

## Privacy Policy of the EAÜ

The Estonian Authors' Society (EAÜ) respects the privacy of its members, clients, contractual partners, and website users. To this end, the EAÜ has prepared this Privacy Policy to provide an overview of how we collect, use, store, and share your personal information.

The Privacy Policy is a document intended to provide information and does not form a part of an agreement to be concluded.

### 1. What information is included in the Privacy Policy?

This Privacy Policy explains:

- who we are;
- how and what personal data is collected and processed by the EAÜ;
- the purposes and legal bases for processing your personal data;
- who, in addition to the EAÜ, may process your personal data;
- how we store and protect your personal data;
- what rights you have regarding the processing of your personal data and how to exercise them.

### 2. Who are we?

The EAÜ is a collective management organisation created to help authors exercise their rights and users perform their obligations to authors. The EAÜ needs to collect personal data to be able to mediate licences and to collect and distribute remuneration to authors.

In processing personal data, the EAÜ complies with the General Data Protection Regulation (EU 2016/679) and other applicable legislation.

### 3. What is personal data and what personal data does the EAÜ process?

Personal data is data that can be directly or indirectly associated with you as a natural person. The EAÜ mainly processes basic personal data such as:

- person identification data (name, personal identification number, date of birth, pseudonym);
- contact details (address, phone, email address);
- data relating to contracts and amendments thereto;
- data relating to payments (bank account number, receipts, billing details);
- information on debts;
- your consents and objections;
- your communication with the EAÜ, etc.

### 4. When and how does the EAÜ collect personal data?

The EAÜ provides a copyright mediation service to authors and their rightholders on the one side and to the users of works on the other. We also provide a variety of applications and interfaces through the

website. For example, the EAÜ asks for personal information when completing membership and customer applications; when entering into agreements with members, customers, and users; when submitting various reports, including reports on private copying and works used, etc. The information we collect about you will therefore depend on which services, website applications and user interfaces you use, which data the EAÜ is required to collect to perform its contractual or legal obligations, and the consents you give us to process your data.

The EAÜ collects your personal data mainly in the following ways:

- the data **you provide to us**. For example, if you want to become a member of the EAÜ and fill in the membership application form, if you want to use the works of authors represented by the EAÜ and enter into a relevant licence agreement with the EAÜ to do so, or if you submit various reports to the EAÜ, whether they are required by the law, agreement, or otherwise;
- data **generated when you visit our website**;
- data **available from other sources**, such as publicly available registers (e.g. e-Business Register), etc.

## **5. On what legal grounds and for what purposes do we process your personal data?**

Any processing of personal data must be justified. Therefore, we will collect and process your personal data to the extent necessary for specific purposes and for the duration required for these purposes. In collecting data, we respect the principle of minimalism, i.e. we only collect the data necessary to achieve the purpose.

The EAÜ processes your personal data on four legal grounds: legal obligation, performance of agreement, consent, and legitimate interest. In this Privacy Policy, we have grouped the purposes for which we process your personal data under these four legal bases.

### **5.1. Processing of personal data to perform a legal obligation**

The EAÜ is obliged to process data related to the performance of legal obligations, as it is required by law.

For example, we are obliged to process your data under accounting and tax laws, as well because the EAÜ has been designated as a private copying levy collector under § 27 of the Copyright Act. We are also obliged to disclose your data to the courts and other law enforcement authorities and/or public authorities where required to do so by law.

### **5.2. Processing of personal data for the performance of agreement**

The processing of personal data for the performance of agreement is necessary to enable the EAÜ to perform an agreement with you or to carry out activities required before entering into an agreement with you. In certain cases, information on the processing of personal data may be further set out in a specific agreement.

The EAÜ mainly concludes four types of agreements.

- **Membership or client agreements with authors and their rightholders.** For these types of agreements, the EAÜ uses the personal data of the authors and their rightholders (indicated on their membership or client application) for the exercise of the proprietary rights assigned to the EAÜ under the agreement, including the distribution and payment of royalties received, as well as for the communication of notices convening general meetings and other important information related to the exercise of rights. The contractual relationship also gives the EAÜ the right to publish the first names, surnames, and pseudonyms of its members and clients on its website; to communicate the first names, surnames, pseudonyms, and dates of birth of its members and clients to other collective management organisations, and to other persons in connection with the licensing of the rights to use works created by them or in connection with the infringement of copyright belonging to them; as well as to

communicate the aforementioned data to the operator of the international database of authors or the IPI (Interested Party Information) database.

Subsection 3 of § 79 of the Copyright Act lists the specific uses for which authors are obliged to exercise their rights only through a collective management organisation. Thus, in the cases provided for by the Act, the EAÜ can grant authorisation to users and/or collect remuneration also for such works where authors or rightholders have not entered into an agreement with the collective management organisation or any other national collecting society. Therefore, if the EAÜ exercises your rights under the above-mentioned provision, you have the same rights and obligations as a rightholder represented by the EAÜ under a membership agreement. Consequently, the EAÜ is also entitled to process your personal data on the same legal basis as in a contractual relationship.

• **Representation agreements with other collective management organisations and other organisations representing authors.** These agreements give the EAÜ the right to exercise the rights of members of other collective management organisations and other organisations representing authors and to grant the relevant licences in Estonia. These agreements give the EAÜ the right to mainly process the personal identification data of members of other organisations representing authors.

In this context, special mention should be made of the representation agreement concluded with the Estonian Association of Audiovisual Authors (EAAL), which entitles the EAÜ to process the personal data, contact details, and payment-related information of audiovisual authors or their rightholders who are members or clients of the EAAL. Therefore, the processing of personal data of members and clients of the EAAL by the EAÜ is carried out for the same purposes, on the same basis, and with the same level of protection as for the members and clients of the EAÜ.

• **Licence and other agreements entered into with users of works.** For these contracts, the EAÜ will use the personal data of the user of the work or his/her representative to the extent necessary for the performance of the contract, including for the purposes of issuing invoices, calculating fees, collecting royalties, sending reminders, etc.

In the case where no written agreement is entered into for the use of the work and the EAÜ issues the licence only on the basis of an application submitted by the user, the processing of personal data is required for the licence and the EAÜ is entitled to process the personal data indicated in the application on the same legal basis as in the case of a contractual relationship.

• **Employment agreements, contracting, service, and other agreements.** These agreements include employment agreements and various agreements for the provision of services under the Law of Obligations Act. For example, the EAÜ enters into agreements with IT service providers and equipment maintenance partners who may also process your personal data, but only in accordance with EAÜ's instructions and to the extent necessary to provide the agreed service.

### 5.3. Processing of personal data based on consent

In particular, we ask for your consent to send you any electronic messages that are not directly related to the service provided to you by the EAÜ or to the processing of your personal data on any other legal basis. For example, the EAÜ may send you news or various surveys (for example, to enquire about your satisfaction with the services of the EAÜ). Such messages include the option to opt out of receiving them in the future. If, for any reason, this option is not included, please contact the EAÜ. Your consent to receive such messages will remain valid until you withdraw it.

We assume that the EAÜ has consent to transfer the contact information of its members and clients to third parties who need their permission or consent for uses or activities for which the EAÜ cannot give permission or consent. For example, the EAÜ cannot grant authorisations to arrange, translate for use in advertising, or publish sheet music, in which case the author or their rightholder must be contacted

directly. If you, as a member or client of the EAÜ, do not want the EAÜ to transfer your contact details to such third parties, please contact the EAÜ. Your consent to the transfer of your contact details to third parties is valid until you withdraw it.

#### **5.4. Processing of personal data based on legitimate interest**

Legitimate interest means that the EAÜ does not process your data directly for the performance of an agreement, nor is the EAÜ under any legal obligation to do so, but the processing is necessary to enable the EAÜ to provide you with the best possible services.

For example, personal data collected through the EAÜ website and the services, applications, and user interfaces provided through it may be used for analytics, statistics, analysis of visitor behaviour and user experience, and to provide a better and more personalised service.

The EAÜ also allows performers to submit reports on the use of works via the user interface on its website, as the EAÜ can obtain exact information from performers on the works used, which is in turn necessary for the distribution of royalties. Although there is no contractual obligation for the reporting parties to do so, the EAÜ has a legitimate interest in processing the personal data of the reporting parties submitting such reports.

#### **6. Who, in addition to the EAÜ, may process your personal data?**

We have the right to disclose your personal data in cases and to the extent permitted by law. For example, we may provide information about you to law enforcement authorities, public authorities, bailiffs, etc. in the cases set out in the law.

Partners working for the EAÜ under various agreements entered into under the Law of Obligations Act may process personal data only in accordance with the instructions of the EAÜ and to the extent necessary for the provision of the agreed service. The companies we work with, for example with regards to IT services and equipment maintenance, are generally based in Estonia. However, the EAÜ also has partners based in the UK and Switzerland. For example, the EAÜ cooperates with the UK-based society PRS for certain royalty distribution arrangements and with SUIISA in Switzerland with relation to the international authors database or the IPI database. In certain cases, joint responsibility may also apply under data processing agreements entered into with our partners, meaning that both the EAÜ and our partner are responsible for processing your personal data. In such cases, the data protection terms and conditions of the relevant partner will apply in addition to our terms and conditions.

Of the organisations representing authors with which the EAÜ has entered into representation agreements, only the Estonian Audiovisual Authors' Society is based in Estonia. The rest are based elsewhere in the European Union and the European Economic Area, but many are also based outside these regions. Also in the latter case, the EAÜ will take appropriate measures to ensure that your right to the protection of your personal data continues to be upheld.

#### **7. How do we store and protect your personal data?**

We will store your personal data for the time necessary to achieve the purposes set out in this Privacy Policy or for as long as required by law. Once the time limit for the storage of personal data expires, such data are destroyed.

Ensuring information security and the proper protection of personal data is of utmost importance to us. We implement the necessary organisational and IT security measures to ensure data integrity, availability, and confidentiality. These measures include the protection of information, databases, internal networks, as well as the EAÜ office building and technical equipment. We make efforts to implement security measures aimed at achieving an appropriate level of data protection and thereby avoiding the disclosure of personal data to unauthorised persons.

The EAÜ employees are subject to data confidentiality and protection requirements, receive training on data protection, and are responsible for performing their obligations. Similarly, other collective management organisations and other persons the EAÜ has entered into representation or cooperation agreements with are obliged to ensure that their employees are subject to the same rules as those of the EAÜ.

In the event of any incident involving personal data, the EAÜ will take necessary measures to mitigate the consequences and manage relevant risks in the future. Among other things, the EAÜ shall record all incidents and notify the Estonian Data Protection Inspectorate and the data subject either directly by email or publicly (e.g. through news).

## 8. What rights do you have regarding the processing of your personal data and how to exercise them?

You have the following rights in relation to the processing of your personal data by the EAÜ:

- **Right of access.** You have the right to access your personal data processed and stored by the EAÜ at any time. To do this, you need to send a request to the EAÜ.
- **Right to rectification.** If you discovered upon accessing your personal data that any data is incorrect or inaccurate, or if your personal data has changed, you can always amend your personal data or have it rectified by contacting the EAÜ.
- **Right to data erasure.** In certain cases, you have the right to request that your personal data be deleted. For example, if you initially gave your consent to the use of your data, but you have now withdrawn your consent for the processing for the relevant purpose and there is no other legal basis for the processing. Also, if it is established that your data has been collected and/or processed unlawfully.
- **Right to restrict the processing of your personal data.** This right arises, for example, if you contest the accuracy of personal data. However, you should be aware that exercising this right may, in some cases, lead to a temporary suspension of the provision of services while your personal data is being verified.
- **Right to object.** You have the right to object to the processing of your personal data where the data is processed based on legitimate interest. If you object, we will consider the legal interests at stake and, where possible, stop the processing in question, unless we have compelling legitimate grounds for continuing to process your data.
- **The right to apply to the EAÜ, the supervisory authority, or a court.** You always have the right to turn to the EAÜ, the Estonian Data Protection Inspectorate (AKI), or a court to protect your personal data. The Data Protection Inspectorate is a national authority that can be contacted for advice or assistance on matters relating to the protection of personal data. The contact details of the Data Protection Inspectorate can be found on their website at <https://www.aki.ee/et>

## 9. Use of cookies

The EAÜ website uses cookies. Cookies are small files that are downloaded to the user's device when he or she visits the website. The purpose of the use of cookies is to distinguish the user from other persons visiting the website and to improve the usability of the website through the information obtained.

Website users can set their web browser to notify of, refuse, and delete cookies. You can find more information on cookies at <http://www.allaboutcookies.org/>.

## 10. Amendments to the Privacy Policy

We will do our best to keep the Privacy up to date and always available to you via the EAÜ website. We encourage you to regularly visit our website, where you will always find the latest version of our Privacy Policy. We may also notify you of the most significant changes to this Privacy Policy by email or through other means.

## 11. Questions and information

For any questions or concerns about our Privacy Policy or data processing, please contact us via email at [eau@eau.org](mailto:eau@eau.org) or by phone at +372 668 43 60.

