

# Data Protection Declaration

## Membership in the professional association of visual artists Berlin

We, the berufsverband bildender künstler\*innen Berlin (the professional association of visual artists Berlin) (hereafter: bbk Berlin e.V, we, us), inform you in the following document how your data will be used when you become a member of our association. Simultaneously, we fulfill our duty of informing you by complying with the General Data Protection Regulation (GDPR) and the Federal Data Protection Act (FDPA).

### 1. Name and contact information of the responsible persons

Person responsible: berufsverband bildender künstler\*innen (registered association)  
Representatives: Zoë Claire Miller and Heidi Sill (speaker)  
Address: Köthener Str. 44, 10963 Berlin  
Phone: 030 230899-0  
Fax: 030 230899-19  
E-Mail: [info@bbk-berlin.de](mailto:info@bbk-berlin.de)

Our personal data protection supervisor (named above as the personal data supervisors) can be reached by post as well as through the email address: [datenschutz@bbk-berlin.de](mailto:datenschutz@bbk-berlin.de)

### 2. Type of personal Data

The type of personal data required for membership includes: title, name and surname, date of birth, address and if you wish; email address, phone number(s), website's URL, gender and nationality. Linked to the payment method we also require your payment and billing information. For your declaration of accession we require further information from you, which includes the enrollment or graduation certificate in addition to official notices e.g. unemployment benefit or pension notices in the case of reductions. For the application for a membership (interested parties) via the admission committee we generate further portfolio data and images from artistic works.

We offer our members different consulting services. These consulting services are provided by independent consultants. Thus, under these circumstances, we usually only process your name and the fact that you have deliberately requested this service. We receive no personal data regarding the consultation. An exception is legal advice, where the files remain in our domain.

We voluntarily generate portfolio data and images of artistic works for the public image of our members through the artist's portal: [www.berlinerkuenstler.de](http://www.berlinerkuenstler.de)

The bbk Berlin e.V. occasionally checks the accuracy of your data from other publicly available sources. We will subsequently correct our database if we find a change in contact details in the course of this research.

### 3. Legal basis, purpose of the data handling, and recipients

**a) Justification and implementation of your membership:** We essentially process your personal information for the justification and administration of your membership according to article no.6 paragraph 1 b) GDPR. This includes your admission, the collection and processing of your membership payment and organisational measures such as the management of a list of members, record of members or the conduct of a meeting of members. In addition, we process your data to the extent necessary to fulfil the purposes set out in § 2 of our statutes. These are in particular

- Independent representation of the professionally interested parties of the visual artist in the public, jurisdictional, institutional and art dealing domain;
- Improvement of income and working conditions, especially by the conclusion of wage agreements and similar wage agreements;
- Protection of rights: for our members according to a legal protection order;
- Improvement of education and training;

- Improvement of copyright and cooperation with collecting societies;
- Encouragement and implementation of the necessary infrastructure for artistic and educational work for all professional artists\*, including the support of non-profit companies, especially for printing, sculpting, media, work surfaces, and art in public spaces workshops;
- Cooperation with members from the bbk and affiliated associations;
- Democratisation as well as enforcement and expansion of the co-determination and participation in all companies and facilities in the field of culture and media. Additionally, this also includes the promotion of artists.

Our statute is accessible on our website at any time.

b) **Additional Services:** as long as you use our legal, tax and insurance services; the varying consulting services and service offers regarding professional legal protection, legal advice, tax, and insurance, we will process your name in order to enable you to make use of these services.

c) **Artist's archive:** We have an online artist's archive where we list all of our current artists. If desired, we can upload further contact details, such as a website or email address and your portfolio. The publication of your name lies in our interest to make our members more easily accessible as professional artists. The legal basis for this is the protection of our aforementioned authorized interests ((Art. 6 paragraph 1 lit. f) GDPR). The publishing of further contact details depends on your consent ((Art. 6 paragraph 1 lit. a) GDPR). You can get in touch with us at any point and request to recall this consent, to come into effect in the future.

d) **Special categories:** the processing of the so-called special category personal data, such as data regarding health, religion, or similar, is done only to the extent necessary to either: enable you to exercise your rights under the law on social and social protection; or to enable us to fulfil the obligations incumbent upon us as a result (Art. 9 Para. 2 b) GDPR in conjunction with the German Data Protection Act (GDPR). § 22 para. 1 no. 1 a) GDPR); or within the scope of our legitimate activity as a trade union-oriented association without the intention of making a profit.

e) **Recipient of the data:** we do not usually give your data to a third party, as long as it does not fulfill one of the purposes named above. When you make use of a consulting service, we will forward your name to the consultant. Regarding legal advice, when appropriate, contact details such as your phone number or email address will also be forwarded.

We work with external service providers (contract processors), e.g for bookkeeping, financial accounting, IT services, and system administration.

A transmission of personal data in non-member countries outside the European Union does not usually take place.

#### 4. Your rights

Since you are directly affected by the processing of your (special) personal data, you can exercise the following rights according to the GDPR if the respective legal conditions are met:

1. Right to the disclosure of if and how the data will be processed (Art. 15 GDPR)
2. Right to correction (Art. 16 GDPR)
3. Right to the restriction of the processing (Art. 18 GDPR)
4. Right to deletion (Art. 17 GDPR)
5. Right to transferability of the data (Art. 20 GDPR)
6. Right to appeal to the regulatory authorities (Art. 77 GDPR)

#### **Special right of objection and right to repeal consent given:**

Additionally, in order to protect our legitimate interest or to perform a task in the public interest or in the exercise of sovereign authority, you have the right to object to the processing of your data at any time for any reason arising from your particular situation (Art. 21 GDPR).

If you have given us your consent, you may revoke it at any time with future effect. However, any data processing carried out up to that point shall remain lawful.

You can request the revocation or the objection to one of the contacts mentioned above or to any other contacts known to you.

## **5. Storage period and deletion**

Your personal data will be deleted as soon as it is no longer required. This is usually 3 years after the end of your membership. In the period between the deletion of your data and the end of your membership, the data may be processed to defend against or assert legal claims arising from the membership relationship.

Data from people who have entered in contact with us for a membership will be deleted after one year provided they have not become a member.

The bbk is additionally subject to the following legal retention requirements, in particular according to the § 257 commercial code (Handelsgesetzbuch: HGB) and the 147 fiscal code (Abgabenordnung: AO). In these documents you can also find personal data, whose storage period is determined according to the following rules:

- Books and records, more specifically: accounting books, inventories, annual financial statements, individual financial statements (according to the § 325 paragraph 2a HGB), consolidated financial statements, management reports, group management reports, the opening balance sheet and the work instructions and other organizational documents required for their understanding, as well as accounting records, vouchers for entries in the books and records required to be kept by it pursuant to § 238 (1) HGB pursuant to Article 15 (1) and Article 163 of the Customs Code of the Union shall be kept for a period of 10 years, and
- the received commercial or business letters, reproductions of the commercial or business letters sent and other documents insofar as they are of importance for taxation are kept for 6 years.

The retention period begins with the end of the legal year, in which the last entry in the book, namely the account book, inventory, opening balance sheet, the annual accounts or management report has been prepared. The commercial or business letters must also have been received/ sent or the accounting document created. Furthermore, the recording of other documents must have been created. After this period of time the documents which contain personal information will be deleted.

## **6. Obligation to provide personal data**

You have no legal or contractual obligation to share any personal information. Under these circumstances, we are also not required to accept you as a member.

## **7. Automated decision making including profiling**

We do not use any automated decision-making program according to Art. 22 paragraph 1 and 4 DS-GVO, which may legally compromise you or otherwise have a negative impact on you.

## **8. Further questions and contacts**

In case of further questions and/or a notification of change in relation to the extent and scope of the use of your personal information, please get in touch (see contact).

Berlin, August 2019