

**PRIVACY NOTIFICATION  
ABOUT THE RIGHTS OF THE NATURAL PERSON CONCERNED  
PURSUANT TO THE HANDLING OF HIS OR HER PERSONAL DATA**

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**INTRODUCTION**

*REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (hereinafter as: Regulation) states that the controller shall take appropriate measures to provide any information relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language, furthermore, the Data controller assist the data subject in the exercising of his or her rights.*

*The obligation to provide prior information is also required by the Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information.*

*With the information below we complete this legal obligation.*

*The information is to be published on the company's website or is to be sent to the data subject upon request.*

## CHAPTER I. - NAME OF DATA CONTROLLER

Issuer of this information and the Data controller:

Company name: **Ermico Limited Company**

Registered office: **1152 Budapest, Szentmihályi str 137.**

Company registration number: **01-09-278538**

Tax ID No.: **22632614-2-42**

Represented by: **Kókai Imre executive manager**

Phone number: **+36 20 266 1111**

Fax: -

E-mail address: **ermico@ermico.eu**

Website: **<http://ermico.hu>**

**(hereinafter referred to as: Company)**

## CHAPTER II - NAME OF DATA PROCESSORS

A Processor is a natural or legal person, public authority, agency or other body which processes personal data on behalf of the Controller; (Regulation 4. Article 8.)

To use the data processor, the prior approval of the data subject is not needed but it is needed to inform the subject. As a result, we provide the following information:

### 1. IT provider of our company

For the maintenance and management of its website, our company uses a data processor which provides the IT services (storage service) and under this - under the duration of our contract with it - processes the personal data given on the website, the operation performed by it is the storage of personal data on the server.

Name of this data processor is the following:

Company name: **EV2 Internet Ltd.**

Registered office: **1149 Budapest, Róna str. 120-122**

Company registration number: **01-09-987250**

Tax ID No.: **13335072-2-42**

Represented by: **Lucz Géza**

Phone number: **+36 1 460 0104**

Fax: **+36 1 221 1102**

E-mail address: **info@ev2.hu**

Website: **<http://ensim.hu>**

### 2. Accounting provider of our company

Our Company, to fulfill its tax and accounting obligations, uses a third-party provider under accounting service contract, who processes the personal data of the natural persons in contractual or payer contact with our Company, in order to fulfill the tax and accounting obligations of our Company.

Name of this data processor is the following:

Company name: **Vand Info Ltd.**

Registered office: **2092 Budakeszi, Gábor Áron utca 78.**

Company registration number: **13 09 186620**

Tax ID No.: **14443426-2-13**

Represented by: **Verebélyi Andrea**

Phone number: **+36 30 984 2293**

## CHAPTER III - EMPLOYMENT RELATED DATA PROCESSING

### 1. Employment and staff records

(1) From the employees, only such data can be requested and recorded, and only such medical aptitude tests can be conducted which are required to establish, maintain and terminate the employment, and to provide social and welfare allowances, and do not infringe the individual rights of the employee.

(2) Under the title of exercising the employer's legitimate interests of the Company [Regulation 6. article (1) paragraph f)] processes the following data of the employee for the purpose of establishment, performance or termination of employment:

1. Name:
2. Natal name:
3. Date of Birth,
4. Mother's name:
5. Address:
6. Nationality
7. Tax identity number:
8. Social insurance number:
9. pensioner number (in case of retired employee),
10. Phone number,
11. e-mail address:
12. Identity Card ID Number,
13. Number of address card:
14. Bank account number:
15. Online ID (if applicable)
16. Start and end date of entering employment,
17. Job role,
18. Copy of document verifying education and professional training,
19. Photo,
20. Resume
21. Amount of salary, data related to payments and other allowances,
22. any debt to be deducted from the employee's wages on the basis of a final resolution or pursuant to a legal regulation, as well as the entitlement thereto;
23. Evaluation of the employee's work,
24. The mode and reason of the termination of employment,
25. Judicial record depending on job position
26. Summary of medical examination for job suitability,
27. In case of private retirement scheme and membership of voluntary retirement, the name and ID of the fund, and the membership number of employee,
28. In case of foreign employee, passport no., name and number of the documentation certifying eligibility for employment,
29. Data recorded in the records of accidents happened to the employee;
30. Data required for use of the welfare services, commercial accommodation;

(3) Employer processes data related to illness and trade union membership only to fulfill definite right or regulation specified in the Labour Law.

(4) Recipients of the personal data: manager of the employer, exerciser of employer' rights, the Company's employees and data processors performing labour tasks.

(5) For the owners of the Company, only the personal data of the employees in managing positions can be passed.

(6) The period for which the personal data will be stored: 3 years from the termination of employment.

The data subject must be informed prior to the beginning of data processing that the data processing is based on the Labour Act and the service of the employer's legitimate interest)

## **2. Data management related to aptitude tests**

(1) The employee may be subjected to such aptitude test which are required by employment rules or which is required in order to exercise a right, fulfilling an obligation defined in employment regulation. Prior to the test, the employees are to be informed, in detail, which skill, capability does the aptitude test aim to assess, what means and methods are used. If the test is required by legislation, then the employees are to be informed about the title of the legislation and its exact place.

(2) The employees can fill the test forms aimed at the eligibility and preparedness either before establishing or under the duration the employment.

(3) Test form related to employment and suitable for researching psychological or personal traits can be used for the more effective performance of work processes with large group of employees only if the data revealed cannot be linked to the individual employees, that is, the processing of the data is performed anonymously.

(4) The scope of processable personal data: the fact of job suitability and the conditions required for it.

(5) Legal basis of data processing: legitimate interest of the employer.

(6) Objective of the processing of personal data: establishment and maintenance of employment, fulfilling job position.

(7) the recipients or categories of recipients of the personal data: The result of the examination can be known only to the employees examined and the person conducting the examination. The employer can only get the information whether the person examined is suitable for the job or not, and what conditions are to be provided for it.

However, the details of the examination and its entire documentation cannot be known to the employer.

(8) the period for which the personal data will be processed: 3 years from the termination of employment.

## **3. Processing data of employees applying admission, applications, resumes**

(1) Scope of the personal information to be processed: natural person's name, date and location of birth, location, Mother's name, address, qualifications, photo, phone number, e-mail address, employer's notes about the applicant (if available).

(2) Objective of personal data processing: application, evaluation of application, signing employment contract with the chosen person. The data subject is to be informed if the employer did not choose him or her for the given job.

(3) Legal basis of data management: approval of the data subject.

(4) the recipients or categories of recipients of the personal data: Manager entitled to the practice the employer's rights at the Company, employees performing employment tasks.

(5) Time limits for the storage of personal data: Until evaluation of application. Personal data of applicants not chosen must be deleted. The data of anyone having withdrawn his or her application must also be deleted.

(6) The employer may retain the applications only upon the definite and voluntary approval of the data subject, provided that the retaining is required for fulfilling the data processing objectives pursuant to the legislation. This approval is to be requested from the applicants following the conclusion of the recruitment procedure.

#### **4. Data processing related to the checking of e-mail account usage**

(1) If the Company provides an e-mail account for the employee – this e-mail address and account can be used only to perform job tasks in order for the employees to keep in contact or perform correspondence with clients, other persons, organisations on behalf of the employer.

(2) The employee shall not use the e-mail account for personal purposes, shall not store personal messages in the account.

(3) The employer is entitled to the regular inspection of the entire contents and usage of the e-mail account, during this, the legal basis of data processing is the legitimate interest of the employer. The purpose of the inspection is to check the compliance to the employer's provision concerning the use of e-mail account, and the check of the employee's obligations (Mt. 8.§, 52. §).

(4) The inspection can be performed by the manager of employer or the holder of the rights of employer.

(5) If the circumstances of the inspection do not exclude the possibility, it is to be provided that the employee be present during inspection.

(6) Prior to the inspection, the employee is to be informed about what interest of employer does the inspection take place, who can perform the inspection from the part of the employer - due to what rules does the inspection take place (principle of graduality) and what is the process of the procedure, - what rights or legal remedies are available concerning the data processing related to the e-mail account inspection.

(7) The principle of graduality is to be applied, so the e-mail address and subject must be used in the first place to determine whether it is related to the employee's job tasks or it is personal. Emails with non-personal purpose can be inspected by the employer without restrictions.

(8) If, contrary to the provisions of this policy, it can be stated that the employee had used the e-mail account for personal purposes, the employee is to be instructed to delete personal data immediately. In case of the absence or lack of cooperation of the employee, personal data is deleted by the employer during inspection. If the e-mail account is used contrary to this policy, the employer may apply labour legislative consequences against the employee.

(9) The employee may exercise his or her rights described in the chapter on the data subject's rights in connection with data processing included in the inspection of the e-mail account.

#### **5. Data processing related to the checking of computer, laptop, tablet**

(1) The computer, laptop, tablet made available for the employee by the Company may be used only for performing job tasks by the employee, the Company forbids the private use of these devices, the employee shall not store and handle any personal data and correspondence. The employer may inspect the data stored on this device. To the inspection of these devices by the employer and its legal consequences the provisions of the part 4. above shall apply.

#### **6. Data processing related to the checking of workplace internet usage**

(1) The employee may only visit websites related to his or her job tasks, the employer forbids the use of internet at the workplace for personal purposes.

(2) The holder of authorization of internet registrations performed as job task is the Company, during the registration, an ID and password relating to the Company is to be used. If the registration requires the submitting of personal data, the Company must initiate their deletion upon the termination of the employment.

(3) The employer may inspect the employee's internet use at workplace, and to this and its legal consequences the provisions of the part 4. above shall apply.

#### **7. Data processing related to the checking of corporate mobile phone usage**

(1) The employer does not allow the personal use of corporate mobile phone, the mobile phone can be used only for purposes related to work, and the employer may inspect the numbers of every outgoing

call, furthermore he/she may inspect the data stored on the mobile phone.

(2) The employee is obliged to report to the employer if he/she used the corporate mobile phone for private purpose. In this case the inspection can be performed by requesting a call detail record from the telephone service provider and requests the employee to make the numbers called for private purposes unrecognizable on the document. The employer may require that the costs of the private purpose calls be covered by the employee.

(3) Otherwise, to the **inspection** and its legal consequences the provisions of the part 4. above shall apply.

## **CHAPTER IV - DATA PROCESSING RELATED TO CONTRACT**

### **1. Processing of contracting partners' data – record of customers, suppliers**

(1) The Company, by way of completing contract, will process, for the purpose of making, completing, terminating contract and providing contractual discount, the name, natal name, birth date, mother's name, address, tax code, tax number, number of business or primary producer license, identity card number, address, address of registered office, place of business, phone number, e-mail address, website address, bank account number, customer code (client code, order code), online ID (list of customers, suppliers, regular customer lists). This data processing is considered legal even if the data processing is required to perform the steps requested by the data subject prior to contracting.

Recipients of personal data: employees of the Company performing customer service tasks, employees and data processors performing accounting and fiscal tasks.

The period for which the personal data will be stored: 5 years from the termination of the contract.

(2) The data subject must be informed prior to the beginning of data processing that the legal reason of the data processing is the fulfilling the contract, that notification may be done within the contract.

(3) The data subject must be informed about the transfer of his or her personal data to the data processor.

### **2. Contact data of natural person representatives of legal entity clients, customers, suppliers**

(1) Scope of the personal information to be processed: natural person's name, address, phone number, e-mail address, online ID.

(2) Purpose of personal data processing: completion of the contract made with the Company's legal entity partner, business contact, legal basis: consent of data subject

(3) The recipients or categories of recipients of the personal data: employees of the Company performing customer care tasks.

(4) The period for which the personal data will be stored: 5 years following the existence of the business contact or the representative quality of the data subject.

### **3. Data processing of visitors on the Company's website**

(1) The cookies are small data files which are saved on the user's computer by the website visited. The goal of the cookie is to make the infocommunications, internet service easier and more comfortable.

They have several types but generally they can be divided into 2 major groups. One of them is the temporary cookie which is saved on the user's device for a given session (for example during security identification of internet banking), the other is the permanent cookie (for example the language setting of a website) which remains on the computer until the user deletes it. According to the directives of European Committee, cookies [except if they are indispensable for the use of the service] can be saved on the user's device only with the user's consent.

(2) In case of cookies not requiring user approval, notification is to be provided upon the first visit of the website. It is not necessary to display the entire text of the cookie information on the website, it is sufficient if the website operators provide a short summary of the notification and provide a link for access of the full information.

(3) In case of cookies requiring consent the information may connect to the first visit of the website in the case if the data processing involved in the application of the cookies already begins upon visiting of the page. If the application of the cookie is related to a function specifically requested by the user, then the information may be displayed in relation with the use of this function. It is not necessary to display the entire text of the cookie information on the website, it is sufficient if the website operators provide a short summary of the notification and provide a link for access of the full information.

#### **4. Information on usage of cookies**

(1) According to the general internet practice, our Company also uses cookies on its website. The cookie is a small file containing a line of characters and is saved on the visitor's computer when he/she visits a website. When the given website is visited again, the website, due to the cookie, is capable of recognizing the visitor's browser. Cookies may store user settings (for example chosen language) and other information. Among others, they collect information about the visitors and his or her device, record the individual settings of the visitor, they can be used for example upon using online shopping carts. In general, cookies make the use of the website easier, enable that the website provide real web experience for the users and mean effective information source, furthermore, they provide the option to check the operation of the website for the website operator, to prevent abuse and to provide seamless and quality services on the website.

(2) The website of our Company records and processes the following data about the visitor and the device used for browsing:

- IP address used by the visitor,
- Browser type,
- Features of the operating system of the device used for browsing (language setting),
- Date of visit:
- Page (subpage), function, service visited.

(3) Accepting and allowing the use of cookies is not mandatory. The browser settings can be reset to reject all cookies, or give notification if the system sends a cookie. Most browsers automatically accepts the cookies per default, however, this usually can be changed in order to prevent automatic acceptance and to prompt the user every time.

#### **Find information about the cookie settings of the most popular browsers at the links below:**

- Google Chrome: <https://support.google.com/accounts/answer/61416?hl=hu>
- Firefox: <https://support.mozilla.org/hu/kb/sutik-engedelyezese-es-tiltasa-amit-weboldak-haszn>
- Microsoft Internet Explorer 11: <http://windows.microsoft.com/hu-hu/internet-explorer/delete-manage-cookies#ie=ie-11>
- Microsoft Internet Explorer 10: <http://windows.microsoft.com/hu-hu/internet-explorer/delete-manage-cookies#ie=ie-10-win-7>
- Microsoft Internet Explorer 9: <http://windows.microsoft.com/hu-hu/internet-explorer/delete-manage-cookies#ie=ie-9>
- Microsoft Internet Explorer 8: <http://windows.microsoft.com/hu-hu/internet-explorer/delete-manage-cookies#ie=ie-8>
- Microsoft Edge: <http://windows.microsoft.com/hu-hu/windows-10/edge-privacy-faq>
- Safari: <https://support.apple.com/hu-hu/HT201265>

However, we call your attention to that certain website functions or services will not be available without cookies.

(4) The cookies used on the website are not sufficient to identify the person of the user.

(5) Cookies used on the Company website:

##### **1. Technically indispensable session cookies**

These cookies are required for the visitors to be able to browse the website, to use seamlessly all of its

functions, the services available via the website, thus - among others - to memorize the procedures performed on the site by the visitor during a visit. The duration of data processing of these cookies extends only for the actual visit of the visitor, upon finishing session or closing the browser, this type of cookies is automatically deleted from the visitor's computer. Scope of data processed: AVChatUserId, JSESSIONID, portal\_referer.

Legal basis of this data processing is the § 13/A. Paragraph (3) of the Act CVIII of 2001 on certain issues of electronic commerce services and information society services. The purpose of data processing: to provide the proper operation of the website.

## 2. Cookies requiring consent:

These provide options for the Company to memorize the user's choices related to the website. The visitor may deny this data processing prior to and during the use of the service. These data cannot be related to the identification data of the user and cannot be transferred to third person without the user's consent.

2.1. Cookies assisting use: The legal basis for the data processing is the consent of the visitor. The purpose of data processing: To enhance the effectiveness of the service, the user experience and to make the use of the website more comfortable. Duration of data processing is 6 months.

## 2.2. Cookies providing performance:

Google Analytics cookies - details available here:

<https://developers.google.com/analytics/devguides/collection/analyticsjs/cookie-usage>

Google AdWords cookies - details available here:

<https://support.google.com/adwords/answer/2407785?hl=hu>

# CHAPTER V - DATA PROCESSING BASED ON LEGAL OBLIGATIONS

## 1. Data processing to fulfill tax and accounting obligations

(1) The Company processes the data, determined by law, of natural persons coming in business contact with it as customer or supplier, by way of fulfilling legal obligations with the purpose of tax and accounting obligations required by law. The data processed,

- according to §169, and §202 of Act CXXVII of 2007 on Value Added Tax are, particularly: tax number, name, address, tax status;
- according to §167 of Act C of 2000 on Accounting: name of person or organization ordering the economic transaction, signatures of persons effecting payment and verifying execution of order, as well as, depending on the organization, the signature of inspector; in certificates of movements of inventories and cash handling certificates, the signature of recipient, and the signature of payer in counter-receipts;

According to Act CXVII of 1995 on Personal Income Tax: business license number, primary producer license number, tax code.

(2) The period for which the personal data will be stored: 8 years from the termination of legal relationship providing legal basis.

(3) Recipients of the personal data: the employees and data processors performing fiscal, accounting, payroll and social insurance tasks of the Company.

## 2. Data processing of payer



(1) The Company, by way of fulfilling legal obligation, will process, for the purpose of fulfilling tax and contribution obligations (determining tax, advance payment tax, contributions, payroll, social insurance and pension administration), the personal data, specified in tax laws, of the data subjects - employees, their family members, ones receiving other benefits - with whom it is in paying relation. [7.§ 31 of Act CL. of 2017 on the Rules of Taxation (Art.)]. The scope of data processed is determined by the § 50 of Art., highlighting from them specifically: natural personal identification data of the natural person (including the former name and title), gender, nationality, tax code, social insurance number of natural person. If the tax laws entail legal consequence to this, the Company may process the health data (§ 40 of Act on Pers. Inc. Tax) and data related to trade union (§ 47 (2) b./ of Act on Pers. Inc. Tax) membership of the employees for the purpose of fulfilling tax and contribution obligations (payroll, social insurance administration).

(2) The period for which the personal data will be stored: 8 years from the termination of legal relationship providing legal basis.

(3) Recipients of the personal data: the employees and data processors performing fiscal, payroll and social insurance (payer) tasks of the Company.

### **3. Data processing related to documents of lasting value according to Archives Act**

(1) The Company, by way of fulfilling its legal obligation, processes its documents considered lasting value according to the Act LXVI of 1995 on public records, public archives, and the protection of private archives (Archive Act) for the purpose of preserving the lasting value part of the Company's archive documents intact and usable for the future generations. Data storage period: until handover for the public archives.

(2) For the recipients of the personal data and the other issues of the data processing, the Archive Act shall apply.

### **4. Data processing in order to fulfill obligations against money laundering**

(1) The Company, by way of fulfilling its legal obligation, processes its clients', their representatives' and the real owners' data specified in the Act LIII of 2017 on the Prevention and Combating of Money Laundering and Terrorist Financing (Pmt.) for the purpose of preventing and combating money laundering and terrorism financing: *a)* natural person's *a)* surname and first name, *c)* nationality, *d)* birth place and date, *e)* mother's maiden name, *f)* address, in absence of this place of residence, *g)* type and number of identity document; number of address verification card, the copy of documents presented. (7.§).

(2) Recipients of the personal data: the Company's employees performing client service tasks, the manager of the Company and the person of the Company appointed according to Pmt.

(3) The period for which the personal data will be stored: 8 years from the termination of business relationship or the completion of the transaction order [Pmt. § 56. Par. (2)]

## **CHAPTER VI - SUMMARY ON THE RIGHTS OF THE DATA SUBJECT**

In this chapter for the sake of clarity and transparency we briefly summarize the rights of the data subject, the exercise of which will be detailed in the following chapter.

### **Right to preliminary announcement**

The data subject shall have the right to be informed of the facts and information prior to the commencement of data processing.

(Regulation, Articles 13-14)

Detailed rules will be described in the next chapter.

### **Right of access by the data subject**

The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the related information defined in the Regulation. (Regulation, Article 15). Detailed rules will be described in the next chapter.

### **Right to rectification**

The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement. (Regulation, Article 16).

### **Right to erasure ('right to be forgotten')**

1. The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where any of the grounds defined in the Regulation applies. (Regulation, Article 17) Detailed rules will be described in the next chapter.

### **Right to restriction of processing**

The data subject shall have the right to obtain from the controller restriction of processing where the conditions defined in the Regulation apply.

(Regulation, Article 18).

Detailed rules will be described in the next chapter.

### **Notification obligation regarding rectification or erasure of personal data or restriction of processing**

The controller shall communicate any rectification or erasure of personal data or restriction of processing carried out to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. The controller shall inform the data subject about those recipients if the data subject requests it. (Regulation, Article 19).

### **Right to data portability**

The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided.

(Regulation, Article 20).

Detailed rules will be described in the next chapter.

### **Right to object**

The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on point e) of Article 6(1) (data processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller) or point f) (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party). (Regulation, Article 21) Detailed rules will be described in the next chapter.

### **Automated individual decision-making, including profiling**

The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.

(Regulation, Article 22).

Detailed rules will be described in the next chapter.

### **Restrictions**

Union or Member State law to which the data controller or processor is subject may restrict by way of a legislative measure the scope of the obligations and rights provided for in Articles 12 to 22 and Article 34 in so far as its provisions correspond to the rights and obligations provided for in Articles 12 to 22.

(Regulation, Article 23)

Detailed rules will be described in the next chapter.

### **Communication of a personal data breach to the data subject**

When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the controller shall communicate the personal data breach to the data subject without undue delay.

(Regulation, Article 34)

Detailed rules will be described in the next chapter.

### **Right to lodge a complaint with a supervisory authority**

Every data subject shall have the right to lodge a complaint with a supervisory authority, in particular in the Member State of his or her habitual residence, place of work or place of the alleged infringement if the data subject considers that the processing of personal data relating to him or her infringes this Regulation.

(Regulation, Article 77)

Detailed rules will be described in the next chapter.

### **Right to an effective judicial remedy against a supervisory authority**

Each natural or legal person shall have the right to an effective judicial remedy against a legally binding decision of a supervisory authority concerning them or if the supervisory authority which is competent does not handle a complaint or does not inform the data subject within three months on the progress or outcome of the complaint lodged.

(Regulation, Article 78)

Detailed rules will be described in the next chapter.

### **Right to an effective judicial remedy against a controller or processor**

Each data subject shall have the right to an effective judicial remedy where he or she considers that his or her rights under this Regulation have been infringed as a result of the processing of his or her personal data in non-compliance with this Regulation. (Regulation, Article 79) Detailed rules will be described in the next chapter.

## **CHAPTER VII - DETAILED INFORMATION ON THE RIGHTS OF THE DATA SUBJECT**

### **Right to preliminary announcement**

The data subject shall have the right to be informed of the facts and information prior to the commencement of data processing.

#### **A) Information to be provided where personal data are collected from the data subject**

1. 1. Where personal data relating to a data subject are collected from the data subject, the controller shall, at the time when personal data are obtained, provide the data subject with all of the following information:

- a) the identity and the contact details of the controller and, where applicable, of the controller's representative;
- b) the contact details of the data protection officer, where applicable;
- c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;
- d) where the processing is based on point (f) of Article 6(1), the legitimate interests pursued by the controller or by a third party;
- e) the recipients or categories of recipients of the personal data, if any;
- f) where applicable, the fact that the controller intends to transfer personal data to a third country or

international organisation and the existence or absence of an adequacy decision by the Commission, or in the case of transfers referred to in Article 46 or 47, or the second subparagraph of Article 49 (1), reference to the appropriate or suitable safeguards and the means by which to obtain a copy of them or where they have been made available.

2. In addition to the information referred to in paragraph 1, the controller shall, at the time when personal data are obtained, provide the data subject with the following further information necessary to ensure fair and transparent processing:

a) the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period;

b) the existence of the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject or to object to processing as well as the right to data portability;

c) where the processing is based on point (a) of Article 6 (1) or point (a) of Article 9 (2) (consent of data subject), the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;

d) the right to lodge a complaint with a supervisory authority;

e) whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the data subject is obliged to provide the personal data and of the possible consequences of failure to provide such data;

f) the existence of automated decision-making, including profiling, referred to in Article 22 (1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

3. Where the controller intends to further process the personal data for a purpose other than that for which the personal data were collected, the controller shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in paragraph 2.

4. Paragraphs 1, 2 and 3 shall not apply where and insofar as the data subject already has the information.

(Regulation, Article 13)

## **B) Information to be provided where personal data have not been obtained from the data subject**

1. Where personal data have not been obtained from the data subject, the controller shall provide the data subject with the following information:

a) the identity and the contact details of the controller and, where applicable, of the controller's representative;

b) the contact details of the data protection officer, where applicable;

c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;

d) the categories of personal data concerned;

e) the recipients or categories of recipients of the personal data, if any;

f) where applicable, that the controller intends to transfer personal data to a recipient in a third country or international organisation and the existence or absence of an adequacy decision by the Commission, or in the case of transfers referred to in Article 46 or 47, or the second subparagraph of Article 49 (1), reference to the appropriate or suitable safeguards and the means to obtain a copy of them or where they have been made available.

2. In addition to the information referred to in paragraph 1, the controller shall provide the data subject with the following information necessary to ensure fair and transparent processing in respect of the data subject:

a) the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period;

b) where the processing is based on point (f) of Article 6 (1), the legitimate interests pursued by the controller or by a third party;

c) the existence of the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject and to object to processing as well as the right to data portability;

where the processing is based on point (a) of Article 6 (1) or point (a) of Article 9 (2) (consent of data subject), the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;

- e) the right to lodge a complaint with a supervisory authority;
  - f) from which source the personal data originate, and if applicable, whether it came from publicly accessible sources;
  - g) the existence of automated decision-making, including profiling, referred to in Article 22 (1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
3. The controller shall provide the information referred to in paragraphs 1 and 2:
- a) within a reasonable period after obtaining the personal data, but at the latest within one month, having regard to the specific circumstances in which the personal data are processed;
  - b) if the personal data are to be used for communication with the data subject, at the latest at the time of the first communication to that data subject; or
  - c) if a disclosure to another recipient is envisaged, at the latest when the personal data are first disclosed.
4. Where the controller intends to further process the personal data for a purpose other than that for which the personal data were obtained, the controller shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in paragraph 2.
5. Paragraphs 1 to 5 shall not apply where and insofar as:
- a) the data subject already has the information;
  - b) the provision of such information proves impossible or would involve a disproportionate effort, in particular for processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, subject to the conditions and safeguards referred to in Article 89 (1) or in so far as the obligation referred to in paragraph 1 of this Article is likely to render impossible or seriously impair the achievement of the objectives of that processing. In such cases the controller shall take appropriate measures to protect the data subject's rights and freedoms and legitimate interests, including making the information publicly available;
  - c) obtaining or disclosure is expressly laid down by Union or Member State law to which the controller is subject and which provides appropriate measures to protect the data subject's legitimate interests; or
  - d) where the personal data must remain confidential subject to an obligation of professional secrecy regulated by Union or Member State law, including a statutory obligation of secrecy.
- (Regulation, Article 14)

### **Right of access by the data subject**

1. The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:
- a) the purposes of the processing;
  - b) the categories of personal data concerned;
  - c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
  - d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- f) the right to lodge a complaint with a supervisory authority;
  - g) where the personal data are not collected from the data subject, any available information as to their source;
  - h) the existence of automated decision-making, including profiling, referred to in Article 22 (1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
2. Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer.

3. The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form. The right to obtain a copy shall not adversely affect the rights and freedoms of others. (Regulation, Article 15)

### **Right to erasure ('right to be forgotten')**

1. The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

- a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6 (1), or point (a) of Article 9 (2), and where there is no other legal ground for the processing;
- c) the data subject objects to the processing pursuant to Article 21 (1) and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21 (2);
- d) the personal data have been unlawfully processed;
- e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject;
- f) the personal data have been collected in relation to the offer of information society services referred to in Article 8 (1).

2. Where the controller has made the personal data public and is obliged pursuant to paragraph 1 to erase the personal data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, those personal data.

3. Paragraphs 1 and 2 shall not apply to the extent that processing is necessary:

- a) for exercising the right of freedom of expression and information;
- b) for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- c) for reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9 (2) as well as Article 9 (3);
- d) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) in so far as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing; or
- e) for the establishment, exercise or defence of legal claims.

(Regulation, Article 17)

### **Right to restriction of processing**

1. The data subject shall have the right to obtain from the controller restriction of processing where one of the following applies:

- a) the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data;
- b) the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
- c) the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;
- d) the data subject has objected to processing pursuant to Article 21 (1) pending the verification whether the legitimate grounds of the controller override those of the data subject.

2. Where processing has been restricted under paragraph 1, such personal data shall, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.

3. A data subject who has obtained restriction of processing pursuant to paragraph 1 shall be informed by the controller before the restriction of processing is lifted.  
(Regulation, Article 18).

### **Right to data portability**

1. The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where:

- a) the processing is based on consent pursuant to point (a) of Article 6 (1) or point (a) of Article 9 (2) or on a contract pursuant to point (b) of Article 6 (1); and
- b) the processing is carried out by automated means.

2. In exercising his or her right to data portability pursuant to paragraph 1, the data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

3. Exercising this right may not violate Article 17 of the Regulation. That right shall not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

4. The right referred to in paragraph 1 shall not adversely affect the rights and freedoms of others. (Regulation, Article 20).

### **Right to object**

1. The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on point e) of Article 6 (1) (data processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller) or point f) (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, including profiling based on the provisions mentioned). In this case the controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.

2. Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him or her for such marketing, which includes profiling to the extent that it is related to such direct marketing.

3. Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.

4. At the latest at the time of the first communication with the data subject, the right referred to in paragraphs 1 and 2 shall be explicitly brought to the attention of the data subject and shall be presented clearly and separately from any other information.

5. In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, the data subject may exercise his or her right to object by automated means using technical specifications.

6. Where personal data are processed for scientific or historical research purposes or statistical purposes pursuant to Article 89 (1), the data subject, on grounds relating to his or her particular situation, shall have the right to object to processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest. (Regulation, Article 21)

### **Automated individual decision-making, including profiling**

1. The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.

2. Paragraph 1 shall not apply if the decision:

- a) is necessary for entering into, or performance of, a contract between the data subject and a data controller;
- b) is authorised by Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or
- c) is based on the data subject's explicit consent.

3. In the cases referred to in points (a) and (c) of paragraph 2, the data controller shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.

4. Decisions referred to in paragraph 2 shall not be based on special categories of personal data referred to in Article 9 (1), unless point (a) or (g) of Article 9 (2) applies and suitable measures to safeguard the data subject's rights and freedoms and legitimate interests are in place. (Regulation, Article 22).

### **Restrictions**

1. Union or Member State law to which the data controller or processor is subject may restrict by way of a legislative measure the scope of the obligations and rights provided for in Articles 12 to 22 and Article 34, as well as Article 5 in so far as its provisions correspond to the rights and obligations provided for in Articles 12 to 22, when such a restriction respects the essence of the fundamental rights and freedoms and is a necessary and proportionate measure in a democratic society to safeguard:

- a) national security;
  - b) defence;
  - c) public security;
  - d) the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;
  - e) other important objectives of general public interest of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters, public health and social security;
  - f) the protection of judicial independence and judicial proceedings;
  - g) the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions and the conduct of proceedings related to these;
  - h) a monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority
- in the cases referred to in points (a) to (e) and (g);
- i) the protection of the data subject or of the rights and freedoms of others;
  - j) the enforcement of civil law claims.

2. In particular, any legislative measure referred to in paragraph 1 shall contain specific provisions at least, where relevant, as to:



- a) the purposes of the processing or categories of processing,
- b) the categories of personal data;
- c) the scope of the restrictions introduced;
- d) the safeguards to prevent abuse or unlawful access or transfer;
- e) the specification of the controller or categories of controllers;
- f) the storage periods and the applicable safeguards taking into account the nature, scope and purposes of the processing or categories of processing;
- g) the risks to the rights and freedoms of data subjects; and
- h) the right of data subjects to be informed about the restriction, unless that may be prejudicial to the purpose of the restriction. (Regulation, Article 23)

### **Communication of a personal data breach to the data subject**

1. When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the controller shall communicate the personal data breach to the data subject without undue delay.
2. The communication to the data subject referred to in paragraph 1 of this Article shall describe in clear and plain language the nature of the personal data breach and contain at least the information and measures referred to in points (b), (c) and (d) of Article 33(3).
3. The communication to the data subject referred to in paragraph 1 shall not be required if any of the following conditions are met:
  - a) the controller has implemented appropriate technical and organisational protection measures, and those measures were applied to the personal data affected by the personal data breach, in particular those that render the personal data unintelligible to any person who is not authorised to access it, such as encryption;
  - b) the controller has taken subsequent measures which ensure that the high risk to the rights and freedoms of data subjects referred to in paragraph 1 is no longer likely to materialise;
  - c) it would involve disproportionate effort. In such a case, there shall instead be a public communication or similar measure whereby the data subjects are informed in an equally effective manner.
4. If the controller has not already communicated the personal data breach to the data subject, the supervisory authority, having considered the likelihood of the personal data breach resulting in a high risk, may require it to do so or may decide that any of the conditions referred to in paragraph 3 are met.

(Regulation, Article 34)

### **Right to lodge a complaint with a supervisory authority**

1. Without prejudice to any other administrative or judicial remedy, every data subject shall have the right to lodge a complaint with a supervisory authority, in particular in the Member State of his or her habitual residence, place of work or place of the alleged infringement if the data subject considers that the processing of personal data relating to him or her infringes this Regulation.
2. The supervisory authority with which the complaint has been lodged shall inform the complainant on the progress and the outcome of the complaint including the possibility of a judicial remedy pursuant to Article 78.

**(Regulation, Article 77)**

### **Right to an effective judicial remedy against a supervisory authority**

1. Without prejudice to any other administrative or non-judicial remedy, each natural or legal person shall have the right to an effective judicial remedy against a legally binding decision of a supervisory authority concerning them.

2. Without prejudice to any other administrative or non-judicial remedy, each data subject shall have the right to an effective judicial remedy where the supervisory authority which is competent pursuant to Articles 55 and 56 does not handle a complaint or does not inform the data subject within three months on the progress or outcome of the complaint lodged pursuant to Article 77.

3. Proceedings against a supervisory authority shall be brought before the courts of the Member State where the supervisory authority is established.

4. Where proceedings are brought against a decision of a supervisory authority which was preceded by an opinion or a decision of the Board in the consistency mechanism, the supervisory authority shall forward that opinion or decision to the court.

(Regulation, Article 78)

### **Right to an effective judicial remedy against a controller or processor**

1. Without prejudice to any available administrative or non-judicial remedy, including the right to lodge a complaint with a supervisory authority pursuant to Article 77, each data subject shall have the right to an effective judicial remedy where he or she considers that his or her rights under this Regulation have been infringed as a result of the processing of his or her personal data in non-compliance with this Regulation.

2. Proceedings against a controller or a processor shall be brought before the courts of the Member State where the controller or processor has an establishment. Alternatively, such proceedings may be brought before the courts of the Member State where the data subject has his or her habitual residence, unless the controller or processor is a public authority of a Member State acting in the exercise of its public powers.

(Regulation, Article 79).

### **CHAPTER VIII. - SUBMISSION OF DATA SUBJECT'S REQUEST, MEASURES OF DATA CONTROLLER**

1. The controller shall provide information on action taken on a request to the data subject without undue delay and in any event within one month of receipt of the request.

2. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. The controller shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay.

3. Where the data subject makes the request by electronic form means, the information shall be provided by electronic means where possible, unless otherwise requested by the data subject.

4. If the controller does not take action on the request of the data subject, the controller shall inform the data subject without delay and at the latest within one month of receipt of the request of the reasons for not taking action and on the possibility of lodging a complaint with a supervisory authority and seeking a judicial remedy.

5. Information provided under Articles 13 and 14 and any communication and any actions taken under Articles 15 to 22 and 34 shall be provided free of charge. Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller, taking into account the administrative costs of providing the information or communication or taking the action requested, may:

- a) charge a fee of 6,350 HUF, or
- b) refuse to act on the request.

The controller shall bear the burden of demonstrating the manifestly unfounded or excessive character of the request.

6. Where the controller has reasonable doubts concerning the identity of the natural person making the request, the controller may request the provision of additional information necessary to confirm the identity of the data subject.

Ermico Ltd., Budapest, 24th May, 2018.