

**Contract for the inclusion of refugee dance artists in the database of Dachverband Tanz
Deutschland**

For the purpose of placement with organizations in the field of dance

in the framework of the initiative HELP DANCE

and information on the processing of personal data

As a nationwide association for artistic dance in Germany, Dachverband Tanz Deutschland e.V., represented by Michael Freundt, Mariannenplatz 2, 10997 Berlin, phone: +49 (0)30 / 37 44 33 92, fax: +49 (0)30 / 68075036, email: info@dachverband-tanz.de (hereinafter DTD) has been operating the platform HELP DANCE since March 2022. The initiative is a cooperation of the Bundesdeutsche Ballett- und Tanztheaterdirektor*innen-Konferenz (hereinafter BBTK) and Praetorian Non-Profit Art and Health Consulting (hereinafter Praetorian) and responds to the refugee movements after the outbreak of war between Ukraine and Russia on February 24, 2022.

HELP DANCE offers refugee dance artists and professionals working in the dance field, who had to leave their place of residence due to the war in the Ukraine, possibly represented by a spokesperson or legal representative – hereinafter refugee – the opportunity to submit a request for continuing their work in Germany. It offers a forum to fixed and free ensembles, production sites and dance schools for presenting offers to them. HELP DANCE publishes and transfers these offers of assistance and processes the requests of refugees in order to actively place them in the professional dance scene in Germany in a targeted manner.

The present contract serves the purpose of registering refugees in a database of HELP DANCE in the context of the transfer of the requests to DTD.

Part 1: Subject matter and process -----

§ 1 Subject matter of the contract

- 1.1 Refugee (or a spokesperson or legal representative of refugee) provides information and data about refugee (hereinafter collectively “data”). DTD collects these data in a non-public database in the so-called backend of the website of DTD (hereinafter “database”) for the registration and processing of the requests (counselling / placement).
- 1.2 The subject matter of the contract also extends to the transfer of data (e.g. certificates of professional activities / application documents) to organizations in the field of dance (for instance ensembles, production sites, dance schools) based in Germany in order to facilitate contact and offer direct assistance.

- 1.3 The submission of a request and the inclusion of the data in the database do not give rise to a claim to placement with organizations.
- 1.4 DTD may conduct an evaluation of this initiative and will ask refugee to take part in it.

§ 2 Process of registration and further steps up to placement with organizations

- 2.1 Via an online form on the website of DTD at <http://www.help-dance.org/home>, refugee (or a spokesperson or legal representative) submits a request for continuing their artistic dance work in Germany and for placement with organizations in Germany.
- 2.2 Upon submission of the form, the data of refugee are registered in the database of DTD.
- 2.3 Staff of DTD, staff of Praetorian and members of BBTK (hereinafter staff) screen the request and the data and make a decision about retention in the database and about further steps regarding placement.
- 2.4 The data / application documents of refugee may be forwarded to organizations in the field of dance based in Germany, but there is no claim to this.
- 2.5 Once organizations, based on the transferred data / application documents or upon request by the staff, want to accept refugee or let refugee participate or perform, the staff directly transmit the concrete offer of the organizations to refugee.

Part 2: Information on the processing of personal data -----

§ 3 Data

In the context of the request / the registration, the inclusion in the database of DTD as well as in the context of the placement services and the communication in the framework of HELP DANCE, DTD processes the following categories of personal data, insofar as they are pertinent and were submitted:

- 3.1 Core data: name, date of birth, place of birth, gender, nationality of refugee; if applicable name of spokesperson / legal representative
- 3.2 Contact information: current place of residence / abode in Germany, email address, phone number of refugee; if applicable email address, phone number of spokesperson / legal representative
- 3.3 Professional data: professional field, training, professional experience (curriculum vitae), if applicable internet link (videos), certificate, letter of recommendation, motivation letter

- 3.4 Online usage and inventory data: Name of the retrieved file, date and time of the submission of the form, quantity of data transferred.

§ 4 **Types of processing of the data**

The above data are processed as follows:

- 4.1 Storage in the backend database of the website of DTD: all data in the categories
- 4.1.1 core data (cf. item 3.1)
 - 4.1.2 contact information (cf. item 3.2)
 - 4.1.3 professional data (cf. item 3.3)
- 4.2 Disclosure / transfer to organizations: core data and contact information (cf. items 3.1 and 3.2) as well as professional data (cf. item 3.3)
- 4.3 Disclosure / transfer to grant authorities (for instance to the Commissioner of the Federal Government for Culture and Media (*Beauftragte der Bundesregierung für Kultur und Medien*), hereinafter BKM), insofar as this is incumbent upon DTD by grant law: data in the categories
- 4.3.1 core data (cf. item 3.1)
 - 4.3.2 professional data (cf. item 3.3)
- 4.4 Storage in the archive of DTD as well as disclosure / transfer to experts commissioned by DTD, insofar as it is necessary to verify the professional qualifications or in case of potential funding for a project: all data in the categories
- 4.4.1 core data (cf. item 3.1)
 - 4.4.2 contact information (cf. item 3.2)
 - 4.4.3 professional data (cf. item 3.3)
- 4.5 For communication in the framework of the initiative HELP DANCE: all data in all categories under § 3, in particular the core data and contact information.
- 4.6 For conducting a potential evaluation, DTD will use the contact information (cf. item 3.2) (email address / phone number) of refugee or spokesperson / legal representative in order to conduct interviews or surveys.

§ 5 **Purposes, legal basis and period of the processing**

- 5.1 For the purpose of processing and performance of the contract pursuant to Article 6(1)(b) of the GDPR, DTD collects and processes:
- 5.1.1 data for storage in the backend database on the website of DTD (cf. item 4.1);

- 5.1.2 data for transfer / passing on to organizations (cf. item 4.2) and for communication in the framework of the initiative HELP DANCE (cf. item 4.5).
- 5.2 For compliance with legal obligations pursuant to Article 6(1)(c) of the GDPR, DTD collects and processes data of refugee for transfer / passing on to grant authorities (for instance the BKM) (cf. item 4.4).
- 5.3 For pursuing the legitimate interests of DTD pursuant to Article 6(1)(f) of the GDPR, DTD collects and processes data for storage in the archive of DTD (cf. item 4.5); the use of the contact information for sending interview requests and surveys also serves to pursue the legitimate interests of DTD pursuant to Article 6(1)(f) of the GDPR.
- 5.4 For the above purposes, DTD processes and stores the data until the end of the term of this contract, and/or until the end of the time period comprising a funding programme for refugee dance artists conducted by DTD, the corresponding communication and (retention) obligations (hereinafter collectively the “time period referred to here”). The data are subsequently erased or blocked.
- 5.5 With regard to data for the purpose of archiving in the archive of DTD (cf. item 4.4), DTD continues the storage and processing beyond the time period referred to here on the basis of the consent of refugee pursuant to Article 6(1)(a) of the GDPR, insofar as such consent was given. Refugee can withdraw this consent at any time. If consent is withdrawn, the data are erased or blocked.

§ 6 Rights of refugee with regard to the processing of the data

Refugee may at any time

- 6.1 pursuant to Article 15 of the GDPR demand access to the personal data. This includes in particular access to information about the purposes of the processing, the category of the personal data, the categories of recipient to whom data have been or will be disclosed, the envisaged storage period, etc.;
- 6.2 pursuant to Article 16 of the GDPR demand rectification of inaccurate or completion of the personal data stored at DTD;
- 6.3 pursuant to Article 17 of the GDPR demand erasure of the stored personal data, insofar as processing is not necessary for exercising the right of freedom of expression and information, for compliance with a legal obligation, for reasons of public interest or for the establishment, exercise or defence of legal claims;
- 6.4 pursuant to Article 18 of the GDPR demand restriction of processing of the personal data under the conditions stipulated there;

- 6.5 pursuant to Article 20 of the GDPR receive the personal data that refugee has provided, in a format stipulated there, or demand transfer to a different controller and
- 6.6 pursuant to Article 77 of the GDPR lodge a complaint with a supervisory authority.
- 6.7 Insofar as personal data are processed on the basis of legitimate interests pursuant to Article 6(1)(f) of the GDPR, refugee moreover has the right to object to processing of the personal data pursuant to Article 32 of the GDPR insofar as grounds obtain that relate to a particular situation.

Part 3: Other provisions-----

§ 7 Grant of rights to intellectual property of refugee

Refugee grants DTD rights under copyright law as well as other laws (e.g. regarding the general right of personality, the right to one's own image) to the data, including non-personal data and other material, e.g. from the text of the request, the motivation letter or the motivation video (hereinafter for the grant of rights collectively "material"), the granted rights being non-exclusive, limited in terms of content to use for the purposes mentioned in Part 2 § 4, without limitation in terms of time and place as well as sublicensable.

- 7.1 This grant of rights includes in particular, but not exclusively, the right of reproduction and distribution, i.e. the right to reproduce the material (e.g. upload to and download from the website of DTD, copying, storing, printing) and to distribute it, in particular to pass it on to third parties (organizations in the field of dance, if applicable grant authorities) as well as feeding it into DTD's own archive systems.
- 7.2 With respect to photographs and films that refugee has made available, refugee gives the consent to the use of the images to the extent agreed above, as required according to the German Art Copyright Act (*Kunsturhebergesetz*, KUG).
- 7.3 This grant of rights also includes the rights of third parties insofar as these were used or arose in the context of the material and insofar as this contract does not stipulate otherwise. This includes in particular rights to letters of recommendation, photographs and motivation / dance videos. The parties agree that refugee lawfully obtains the rights of third parties to these materials in advance and grants them to DTD (sublicence).

§ 8 Termination of participation in the database; erasure of the data

- 8.1 Until refugee is successfully placed with an organization in the field of dance, refugee can completely terminate the inclusion in the database of DTD by giving notice via email: in this case, the data of refugee are completely erased.
- 8.2 The inclusion in the database ends at the latest 12 months after a secure return to Ukraine or the countries of origin is possible. In this case, the data are erased with the exception of the data which DTD continues to be legally obliged to retain and potentially transfer.