

Agreement on the handling of data within the framework of the registration application for the qualification programme of the funding programme DIS-TANZ-START of the Dachverband Tanz Deutschland (German Dance Association)

and

Information about the processing of personal information

(Status January 2023)

As a nationwide platform for artistic dance in Germany, Dachverband Tanz Deutschland e.V. ("DTD"), represented by Michael Freundt, Mariannenplatz 2, 10997 Berlin, Germany, phone: +49 (0)30 / 37 44 33 92, fax: +49 (0)30 / 68075036, e-mail: info@dachverband-tanz.de has been implementing the DIS-TANZ-START funding initiative since autumn 2021 as part of the NEUSTART KULTUR funding programme of the German Federal Government Commissioner for Culture and the Media ("BKM"). The DIS-TANZ-START initiative complements the Hilfsprogramm Tanz funding programme.

Through the DIS-TANZ-START funding programme, DTD supports dancers who have completed their training (hereinafter referred to as "graduates") in a formal or non-formal manner in establishing connections on the professional dance scene in Germany. For this purpose it runs an extra-occupational qualification and counselling programme.

This agreement covers the registration of the graduates in a data pool established by DTD especially for the purposes of implementing the DIS-TANZ-START initiative. With the help of this data pool the graduates will get the possibility to participate in the qualification and counselling programme.

Part 1: Object of the agreement and procedure -----

§ 1 Object of the contract

- 1.1 The graduate provides information and data about himself/herself (hereinafter collectively referred to as "data") and Dachverband Tanz Deutschland (hereinafter referred to as "DTD") stores this data in a data pool in the backend of the DTD website (hereinafter referred to as "backend data pool") for the purpose of registration verification.
- 1.2 Upon registration, DTD publishes the name of the graduate and some additional data on the DIS-TANZ-START website (<https://www.dis-tanz.start.de>) (hereinafter referred to as "public data pool").

- 1.3 Upon registration, DTD provides the graduate with access data to the DIS-TANZ-START community platform and informs him*her about events and offers within the qualification and counselling programme.
- 1.4 The registration and subsequent inclusion of the data in the public data pool does not constitute any participation in events or the use of qualification and counselling offers. The respective terms and conditions of participation and use shall be determined and communicated separately.
- 1.5 DTD will conduct an evaluation of the funding programme and will ask the graduate to participate in this evaluation.

§ 2 Registration procedure

- 2.1 Graduate submits an application for registration online via the DTD website at <https://www.dis-tanz-start.de/absolventinnen/registrierungsantrag>.
- 2.2 After the registration application is reviewed, the graduate will be informed via e-mail about the result of the review (registration or no registration in the public DTD data pool). The data that will be included in the case of registration in the public data pool are the name, educational institution, graduation date and dance style.
- 2.3 The remaining data made available for review will remain in DTD's non-public backend data pool and will be viewed in exceptional cases where an additional review by external experts commissioned by DTD is necessary for a decision to be made regarding registration (e.g., for applicants who have not provided evidence of formal training).

Part 2: Information about the processing of personal information -----

§ 3 Data

DTD processes the following data categories where relevant and where the respective data have been submitted in the context of the application for registration, inclusion in both the DTD backend data pool and the DTD public data pool, and communication within the framework of the DIS-TANZ-START funding programme:

- 3.1 Master data: first name and family name, date of birth, nationality and gender of the graduate
- 3.2 Contact details: graduate's address, e-mail address, phone number
- 3.3 Data on training/qualification as emerging dancer:

- 3.3.1 If the graduate has completed a formal programme of study: data from the graduation certificate (the name and the date of the final examination must be clearly visible; the date must not be before 2019); in exceptional cases, data from the copy of the enrolment certification/certificate of training or a current transcript of records; data from a voluntarily provided letter of motivation or a link to a motivation video filed externally by the graduate (note: it is not possible to attach video files to the application).
- 3.3.2 If no formal training has been completed: data from the curriculum vitae; data from the letter of recommendation from the dance scene of choice, data from the motivation letter provided or a link to a motivation video submitted externally by the graduate (note: there is no possibility to attach video files to the application).
- 3.4 Online usage and inventory data: name of the file retrieved, date and time the application is submitted, amount of data transferred.

§ 4 Types of data processing

The aforementioned data will be processed as follows:

- 4.1 Storage in the backend data pool of the DTD website: all data from the following categories
- 4.1.1 Master data (cf. 3.1)
 - 4.1.2 Contact data (cf. 3.2.)
 - 4.1.3 Data on training/qualification (cf. 3.3.)
 - 4.1.4 Online usage and inventory data (cf. 3.4)
- 4.2 Publication in the public data pool on the DTD's DIS-TANZ-START website (<https://www.dis-tanz-start.de/absolventinnen/registrierte-absolventinnen>)
- 4.2.1 Upon registration: name (data category: master data, cf. 3.1) as well as data regarding the educational institution, graduation date and dance style (data category: data on training/qualification, cf. 3.3); in the case of non-formal education, the type of education is called "diverse"
- 4.3 Disclosure/transmission to funding body (BKM): data from the following categories
- 4.3.1 Master data (cf. 3.1)
 - 4.3.2 Data on training/qualification (cf. 3.3.)

- 4.4 Storage in the DTD archive and disclosure/transmission to experts commissioned by DTD: all data from the following categories
 - 4.4.1 Master data (cf. 3.1)
 - 4.4.2 Data on training/qualification (cf. 3.3.)
- 4.5 For communication within the framework of the DIS-TANZ-START funding programme: all data from all categories in Section 3, particularly master data and contact data.
- 4.6 DTD will use the graduate's contact information (e-mail address) to send the evaluation survey link (cf. Section 3.2) in order to carry out the evaluation.

§ 5 Purposes, legal basis and duration of processing

- 5.1 For the purpose of contract processing and fulfilment pursuant to point b of Article 6 (1) GDPR, DTD collects and processes the following data:
 - 5.1.1 Data for publication in the public data pool (cf. 4.1) and storage in the backend data pool of the DTD website (cf. 4.2);
 - 5.1.2 Data for communication within the framework of the DIS-TANZ-START funding programme (cf. 4.6);
- 5.2 For the fulfilment of legal obligations pursuant to point c of Article 6 (1) GDPR, DTD collects and processes data provided by the graduate for the transmission/forwarding to the funding body (BKM) (cf. 4.4.)
- 5.3 In order to protect DTD's legitimate interests pursuant to point f of 6 (1) GDPR, DTD collects and processes data for storage in DTD's archive (cf. 4.5); The use of the graduate's email address to send the link to the evaluation survey is also done to protect the DTD's legitimate interests pursuant to point f of 6 (1) GDPR.
- 5.4 DTD shall process and retain the data for the aforementioned purposes until the end of the term of this agreement or until the end of the period covered by the DIS-TANZ-START funding programme, the related communication and (retention) obligations (hereinafter collectively referred to as the "period referred to herein"). Subsequently, the data will be deleted or blocked.
- 5.5 DTD shall continue the storage and processing of all data collected for archiving in the DTD archive (cf. 4.5) and for the purpose of publishing the graduate's name in the DTD public data pool (cf. 4.1), beyond the period referred to herein on the basis of the graduate's consent pursuant to point a of Article 6 (1) GDPR, to the extent that such consent has been given. The graduate may withdraw this consent at any time. In the case of withdrawal, the data will be deleted or blocked.

§ 6 Notice to Data Processing via services of the Microsoft Corporation (USA)

For the internal processing of the application, DTD currently uses products and services of the Microsoft Corporation (variants of the Microsoft 365 service) based in the USA. In particular, Excell documents are uploaded to Microsoft's cloud service "OneDrive".

Insofar as the applicant consents in the context of the application form pursuant to letter a of Art. 49 (1) GDPR, personal data may be processed through the use of services and products of Microsoft in the USA.

DTD points out, that the European Court of Justice considers the USA to have an insufficient level of data protection according to EU standards. In particular, there is a risk that your data may be processed by US courts, US law enforcement agencies and national security agencies in accordance with its laws for control and monitoring purposes, possibly without redress. If the applicant does not give consent during the application process and/or the data processing through Microsoft services and products is not based on pre-contractual or contractual measures, the aforementioned transfer will not take place.

§ 7 Rights of the graduate with regard to data processing

The graduate may at any time do the following:

- 7.1 Request information from DTD about the personal data processed pursuant to Article 15 GDPR. This includes, in particular, information about the purpose of data processing, the category of personal data, the categories of recipients to whom the data have been or will be disclosed, the planned storage period, etc.;
- 7.2 Request the immediate correction of inaccurate or incomplete personal data stored by DTD pursuant to Article 16 GDPR;
- 7.3 Request the erasure of the personal data being stored pursuant to Article 17 GDPR, unless the processing of the data is necessary for the exercising of the right to freedom of expression and information, compliance with legal obligations, reasons relating to the public interest or the establishment, exercise or defence of legal claims;
- 7.4 Request the restriction of the processing of personal data under the conditions regulated therein pursuant to Article 18 GDPR;
- 7.5 Receive a copy of the personal data provided by the graduate pursuant to Article 20 GDPR in a format specified therein or request the transfer of the data to another controller; and
- 7.6 Lodge a complaint with a supervisory authority pursuant to Article 77 GDPR.

- 7.7 If personal data are processed on the basis of legitimate interests pursuant to point f of Article 6 (1) GDPR, the graduate also has the right to object to the processing of personal data pursuant to Article 21 GDPR, insofar as this is based on grounds arising from a specific situation.

Part 3: Other agreements-----

§ 8 Granting of rights to intellectual property of the graduate

The graduate hereby grants DTD rights to the data, including non-personal data and other material, e.g., from the motivation letter or the motivation video (hereinafter collectively referred to as "material" with regard to the granting of rights), in accordance with the German Copyright Act as well as other laws (e.g., concerning the general right of privacy and the right to one's own image). The rights are limited in content to use for the purposes specified in Part 2 Section 4, and shall be sublicensable and unrestricted in terms of time and place. This granting of rights includes in particular, but is not limited to:

- 8.1 The right to reproduce and distribute the data, i.e., the right to reproduce the material (e.g., upload to and download from the DTD website, copy, store, print) and to distribute it, particularly by forwarding it to third parties (experts, BKM) as well as storing it in DTD's internal archives.
- 8.2 With regard to photos and films that the graduate has provided, the graduate gives the consent required under the German Art Copyright Act (KUG) for the use of the images to the extent specified above.
- 8.3 This granting of rights also includes the rights of third parties insofar as these were exploited or arose and unless otherwise specified within this Agreement. This includes, in particular, rights to letters of recommendation, photos and motivation videos. The parties agree that the graduate will lawfully obtain the rights of third parties to these materials in advance and grant these to the DTD (sublicense).

§ 9 Termination of participation in data collection; erasure of data

- 9.1 The graduate may do the following with regard to their inclusion in the DTD public data pool:
- 9.1.1 terminate it completely by e-mail: in this case the graduate's data will be deleted in the public data pool;
- 9.1.2 pause it: in this case, the data will not be deleted but will instead be flagged as "not viewable".

- 9.2 The graduate may terminate the inclusion in DTD's back-end data pool completely at any time by e-mail: in this case, the graduate's data will be deleted with the exception of the data that DTD is still legally obliged to keep. Participation in the counselling and qualification programme is then excluded.

Translation Tool