

Data Management and Data Protection Policy

INTRODUCTION

CHAPTER I. – DESCRIPTION OF THE DATA CONTROLLER

CHAPTER II. - DESCRIPTION OF THE DATA PROCESSORS

1. Our IT service provider
2. Postal and delivery services, packages

CHAPTER III. - REGARDING THE TYPES OF STORED PERSONAL DATA

1. Types of stored personal data
2. The legitimate basis and the purpose of personal data processing
3. Why do we require your personal data?
4. What do we do with your stored data?
5. How long do we store your personal data?
6. How can you inquire about your personal data?

CHAPTER IV. - ENSURING THE LEGAL BASIS OF OUR DATA PROCESSING

1. Data processing based on informed consent from the data subjects
2. Data processing based on compliance with legal obligations
3. Promoting the rights of the data subjects

CHAPTER V. - VISITORS' DATA PROCESSING ON THE COMPANY'S HOMEPAGE – NOTIFICATION ABOUT THE USE OF COOKIES

CHAPTER VI. - INFORMATION ON THE RIGHTS OF THE DATA SUBJECTS

INTRODUCTION

Based on the REGULATION OF THE EUROPEAN PARLIAMENT AND COUNCIL (EU) 2016/676 (hereafter: Regulation) regarding the protection and free flow of personal data in connection of data management, and the repealing of the 95/46/EK regulation, the data controller must take appropriate measures to inform the data subject about the management of its personal data in a concise, transparent, understandable, and easy-to-access form, created in a clear and plain manner; and to facilitate the exercising of the rights of the data subject.

The obligation of providing prior information is also specified in the Hungarian Information Self-determination Act and the 2011. CXII Information Freedom Act.

By providing the information below, we fulfill this legal obligation.

This information needs to be published on the company's website or sent to the concerned persons upon request.

CHAPTER I.
DESCRIPTION OF THE DATA CONTROLLER

The publisher of this documents is the data controller:

Company name: Súdy & Co., Ltd.

Address: H-1037 Budapest, Montevideo utca 4.

Company registration number: 01 09 711685

Tax registration number: 10507065-2-41

Representative: Dr. Zoltán Súdy

Telephone number: +36-1-8833-684

E-mail address: info@sudy.co.hu

Homepage: <https://sudy.co.hu/en/>

(hereafter: Our Company)

CHAPTER II.
DESCRIPTION OF THE DATA PROCESSORS

Data processor: any natural or legal person, public authority, agency or any other organization which processes personal data on behalf of the data controller. (Regulation 4. article 8.)

The data processor does not require the prior consent of the data subject, but he or she needs to be informed about the fact of data processing. Accordingly, we provide the following information:

1. Our Company's website provides personal data to the following third parties (data processors)

1.1. Hosting Service:

Company Name: Rác Lajos Levente E.V

Address: H-4028 Debrecen Géresi utca 15. Földszint 2. ajtó

Company registration number: 50432181

Tax registration number: 58911648-1.29

E-mail address: hello@crea.space

Homepage: <https://crea.space/>

The website only receives user information via contact forms that the hosting provider immediately forwards to our company via email.

1.2. Sending and receiving E-mails:

Gmail – Google Inc., Mountain View, California, USA

Privacy Policy: <https://policies.google.com/privacy/update>

Access to mailings and all its data.

1.3. Spam-check of the comments and using Gravatar profile pictures:

Automattic Inc.

60 29th Street #343

San Francisco, CA 94110, USA

Privacy Policy: <https://automattic.com/privacy/>

Access to a user-specified username, email address, comment, IP address, and browser ID string. If using Gravatar, an impersonated string encoded from the email address.

1.4. Facebook page:

Facebook Inc.

Menlo Park, California, USA

Privacy Policy: <https://www.facebook.com/about/privacy/update>

Access to the username and to the contents of the comments.

1.5. Google Analytics:

Google Inc., Mountain View, California, USA

Privacy Policy: <https://policies.google.com/privacy/update>

Access to the anonymous, non-personal IP address of the website visitors.

1.6. Facebook share button

Facebook Inc.

Menlo Park, California, USA

Privacy Policy: <https://www.facebook.com/about/privacy/update>

Access to the data of the visit.

1.7. Google Plus share button

Google Inc., Mountain View, California, USA

Privacy Policy: <https://policies.google.com/privacy/update>

Access to the data of the visit.

1.8. Twitter share button:

Twitter, Inc., 1355 Market Street, Suite 900, San Francisco, CA 94103 U.S.A.

Privacy Policy: <https://twitter.com/en/privacy#update>

Access to the data of the visit.

1.9. LinkedIn share button:

LinkedIn Ireland

70 Sir John Rogerson's Quay

Dublin 2

Ireland

Privacy Policy: <https://www.linkedin.com/legal/privacy-policy>

Access to the data of the visit.

1.10. AddToAny Social media share

Privacy Policy: <https://www.addtoany.com/privacy>

Access to the anonymous, non-personal IP address of the website visitors.

2. Postal-, delivery services, packages

The following data processors receive personal data (name, address, telephone number) from our company required for delivering business documents or products; and by using these data the following companies deliver mails / products.

Service providers:

Magyar Posta (Hungarian Post)

Delivery service

Company name: TNT Express Hungary Kft.

Address: H-1185 Budapest, International Airport Terminal 1 TNT Building (283)

Company registration number: 01 09 068137

Tax registration number: 10376166244

Representative: Orsolya Horváth

Telephone number: 06-80-31-31-31

CHAPTER III. REGARDING THE TYPES OF STORED PERSONAL DATA

1. Types of stored personal data

Our company becomes the "Controller" of the personal data that are provided by the data subject. Unless we agree otherwise, we will only collect and store basic personal data about the data subject that does not contain any special personal data (so called "sensitive personal information"). Stored data may include the name, workplace, phone number, email address, job title, IP address, and cookies of the data subject.

In addition, our company may collect the following personal data based on informed consent from the data subject.

- Professional CVs: Name, contact details, education, work experience, references.
The legal basis for processing such personal data is Article 6 (1) (a) - Consent.

2. The legitimate basis and purpose of personal data processing

We collect and store the abovementioned personal data for our legitimate interest in order to provide and promote our services, maintain and build business relationships.

3. Why do we require the data?

We need to collect your personal data in order to contact you and to perform our services without interruption, and in case of HR services, to introduce you to our clients.

4. What do we do with the stored personal data?

We use your personal information to perform our work, for email correspondence and contact purposes, and we do not share your data with third parties without your specific consent.

In addition, we have appropriate security measures in place to prevent any unauthorized access, loss, use, theft, damage, accidental deletion, alteration, or disclosure of personal data.

Our security system includes physical security measures (such as storing paper files in lockable rooms and drawers), electronic security technology (such as password protection, encrypted digital backups, and high-level antivirus protection) and organizational measures (such as internal training of employees, development of policies and procedures for data security and recovery procedures in case of hacker attacks or natural disasters.)

We restrict the access to personal data to those employees who require this information for their work. In addition, we have established reporting procedures for detecting and dealing with the suspicion of personal data hacking. If any unauthorized access is detected to the data, we will notify the concerned parties and the supervisory authority about the violation whenever the applicable laws and regulations require it.

5. How long do we store personal information?

The data is stored until withdrawal; you may withdraw your consent at any time, in which case Súdý & Co. Ltd. will erase your CV and all your personal data.

6. How can you inquire about your personal information?

Upon request, Súdý & Co., Ltd. can provide all information related to the processing of your personal data in a concise, transparent, easy-to-understand and accessible form to the data subject. For more information about the procedures and steps for obtaining personal data, processed and stored at our company, see the SUBJECT ACCESS REQUEST PROCESS document.

CHAPTER IV.

ENSURING THE LEGAL BASIS OF OUR DATA PROCESSING

1. Data processing based on informed consent from the data subject

(1) If our company wishes to perform consent-based data management, the data subjects' consents to the processing shall be requested. The consent shall be based on the data request form specified in the Data Management Regulations and shall provide all necessary information.

(2) It is also considered a consent if the data subject checks a box relevant to data processing on the company's website, performs the relevant technical settings while using an information society service, and any other statement or action that clearly indicates the consent of the data subject to the personal data processing in the specific context. Therefore connivance, pre-selected box, or non-action should not be considered as a consent.

(3) The consent shall be applied to all data processing activities carried out for the same purpose. If data management serves multiple purposes at the same time, consent must be requested separately for all data management purposes.

(4) If the consent of the data subject is part of a document which also applies to other matters - such as a sales or service contract - the request for consent needs to be presented in a clear and easy-to-access form, shall be easily distinguished from other parts of the document and shall use a clear and simple language. If any part of such a document that includes the consent of the data subject violates the Regulation, it has no binding power.

(5) The signing or conclusion of a contract shall not be bound to a consent of processing such personal data that are not necessary for the execution of the contract.

(6) The withdrawal of consent shall be as easily done as its giving.

(7) If personal data have been recorded with the consent of the data subject, the data controller may process the recorded data for the fulfillment of its legal obligation without receiving further specific consent, unless otherwise provided by law; and the data-processing is even possible after the data subject has withdrawn its consent.

2. Data processing based on compliance with legal obligations

(1) In case data processing is based on legal obligation, the provisions of the underlying legislation shall govern the scope of processable personal data, purpose of data management, the storage period and the recipients.

(2) Data processing based on the fulfillment of a legal obligation is independent from the consent of the data subject, since this type of data management is determined by law. The data subject must be clearly and fully informed that data management is mandatory before any data processing begins, in particular, about the purpose and legal basis of the data management, about the scope of authorized personnel that manage and process the data, the duration of the data management, and about the fact that the data subject's personal data is being processed by the controller on the basis of the legal obligation to which the controller is subjected, and about who may receive these data. The information should also include the data processing rights and remedies available to the data subject. In case of mandatory data processing, the data subject may also be notified by disclosing the publication of a reference to the statutory provisions containing the aforementioned information.

3. Promoting the rights of the data subject

Our company is obliged to ensure that the rights of the data subject are exercised during all our data management.

CHAPTER V.

VISITORS' DATA PROCESSING ON THE COMPANY'S HOMEPAGE – NOTIFICATION ABOUT THE USE OF COOKIES

1. Visitors of the website should be informed about the use of cookies on the website and their consent should be requested, except for the session cookie (s) that are technically necessary.

2. General information about cookies

2.1. Cookies are data that are sent by the visited websites to the visitor's browser (in variable name-value format) to be stored, so later the same web page can load its content. Cookies may have validity, either valid until the browser is closed or for an unlimited period of time. In case of the second one, along with all HTTP (S) requests, these data are also sent to the server by the browser. This will modify the data on the user's machine.

2.2. The meaning of a cookie is that by the nature of the web services, it is necessary to mark a user (eg. when accessing a website) and, based on that information, it will know how to manage the user accordingly. The danger is that the user is not always aware of this process and therefore it has the risk that the website operator or other service provider whose content is embedded in the site (eg Facebook, Google Analytics) may be able to follow the user, thus creating a profile about him/ her, and that is why the content of the cookie can be considered as personal data.

2.3. Types of cookies:

2.3.1. Technically indispensable cookies (session): without them the page would simply not function properly, they could be used to identify and manage the users, eg. to whether they have accessed the site or not, what they put in their baskets, etc. This usually means the storage of a session ID, while the rest of the data is stored on the server, which makes it more secure. There is a security aspect, if the session cookie value is not generated well, then there is a risk of session- hijacking attack, so it is imperative that these values are generated correctly. Other terminologies are calling all cookies, that are deleted when users exit the browser, session cookies (a session is a browser usage from start to exit).

2.3.2. Cookies that facilitate the usage of the website: These are cookies that remember the user's choices, such as how the user wants to see the page. These types of cookies are essentially the information about the settings stored in the cookies.

2.3.3. Performance cookies: Although they do not have much to do with "performance", they are usually called like this. These are cookies that collect information about the behavior, time, and clicks of the user on a website. These are typically third-party applications (such as Google Analytics, AdWords, or Yandex.ru cookies). These applications can create profiles of visitors.

More information about Google Analytics cookies:

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

More information about Google AdWords cookies:

<https://support.google.com/google-ads/answer/2407785?hl=en>

2.4. Accepting and authorizing the use of cookies is optional. You can reset your browser settings to reject all cookies or to indicate when a cookie is being sent. While most browsers automatically accept cookies as a default, settings can usually be changed to prevent automatic acceptance and offer the option of choosing each time.

You can find the cookie settings for the most popular browsers at the links below:

- Google Chrome: <https://support.google.com/accounts/answer/61416?hl=en>
- Firefox: <https://support.mozilla.org/en-US/kb/enable-and-disable-cookies-website-preferences>
- Microsoft Internet Explorer 11: <https://support.microsoft.com/en-us/help/17442/windows-internet-explorer-delete-manage-cookies#ie=ie-11>
- Microsoft Internet Explorer 10: <https://support.microsoft.com/en-us/help/17442/windows-internet-explorer-delete-manage-cookies#ie=ie-10-win-7>

- Microsoft Internet Explorer 9: <https://support.microsoft.com/en-us/help/17442/windows-internet-explorer-delete-manage-cookies#ie=ie-9>
- Microsoft Internet Explorer 8: <https://support.microsoft.com/en-us/help/17442/windows-internet-explorer-delete-manage-cookies#ie=ie-8>
- Microsoft Edge: <https://support.microsoft.com/en-us/help/4468242/microsoft-edge-browsing-data-and-privacy-microsoft-privacy>
- Safari: <https://support.apple.com/en-us/HT201265>

However, we would like to emphasize that some website features or services may not function properly without cookies.

3. Information on cookies used on our company's website and the data generated during a visit

3.1. The data processed during a visit: During a visit to our company's website, the following visitor data and device data maybe be recorded and processed.

- The visitor's IP address,
- Browser type,
- Operating system features of the device used for browsing (language setting, etc.),
- Date of visit,
- The visited (sub) pages, functions or services,
- Clicking data.

We store these data for up to 90 days and can be used primarily to investigate security incidents.

3.2. Data processed during commenting: When using the comment function, our company's website can record and manage the following data about the visitor and the device used for browsing:

- The name of the visitor,
- The email address of the visitor,
- The visitor's IP address.

This data is stored until the comment posted by the user is deleted and should be used primarily to investigate security incidents.

3.3. Cookies used on our homepage

3.3.1. Technically indispensable (session) cookies

The purpose of data processing is to ensure the proper functioning of the website. These cookies are necessary to allow visitors to browse the website, to use its functions and services available through the website smoothly and completely. The duration of the data handling of these cookies is limited to the actual visit of the visitor, after the session has ended or the browser is closed, this type of cookies is automatically deleted from the users' computers.

The legal basis for this data processing is written the Recital 26 and 30 of the GDPR Regulation, which provides that the service provider may process the personal data absolutely necessary for the provision of its services and the 13 / A. § (3) of law the of 2001 CVIII (Elkertv.) on certain aspects of electronic commerce services and information society services, which specifies that the service provider may process the personal data technically necessary for providing the service.

The service provider must select and always operate the means used to provide the information society service so that the processing of personal data is only needed if it is strictly necessary for the provision of the service and the fulfillment of other purposes defined in this law as necessary, but even in this case the data may only be collected in the necessary extent and time.

3.3.2. Cookies that facilitate the usage of the website:

These cookies record the user's choices, such as how the user would like to display the page. Basically, these types of cookies are settings data stored in cookie.

The legal basis of the data processing: the visitor's consent.

The purpose of data processing: Increasing the efficiency of the service, enhancing the user experience, making the website more convenient.

This data is stored on the user's computer, a website can only access it in order to recognize its visitor.

3.3.3. Performance cookies:

These cookies collect information on user behavior, visiting time, and clicking intensity on the website. These are typically third-party applications (ex. Google Analytics, AdWords).

The legal basis of the data processing: the visitor's consent.

The purpose of the data processing: analysis of the website, sending advertisement recommendations.

3.3.4. On our website we use the following cookies:

1. Session cookies

1.1. __cfduid

1.2. PHPSESSID

2. Statistical cookies

2.1. _ga

2.2. _gat

2.3. _gid

3. Marketing cookies

3.1. collect

3.2. impression.php/#

4. Other cookies

4.1. pll_language

Cookies have an expiration date of 1 year.

CHAPTER VI. INFORMATION ON THE RIGHTS OF THE DATA SUBJECTS

I. Brief summary of the data subjects' rights:

1. Transparent information, communication and promotion of the rights of the data subject
2. Information to be provided where personal data are collected from the data subject
3. Information to be provided where personal data have not been obtained from the data subject
4. Right to access rights by the data subject
5. Right to rectification
6. Right of erasure („right to be forgotten“)
7. Right to restriction of processing
8. Notification obligation regarding rectification or erasure of personal data or restriction of processing
9. Right to data portability
10. Right to object
11. Automated decision-makings, including profiling
12. Restrictions
13. Communication of a personal data breach to the data subject
14. Right to lodge a complaint with a supervisory authority
15. Right to an effective judicial remedy against a supervisory authority
16. Right to an effective judicial remedy against the controller or the processor

II. The rights of the data subjects in details:

1. Transparent information, communication and promotion of the rights of the data subject

1.1. The data controller must provide the data subject the information concerning the processing of his/her personal data and any other connecting information in a concise, transparent, comprehensible and easy-to-access form, in a clear and comprehensible manner. This is especially true regarding any information addressed to children. The information should be provided in writing or in other ways including electronic methods when applicable. At the request of the data subject, oral information may be provided, after the identity of the data subject has been verified.

1.2. The data controller must help the concerned to exercise its rights.

1.3. The data controller shall, without undue delay, but in any case, within one month of receiving the request, inform the data subject of the action taken on his/her request for the exercise of his/her rights. This deadline may be extended by two months under the conditions written the Regulation, but the data subject should be informed about the extensions.

1.4. If the data controller fails to take action on the request of the data subject, it shall inform the data subject without delay, and at the latest within one month of receiving his/ her request, of the reasons for not taking the action and of submitting the complaint to a supervisory authority and having recourse to a judicial remedy.

1.5. The data controller provides all the information, notifications and action on the rights of the data subject free of charge, however, in the cases specified in the Regulation, a fee may be charged.

Detailed rules can be found in Article 12 of the Regulation.

2. Information to be provided where personal data are collected from the data subject

2.1. The data subject is entitled to be informed of all the facts and information related to data management prior to the data collection. In this context, the data subject must be informed of:

- (a) the name and contact details of the controller and its representative,
- (b) the data protection officer's contact details (if the controller has any);
- (c) the purpose of the intended management of the personal data and the legal basis for the processing;
- (d) in case data processing based on a legitimate interest, the legitimate interests of the controller or of a third party;
- (e) the recipients of the personal data and the categories of recipients, if there are any;
- (f) where applicable, the fact that the controller wishes to transfer personal data to a third country or to an international organization.

2.2. In order to ensure fair and transparent data management, the controller must inform the data subject of the following additional information:

- (a) the duration of the storage of his/her personal data or, where this is not possible, the criteria for determining that period;
- (b) the right of the data subject to apply to the controller for access to, rectification, erasure or restriction of personal data relating to him or her and to object to the processing of such personal data and his / her right to data portability;
- (c) in case the data processing based on consent from the data subject, the right to withdraw the consent at any time, which does not affect the lawfulness of the data processing carried out on the basis of the consent prior to the withdrawal;
- (d) the right to lodge a complaint with a supervisory authority;
- (e) whether the provision of personal data is based on a statutory or contractual obligation or a prerequisite for the conclusion of the contract and whether the data subject is obliged to provide personal data and what the possible consequences of the failure to provide the data may be;
- (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.

2.3. If the controller wishes to process further data for personal purposes other than for the purpose for which they were collected, it must inform the data subject about this different purpose and all relevant additional information before further processing.

The detailed rules for the right of prior information are set out in Article 13 of the Regulation.

3. Information to be provided where personal data have not been obtained from the data subject

3.1. If the data-controller has not obtained the personal data directly from the data subject, the data subject shall be informed by the data controller within one month at the latest of the receipt of the personal data; if personal data are used for contacting the data subject, the data subject should be informed at least at the time of first contact; or, if the data is expected to be transferred to another third party, the subject should be informed at the latest at the time of the first transfer of the personal data.

He/she shall be informed about the facts and information specified in point 2 above; and the categories of personal data concerned, the source, and when applicable, whether the data come from publicly available sources.

3.2. The additional rules are governed by the previous point 2 (Right to Preliminary Information).

The detailed rules of this paragraph are contained in Article 14 of the Regulation.

4. Rights to access by the data-subject

4.1. The data subject has the right to receive feedback from the data-controller on whether the processing of his/her personal data is in progress and, if such processing is in progress, the data-subject is entitled to receive access to his/her stored personal data, and the information specified in point 2.3 above (Regulation paragraph 15).

4.2. If the personal data are transferred to a third country or an international organization, the data subject is entitled to be informed of the appropriate safeguards in accordance with Article 46 of the Regulation.

4.3. The data controller must make the copy of the personal data, which is the target of the data management, available to the data subject. The controller may charge a reasonable fee based on administrative costs for additional copies requested by the data subject.

The detailed rules regarding the right of access of the data subject are specified in Article 15 of the Regulation.

5. Right to rectification

5.1. The data subject is entitled to rectify the inaccurate personal data related to him or her without undue delay upon request.

5.2. Depending on the purpose of data management, the data subject is entitled to request the correction of incomplete personal data.

These rules are written in Article 16 of the Regulation.

6. Right of erasure (“right to be forgotten”)

6.1. The data subject shall have the right to request the deletion of his/her personal data without undue delay and the controller shall delete the personal data of the data subject without undue delay if:

(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).

6.2. The right to erasure cannot be enforced if the data management is required

(a) to exercise the right to freedom of expression and information;

(b) to comply with a legal obligation which requires processing by Union or Member State law to which the controller is subjected 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) on grounds of public interest in the field of public health;

(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.

Detailed rules on the right to erasure are written in Article 17 of the Regulation.

7. Right to restriction of processing

7.1. In case of limitation to the processing, personal data may be processed only with the consent of the data subject or for submitting, validating or protecting legal claims, for the protection of the rights of another natural or legal person, or of an important public interest of the EU or a member state.

7.2. The data subject has the right to request the limitation of the processing of data upon request if one of the following conditions is met:

a) the data subject disputes the accuracy of the personal data, in which case the limitation applies to the period that allows the Data Controller to verify the accuracy of the personal data;

b) the processing is unlawful, and the data subject is against the deletion of the data and instead requests the limitation of their use;

c) the data controller no longer requires personal data for the purposes of data management, but the data subject requests them for the submission, validation or protection of legal claims; or

d) the data subject has objected to the processing; in this case, the limitation shall apply for the period until it is established whether the legitimate reasons of the data controller prevail over the legitimate reasons of the data subject.

7.3. The data subject shall be informed in advance of the lifting of the restriction on data processing.

The relevant rules are contained in Article 18 of the Regulation.

8. 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 in accordance with Article 16, Article 17(1) and Article 18 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.

These rules are written in Article 19 of the Regulation.

9. Right to data portability

9.1. 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.

9.2. The data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

9.3. The exercise of the right shall be without prejudice to Article 17. 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. The right shall not adversely affect the rights and freedoms of others.

Detailed rules are written in Article 20 of the Regulation.

10. Right of objection

10.1. 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) or (f) of Article 6(1), including profiling based on those provisions. 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.

10.2. 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.

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

10.4. 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.

10.5. 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.

10.6. 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.

The relevant rules are written in the Article 21 of the Regulation.

11. Automated decision-making, including profiling

11.1. 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.

11.2. This 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 subjected, 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.

11.3. In cases referred to in points (a) and (c) above, 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.

Further rules are written in Article 22 of the Regulation.

12. Restrictions

Union or Member State law to which the data controller or processor is subjected may restrict, by way of a legislative measure, the scope of the obligations and rights provided for in (Article 12-22, Article 34, Article 5 of the Regulation) 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.

The conditions for this restriction are written in Article 23 of the Regulation.

13. Communication of a personal data breach to the data subject

13.1. 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. This information shall clearly describe the nature of the personal data breach and shall include at least the following:

(a) the name and contact details of the data protection officer or other contact person providing further information;

(c) the likely consequences of the personal data breach must be described;

(d) the measures taken or planned by the controller to remedy the incident, including, where appropriate, measures to mitigate any adverse consequences arising from the personal data breach.

13.2. The data subject need not be informed 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 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.

Further rules are written in Article 34 of the Regulation.

14. Right of lodging a claim to the supervisory authority (the right of official remedy)

You have the right to complain to a data protection supervisory authority if you are not satisfied with our response to a data protection request or if you think your personal data has been mishandled. Further information can be found in our *SUBJECT ACCESS REQUEST PROCEDURE AND FORM*.

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. 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.

These rules are written in Article 77 of the Regulation.

15. Right to an effective judicial remedy against a supervisory authority

15.1. 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.

15.2. 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 does not handle a complaint or does not inform the data subject within three months on the progress or outcome of the complaint lodged.

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

15.4. 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.

These rules are written in Article 78 of the Regulation.

16. Right to an effective judicial remedy against the controller or the processor

16.1. Without prejudice to any available administrative or non-judicial remedy, including the right to lodge a complaint with a supervisory authority, 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.

16.2. 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.

These rules are written in Article 79 of the Regulation.

Created: Budapest, May 25, 2018
Updated: July 20, 2019
