do not prevent a deletion.

8. Google Fonts

i. Legal basis

Art. 6 par. 1 lit. f EU-GDPR is the legal basis for the processing of your personal data in the context of the use of Google Fonts.

ii. Purpose

The processing of your personal data enables us to present our website homogeneously on different internet browsers, and consequently, to create a website image that is consistent across all devices.

iii. Storage duration

Your personal data will be deleted as soon as they are no longer necessary for the purpose mentioned previously. In the case of Google Fonts, this is the case after 12 months.

iv. Possibilities of objection and removal

If you do not want your personal data to be collected by Google Fonts, you can change the settings of your internet browser (e.g. by installing plug-ins or add-ons) to prevent your personal data being transmitted to Google servers. If your internet browser does not support Google Fonts, there will be no access to Google servers and our website text will be shown in your system's standard font.

9. Submissions of concerned parties acc. Art. 12 and following EU-GDPR

i. Legal basis

Art. 6 par. 1 lit. c in conjunction with Art. 12 et seq. EU-GDPR are the legal basis for the processing of your personal data in the context of editing your submission on data protection inquiries ("Submissions of concerned parties"). The legal basis for the subsequent documentation of a lawful processing of submissions of concerned parties is Art. 6 par. 1 lit. f EU-GDPR.

ii. Purpose

The purpose of the processing of your personal data in the context of editing a submission of a concerned party is answering your data protection inquiry. The subsequent documentation of a lawful processing of the respective submission serves to fulfil the legally required accountability acc. Art. 5 par. 2 EU-GDPR.

iii. Storage duration

Your personal data will be deleted as soon as they are no longer necessary for the purpose they were collected for. This is the case in the context of editing submissions of concerned parties acc. § 41 BDSG in conjunction with § 31 par. 2 no. 1 OWiG three years after the respective process has ended.

iv. Possibilities of objection and removal

You can always object to the processing of your personal data at any time in the context of the processing of submissions of concerned parties. However, in this case we cannot process your data protection inquiry any further.

The documentation of a lawful processing of the respective submission is mandatory. Consequently, there is no possibility for you to object to this process.

10. Legal defence and law enforcement

i. Legal basis

Art. 9 par. 2 lit. f; 6 par. 1 lit. f EU-GDPR are the legal basis for the legal defence and law enforcement.

ii. Purpose

The purpose of processing your personal data in the context of legal defence and law enforcement is the defence against unjustified use as well as the legal enforcement and assertion of claims and rights.

iii. Storage duration

Your personal data will be deleted as soon as they are no longer necessary for the purpose they were collected for.

iv. Possibilities of objection and removal

The processing of your personal data in the context of legal defence and law enforcement is mandatory for legal defence and law enforcement. Consequently, there is no possibility for you to object to this process.

4. Categories of recipients

Within our association those offices and departments will receive personal data if they need them to fulfil the previously mentioned purposes. In addition, we sometimes use several service providers and submit your personal data to other trustworthy recipients. These may be, for example:

- Our umbrella organisations
- Our sister societies
- Stiftung Kultur (cultural foundation)
- Stiftung Sozialwerk (social benefit foundation)
- Printing companies
- Lettershops
- IT Service Providers
- Lawyers and courts

5. Personal data transfer to a third country

While processing your personal data, it may happen for them to be transferred to our umbrella organisations, our sister societies or trustworthy service providers in third countries. Third countries are countries situated outside the European Union (EU) or European Economic Area (EEA).

In the course of this we only co-operate with our umbrella organisations, our sister societies and such service providers giving us appropriate guarantees for the security of your personal data and ensuring that your personal data be processed according to the strict European data protection provisions.

If we transfer personal data to our umbrella organisations and sister societies in third countries, this is based on a so-called European Commission adequacy decision or, if no such decision exists, based on so-called standard data protection clauses also having been issued by the European Commission. Furthermore, we may currently transmit personal data to the USA. These operations are certified by the "EU-U.S. and Swiss-U.S. Privacy Shield Framework".

6. Your rights

You do have the following rights towards us:

i. Right to information

You have a right to receive information if and which of your personal data are being processed by us. In this case, you will receive the following additional information:

- (1) purpose of the processing;
- (2) data categories;
- (3) recipients of your personal data;
- (4) scheduled storage period or criteria for the scheduled storage period;
- (5) your other rights;
- (6) provided we have not received your personal data from you: all available information about their origin;
- (7) if available: the existence of any automated decision making as well as information on involved logic, its scope, and the pursued processing effects.

ii. Right to correction

You have a right to have your personal data corrected and/or completed if your personal data processed by us are inaccurate or incomplete.

iii. Right to limit processing

You have a right to limit processing in the following cases:

- (1) We check the validity of your personal data being processed by us;
- (2) The processing of your personal data is unlawful;
- (3) You need your personal data having been processed by us for prosecution after the purpose of processing has ceased;
- (4) You filed an objection against the processing of your personal data, and we are examining your objection.

iv. Right to deletion

In the following cases, you have a right to have data deleted:

- (1) We no longer need your personal data for the initial purpose;
- (2) You withdraw your consent and there is no longer any legal basis for processing your personal data;
- (3) You file an objection against the processing of your personal data and—provided it is not dealing with direct marketing—no predominant reasons for further processing exist;
- (4) The processing of your personal data is unlawful;
- (5) The deletion of your personal data is being legally required;
- (6) Your personal data as a minor have been collected for information society services.

v. Right to briefing

If you have claimed your right to correction, deletion, or limited data processing, we will inform all recipients of your personal data on this correction, deletion, or limited processing.

vi. Right to data transmission

You are entitled to receive your personal data having been processed on the basis of your consent, or to fulfil the mandate in a structured, common, and machine-readable format and them to be transmitted to another responsible person. As far as it is technically feasible you are entitled to have us transfer your personal data directly to another responsible person.

vii. Right of objection

In cases of special reasons, you are entitled to object to the processing of your personal data. In that case we no longer process your personal data unless we can prove compelling protection reasons for the processing.

If your personal data is processed for the purpose of direct marketing, you have the right to object at any time.

viii. Right to revocation

You are entitled to revoke your consent given to us at any time. The revocation of consent does not affect the legality of the processing carried out on the basis of the consent until revocation.

ix. Right to complain to a supervisory authority

If you believe that our processing of your personal data violates the rules of EU-GDPR, regardless of any other remedy by administrative or other legal rules, you are entitled to complain to the responsible supervisory authority.

Our responsible supervisory authority is:

Der Hessische Beauftragte für Datenschutz und Informationsfreiheit
Gustav-Stresemann-Ring 1
65189 Wiesbaden
Phone: 0611 1408 0
Fax: 0611 1408 611
Email: poststelle@datenschutz.hessen.de

7. Overview of the cookies used on our website

As described above, we use cookies for the operation of our website. You will find the cookies used in their entirety in the following table:

Technically necessary cookies

Domain	Cookie Name	Description	Storage duration
bildkunst.de	alreadyRoutedtoBrowserlanguage	This cookie helps us recognise the selected language setting. Without this cookie, a lot of the content on our website will not be displayed in the correct language.	This is a session cookie which will be deleted after you close your internet browser.

Please do not hesitate to contact our data protection officer should you require any further information.