



Special Risks Consortium GmbH
Film, TV, media, sport, events and entertainment

Data protection notice

In the following notice, we, SRC [Special Risk Consortium GmbH](#) ("SRC"), would like to inform you about our processing of your personal data, and about your data protection rights. SRC is an independent insurance agent holding powers-of-attorney from various insurance companies. SRC is entitled, within the meaning of **Section 71 of the German Insurance Contract Act (VVG)**, to perform all actions for the insurance companies on their behalf.

SRC intends to take out film producers' indemnity insurance, with a production company as policyholder. The policyholder intends to insure against the risk of certain parties involved in the production (e.g. director, actors) failing to appear. In order for SRC to assess the risk of your not appearing, you need to disclose information such as your name, birthdate, body height and weight, and particularly information about your health. We will then process this data. You yourself will not be a party to the contract.

The exact type of data that will be processed, and how it will be used, depends mainly on the type of service the policyholder applies for and is agreed upon.

Who is responsible for processing the data, and whom can I contact?

The responsible party is SRC, Belfortstraße 15, 50668 Cologne, tel.: +49 221 9140940, email: info@srcmail.de

You may contact our external data protection officer at:

Niels Kill, Althammer & Kill GmbH & Co. KG, Neuer Zollhof 3, 40221 Düsseldorf, Tel.: +49 211 9367480, email: datenschutz@srcmail.de

What are our data sources?

We process the data that we get directly from you in the health information form that you fill out. We also process – if necessary to provide the service or fulfil the contract for the policyholder – data that we obtain legally from publicly accessible sources (e.g. news, internet) or that is communicated to us legally/legitimately by doctors or third parties.

What data do we process?

Personal data (e.g. name, date and place of birth, body height and weight);
your role in the production (e.g. director, actor);
various types of health data;
information about the reason for your not appearing, if applicable

What do we process your data for (purpose of the processing), and on what legal grounds?

We will process your personal data in compliance with the GDPR, the German Federal Data Protection Act (BDSG), and the data protection provisions of the VVG.

The purpose of the processing is to assess the risk of your not appearing in the context of the production.

It is thus necessary for you to provide your data to SRC, in order for the film producers' indemnity insurance to be concluded and executed with the production company. Without such data, SRC will be required to refuse the film producers' indemnity insurance, or will be no longer able to fulfil an already existing contract and/or required to terminate it.

The legal grounds for processing your health data are the declarations of consent you signed on pages 4-5, under Art. 9(2) a) combined with Arts. 6(1)(1) a) and 7 of the GDPR.

We will also process your data (such as your personal data, for example) for the purposes of our legitimate interests, or those of third parties (Art. 6(1) f) of the GDPR). This is permissible as long as the processing is necessary for the purposes of our legitimate interests or those of third parties, and your interests or fundamental rights and freedoms do not override them. Such legitimate interests are constituted by, for example:

- the conclusion and execution of the film producers' indemnity insurance,
- the guaranteeing of IT security and IT operations,
- the prevention and investigation of criminal offences; in particular, we use data analysis to identify situations that may signal insurance fraud,
- the assertion of legal claims and defence against litigation,
- business measures to manage and develop services and products.



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We will also process your personal data to fulfil statutory requirements. These include, for example, supervisory regulations and data retention requirements under tax or commercial law. In these cases, the processing is permitted by the respective statutory provision in conjunction with Article 6(1) c) of the GDPR.

Who receives my data?

Within SRC, we disclose your data to those who need it to fulfil our contractual and statutory obligations.

External recipients may include those for whom you have issued a consent to data disclosure on pages 4-5, or to whom, on a balance of interests, we are entitled to disclose personal data to. This includes, for example:

reinsurers, insurers represented by us (“Insurers”), insurance intermediaries, insurance brokers working for the policyholder, policyholders, joint policyholders, medical experts, doctors, adjusters and Insurers in cases of loss, lawyers, auditors, banks, guarantors.

We also work with carefully selected processors (Art. 28 GDPR) who may receive your data for the purposes of fulfilling our contractual obligations. They include the following companies: IT service providers.

How do we transmit your data to countries outside the EU?

In order to execute the film producers’ indemnity insurance, we may need to transmit your data to Switzerland. The European Commission has determined that the level of data protection in Switzerland is adequate.

How long will we store your data?

If necessary, SRC will process and store your personal data for the term of the contract with the policyholder. This also includes the initial negotiation and final settlement of the contract.

The personal data necessary to maintain guarantee and warranty claims will be retained for the duration thereof.

Personal data will be retained for evidence purposes for the duration of the statutory periods of limitation, which normally last three years but can be as long as 30 years in some cases.

SRC will also store personal data to the extent that it is required to do so by law. The corresponding documentation and record-retention requirements are set out in the German Commercial Code (HGB) and the German Tax Code (AO). The retention and/or documentation periods set out therein amount to six years under the commercial law provisions of Section 257 of the HGB and up to ten years under the tax law provisions of Section 147 of the AO. Where the data in question is subject to multiple retention provisions, the longest retention provision respectively applies.

Should you provide us with the corresponding declaration of consent under point 4 on page 5, SRC becomes entitled, for a period of three years from the end of the calendar year of the production company’s application, to retain and use the health data collected in the context of the risk assessment, in the event that a production company seeks insurance coverage for you as a person at risk for another, future film production.

What are your rights?

You have the right, as per Art. 15 of the GDPR, to obtain information on the personal data stored about you. Should incorrect personal data have been processed, you have the right under Art. 16 of the GDPR to have it rectified. Should the statutory conditions be fulfilled, you may request the erasure or restriction of processing, and may object to the processing (Arts. 17, 18 and 21 of the GDPR). Under Art. 20 of the GDPR, you have a right to data portability.

We point out that you may withdraw your consent at any time, with future effect. Withdrawing consent does not affect the lawfulness of any processing done based on the consent before it was withdrawn.

All such rights may be asserted against SRC.

If you are of the opinion that certain data processing violates data protection law, you have the right to complain to the data protection authorities of your choice (Art. 77 of the GDPR in combination with Section 19 of the BDSG). These include the data protection authorities responsible for us, whom you may contact at the following address: North Rhine-Westphalian State Officer for Data Protection and Freedom of Information, (*Landesbeauftragte für Datenschutz und Informationsfreiheit Nordrhein-Westfalen*), PO Box 20 04 44, 40102 Düsseldorf, Tel.: +49 211 3842400, email: poststelle@ldi.nrw.de

Information on your right to object under Art. 21 of the GDPR

You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you which is based on Art. 6(1) f) of the GDPR (data processing on the basis of a balance of interests).

Should you object, SRC will no longer process your personal data unless SRC can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or unless the processing serves the assertion, exercise or defence of legal claims.

The objection needs not be in a particular format and should be sent to:

SRC [Special Risk Consortium GmbH](#), Belfortstraße 15, 50668 Cologne, Tel.: +49 221 9140940, email: info@srcmail.de

Consent to collection and use of personal data including health data, and declaration waiving doctors' confidentiality duty

The provisions of the VVG, the BDSG and other data protection rules do not provide sufficient legal grounds for the collection, processing and use of health data by insurance companies.

In order to collect and use your personal data, including health data, for the purposes of assessing the risk of your not appearing in the context of a production by a film production company, Special Risks Consortium GmbH ("SRC") therefore requires consents from you under data protection law. In addition, SRC needs you to provide confidentiality waivers so that it can obtain your health data from people who are otherwise bound to confidentiality, e.g. doctors.

The following consents and confidentiality waivers are necessary to assess the risk of your not appearing in the context of the intended production, and to conclude, execute and terminate the insurance contract with the policyholder and/or producer. Should you not provide them, the production will usually go forward regardless, though the risk of your not appearing will not be insured.

The consents apply

to the handling of your health data by SRC itself (1.)

regarding inquiry with third parties (2.)

to disclosure to parties outside SRC (3.) and

in the event the contract is not concluded (4.)

The consents are binding on those whom you legally represent, such as your children, if they cannot understand the scope of such consent and thus cannot issue declarations for themselves.

1. Collection, storage and use by SRC of personal data you provide, including health data

I consent to SRC's collecting, storing and using the health data provided by me in the health information form on page 6, and in future, to the extent necessary to assess the risk of my not appearing in the context of the production, and to conclude, execute and terminate the insurance contract between SRC and the production company.

2. Requesting health data from third parties

2.1. Requesting health data from third parties to assess the risk of your not appearing and the obligation to indemnify

In order to assess the risks to be insured, it may become necessary to make inquiries of parties possessing health data of yours. It may also become necessary, for the assessment of the obligation to indemnify, to examine the information about your health provided under 1.

Should an examination become necessary, we will need your consent. The examination will be undertaken only if necessary.

I consent to SRC's collecting my health data – to the extent necessary for assessing the non-appearance risk or the obligation to indemnify – from doctors, care personnel, staff at hospitals or other medical facilities, nursing homes, personal insurers, statutory health insurers, workers' compensation insurers or agencies, and to SRC's using it for such purposes.

I release the said people and staff at the said facilities from their duty of confidentiality, to the extent that health data of mine, which was legitimately saved following examinations, consultations or treatments during a period of up to ten years, is disclosed to SRC.

I also consent to my health data being forwarded by SRC to said parties – where necessary – in this context.

Before any data is collected under the above paragraphs, I will be notified from whom the data is to be obtained and for what purpose, and it will be pointed out to me that I may object and provide the necessary documents myself.

2.2. Declaration in the event of your death

In order to assess the obligation to indemnify, it may be necessary to review health information even after your death. A review may also be necessary if, up to ten years after conclusion of the contract, there are concrete indications for SRC that the information you provided under 1. is incorrect or incomplete, and that the risk assessment was correspondingly affected. We require a consent and confidentiality waiver for such cases as well.

In the event of my death, I consent to the collection of my health data from third parties to assess the obligation to indemnify or to necessarily reassess the non-appearance risk, as follows:

I consent to SRC's collecting my health data – to the extent necessary for assessing the non-appearance risk or the obligation to indemnify – from doctors, care personnel, staff at hospitals or other medical facilities, nursing homes, personal insurers, statutory health insurers, workers' compensation insurers or agencies, and to SRC's using it for such purposes.

I release the said people and staff at the said facilities from their duty of confidentiality, to the extent that health data of mine, which was legitimately saved following examinations, consultations or treatments during a period of up to ten years, is disclosed to SRC.

I also consent to my health data being forwarded by SRC to said parties – where necessary – in this context.

3. Forwarding your health data to parties outside SRC

SRC will contractually bind the following parties to comply with the rules on data protection and data security.

3.1 Disclosure of data to experts for medical opinions

It may be necessary to refer to medical experts to assess the risks to be insured and the obligation to indemnify. SRC requires your consent should your health data be disclosed in this regard. You will be informed of the corresponding data disclosure.

I consent to SRC's disclosing my health data to medical experts, as long as this is necessary in the context of assessing the risk of my not appearing or the obligation to indemnify, and as long as my health data is used for the stated purpose, and the results are in turn communicated back to SRC. With regard to my health data, I relieve the experts working for SRC from their duty of confidentiality.

3.2 Disclosure of data to independent insurance brokers

SRC will, as a rule, not disclose any information about your health to independent insurance brokers. However, in the following cases, data that admits inferences about your health to be drawn may be disclosed to insurance brokers who represent the producer's interests. This occurs in cases in which the producer's insurance application is made via an insurance broker and your health data is provided directly to the broker.

Where necessary to provide advice about the contract, the broker representing the policyholder may receive information about whether and under what conditions (e.g. acceptance with risk loading, exclusion of certain risks) the contract insuring you can be accepted. The broker who arranged the contract learns whether the contract was concluded and what its contents are. In this regard, he or she also learns whether risk loading was agreed upon or whether certain risks were excluded. In addition, health data will be disclosed to the broker if, after the contract is concluded, your non-appearance risk materialises in the context of the film production.

If there is a change from the broker representing the policyholder to a different broker, the contract data including information about any risk loading or exclusion of certain risks may be disclosed to the new broker.

I consent to SRC's disclosing my health data in the aforementioned cases – if necessary – to the independent insurance broker responsible for the policyholder, and to the latter's collecting, storing, and using it for advice purposes.

3.3 Disclosure of data to the policyholder

The production company intends to insure you and/or the risk of your not appearing in the context of a film production. You will be named a person at risk in the ensuing insurance contract. Where necessary for contractual advice, the policyholder may receive information about whether and under what conditions (e.g. acceptance with risk loading, exclusion of certain risks) the contract insuring you can be accepted. Upon conclusion of the contract, the production company receives data that admits inferences about your health to be taken; this will also be the case if your non-appearance risk materialises in the context of the film production.



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I consent to the SRC's disclosing my health data in the aforementioned cases – if necessary – to the policyholder.

3.4 Disclosure to represented insurance companies, auditors, adjusters and lawyers

SRC will, as a rule, not disclose any information about your health to represented insurance companies, auditors, adjusters or lawyers. However, in certain individual cases, data that admits inferences about your health to be drawn may become known by the said parties through disclosure. With regard to the insurers and auditors, this may occur in the context of the annual audits, or if the loss event occurs. With regard to an adjuster, a disclosure of your data may occur exclusively if the loss event occurs and he or she is consulted to assess the obligation to indemnify. With regard to a lawyer, a disclosure of your data may occur if there is a legal issue with the insurance contract that needs to be clarified. This is

particularly possible upon occurrence of the loss event, if the obligation to indemnify needs to be assessed.

I consent to the SRC's disclosing my health data in the aforementioned cases – if necessary – to the represented insurance companies, auditors, adjusters and lawyers.

4. Storage and use of your health data for other, future film productions

If the contract between SRC and the production company that is to insure the risk of your not appearing is not concluded, SRC will store the health data that you provide in the context of risk assessment, in case a production company again applies for insurance coverage for you as a person at risk for a different film production. The same applies if the contract is concluded.

I consent to SRC's storing and using my health data for a period of three years from the end of the calendar year of application, for the purposes mentioned above.



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Producer: _____ **Project:** _____

Last name, first name: _____ **Date of birth:** _____

Height in cm: _____ **Weight in kg:** _____

Are you currently healthy and able to work? yes no

Have you been hospitalised in the last five years (inpatient treatment)?
 yes (which?) no

When, for how long, and for what medical condition?

Who was or is the attending physician (name and address)?

Within the last five years, have you been absent from a production due to illness or the results of an accident?
 yes (which?) no

When, for how long, and for what medical condition?

Who was or is the attending physician (name and address)?

Do you currently suffer from, or are you disposed to acute or chronic illness, or have you suffered from skin conditions, allergic reactions of the skin/mucous membranes?
 yes (which?) no

Do you take or have you taken the following or related drugs: e.g. marijuana, cocaine, barbiturates, LSD, amphetamines, hashish, benzene, mescaline, heroin, hallucinogens, or similar?
 yes (which?) no

Are you pregnant?
 yes (what month?) no

With my signature, I completely consent to all the cases described on pages 4 to 6. Through my signature, I also confirm having received the data protection notice.

Since you are providing your declarations of consent voluntarily, you have the right to revoke one or all consents with effect for the future at any time. Withdrawing consent does not affect the lawfulness of any processing done based on the consent before it was withdrawn.
Without your data, SRC will however be required to refuse the film producers' indemnity insurance, or will be no longer able to fulfil an already existing contract and/or required to terminate it.

Place, date _____ **Signature of co-insured person** _____

Place, date _____ **Signature of legally represented (minor) person (where he/she has the necessary capacity to reason as of the age of 16 at the earliest)** _____

Place, date _____ **Signature of legal guardian** _____