

Resale Royalties Aotearoa

Privacy Policy

Last updated: 21/05/24

Resale Royalties Aotearoa Limited (**Resale Royalties Aotearoa, we/our/us**) along with its parent company Copyright Licensing Limited (**CLNZ**), carries out the functions of the Collection Agency under the Resale Right for Visual Artists Act 2023 (**Act**) to administer the resale royalty collection scheme (**Scheme**). Together with CLNZ, our function is to collect and distribute Resale Royalties to **Right Holders** (as that term is defined in the Act), but broadly, includes visual artists and their successors.

In this privacy policy, capitalised terms that are not defined in this privacy policy have the meaning given to that term in the Act.

We value the privacy of all Right Holders, Art Market Professionals, members of the wider artistic community, and any other stakeholder who we work with (**Stakeholders, you**). This privacy policy covers how we process personal information when you interact with us and the rights you have in relation to your personal information.

“Personal information” means any information that can identify you either directly or indirectly (i.e., by reference to other information we have access to). The term **“processing”** includes collection, storage, and all of the ways we use personal information when we carry out our Collection Agency functions.

1. How we collect your personal information

(a) Personal information you provide to us:

- When you register with us your interest to participate in the Scheme, including as a Right Holder, potential Right Holder, or Art Market Professional (or other relevant third party such as a gallery or museum (or similar)), we collect your name and pseudonyms, date of birth, contact details, company or business information, the name and date of death of the artist you are a successor of (if applicable), whether you are Māori or Pasifika Right Holder (which is optional for you to provide), residency, citizenship, or domicile status, and proof of identity. If you are a Right Holder or potential Right Holder and we need to contact you to confirm or make a Resale Royalty payment to you, as part of our verification or payment processes we may collect your name, address, bank account information, proof of identity, any other information reasonably required by us to verify your identity, and/or your eligibility under the Scheme. When you contact us for support, to make a complaint, to provide feedback, or to submit any other enquiry to us (including via our website), we may collect your name and pseudonyms, telephone number, email address, whether you are a Māori or Pasifika Right Holder (which is optional for you to provide), and any other personal information you provide to us in connection with that enquiry or complaint process.

(b) Demographic information you may optionally provide to us:

- We may or may not ask to collect demographic information about Right Holders, such as whether you are a Māori or Pasifika Right Holder, your ethnicity, gender, career status and disability status. This is optional for you to provide. We will only collect and use this demographic information to: (a) ensure we are able to carry out our functions & duties in a way that respects & provides culturally appropriate support; and (b) fulfil our (or CLNZ's) reporting obligations under the Act and any other applicable law (including reporting to the Ministry of Culture & Heritage accurate statistics, and/or about how the scheme is impacting visual artists). Any such reporting shall be anonymised ,

(c) Personal information we may collect automatically:

- When you interact with our website we may collect technical information about your equipment, browsing actions and patterns. This includes internet protocol (IP) address, browser type and version and time zone settings, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access our website. We collect this personal information by using cookies and other similar technologies. Please refer to the Appendix for further details on our use of cookies.

(d) Personal information provided to us. We may collect your personal information from third parties, including in circumstances where:

- you have authorised us to collect your information from that party;
- the information is publicly available; or

- if you are a Right Holder, it is not reasonably practicable to collect that information from you, such as where we need to obtain your information from an Art Market Professional to contact you about a Resale Royalty that you may be owed.

2. How we use your personal information

We will use your personal information:

- to verify the identity or eligibility of participants in the Scheme;
- to collect Resale Royalties from liable persons, such as Art Market Professionals;
- to locate Right Holders;
- to disburse Resale Royalties to Right Holders according to their share of the resale right. In the case of 2 or more Right Holders, we may share your personal information if necessary to confirm or verify each Right Holder's respective share of the resale right;
- to conduct research and statistical analysis to improve our ability to fulfil the duties of the Collection Agency;
- to fulfil our (or CLNZ's) reporting and any other obligations under the Act or any other applicable law (see below);
- for communications with you;
- to protect and/or enforce our legal rights and interests, including defending any claim; or
- to provide to law enforcement as allowed under the Privacy Act 2020 (and any amendment).

How we report personal information to the Ministry of Culture and Heritage:

- Clause 30 of the Resale Right for Visual Artists Regulations 2024 requires RRA to keep records of and report information about resale royalties to the Ministry of Culture and Heritage (such as the amount of each resale royalty, and the total aggregate numbers and amounts of resale royalties).
- RRA must also report to the Ministry about how the scheme is impacting artists. If you are a Right Holder and we have collected demographic information about you (such as your ethnicity (including whether you are a Māori or Pasifika Right Holder), gender, career status or disability status), this information will be anonymised in any reporting, and used only for the purposes in clause 1(b) above.
- For the avoidance of doubt, RRA's reporting obligations do not extend to disclosure of your name, except in relation to payments made to individuals out of any Cultural Fund established under the Act. For instance, seller names and contact details are not reported to the Ministry or the Government for monitoring.

3. How we may share your personal information

We may disclose or share your personal information with third parties in the following circumstances:

- **Joint Right Holders.** Where you are a Right Holder and a right to a Resale Royalty payment arises in relation to an original visual artwork that has been created jointly by 2 or more artists, then we will share your name with the other joint artists and any other relevant third party who can assist us to identify and verify joint artists who are eligible for a Resale Royalty payment.
- **With your consent.** We may share your personal information with third parties when you have provided your consent or requested us to do so.
- **CLNZ.** We may share your personal information with our parent company CLNZ so that CLNZ can assist us to carry out our Collection Agency functions.
- **Third party service providers.** We may share your personal information with companies that support us, including any person that hosts or maintains any underlying IT system or data centre that we use. Your personal information may be stored in secure servers in Australia, the United States and Canada.
- **Legal purposes.** Where it is legally required or permitted under the Act or its regulations. Or by a third party or law enforcement authority in any jurisdiction (in which case we will generally require a production order or similar court order unless necessary to prevent or lessen a serious threat to public health or public safety or the life or health of you or someone else).
- **To enforce our rights, prevent fraud and for safety.** To enforce, protect and defend our rights, property or safety, or that of third parties, including enforcing our rights under the Act or its regulations, or enforcing our privacy policy

and any contract we have entered into with you, or in connection with investigating and preventing fraud or other suspected illegality or security issues.

- **For security.** Where it is needed to detect, prevent or address fraud, security or technical issues.
- **Overseas Collection Agencies.** RRA partners with equivalent overseas Collection Agencies (“**Overseas Collection Agencies**”) to ensure identification, collection and payment to Right Holders of any Resale Royalties due to them under the New Zealand Scheme and/or resale royalty schemes in overseas Reciprocating Countries.
 - **If you are a Right Holder residing in a Reciprocating Country,** and if you are owed a Resale Royalty, we may disclose your personal information to the equivalent of the Collection Agency in a Reciprocating Country so that the equivalent Overseas Collection Agency may contact you to distribute the Resale Royalty to you.
 - **If you are a Right Holder residing in New Zealand,** and your artwork resells in a Reciprocating Country, you may or may not be due a resale royalty on that overseas sale (“**Overseas Resale Royalty**”). We may disclose certain personal information about Right Holders to relevant Overseas Collection Societies (including relevant Right Holders’ names, pseudonyms, DOB, YOD, and nationality or residency status), for the purposes of determining their eligibility for an Overseas Resale Royalty, including but not limited to identifying qualifying resales of Right Holders’ artworks, and/or ensuring collection and payment to Right Holders of any Overseas Resale Royalties due to them.

In addition, where necessary to collect from or enforce a Resale Royalty against a third-party, RRA or its authorised Overseas Collection Agency may disclose relevant personal information, to the limited extent necessary to collect or enforce collection of that Resale Royalty.

Before sharing personal information under these clauses with an Overseas Collection Agency or third party, RRA shall ensure satisfactory privacy and data protection measures are in place [including, where applicable, compliance with the EU General Data Protection Regulation].

- **Appointment of new Collection Agency.** If a new entity is appointed as the Collection Agency, we may disclose your personal information to that new Collection Agency.

4. **Aggregated or de-identified information**

We may disclose or use aggregated de-identified information for any purpose. For example, we may share aggregated de-identified information with the general public or any partners or stakeholders.

5. **Security**

We take reasonable precautions, including administrative, technical, and physical measures, to safeguard your personal information against loss, theft, and misuse, as well as against unauthorised access, disclosure, alteration, and destruction. Unfortunately, no data transmissions over the Internet can be guaranteed to be 100% secure. If you have reason to believe that your interaction with us is no longer secure (for example, if you feel that the security of your account has been compromised), please contact us immediately. Our contact details are set out in paragraph 8.4 below.

6. **How long do we keep your personal information**

We retain your personal information for as long as it is needed to be able to fulfil our duties as the Collection Agency.

7. **Third-party sites and services**

Our website may contain links to third-party websites, products, and services. Information collected by third parties, which may include such things as location data or contact details, is governed by their privacy practices. We encourage you to learn about the privacy practices of those third parties.

8. **General**

- 8.1 **Accessing and correcting your personal information.** Subject to certain grounds for refusal set out in the Privacy Act 2020, you have the right to request confirmation from us that we hold personal information about you, and a copy of such personal information. You are also entitled to request the correction of the information we hold about you. If you would like to exercise either of these rights, please contact us kiaora@resaleroyalties.co.nz. Your email should provide evidence of who you are and the details of your request (e.g. the personal information, or the correction, that you are requesting).
- 8.2 **Communications with you.** You may opt out of emails you receive from us by emailing kiaora@resaleroyalties.co.nz.
- 8.3 **Updates.** We may update this privacy policy from time to time by publishing an updated privacy policy on our website. We encourage you to regularly check our website. We will notify individuals who have registered with

us and consented to receiving email communications from us by email of any material changes to this privacy policy.

- 8.4 **How to contact us.** If you have any questions about this privacy policy or your rights you may reach us at the following email address: kiaora@resaleroalties.co.nz.

Appendix

Cookies and other technologies

To improve your experience, our website may use “cookies” and other technologies such as pixel tags and web beacons. A cookie is a small text file that our website may place on your device as a tool to remember your preferences. These technologies help us better understand user behaviour, tell us which parts of our website people have visited, and facilitate and measure the effectiveness of our services. For example, we use Google Analytics to collect data about the usage and activity of visitors to our website so that we can improve our website and services.

Pixel tags enable us to send email messages in a format Stakeholders can read, and they tell us whether mail has been opened. We may use this information to reduce or eliminate messages sent to Stakeholders.

Cookies can be disabled by or cleared from your web browser if you prefer: refer to your browser’s help function for information on how to do this.