

# Information on the processing of personal data for rights holders

Dear rights holders,

The General Data Protection Regulation (GDPR)<sup>1</sup>, which came into force on 25 May 2018, imposes a number of obligations on us regarding the protection of your personal data. You can be sure that we place the utmost importance on compliance with these obligations, which is why we provide you with the following key information regarding the processing of your personal data.

## 1. What data do we process?

In your case, the controller OSA, z.s. (hereinafter referred to as "OSA") processes some or all of the following personal data obtained in particular on the basis of your request to enter into a contract with OSA, on the basis of a contract concluded between you and OSA, or on the basis of a contract concluded between you and OSA, or on the basis of a contract concluded between you and OSA. the transfer of this contract to a successor in title or on the basis of a request for inclusion in the OSA register or a request for exclusion from the effects of collective licensing agreements concluded by OSA with users of works (request for exclusion from extended collective management), or provided through the INFOSA System (OSA's electronic system for the online fulfilment of the rights and obligations of the OSA collective manager towards rightholders) or on the basis of your membership OSA membership:

- name and surname, possible pseudonym of the author, or variants of the name, title, signature
- date of birth
- IPI codes and OSA author/publisher code
- ID number and VAT number
- the country of your tax residence
- whether you are a VAT payer or not
- address of permanent residence/residence, address for service (if different), address of place of business
- account number and bank name, IBAN
- telephone and e-mail contact
- the number of the identity card or other document
- Mailbox ID
- whether you are the author, heir, other rights holder
- about the works to which you own the copyright (ISWC work codes, OSA work codes)
- on the exercise of collective management of works to which you own the copyright, i.e. in particular on the non-exclusive licences granted for the use of these works, on the agreed royalties for the use of these works, on the royalties collected, on cases of unjust enrichment from the unauthorised use of these works or compensation for damages, on the scope of the exclusion of the effects of collective licence agreements, etc.
- the claims for financial benefits due to you under the contract and the OSA's internal regulations and an indication of their payment
- information about your outstanding obligations to OSA
- information on the absence/existence of your outstanding liabilities enforced in execution, insolvency
- INFOSA access data, IP address of the INFOSA user connection
- information about your membership in OSA, exercise of membership rights and obligations
- registration in the list of OSA members

## 2. On what basis, for what purpose and for how long do we process your personal data?

The provision of your personal data to OSA is voluntary, but without it it would not be possible to conclude or execute a contract between you and OSA or to perform properly according to the law the collective management of copyright property rights. The processing of your personal data by the OSA is necessary to comply with the OSA's legal obligations arising from a specific legal regulation - Act No. 121/2000 Coll. on Copyright, on Rights Related to Copyright and on Amendments to Certain Acts (Copyright Act), as amended. This Act imposes on the OSA, inter alia, the obligation to keep a list of right holders for whom it performs collective administration, a list of

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<sup>1</sup> 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, and repealing Directive 95/46/EC (General Data Protection Regulation)

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right holders registered for registration, and a list of objects of protection; such a list may only contain data necessary for the performance of collective administration. The Copyright Act also requires the OSA to maintain and regularly update a list of all members of the association, which it is obliged to send to the Ministry of Culture by electronic means upon request. Pursuant to the Statutes, such a list of members is available for inspection at the OSA's headquarters. Your personal data is processed by OSA for the purpose of exercising collective management of rights specified in the contract between you and OSA or in the Copyright Act as "compulsory collective management" or "extended collective management". In the exercise of extended collective management in cases of implementation of the exclusion of the effects of collective licensing agreements, the OSA processes your data to the extent necessary (author's name, surname, pseudonym, date of birth, title of the work, date and scope of the excluded use) for the purpose of the proper exercise of collective management, in particular to fulfil the legal obligation to inform users in an appropriate manner about the exclusion of the effects of collective agreements within the meaning of Section 97e(2) of the Copyright Act. When sending out OSA News to rights holders, OSA processes your personal data for the purpose of communicating up-to-date information about the services provided in the exercise of collective management and other marketing information on the basis of the legitimate interest of OSA. (You can simply unsubscribe from the OSA News by following the procedure set out in the relevant message.) In addition, OSA processes your personal data for the purpose of fulfilling its legal obligations under applicable law (also, for example, in the areas of accounting, tax or in court, enforcement or insolvency proceedings).

In the framework of the performance of the contract between OSA and you, OSA also enables the retrieval of data on the repertoire it manages in order to fulfil the statutory obligation arising from § 99j of the Copyright Act ("*to provide information by electronic means to the collective manager for whom it manages rights under the contract pursuant to § 97g, to the rightholder or user without undue delay...*"). For the purposes of this search, OSA processes and makes available only your following data:

- name and surname of the author (or rights holder) or pseudonym
- a list of works belonging to that rightholder
- IPI number (unique international number identifying the rights holder)
- performer's name
- ISWC code (a unique numerical code identifying a musical work - called the International Standard Musical Work Code) and OSA code of the work
- participation in the composition (composer, lyricist, sub-lyricist, compiler, publisher, sub-publisher) or indication that the rights holder is not represented

With regard to the above purpose of processing personal data, we process your personal data for the duration of the contract between you and OSA, for the duration of the copyright and then for ten years after the expiry of this period, so that we can record any financial benefits to you in the form of royalties for the use of works and pay you the corresponding amounts. In the event that we record new financial payments to you in the form of royalties for the use of the works during the ten years following the expiry of the term of the copyright, we will continue to process your personal data for at least 2 years after the last such financial payment. After that period, your personal data will be destroyed, except if it is needed for the purpose of exercising or protecting your rights or the rights of OSA in litigation, court, arbitration or administrative proceedings, in which case we will retain your personal data for the duration of the litigation, solely for the purpose of protecting your rights in such litigation.

### 3. To whom do we disclose or transfer your personal data?

As part of the performance of the contract with you or as part of the collective administration, OSA also transfers your personal data to entities providing support activities for OSA - mailing, debt collection or legal services. OSA continuously changes and adds entities providing the aforementioned activities, and in view of these updates and changes, OSA is ready to provide you with an up-to-date list of such entities for which disclosure and transfer of your aforementioned data may be considered upon your written request.

In the context of the performance of the copyright management contract, OSA also transmits your personal data to collective administrators based abroad and to international organisations (CISAC) operating international information systems for the performance of collective copyright management (CIS Tools - in particular CIS- Net IPI), only in the following scope: name and surname, date of birth, pseudonym, list of relevant works including the share of individual right holders. The purpose of such transmission is the performance of collective rights management for your benefit. To a limited extent, your personal data is transferred in this way to a number of countries both within the EU (EEA) and also to third countries outside the EU (EEA), to foreign collective managers, a current list of which can be found at [www.osa.cz](http://www.osa.cz). Since in many cases these are also countries outside the EU

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(EEA), they may also be countries where the protection of personal data is based on different principles than in the EU. OSA ensures the safe transfer of your data to third countries by concluding special contracts with the entities concerned, which, in accordance with the requirements of the European GDPR, contain the necessary standard contractual clauses containing the principles of safe processing of your personal data. In view of the fact that the scope of the personal data transferred is very limited, as we state above, there is very little risk of misuse of such personal data. At the same time, it is also true that - in view of the very limited scope of the personal data - without the transfer of such data it would not be possible to exercise collective management on your behalf in relation to the countries concerned.

In the event of a request (by the Ministry of Culture or another state administration authority), OSA is obliged to make your personal data available or transfer it to the relevant state administration authorities authorised to conduct the individual proceedings (in particular tax, enforcement or insolvency proceedings) described above, exclusively in cases where OSA is obliged to make such a transfer on the basis of applicable legislation.

In cases of the exclusion of the effects of collective licensing agreements in the performance of extended collective management (exclusion of extended collective management), OSA shall transmit your data to the extent necessary (name and surname or pseudonym, title of the work, date and scope of the excluded use) to the affected users of the works who have concluded a collective licensing agreement with OSA, or shall publish these data on the OSA website in order to comply with the legal obligation arising from the provisions of Section 97e of the Copyright Act.

In other cases, OSA does not pass on your personal data to any other third parties.

### 4. Your rights under current legislation

We would also like to inform you that you have the following rights under the current data protection legislation:

- the right of access to the personal data processed by OSA in your case,
- the right to have your personal data corrected if it is incorrect or inaccurate in any respect,
- in the event that you discover or believe that OSA is processing your personal data in a way that is contrary to the protection of your private and personal life or in violation of the law, in particular if your personal data is inaccurate with respect to the purpose of its processing, you have the right to ask OSA for an explanation and also to request that OSA remedy the situation (e.g. by blocking, correcting, supplementing or destroying your personal data),
- the right to request OSA to erase personal data or to restrict their processing,
- the right to object to the processing in order to assess whether there has been a breach of the obligations imposed on the OSA by applicable law,
- in addition to the above, you also have the right to lodge a complaint with the supervisory authority, which is the Office for Personal Data Protection, located at Pplk. Sochor 27, 170 00 Prague 7,
- You also have the right to data portability in case you would like to transfer to another controller your data that OSA processes on the basis of the necessity of their processing for the purpose of contract performance. In such a case, OSA will allow you to obtain your personal data in a structured, commonly used and machine-readable format or, if technically feasible, OSA will transfer it directly to another controller.

In case of any uncertainties or questions regarding the processing of your personal data, you can contact us at any time in writing at OSA, z.s., Čs. Armády 20, 160 56 Prague 6, delivery address: Bělehradská 222/128, 120 00 Prague 2, e-mail: [gdpr@osa.cz](mailto:gdpr@osa.cz).

The document Information on the processing of personal data for rights holders is valid from 17 July 2024 and replaces its previous version. This document may be updated and modified by the controller, for example when the purposes or legal titles of the processing, its contact details, etc. change.