



## PERSONAL DATA PROCESSING POLICY

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### **INTRODUCTION**

Filarmonica Braşov is a personal data operator in accordance with the applicable legislation. This document regards informing the spectators and collaborating artists, as well as other partners of the Filarmonica Braşov, about the way the institution processes personal data.

By means of the Personal Data Processing Policy are established the general terms regarding the processing of the personal data with which the Filarmonica Braşov enters into contact, the principles underlying the processing of this data, as well as the manner of processing, storage and transmission of such data.

The processing of the personal data of the employees of the Filarmonica Braşov is not included in this document, as it is incorporated in the Internal Regulations and documents with reference to this matter.

The Personal Data Processing Policy can be changed unilaterally by Filarmonica Braşov, when such a change is required by modified legislation or internal documents. The current version of the document can be found at the institution's headquarters - Braşov, 50A, 15<sup>th</sup> November Blvd, Sala Patria (Patria Hall), as well as on the institution's website: [www.filarmonicabrasov.ro](http://www.filarmonicabrasov.ro).

The processing of personal data is subject to the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 regarding the protection of personal data and on the free movement of such data and repealing Directive 95/46/EC (the general regulation on data protection) as well as national legislation, including, given the object of activity, the legislation on Copyright and Related rights.

In the process of implementing personal data processing, Filarmonica Braşov respects the principles in the matter: lawfulness, fairness, transparency, accuracy of processing, responsible processing and storage and the limitation of processing to data that is in accordance with the purpose of processing.

### **BASIS AND PURPOSE OF PROCESSING**

Filarmonica Braşov processes personal data based on the law, contracts or legitimate interest. The purpose of processing personal data is to fulfil legal, contractual and other obligations, for the normal course of the activity:

- Management, legal and financial-accounting activities;
- Collaboration with various partners to carry out cultural activities
- Processes in human resources field, collaborations with artists
- Marketing and advertising activities
- Making available subscriptions and tickets to the public
- Feedback from the spectators and collaborators of the Filarmonica Braşov
- Contractual relations with partners in various fields: ensuring the logistics necessary to carry out the activity, event planning, etc.
- Fulfilling legal obligations towards the main authorizing officer of credits and other state authorities.

## **SUBJECTS OF PROCESSING**

In order to achieve the purposes listed above, Filarmonica Braşov processes personal data from the following categories of people:

- Spectators - individuals, beneficiaries of the Filarmonica Braşov activities;
- Collaborating artists – instrumentalists, vocal artists, actors, painters, as well as other artists from ranged fields of activity who collaborate with the Filarmonica Braşov in various events;
- Volunteers – individuals who participate as volunteers in various activities organized by the Filarmonica Braşov, either individually or in partnership with other entities;
- Visitors – individuals who visit the Filarmonica Braşov, for various reasons, without having any of the previously mentioned qualities;
- Representatives of partner entities – if they are not signatories of the partnership/collaboration/event planning and other contracts;
- Contractual partners – authorized signatories of the contracts listed above, as well as of other contracts necessary for the normal development of the activity;
- Representatives of the state authorities – the main authorizing officer of credits, entities with the right to supervise the activity of the Filarmonica Braşov, etc.;
- Employees of the Filarmonica Braşov - individuals employed by the institution, regardless of the position held and the form of the employment contract;
- Third parties - other individuals, that are not listed above, whose data are processed by the Filarmonica Braşov under the law or for its legitimate interest.

## **PROCESSED DATA**

The processed data for each of the categories of persons differs depending on the purpose for which they are processed and the basis of the processing (legal, contractual or legitimate interest). In the situation where the processed data is based on the legislation in force, the consent of the subjects is not necessary. The processing of personal data under the contract requires the consent of the subject only when he/she is not the signatory of the respective contract and to the extent necessary (for example, it is not necessary if the subject of the

processing has already signed a processing agreement with the contractual partner of the Filarmonica Braşov or if the processing of his data is carried out by the contractual partner under the law and the transmission of the data to third parties is necessary for the same reason).

The data processed by Filarmonica Braşov, depending on the subjects of the processing, are as follows:

- **Spectators**

Filarmonica Braşov does not process personal data on direct purchasing of the tickets or subscriptions from the institution's cashier. Should the purchase is made online, from the institution's website [www.filarmonicabrasov.ro](http://www.filarmonicabrasov.ro) or from [www.bilet.ro](http://www.bilet.ro) website, the following personal data are processed: name and surname, telephone number, e-mail address, bank details at the time of purchase of tickets/subscriptions. As far as educational concerts are concerned, the Philharmonic does not process the personal data of children participating in these concerts.

- **Collaborating artists**

Filarmonica Braşov processes the following personal data: the data from the ID card provided, contact data, Bank data necessary for the payment of the fees for the performance according to the contract, the signature, data regarding the qualification and professional experience and the image of the artist. Considering the activity of the Filarmonica Braşov, the image of the artist will be used in advertising campaigns of the event in which he/she is involved, regardless of the way it is advertised (posters, announcements, media articles, banners, etc., campaigns through the service of the information society - media, promotion on the website of the Filarmonica Braşov, and/or of the respective event's partners and/or on other social networks. If the artist will provide a biography or a personal presentation of his professional activity, the advertising will include relevant aspects of it.

In order to promote the activity of the Filarmonica Braşov and to achieve the objective of this institution, in compliance with the restrictions provided by Law no. 8/1996 regarding copyrights and related rights, the Filarmonica Braşov will be able to use photos and or short video/audio/audio-video recordings moments from the events it organises or it is partner of, respecting good customs and without prejudice the artist/collaborating artists, for the purpose of bringing the event to the public's attention even after it has taken place.

The Filarmonica Braşov has the right to record the whole event - audio/video/audio-video, with its own or contractually authorized personnel, in compliance with the provisions of art. 35 of Law 8/1996 on copyright and related rights, in order to keep these records in the institution's library and/or its archive or for educational purposes.

The collaborating artist/artists - for the purpose of promoting themselves and Filarmonica Braşov - may use, in compliance with the provisions of Law no. 8/1996 regarding the use of a work previously made known to the public, images/audio/video/audio-video recordings of the event in which they performed. These images or recordings must mention the event and the Filarmonica Braşov and cannot be used should they harm the image of the Filarmonica Braşov. It is not permitted to use these images for other purposes than those mentioned above without the express written consent of the management of the institution.

- **Volunteers**

Individuals who carry out volunteer activities within the Filarmonica Braşov or certain events, in which the institution is partner/organizer/co-organizer, will provide the necessary personal data based on a personal data processing agreement. As per usual, Filarmonica Braşov processes for this category of people – name, surname, contact data. If the volunteers have the status of students and perform these activities based on a partnership with the educational institution of Filarmonica Braşov, the latter has the status of a third party, the responsibility for obtaining consent for the processing of personal data belongs to educational institution. In such a case, the agreement must also mention the transmission of this data between the two institutions.

- **Visitors**

Individuals who, for various reasons, visit Filarmonica Braşov, will comply with the provisions of the Internal Regulations regarding the access of third parties to the institution. In order to ensure the protection and security of the institution, the following data of the visitor will be processed: name, surname, signature.

- **Representatives of partner entities** – if they are not signatories of the partnership/collaboration/event planning and other contracts;

The data of the representatives of partner entities are processed in the same manner as that established for visitors. To the extent that additional personal data is required, they will be informed and sign a distinct personal data processing agreement.

- **Contractual partners** – representative signatories of the previously listed contracts, as well as other contracts necessary in the normal course of the institution's activity.

For these individuals, the institution processes the personal data necessary according to the contracts. These contracts will contain distinct and detailed provisions regarding the data processing.

- **Representatives of the state authorities**

The processing of personal data of individuals representing state institutions will be performed under the law.

- **Employees of the Filarmonica Braşov**

The personal data processing regime of the Filarmonica Braşov employees is performed under the legislation in force in the work field and cultural activity of the Philharmonic, the internal procedure regarding the processing of personal data as well as the internal regulations of the institution.

- **Third parties**

The processing of personal data of individuals, other than those listed above is done according to the basis of this processing: law or legitimate interest. In each distinct case, depending on the basis of the processing, it will be signed (if necessary) a personal data processing agreement.

## **DATA STORAGE AND TRANSMISSION**

Regardless of the subjects of the processing and the data processed, Filarmonica Braşov will keep the confidentiality of the processing and the results obtained, but not in situations where the law expressly provides for the obligation to transmit personal data to public authorities or

courts, as well as data regarding the professional activity: the name and surname of the collaborating artists, as well as the images and recordings with them and with the employees of the Philharmonic, in compliance with this Processing Policy, the Internal Regulations and the legislation in force. Access to processed personal data will only be allowed to employees with special this responsibility.

In the event of a **breach of Personal Data Security**, Filarmonica Braşov will notify all interested parties, including the subject of the processing, without delay, no later than 24 (twenty-four) from the moment it was aware of the respective breach and will prepare the reports regarding the breach of Personal Data Security for the Supervisory Authority.

### **The terms of keeping personal data**

Personal data processed due to law request are kept for the legally required period.

Personal data processed under a contract will be kept according to the Filarmonica Braşov's own document archiving and destruction procedure. Upon termination of the validity of the contract, the processing of personal data will cease, they being destroyed in a maximum of 30 days, except for the data that are stored as a result of a legal obligation for a longer period of time and when the exercise of rights in court and / or in front of a state authorities require the use of the respective documents. In this case, Filarmonica Braşov will continue to be bound by confidentiality.

Personal data processed for the legitimate interest of the Filarmonica Braşov, especially posters, advertising and marketing campaigns, media presentations, photos and audio/video/audio-video recordings will be kept in the library and/or archive of the Filarmonica Braşov for an indefinite period. These materials will be used only for educational and cultural purposes, and transmission to third parties will be done only in compliance with the legislation in force.

Personal data processed on the basis of a data processing agreement are kept for the period mentioned in that agreement.

### **Transmission of personal data to third parties**

Categories of recipients of personal data

In accordance with the legislation in force, personal data are transmitted to the following categories of recipients:

- IT service providers – hosting, ticketing, software, data storage in the cloud.
- State authorities, courts – insofar as these data are requested and there are grounds for this request, within the limits of the law
- Other institutions – for ex. banks, accommodation service providers etc. – when the transmission of such data is necessary to fulfil a legal and/or contractual obligation
- Contractual partners – should such data are necessary, and in compliance with the legislation in force
- The personal data of the collaborating artists and employed artists with Filarmonica Braşov (name, surname, qualification and professional experience data, their image) are transmitted to media partners and used to inform the public about events in which they are involved.

- Other individuals and legal persons, should this is necessary according to the legislation in force.

### **International data transfer**

If the cultural activity of the Filarmonica Braşov involves international collaborations, the personal data of the collaborating artists and/or the artists employed by the Filarmonica Braşov will be transmitted to the authorities and collaborators or external partners, according to the applicable personal data protection legislation. The data transmitted will only be those strictly necessary according to legislation, contractual obligations or legitimate interest.

### **RIGHTS REGARDING PROCESSED DATA**

In accordance with the legislation in force, the subjects of personal data processing have the following rights:

- To withdraw consent at any time after it was granted, without affecting the processing carried out prior to its withdrawal;
- To request information regarding his/her personal data processed by Filarmonica Braşov - what and how data is processed, for how long this data is stored, how and where the data is stored, to whom - and if - this data is transmitted, if there is a right to rectification, the right to file a complaint, the source of processed data about the subject that does not originate from him, if there is automated data processing. (right of access)
- To request the rectification of incorrect personal data or if is not the subject of processing (right to rectification)
- To request the deletion of personal data in certain situations (for ex. when their processing is no longer necessary for the stated purpose of processing), in the event of withdrawal of consent or when the processing exceeds the limits of the law, as well as when they are requested in marketing purposes. This right can be limited when the processing is done on the basis of the law, freedom of expression and information as well as for reasons related to the public interest. (the right to be forgotten).
- To request the restriction of processing when one wants to limit the processed data, in the situation in which one considers that the processed data do not comply with the purpose of the processing or their limitation is necessary (the right to restrict the processing)
- To object to the processing of one's data, in certain processing situations. In this case, Filarmonica Braşov no longer processes one's personal data, unless it demonstrates that it has legitimate and compelling reasons that justify the processing and that prevail over the interests, rights and freedoms of the data subject or that the purpose is to ascertain, exercise or defend a right in court.

Filarmonica Braşov does not process data based on automatic processing decisions, including the creation of profiles. If such a situation intervenes in the data processing mode, the subject of the processing will be informed separately.

**Any clarifications, notifications or situations regarding the processing of personal data can be sent to the address [ssm@filarmonicabrasov.ro](mailto:ssm@filarmonicabrasov.ro). The person in charge of personal data protection is Mihaela Tîrziu.**