

Privacy Notice Freelancer

In the following, we would like to inform you about how we process your personal data when you work as a freelancer for Bavaria Film GmbH or one of its affiliated companies.

I. Data Controller

Data controller as defined by Article 4 No. 7 of the General Data Protection Regulation ('GDPR') for the processing of your personal data is the company of the Bavaria Film Group with which you enter into a contractual relationship.

II. Data Protection Officer

The data protection officer appointed pursuant to Art. 37 GDPR is Dr. Robert Selk, LL.M.

You can contact him with the addition "for the attention of the data protection officer" under:

Dr. Robert Selk, Bavariafilmpfad 7, 82031 Geislagsteig or under datenschutz@bavaria-film.de.

III. What personal data will be processed?

We process the following personal data from you:

- Surname, First Name, Title
- Address
- Contact information (e. g. E-Mail, telephone number)
- Artist name
- Tax number
- Company Name, Business or profession
- Bank and payment details
- Picture or video recordings, if applicable
- Membership number of artists' social insurance fund, if applicable, or social security number

In addition, we may process further personal data from you that you provide to us as part of the contractual relationship.

There is no legal or contractual obligation for you to provide your personal data. However, we need the personal data to be able to conclude a contract with you. If you do not provide us with your personal data, we unfortunately cannot conclude a contract with you.

IV. For which purposes do we process your personal data?

1. The processing of your personal data is carried out in accordance with Art. 6 para. 1 lit. b) GDPR for the purpose of initiating and executing of a contract between you and us. This also extends to data processing that is necessary for the performance of pre-contractual measures. The processing includes communication with you and administrative purposes.
2. Insofar as we are subject to a legal obligation to process your personal (e. g. tax, accounting, and administrative obligations), this is done according to Art. 6 para. lit. c) GDPR. Insofar as copyrights accrue to you in the course of your work for us, we may be subject to an obligation pursuant to Paragraph 13 of the German Copyright Law ('Urhebergesetz'), e. g. to mention your name in the credits of a film or broadcast or in any other connection with your work.

Furthermore, pursuant to Paragraph 32d of the German Copyright Law, we may be subject to the obligation to provide you with information about the extent of the use of your work. For this purpose, we process your surname and first name, as well as your address or other contact data.

Pursuant to Paragraph 32a of the German Copyright Law, we may be obliged to pass on your surname, first name, address or contact details to any clients of a production so that subsequent compensation obligations towards you can be fulfilled.

In addition, we may be required by social security law to process your personal data in order to comply with reporting obligations to the artists' social security fund.

3. If you are also active on the set during a production, your personal data first name and last name, as well as contact data (cell phone or telephone number and, if applicable, e-mail address), may also be published on staff or scheduling lists and thus made available to other employees on the set. This data processing takes place to enable communication on the set, to plan procedures and, if necessary, to take safety precautions. We may also pass on contact details to any client to enable editorial arrangements. The legal basis for this is Art. 6 para. 1 lit. f) GDPR. We have a legitimate interest in being able to carry out the organization on the set.
4. Insofar as your personal data is required for the assertion, exercise, or defence of legal claims, we also store and process it for this purpose. The legal basis for this is Art. 6 para. 1 lit. f) GDPR. We have a legitimate interest in being able to assert and exercise legal claims and defend ourselves against legal claims.

V. Who will receive your personal data?

In our company your personal data will only be processed by departments that are entrusted with the implementation and processing of the contract with you.

If you are present on the set as part of your work for a production, other set employees may also be recipients of your personal data (in particular your surname, first name, telephone number or e-mail address).

For the purposes listed above, your personal data may also be passed on to any client or contractual partner (including post-production service providers) as well as to a social insurance fund.

To the extent that we are legally or judicially obliged to do so, we will also disclose the personal data to the relevant public authorities, such as the investigating authorities in the event of a corresponding court order.

We will only disclose your personal data to other third parties if this is necessary to perform this contract, if there is a legal authority or obligation to do so or if we have your consent for the disclosure of your personal data.

We may transfer your personal data to service providers or contractual partners in third countries (countries outside the European Union (EU) or the European Economic Area (EEA)), e. g. if it is necessary in the context of an international production. We will only cooperate with them if we can assure that your personal data will be processed in accordance with the requirements of the GDPR.

VI. How long is your personal data retained for?

Your personal data will be deleted as soon as the purpose of the processing has ceased. Further storage may occur in individual cases if there are legal obligations to retain your personal data.

According to the German Commercial Code (Handelsgesetzbuch) and the German Fiscal Code (Abgabenordnung) we may be obliged to retain your personal data for six and ten years. In order to comply with the legal obligations under German copyright law listed above, we may be required to retain your personal data for up to 70 years.

Insofar as personal data is required for the assertion, exercise, or defence of legal claims, we retain them until the - possibly legally binding - conclusion of the respective matter.

VII. Automated decision-making

Automated decision-making including profiling does not take place.

VIII. What are your rights in respect of your personal data?

If the legal requirements are met, you have the right of access (Art. 15 GDPR), as well as the right to rectification (Art. 16 GDPR), right to erasure (Art. 17 GDPR), the right to restriction of processing (Art. 18 GDPR) and the right to data portability (Art. 20 GDPR).

If data processing is carried out based on your declared consent, you have the right to withdraw your consent in accordance with Art. 7 para. 3 GDPR. The withdrawal of consent will not affect the lawfulness of processing based on consent before its withdrawal.

You also have the right to lodge a complaint with a supervisory authority for data protection pursuant to Art. 77 GDPR if you are of the opinion that the processing of personal data relating to you violates the GDPR.

The supervisory authority responsible for the Bavaria Film Group can be found here:

<https://www.rundfunkdatenschutz.de>.

IX. What rights of objection do you have?

Furthermore, you have the right to object to the processing of your personal data (Art. 21 GDPR), which we base on our legitimate interest as a legal basis or for direct marketing purposes.

If you object, we will no longer process your personal data unless compelling legitimate grounds (e. g. for the assertion, exercise, or defence of legal claims) for the processing can be demonstrated which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims. You can address your objection to our contact details above.