

## Conditions of participation and use of data for the #WatchOutHstry photo competition 2023

### Introduction and subject matter of these conditions

- The organizer of the photo competition and the body responsible for data protection is the Foundation Remembrance, Responsibility and Future (EVZ), Friedrichstraße 200, 10117 Berlin, Germany.
- By entering the competition, the participant confirms that he/she consents to these conditions of participation.

### Requirements for participation

- The competition is open to anyone aged 18. Employees of the EVZ Foundation and their relatives as well as jury members of the competition and their relatives are excluded.
- Each participant may only submit one photo.
- There are two ways to enter the competition:
  1. The participant uploads **a self-taken picture as a post** on his/her own public **Instagram account**. The photo has to include the hashtags **#EVZphotocompetition** and **#WatchOutHstry**, and **needs to tag** the Instagram account **@evzfoundation**. The participant must also subscribe to the EVZ Foundation's Instagram account. In addition, a title should be specified in the caption explaining where and when the picture was made. What stories and memories do you associate with the photo?
  2. The participant fills in **the website form** and uploads **a self-taken picture** (max. 15 MB).

### Procedure

- Upon uploading, the participant assures that he/she holds the aforementioned rights and that the picture submitted originated solely from him/her personally, that he/she holds all rights to the picture submitted, that he/she holds unrestricted exploitation rights to all parts of the picture, that the picture is free of third party rights and that no personal rights are violated in the representation of persons. In the case of persons, works, trademarks, or other objects depicted

therein, the participant has obtained the necessary consent from the parties concerned. The participant shall provide written assurance of the above upon request. Should third parties nevertheless assert claims due to violation of their rights, the participant shall indemnify the organizer against all claims.

- If nominated for the shortlist, the participant grants the EVZ Foundation the temporally unlimited, non-exclusive right to use the picture submitted free of charge for the purpose of presentation in the EVZ Foundation's print and online media. The EVZ Foundation undertakes to state the name of the participant as the photographer/author if the photo is published.
- The participant guarantees that the photo does not violate applicable law and does not give rise to any other objections. In particular, he/she warrants that the photo does not contain pornographic, racist, otherwise discriminatory, offensive, or illegal content, nor does it infringe upon any copyright or trademark rights.

## Winnings

- Three outstanding pictures shall receive cash prizes of 2,000 euros for first place, 1,000 euros for second place, and 1,000 euros for third place respectively. Further prizes shall be awarded for other places. Note: The winners must declare the prizes for tax purposes.

## Contest period, choosing the winner, and prize delivery

- The competition will take place from August 31 to October 8, 2023. Participation must take place within this period.
- The EVZ Foundation shall select the pictures that are to go forward to the final round of the competition from all of the participants' entries. If a photo is shortlisted, participants will be contacted by e-mail or direct message on Instagram. Consent shall be granted to use the picture according to these conditions of participation by e-mail. The participant shall also provide his/her picture in the original format. This consent is a prerequisite for participation in the final round of the competition.
- The images of the shortlist will be reviewed and evaluated by a jury. The jury consists of employees of the EVZ Foundation, a professional photographer and an external historian.
- All of the winners shall be notified by e-mail and informed as to how the prize will be delivered to them by October 31, 2023.

- In the event of a win, the participant consents to the first and last names of the winners being published on the EVZ Foundation's website, on social media and in newsletters, publications, and press releases by the EVZ Foundation.
- If the winner fails to confirm acceptance of the prize within 7 days stating his/her full contact address and bank details, their entitlement to the prize shall be forfeited without replacement. A substitute winner shall then be chosen. The participants are responsible for the correctness of their own details, especially their e-mail address, postal address, and bank details.

### Limitations of liability

- The EVZ Foundation does not accept any liability for direct or indirect damage that may result from participation in the competition. In particular, it shall not be held liable for participation meeting the expectations and anticipations of the participants.
- Furthermore, the EVZ Foundation does not guarantee the availability or functionality of the EVZ Foundation's Instagram account or the content posted therein in connection with the photo competition. In particular, it does not guarantee that photos and data shall not be deleted, damaged, or lost due to technical fault or human error.
- The EVZ Foundation reserves the right to discontinue the photo competition (even without prior notice) in whole or in part or to restrict access to it in whole or in part without any claims against the EVZ Foundation arising from this on the part of participants.
- Furthermore, the EVZ Foundation is not obliged to examine the contents. Nevertheless, it reserves the right to cancel publication if there are concrete indications that the contents violate legal requirements, official prohibitions, third party rights, or common decency.
- The EVZ Foundation hereby informs the recipients of cash prizes of a potentially applicable tax liability.

### Data usage

- The EVZ Foundation processes personal data exclusively for the processing and execution of this photo competition and prize delivery in accordance with the provisions of the General Data Protection Regulation. [To the Privacy Statement.](#)
- By submitting photos, participants expressly consent to the data provided (name, country) being published.

- To the extent that Instagram features are used in the competition (e.g. direct message), the use of data is subject to the Instagram Terms of Use and Privacy Policy.
- All participants are free to withdraw from the competition at any time by sending a revocation to [kommunikation@stiftung-evz.de](mailto:kommunikation@stiftung-evz.de).

### **Exclusion from the competition**

- The EVZ Foundation reserves the right to exclude participants from the competition if there are doubts about the truth of the information provided, especially if it is apparent that the photo was not taken by the participant.
- Multiple participations using different Instagram accounts or inaccurate personal details shall also result in exclusion. The participant shall also be excluded from the competition if there is a reasonable suspicion that the conditions of participation have not been observed.

Legal recourse is excluded.