

## **DATA PROCESSING HANDOUT**

FOR DATA PROCESSING RELATING TO THE PARTICIPATION ON THE BOARD  
MEETING OF THE EUROPEAN STUDENTS' UNION (ESU)

### I. Introduction of the Data controller

Data controller's denomination:	<b>The National Union of Students in Hungary</b>
Data controller's registration number:	<b>OH/73-2/2007</b>
Data controller's seat:	<b>1053 Budapest, Ferenciek tere 7-8. III. I/8.</b>
Data controller's e-mail address:	<b>bm79hungary@hook.hu</b>
Data controller's representative:	<b>Mr. László Murai</b>

### **II. Data processing related laws**

- Act CXII of 2011 on Informational Self-Determination and Freedom of Information (hereinafter Privacy Act),
- 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 (General Data Protection Regulation) (hereinafter: Regulation or GDPR),
- Act V of 2013 on the Civil Code (hereinafter: CC).

### **III. Principles relating to data processing**

- Personal data shall be processed by the Data controller lawfully, fairly and in a transparent manner.
- Personal data shall be collected by the Data controller merely for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- All reasonable measures must be taken by the Data controller to ensure that the processed data is accurate, and where necessary, kept up to date; should become known that any processed personal data is inaccurate, these must be erased or rectified without delay.
- Personal data shall be stored by the Data controller in a form which permits their identification for a period no longer than required by the law and/or for the necessary time.
- The appropriate security of the personal data shall be ensured by the Data controller using appropriate technical and organizational measures for ensuring protection against

unauthorized or unlawful processing and against accidental loss, destruction or damage of personal data.

## **IV. Characteristics of data processing**

### **1. DATA PROCESSING RELATING TO THE REGISTRATION FOR THE BOARD MEETING OF THE ESU**

#### **Purpose of data processing**

Data controller has obtained the right to organize the ESU Board Meeting to be held in the fall semester of 2020 (hereinafter: Event).

The Event is made conditional on a participation fee for ESU member organizations, the amount of which applying to member organizations shall be specified by Data controller based on the number of participants delegated by member organizations.

The participation on the Event is subject to prior registration, since certain services related to the organization of the Event must be preliminarily ordered by Data controller on the one hand, and it is also crucial on the other hand for the sake of the safe holding of the Event respectively for ensuring services on an adequate quality level and corresponding to the headcount, that the Data controller be aware of the accurate number and the exact names of persons wishing to participate on the Event.

Prior registration shall be done on the site <https://forms.gle/56ZonfqrD1hQ6ssb6>.

#### **Processed personal data**

Data controller shall process the following data relating to the participation on the event:

- a) name (identification),
- b) designation of the delegating organization (identification),
- c) position in the delegating organization
- d) session attendance

#### **Legal basis for data processing**

The legal basis for Data processing shall be point (e) of Article 6 (1) of the Regulation, namely the performance of a task carried out in the public interest vested in the Data controller.

Data controller as a member organization of ESU shall process the personal data of the data subjects in order to be able to fulfil its contractual obligations laid down in the agreement concluded with the ESU relating to the organization of the Event.

The organization and conducting of the Event would not be possible without personal data processing.

The legal basis of processing data specified in points (j) and (k) shall be the consent of the data subject by virtue of the nature of personal data and special categories of personal data, or relating to point (a) of Article 6 (1) of the Regulation, namely personal data processing; or point (a) of Article 9 (2) of the Regulation, namely the explicit consent of the data subject relating to the processing of special categories of personal data. The legal basis of data processing shall depend

on whether the data provided by the data subject belongs to the category of personal data or special categories of personal data.

### **Source of personal data**

The source of personal data shall be the data subject or the member organization the data subject is in membership relation with.

### **Recipients of provided personal data**

The personal data of the data subject shall be transferred by the Data controller exclusively to those of their employees involved in the performance of the legal relationship in question.

Concerning data processing relating to the fulfillment of contracts Data controller as data processor shall use a storage supplier ensuring the storage of data available on the registration surface:

Silver Frog Kft. (seat: 1133 Budapest, Pannónia u 102.; company registration number: 01-09-906471 tax identification number: 14497449-2-41, hereinafter: Service provider)

Since the Service provider shall not use for their own purposes the data available on their own storage space, the Service Provider therefore shall qualify as data processor.

The data processor processes the personal data of the data subject exclusively to the effect specified by the Data controller based on contractual purposes, according to the instructions of the Data controller, without having any independent decisional authority regarding data processing. Persons authorized to process the personal data have committed themselves to confidentiality and contractual guarantees concerning the preservation of personal data having learned in the course of the fulfillment of their tasks.

### **Transfer of personal data to third countries or international organizations**

The above personal data of the data subject shall not be transferred by the Data controller either to third countries, or international organizations.

### **Duration of personal data processing**

The personal data of the data subject shall be preserved by the Data controller for 60 days calculated from the termination of the Event.

### **Automated decision-making and profiling**

None of them occur in the course of the data processing.

### **Provision of personal data**

Providing personal data shall be mandatory for the sake of ensuring the participation on the Event.

## **2. DATA PROCESSING OF MAKING PHOTOGRAPHS AND RECORDS**

## **Purpose of data processing**

Data controller makes images (photos) and video recordings (audiovisual recordings) of the participants of the Event in order to promote its activities, and the Data controller itself as an organization, as well as to ensure the transparent functioning of the organization and the equally transparent utilization of budgetary resources. Data controller intends to publish these documents on its website and social networking sites, while photos are intended to be used as supporting documents for the report to be drafted on the expenditure of budgetary subventions.

## **Processed personal data**

Facial images of data subjects, photos and audio recordings made of the data subjects.

## **Legal basis for data processing**

The legal basis of the Data controller for making photos and audio recordings and for the publication thereof shall be point (e) of Article 6 (1) of the Regulation, namely the performance of a task carried out in the public interest vested in the Data controller.

Data controller shall qualify as an organization partly functioning from state subventions, therefore obliged to ensure transparency during its functioning and in the course of the utilization of budgetary resources. In addition, it is of an utmost interest for the organization arisen from the nature of its task management to successively inform the public of its activities, with special respect to the academic audience as the target audience principally affected by the organization's activities.

The purpose of the images made by the Data controller during the Event is not the individualization, but the presentation of its activities while assuring transparency. However, cases may occur when data subjects appear on photos or video recordings in recognizable means.

Even though data processing is not based on consent, the Data controller provides the opportunity for the participants (data subjects) during the Event to object to the publication of their images. Should data subjects announce towards Data controller not wishing their facial images to be appeared on the internet, thus Data Controller is not going to upload to the internet these recordings with the appearance of the data subjects in question, respecting their requests.

## **Source of personal data**

The data subject, namely the persons attending the event in any of their capacity.

## **Recipients of personal data**

Personal data are uploaded by Data controller to the hook.hu website and the organization's social networking Instagram and Facebook sites.

Following the uploading to the internet Data controller has no longer influence and cannot have influence on who might learn the uploaded data. The use of personal data published on the internet by third persons cannot be restricted technically by the Data controller, and therefore Data controller does not take any responsibility for it.

Exclusively those employees of Data controller shall be entitled to process personal data whose scope of activities include the task of personal data processing.

For making photographs Data controller uses the services of Patrik Zvara self-employed entrepreneur as data processor (seat: 3333 Terpes, II. Rákóczi Ferenc út 28., registration number: 53104287, tax identification number: 69383621-1-30).

Concerning the making and storage of photographs and video recordings the data processor processes the facial images of data subjects and photographs and audio recordings made thereof in the course of the Event. The data processor shall not be entitled to use the photographs made by him, but obliged to transfer them to the Data controller following the Event.

The data processor processes the personal data of the data subject exclusively to the effect specified by the Data controller based on contractual purposes, according to the instructions of the Data controller, without having any independent decisional authority regarding data processing. Persons authorized to process the personal data have committed themselves to confidentiality and contractual guarantees concerning the preservation of personal data having learned in the course of the fulfillment of their tasks.

### **Duration of personal data processing**

Images and video recordings are getting into the photo archives of the Data controller, which can only be erased for the request of the data subject. Irrespective of the fact that the legal basis of Data processing is not the consent of the data subject, Data controller shall erase images and video recordings from its own surfaces and database, should the data subject request that.

It is substantial to lay down relating to the aforementioned that following the use (publishing on the internet) of images and video recordings the Data controller has no longer influence on who might learn the images, till when and where are they available, thus in this context Data controller shall not be taken responsible for it.

### **Automated decision-making and profiling**

None of them occur in the course of the data processing.

### **Transfer of personal data to third countries or international organizations**

The above personal data of the data subject shall not be transferred by the Data controller either to third countries, or international organizations. However, as referred to in the introduction, photographs may be shared on the internet, as a result of which Data controller has no longer influence on the fact who, where and how might learn the images.

### **Provision of personal data**

The provision of personal data shall be voluntary and automatic by the participation on the Event.

## **V. Rights of the data subject related to data processing**

### **Right to information**

The data subject shall be entitled to the information concerning data processing, fulfilled by Data controller by making available the present handout.

### **Data processing based on consent**

In case the legal basis of any data processing is the consent of the data subject, the data subject shall have the right to withdraw his or her previously provided consent for data processing at any time. It is important to know, however, that the withdrawal of consent shall exclusively affect data the processing of which has no other legal basis. In case there is no other legal basis of the processing of personal data concerned, the personal data shall be permanently and irrecoverably erased by the Data controller following the withdrawal of consent. According to the Regulation the withdrawal of consent shall not affect the lawfulness of data processing based on consent before its withdrawal.

### **Right to access**

The data subject shall have the right at any time further on to request and obtain information from the Data controller 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 by the Data controller, in particular recipients in third countries or international organizations;
- d) the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- e) the right to request from the Data 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, respectively launch a court procedure;
- g) where the Data controller collects personal data not directly from the data subject, any available information as to their source;
- h) where automated decision-making takes place, including profiling, the fact thereof, and at least in those cases, information about the logic involved, consequently about the significance and the envisaged consequences of such processing for the data subject.

### **Right to rectification of personal data**

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

Data controller recommends data subjects to declare changes occurring in personal data at the earliest convenience, herewith facilitating the lawful data processing and the enforcement of the rights of data subjects.



**Right to erasure**

The data subject shall have the right to request and obtain from the Data 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 by the Data controller;
- b) in case of consent-based data processing the data subject withdraws consent on which the data processing is based, and where there is no other legal ground for the data processing;
- c) the data subject objects to the data processing and there are no overriding legitimate grounds for the data processing, or the data subject objects to the data processing for direct marketing purposes;
- d) the personal data have been unlawfully processed by the Data controller;
- e) the personal data have to be erased for compliance with a legal obligation in EU or Member State law to which the Data controller is subject;
- f) the personal data have been collected in relation to the offer of information society services.

**Right to the restriction of data processing**

The data subject shall have the right to request and obtain from the Data controller the restriction of data processing where one of the following applies:

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

**Right to object**

In case the legal basis of personal data processing is the legitimate interest of the Data controller (point (f) of Article 6 (1) of the Regulation), or the data protection is necessary for the performance of a task carried out in the exercise of official authority vested in the Data controller (point (e) of Article 6 (1) of the Regulation), thus the data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to the processing of personal data concerning him or her including profiling based on the aforementioned provisions.

Where personal data of the data subject are processed by the Data controller for direct marketing purposes (e.g. forwarding informative letters), the data subject shall have the right to object at any time to the processing of personal data concerning him or her for such purposes, which includes

profiling to the extent that it is related to such direct marketing. If the data subject objects to the data processing of personal data concerning him or her for direct marketing purposes, personal data cannot further be processed for such purposes.

### **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 Data controller, in a structured, commonly used and machine-readable format and have the right these data to be transmitted to another data controller, where:

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

### **Enforcement proceedings of the rights of the data subject**

The data subject shall have the right to exercise his or her aforementioned rights in e-mail sent to the **bm79hungary@hook.hu** address, in postal mail addressed to the seat, and personally on the seat of the Data controller. The Data controller shall commence the investigation and the performance of the request of the data subject without undue delay following the arrival thereof. The Data controller shall inform data subject within 30 days of arrival on the measures taken on the grounds of the request. In case of non-feasible requests the Data controller shall inform the data subject within 30 days on the grounds of denial and on his or her rights of legal remedy.

Within five years of the death of the data subject, the rights of the deceased, set out in the present handout, he or she had been entitled to while alive, can be enforced by the declaration of persons generally mandated by the data subject, respectively included in a notarial document or a private document representing conclusive evidence, made before the Data controller – or the latter declaration if the data subject has made several declaration before a data controller.

If the data subject did not make such legal declarations, his or her relatives qualifying as close adherents according to the Civil Code shall also have in the lack of such declarations the right to enforce within five years of the death of the data subject the rights of the deceased person, he or she had been entitled to while alive, namely the rights specified in Article 16 (right to rectification), and Article 21 (right to object) of the Regulation, as well as Article 17 (right to erasure) and Article 18 (right to restriction of processing) of the Regulation – if the data processing had been already unlawful in the life of the deceased or the purpose of data processing ceased by the death of the data subject. The close adherent exercising his or her entitlement first shall have the right to enforce the rights of the data subject according to the present paragraph.

## **VI. Right to judicial remedy of the data subject**

For the sake of the enforcement of the right to judicial remedy the data subject shall have the right to an effective judicial remedy against the Data controller, where he or she considers that the processing of his or her personal data by the Data controller, respectively a data processor mandated by the Data controller or processing in virtue of his or her instructions has infringed the regulations stipulated in personal data processing-related laws or the mandatory EU laws. The court



of justice shall proceed in a priority process in this case. The consideration of the lawsuit shall belong to the scope of authority of the court of appeal. The court procedure can also be launched – pursuant to the choice of the data subject – before the regional court of appeal competent according to the address or place of residence of the data subject or the seat of the Data controller (Budapest-Capital Regional Court of Appeal).

Anyone shall have the right to launch an investigation by a notice (complaint) filed at the Hungarian National Authority for Data Protection and Freedom of Information (NAIH) against the Data controller, referring to the fact that legal injuries have occurred relating to the processing of personal data or a direct risk thereof exists, respectively that the enforcement of his or her data processing-related rights are restricted or the requests for the enforcement of these rights are rejected by the Data controller. Notices can be forwarded to one of the following contacts:

Hungarian National Authority for Data Protection and Freedom of Information (NAIH)

Postal address: 1530 Budapest, PO Box.: 5.

Address: 1125 Budapest, Szilágyi Erzsébet fasor 22/c

Phone: +36 (1) 391-1400

Fax: +36 (1) 391-1410

E-mail: [ugyfelszolgalat@naih.hu](mailto:ugyfelszolgalat@naih.hu)

URL: <http://naih.hu>

Budapest, October 16, 2020

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