

Face-o-mat / Sai Bot

General Terms and Conditions

1. Applicability and scope

- 1.1. The following General Terms and Conditions (hereinafter referred to as "GTC") apply, for Face-o-mat/Sai Bot performances, between the artist Tobias Gutmann, a Gallery or other organization presenting the Face-o-mat/Sai Bot exhibition, and Dazlus AG as developer of the Sai Bot Software (hereinafter referred to as "us" or "we") and all persons (hereinafter referred to as "participants" or "you") who have themselves been photographed by us as part of our art project.
- 1.2. Face-o-mat/Sai Bot is an art project involving performances to create portrait drawings by Tobias Gutmann (the artist) and by Sai Bot, a software that creates portraits in the style of the artist. When Tobias Gutmann, the artist, personally draws a portrait of you as a Face-o-mat participant, a photograph of you holding your portrait will be taken of you by Tobias Gutmann. This photograph is an integral part of a Face-o-mat performance. It documents a Face-o-mat performance as part of the Face-o-mat project and helps the Face-o-mat/ Sai Bot software learn how the artist draws. When the portrait drawing is created by the Sai Bot software, which incorporates artificial intelligence, the software photographs Face-o-mat/Sai Bot participants in the context of an artistic performance and creates abstract portrait drawings in the style of Tobias Gutmann. In addition to the portrait drawings produced in Face-o-mat/Sai Bot performances, the performances themselves and their photograph and video documentation are an integral part of the art project.

2. Project goal

- 2.1. By taking part in a Face-o-mat/Sai Bot performance, you grant us permission to take photographs of you (and/or have photographs taken of you) in the context of the Face-o-mat/Sai Bot performance and process and store them as necessary for the Face-o-mat/Sai Bot art project. These include photographs taken of you by Tobias Gutmann or using Sai Bot software to be able to draw your portrait as well as general photographs of Face-o-mat/ Sai Bot performances taken by us or our representatives during the exhibition in which you may figure. You grant us permission, to copyright, use and publish the photographs in print and/or electronically within the context of the Face-o-mat / Sai Bot art project. For example during the Face-o-mat/Sai Bot exhibition as part of a video gallery showing a selection of participants with their portraits. This video gallery may be shown in the exhibiting gallery and/or on our websites / social media.
- 2.2. These GTC regulate the terms of the art project between us and the participants. Terms and conditions that deviate from ours as well as changes and additions to the GTC are only valid insofar as they have been accepted by us in writing. We reserve the right to change the GTC with effect for the future.
- 2.3. By filling out the form for taking a photograph to create a drawn portrait, the participant accepts these GTC. Conflicting conditions of the participant are not recognized.

3. Rights of the participant

- 3.1. All drawn portraits are protected by copyright. The participant receives the right to photograph the Face-o-mat/Sai Bot performance and to use the photographs for private use only. The participant may publish such photographs on social media under naming of the artist, Tobias Gutmann. In particular, the participant is prohibited from commercially using, copying, reproducing, editing, digitizing Face-o-mat/Sai Bot portraits in whole or in part, or making them available for commercial use by third parties on the Internet or in any other way. Violations will be prosecuted under criminal and civil law.

4. Our rights of use

- 4.1. As the creator of the portrait drawings, we have the right to commercially use, digitize, reproduce, distribute, exhibit as well as sell the portrait drawings.

5. Data protection and data security

- 5.1. Address data of the participants will be used exclusively for the creation and assignment of the photographs as well as to contact the participant with further information regarding the portraits drawn in the performance.
- 5.2. The photographs taken by Tobias Gutmann and by the Sai Bot software are stored and used for further development of the software. They will not be passed on to third parties other than as is necessary, and under appropriate safeguards, for processing and storage. No photographs taken of participants in which participants appear and are identifiable, will be published except as described in point 1 above or in individual cases with prior written confirmation from the relevant participants.
- 5.3. General photographs of the exhibition in which participants appear and may be identifiable, may be published online or in print.
- 5.4. Further information about our handling of the personal data of the participants can be found in the privacy policy.

6. Final clauses, applicable law and place of jurisdiction

- 6.1. Swiss law shall apply.
- 6.2. The exclusive place of jurisdiction is our place of business.
- 6.3. Should individual provisions of these General Terms and Conditions prove to be invalid or unenforceable, this shall not affect the validity of the remaining provisions.

These General Terms and Conditions are valid from 18.01.2023

Face-o-mat / Sai Bot

Privacy policy for participants

Data protection and data security are important to the Face-o-mat/Sai Bot art project and to us (Tobias Gutmann, the Gallery or other organization presenting the Face-o-mat/Sai Bot exhibition, and Dazluz AG). We process your personal data responsibly, in accordance with applicable legal requirements and in accordance with this Privacy Policy.

1. Content of this privacy policy

In this privacy policy we inform you about how we collect and process personal data when you participate in a Face-o-mat performance with Tobias Gutmann and/or a Face-o-mat/Sai Bot performance using Sai Bot software, and when you contact us or use our services in this connection.

2. Persons responsible for data processing

The three parties with responsibilities in a Face-o-mat/Sai Bot exhibition are each responsible for the data processing described in this privacy policy in the context of their roles and responsibilities described above. If you have any questions about Face-o-mat/Sai Bot or if you wish to exercise your data protection rights in respect of Face-o-mat/Sai Bot, please contact Tobias Gutmann (hello@tobiasgutmann.com). Depending on your enquiry/request, Tobias Gutmann will ensure that you are able to make contact with or inform other responsible parties as needed.

3. Personal data processed during communication and service provision

Personal data is any information that relates to a specific or identifiable person, e.g. name and contact details (e-mail address, telephone number), and, if applicable, information about your role at the organization on whose behalf you are contacting us.

We also process personal data that we receive from third parties. This regularly includes personal data that we receive in correspondence or meetings with customers or business partners, e.g. your name and e-mail address as a team member of the customer or business partner.

4. Provision and use of our website

4.1. Use for information: You can use Tobias Gutmann's website (www.tobiasgutmann.com) to obtain information about the Face-o-mat/Sai Bot art project without telling us who you are. As with any connection to a web server, the server on which we have the website provided automatically logs and stores certain technical data for a short time. This includes the IP address and operating system of your device, the date and time of use, and the type of browser you use to access the website.

4.2. Use of our newsletter: When you sign up for Tobias Gutmann's newsletter, we collect the information you provide to us. This includes general personal data such as first name, last name and e-mail address. You can also let us know at any time that you would like to stop receiving our newsletter in the future. Please use the unsubscribe link at the end of the newsletter.

5. For which purposes we process your personal data and on which basis

We process your personal data primarily to inform you about our range of services and to provide, document and invoice our services in accordance with our contractual and legal obligations.

In addition, we process your personal data for the following purposes:

- Responding to your inquiries and communicating with you;
- Provision of the website;
- Compliance with legal obligations; and
- Enforcement of legal claims.

We have a legitimate interest in the processing of your personal data corresponding to the aforementioned purposes. Some processing is also necessary so that we can fulfill our contractual obligations to you or our legal obligations (e.g. retention obligations). On this basis, we process your personal data if and to the extent that the applicable data protection law requires a legal basis or justification for the lawfulness of the data processing in general or for specific processing activities.

6. How we store and protect your personal data

We store your personal data only to the extent and for as long as necessary to fulfill the purposes described in this privacy policy or to comply with legal obligations.

The photographs taken by us are saved and stored on Azure (Microsoft) servers in Switzerland or Europe for the further development of the "Sai Bot" software. The server is data protected and complies with current regulations.

In the interest of the integrity and confidentiality of personal data, we take appropriate technical and organizational measures. We implement access controls, access controls, and procedures to regularly review, assess, and evaluate the effectiveness of the measures in accordance with our risk assessment.

We would like to point out that data transmission on the Internet (e.g. communication by e-mail) can have security gaps. A complete protection of data against access by third parties is not possible.

7. With whom we share your personal data

To achieve the purposes described in this Privacy Policy, it may be necessary for us to share your personal data, always with appropriate personal privacy safeguards, with other companies and organizations. These are the following categories of recipients:

- internal bodies;
- external service providers, such as galleries, museums, art organizations, photographers and videographers, or web service providers (we currently use Microsoft Azure web services for storage and processing of photographs for the development of Sai Bot software);
- Authorities and courts (if need be).

8. Place of processing

We store and process your personal data in Switzerland, the UK and the EU.

If we process data in a third country (i.e., outside the European Union (EU), the European Economic Area (EEA)) or the processing takes place in the context of the use of third-party services or the disclosure or transfer of data to other persons, entities or companies, this will only be done in accordance with legal requirements.

Except with express consent or contractually or legally required transfer, we process the data only in third countries with a recognized level of data protection, contractual obligation by so-called standard protection clauses of the EU Commission, in the presence of certifications or binding internal data protection rules ([information page of the EU Commission](#)).

9. Your rights in relation to your personal data

You have the following rights in relation to personal data concerning you:

- The right to receive information about what personal data we store about you and how we process it;
 - the right to receive or transfer a copy of your personal data in a common format;
 - the right to rectify your personal data;
 - the right to have your personal data deleted; and
 - the right to object to processing of your personal data.
- Please note that legal requirements and exceptions apply to these rights. To the extent permitted by law, we may refuse your request to exercise these rights. You also have the right to file a complaint with the competent data protection supervisory authority.

10. How we can change this privacy policy

We may change this Privacy Policy at any time, in particular if we change our data processing practices or if new legislation becomes applicable. The version provided in each case site privacy policy applies.