

Privacy Policy

Alternate Tanácsadó Kft.

CONTENTS

- CONTENTS** **2**
- INTRODUCTION** **4**
- CHAPTER I: DESIGNATION OF THE DATA CONTROLLER** **4**
- CHAPTER II: DATA PROCESSORS DESIGNATION** **4**
 - 2.1. Hosting service and further IT tasks performance 4
 - 2.2. Communication and marketing tasks provision 5
 - 2.3. Accounting service provider 5
- CHAPTER III: DEFINITIONS** **5**
- CHAPTER IV: ABOUT THE INDIVIDUAL DATA PROCESSINGS** **6**
- CHAPTER V: INFORMATION ABOUT THE DATA PROCESSINGS CARRIED OUT IN CONNECTION WITH THE ALTERNATE’S PAGES** **7**
 - 5.1. Visitor data processing / information about cookies application 7
 - 5.2. About further data processings carried out on the site 9
 - 5.3. Guidelines connected to social media pages 11
 - 5.4. The rights of the data subjects 11
- CHAPTER VI: SUMMARY INFORMATION ABOUT THE DATA SUBJECT’S RIGHTS** **12**
 - 6.1. Right to prior information 12
 - 6.2. The data subject’s right of access 12
 - 6.3. Right to rectification 12
 - 6.4. Right to erasure (“right to be forgotten”) 12
 - 6.5. Right to restriction of processing 12
 - 6.6. Obligation to notify related to rectification or erasure of personal data, or restriction of processing 13
 - 6.7. Right to data portability 13
 - 6.8. Right to object 13
 - 6.9. Automated decision-making in individual cases, including profiling 13
 - 6.10. Restrictions 13
 - 6.11. Informing the data subject about the data protection incident 13
 - 6.12. Right to lodge a complaint with the supervisory authority (right to administrative remedy) 14
 - 6.13. Right to effective judicial remedy against the supervisory authority 14
 - 6.14. Right to effective judicial remedy against the Data Controller or the data processor 14
- CHAPTER VII: DETAILED INFORMATION ABOUT THE DATA SUBJECT’S RIGHTS** **14**
 - 7.1. Right to prior information 14

7.2. The data subject's right of access	16
7.3. Right to rectification	17
7.4. Right to erasure ("right to be forgotten")	17
7.5. Right to restriction of processing	18
7.6. Obligation to notify related to rectification or erasure of personal data, or restriction of processing	18
7.7. Right to data portability	19
7.8. Right to object	19
7.9. Automated decision-making in individual cases, including profiling	20
7.10. Restrictions	20
7.11. Informing the data subject about the data protection incident	21
7.12. Right to lodge a complaint with the supervisory authority	22
7.13. Right to effective judicial remedy against the supervisory authority	22
7.14. Right to effective judicial remedy against the Data Controller or the data processor	22
CHAPTER VIII: SUBMISSION OF THE DATA SUBJECT'S REQUEST, THE DATA CONTROLLER'S MEASURES	23

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 (General Data Protection Regulation, hereinafter: **Regulation** or **GDPR**) prescribes that the Controller must provide to the data subject all information relating to the processing of personal data and each piece of information in a concise, transparent, intelligible and easily accessible form, clearly and in plain language; furthermore, it provides that the Controller shall facilitate the exercise of the data subject's rights guaranteed by the Regulation.

The obligation to provide prior information to the data subject is also prescribed by Act CXII of 2011 on the Right of Informational Self-Determination and Freedom of Information (hereinafter: Info Act).

With the information set out below, Alternate Tanácsadó Kft., in connection with the www.alternate.hu website and the <https://www.linkedin.com/feed/> page, complies with the above-mentioned legal obligations.

CHAPTER I: DESIGNATION OF THE DATA CONTROLLER

The publisher of this notice, and at the same time the Data Controller:

- Company name: Alternate Tanácsadó Kft.
- Registered office: 1146 Budapest, Dózsa György út 7. II. floor, door 7
- Company registration number: 01 09 909225
- Tax number: 14556315-2-42
- Representative: Mandy Fertetics
- E-mail address: fertetics.mandy@alternate.hu
- Website: www.alternate.hu

This privacy policy focuses on the data processing issues related to the website www.alternate.hu of **Alternate Tanácsadó Kft.** This website is edited and managed by the employees of Alternate Tanácsadó Kft. as well as by the subcontractor currently performing marketing tasks on behalf of Alternate Tanácsadó Kft.

CHAPTER II: PURPOSE, LEGAL BASIS, AND SCOPE OF DATA PROCESSING

Data Processor: the natural or legal person, public authority, agency, or other body which processes personal data on behalf of the Controller (Regulation Article 4 point 8).

For the use of a data processor, the prior consent of the data subject is not required, but their information is necessary.

Accordingly, we provide the following information:

2.1. Provision of Hosting Services and Additional IT Tasks

(1) For the maintenance and operation of its own website, **Alternate Tanácsadó Kft.** uses a data processor who provides IT services (such as hosting services and website development and maintenance), and within this framework – for the duration of our contract with them – processes the personal data provided on the website, the operation performed by them being the storage of personal data on the server.

Hosting Provider

- Company name: HOSTINGER operations, UAB (subsidiary of Hostinger International Ltd., Hungarian representative: SamCoGroup Kft.)
- Registered office: Švitrigailos str. 34, Vilnius 03230 Lithuania (1119 Budapest, Andor utca 21/C ground floor 1.)
- Company registration number: 01-09-417292
- Tax number: 32308118-2-43
- E-mail address: domains@hostinger.com

Website development and maintenance

- Company name: Attila Göbölyös sole proprietor
- Registered office: 6300 Kalocsa, Kis u. 48.
- Identifier: 11908495
- Tax number: 53625786-1-23
- Representative: Attila Göbölyös
- E-mail address: attila@honlapspecialista.hu
- Website: honlapspecialista.hu

2.2. Provision of Communication and Marketing Tasks

(1) This data processor performs the content development of www.alternate.hu and <https://www.linkedin.com/feed/>, as well as other related communication tasks (e.g.: keeping contact with registered users, compiling and sending newsletters, managing communication platforms), and in connection with its assignment processes the data related to these.

- Company name: SIXAGON Nonprofit Kft.
- Registered office: 4028 Debrecen, Apafi utca 133.
- Company registration number: 09 09 035181
- Tax number: 23854460-2-09
- Representative: Melinda Gemza (Eszter Miklós is the designated content manager for the site)
- Phone number: +36-20-231-86-72
- E-mail address: eszter@sixagon.hu

2.3. Accounting Service Provider

(1) For the fulfillment of its tax and accounting obligations, Alternate Tanácsadó Kft. uses an external service provider under an accounting service contract, who processes the personal data of natural persons in contractual or payee relationships with the company, for the purpose of fulfilling the company's tax and accounting obligations.

- Company name: PD Conto Kft.
- Registered office: 9028 Győr, Máté Mária utca 4. C. ép. 2. em. 16.
- Company registration number: 08 09 022451
- Tax number: 23522738-1-08
- Representative: Molnár Péter
- Phone number: +36-20-446-53-79
- E-mail address: iroda@mzsconto.hu

CHAPTER III: DEFINITIONS

Based on Article 4 of the Regulation, the definitions of the terms used in this privacy notice are as follows:

(1) **Personal data:** any information relating to an identified or identifiable natural person (hereinafter: data subject). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

(2) **Processing:** any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

(3) **Controller:** the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

(4) **Processor:** a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

(5) **Recipient:** a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

(6) **Third party:** a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

(7) **Consent of the data subject:** any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

(8) **Supervisory authority:** an independent public authority which is established by a Member State pursuant to Article 51 of the Regulation.

CHAPTER IV: ABOUT THE INDIVIDUAL DATA PROCESSING OPERATIONS

(1) The following list collects the main data processing activities of the Controller based on the purpose of processing:

- Data processing related to employment relationships
 - Labour and personnel records
 - Data processing related to fitness and aptitude examinations
 - Processing of data of job applicants, handling of applications and CVs
 - Control of tools provided by the employer (such as: monitoring the use of the e-mail account, monitoring of computer, laptop, tablet, monitoring of workplace internet use, monitoring of the use of company mobile phone, use of GPS navigation system, as well as data processing related to workplace camera surveillance).
- Processing and recording of data of contracting partners
- Data processing based on statutory obligation
 - Processing of data for the purpose of fulfilling tax and accounting obligations
 - Payor's data processing
 - Data processing of documents of permanent value pursuant to the Archival Act

(2) Data processing performed through the online platforms of Alternate Tanácsadó Kft. is dealt with separately in Chapter V.

CHAPTER V: INFORMATION ABOUT DATA PROCESSING CARRIED OUT IN CONNECTION WITH THE ALTERNATE PAGES

5.1. Visitor data processing / information on the use of cookies

(1) On the website www.alternate.hu and the page <https://www.linkedin.com/feed/>, Alternate performs the following general visitor data processing tasks.

(2) To view the freely accessible information on the website/websites, it is not necessary to provide personal data. The Controller automatically receives the following data about the visitors of the website: the IP address used by the visitor, the type of browser, the characteristics of the operating system of the device used for browsing (set language, etc.), the time of the visit, the (sub)pages, functions, content or service visited, clicks. The Controller uses these data exclusively for analysis related to the website, for checking the secure operation of the website, and does not have the technical means to identify the visitor on its own. (Related parts can be read under the titles “General Information About Cookies” and “Use of Cookies” in this chapter.)

5.1.1. In General About Cookies

(1) Cookies are short data files which are placed on the user’s computer by the website visited. The purpose of the cookie is to facilitate and make more convenient the use of the given information, internet service. There are many types of cookies, but they are generally divided into two main groups: One is the temporary cookie, which is placed by the website on the user’s device only during a given session (e.g. during security authentication of internet banking), the other type is the permanent cookie (e.g. the language setting of a website), which remains on the computer until the user deletes it. According to the guidelines of the European Commission, cookies [except those that are strictly necessary for the use of the given service] may be placed on the user’s device only with the user’s consent.

(2) In the case of cookies not requiring the user’s consent, information must be provided at the time of the first visit to the website. It is not necessary for the full text of the cookie information to appear on the website; it is sufficient if the website operators briefly summarise the essence of the information and refer by a link to the availability of the full information notice.

(3) In the case of cookies requiring consent, the information can also be linked to the first visit to the website if the data processing associated with the use of cookies begins already when the page is visited. If the use of the cookie is related to a function explicitly requested by the user, the information may also be displayed in connection with the use of this function. Even in this case, it is not necessary for the full text of the cookie notice to appear on the website; a short summary of the essence of the information and a link to the full notice is sufficient.

5.1.2. On the Use of Cookies

(1) In line with generally accepted internet practice, the website www.alternate.hu operated by Alternate also uses cookies. A cookie is a small file that contains a string of characters and is placed on the visitor's computer when visiting a website. When the visitor returns to the given website, the cookie allows the website to recognise the visitor's browser. Cookies can store user settings (e.g. chosen language) and other information. Among other things, they collect information about the visitor and their device, remember the visitor's individual settings. In general, cookies make the use of the website easier, help the website provide a real web experience to users and serve as an efficient source of information, furthermore ensure for the website operator the possibility to check the functioning of the site, to prevent misuse and to ensure smooth and proper quality provision of services offered on the website.

(2) During the use of the website/websites, the following data are recorded and processed about the visitor and the device used for browsing:

- IP address used by the visitor,
- type of browser,
- characteristics of the operating system of the device used for browsing (set language),
- time of visit,
- visited (sub)page, function or service,
- click.

(3) Accepting and enabling the use of cookies is not mandatory. You can reset your browser settings to reject all cookies or to indicate when the system is sending a cookie.

(4) Information about cookie settings for the most popular browsers can be found at the following links:

- Google Chrome: <https://support.google.com/accounts/answer/61416?hl=hu>
- Firefox: <https://support.mozilla.org/hu/kb/sutik-engedelyezese-es-tiltasa-amit-weboldak-haszni>
- Microsoft Edge: <http://windows.microsoft.com/hu-hu/windows-10/edge-privacy-faq>
- Safari: <https://support.apple.com/hu-hu/HT201265>
- However, it may occur that certain website functions will not work properly without cookies.

(5) The cookies used on the website are not capable, by themselves, of identifying the user personally.

(6) Cookies used on the websites:

Technikailag elengedhetetlenül szükséges munkamenet (session) sütik

These cookies are necessary for visitors to be able to browse the website and use its functions smoothly and fully, thus – among other things – in particular for remembering the actions carried out by the visitor on the given pages during a visit. The duration of the data processing of these cookies relates exclusively to the current visit of the visitor; at the end of the session or when closing the browser, this type of cookie is automatically deleted from the computer.

Cookies requiring consent:

These make it possible for the system to remember the user's choices related to the website. The visitor may prohibit this data processing at any time before and during the use of the service.

These data cannot be linked to the identifiers of the user of the service and cannot be transmitted to third parties without the consent of the user.

The legal basis of data processing in this case is always the visitor's consent, and the purpose of data processing differs according to the types indicated below.

Types of cookies requiring consent:

Functional / usability enhancing cookies:

Functional cookies help to perform certain functions, such as sharing the content of the website on social media platforms, collecting feedback and using other functions from third parties.

Statistical / analytical cookies

Analytical cookies help to understand how visitors interact with the website. These cookies provide data on the number of visitors, the bounce rate, traffic sources, etc.

Performance cookies:

Performance cookies are used to understand and analyse the key performance indicators of the website, thereby contributing to providing a better user experience for visitors.

Marketing /advertising cookies

Advertising cookies are used to deliver personalised advertisements to visitors based on the pages they have previously visited and to analyse the effectiveness of advertising campaigns.

5.2. About further data processings carried out on the site

(1) Through the website/websites, the user has the possibility to send a direct message to the employees of Alternate Tanácsadó Kft., during which – exclusively for the purpose of establishing contact – it is necessary to record such personal data as name and e-mail address. (The details of data processing related to this are discussed in section 5.2.1.)

(2) To each website/websites belong such additional functions as well, for which likewise the user registration is indispensable. These:

- Newsletter in case of the www.alternate.hu site (the details connected to data processing are discussed in chapter 5.2.2)
- Event-related registration in case of the www.alternate.hu site (the details connected to data processing are recorded in chapter 5.2.3)
- Training-related registration in case of the www.alternate.hu site (the details connected to data processing are recorded in chapter 5.2.4)

5.2.1. Direct contact through the message-sending functions of the websites

(1) During the contacting (which takes place primarily through contact forms), only the personal data indispensable for the use of the system need to be recorded, which are important solely for the identification of the registrant, as well as for ensuring the communication. The personal data provided during the process may not be used for any other purpose.

(2) The purpose of the processing of the personal data: ensuring the establishment of contact.

(3) The scope of the processed personal data: name, e-mail address, telephone number.

(4) The legal basis of the processing of personal data: personal consent.

(5) The place of storage of the personal data: the websites in every case forward such messages to the e-mail address connected to the website. The data thus recorded are not entered into any other separate database.

(6) The recipients of the personal data, or the categories of recipients: The direct recipient is Alternate Tanácsadó Kft.

(7) The duration of the storage of the personal data: Until the withdrawal of the consent. The withdrawal of the consent related to the processing of the personal data may be requested in a letter sent to the e-mail address.

(8) For the sending of the message, the inquirer must give his/her consent to the processing of his/her personal data by ticking the separate box referring to this (thus actively). Without this, the message cannot be sent.

5.2.2 Newsletter subscription

(1) Alternate Tanácsadó Kft. maintains a separate newsletter in order to directly inform interested parties about its work, about current events connected to its work, about events and trainings organized by it. For subscription to the newsletter, separate registration is required, during which personal data (name, e-mail address) must also be provided.

(2) The purpose of the processing of personal data: ensuring the operation (sending) of the newsletter, direct communication with those registered.

(3) The natural person registering for the newsletter may give his/her consent to the processing of his/her personal data by ticking the box referring to this. It is forbidden for the box to be pre-ticked.

(4) The scope of personal data that may be processed: name, e-mail address.

(5) The legal basis of data processing: the consent of the data subject.

(5) The place of storage of the personal data: the online newsletter sending application chosen by the COMPANY, which the COMPANY uses and ensures the operation of.

(6) The recipients of the personal data, and the categories of recipients: the direct recipient is Alternate Tanácsadó Kft. (within it, the employee entrusted with the operation of the newsletter), and as data processor, possibly a subcontractor participating in the compilation of the newsletter.

(7) The duration of storage of the personal data: until the existence of the newsletter, until unsubscribing, or until the withdrawal of the data subject's consent (request for deletion).

(8) During registration for the newsletter, the applicant gives his/her consent to the processing of his/her personal data by ticking the separate box referring to this (thus actively). Without this, the subscription does not take place.

5.2.3 Registration related to events

(1) Alternate advertises its own events (for example, conferences, trainings, and tenders) on the www.alternate.hu and <https://www.linkedin.com/feed/> sites (possibly on sites managed by co-

organizers), and if prior registration is required for these, then the recording of data also takes place there. During such registrations, users must also provide personal data.

(2) The purpose of the processing of personal data: the collection of information necessary for the organization and implementation of events, as well as communication and follow-up.

(3) The scope of personal data that may be processed: name, address, telephone number, e-mail address.

(4) The legal basis of data processing: the consent of the data subject.

(5) The place of storage of the personal data: the (primarily online) tool/application used for the registration, which is the property of Alternate Tanácsadó Kft., and whose operation it ensures.

(7) The recipients of the personal data, and the categories of recipients: the direct recipient is Alternate Tanácsadó Kft. (within it, the employee entrusted with event organization), and as data processor, possibly a subcontractor entrusted with the organization of the event.

(7) The duration of storage of the personal data: 365 days following the event, or until the withdrawal of the data subject's consent (request for deletion).

(8) During registration for the event, the applicant gives his/her consent to the processing of his/her personal data by ticking the separate box referring to this (thus actively). Without this, registration does not take place.

5.2.4 Registration related to trainings

(1) Alternate Tanácsadó Kft. advertises the registration necessary for its own trainings on the www.alternate.hu site. During such registrations, users must also provide personal data (name, e-mail address, telephone number).

(2) The purpose of the processing of personal data: the recording of the registration of participants, ensuring the fulfillment of tasks connected to the training (communication, invoicing).

(3) The scope of personal data that may be processed: name, address, telephone number, e-mail address.

(4) The legal basis of data processing: the consent of the data subject.

(5) The place of storage of the personal data: the (primarily online) tool/application used for the registration, which is the property of Alternate Tanácsadó Kft., and whose operation it ensures.

(6) The recipients of the personal data, and the categories of recipients: the direct recipient is Alternate Tanácsadó Kft. (within it, the employee entrusted with the organization of the training), and as data processor, possibly a subcontractor entrusted with the organization/management of the training.

(7) The duration of storage of the personal data: 365 days following the event, or until the withdrawal of the data subject's consent (request for deletion).

(8) During registration for the training, the applicant gives his/her consent to the processing of his/her personal data by ticking the separate box referring to this (thus actively). Without this, registration does not take place.

5.3. Guidelines related to social media pages

(1) Alternate Tanácsadó Kft., for the purpose of presenting and advertising itself and its own services, also uses the services of social media platforms (LinkedIn, Facebook, Instagram). For visitors, the Facebook Privacy Policy and Terms of Service shall apply.

(2) The personal data published by visitors on the designated social media pages are not processed by Alternate Tanácsadó Kft. – questions and inquiries arriving through these pages are redirected to the already indicated channels.

(3) Alternate Tanácsadó Kft. is not responsible for data content or comments published by users on social media pages connected to its name that violate legislation. In case of unlawful or offensive content being published, the COMPANY may, without prior notice, exclude the person concerned from the members, or delete his/her comment.

(4) Alternate Tanácsadó Kft. is not responsible for any errors, malfunctions, or problems arising from changes in the operation of the social media platforms.

5.4. The rights of the data subjects

(1) The data subjects may exercise the rights described in Chapters VI and VII.

CHAPTER VI: SUMMARY INFORMATION ABOUT 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, for which detailed information will be provided in the following chapter.

6.1. Right to prior information

The data subject has the right to be informed about the facts and information related to data processing before the start of the processing.

(Regulation, Articles 13–14)

6.2. Right of access of the data subject

The data subject has the right to obtain from the Data Controller confirmation as to whether or not personal data concerning him/her are being processed, and, where that is the case, access to the personal data and to the related information defined in the Regulation.

(Regulation, Article 15)

6.3. Right to rectification

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

(Regulation, Article 16)

6.4. Right to erasure (“right to be forgotten”)

The data subject has the right to obtain from the Data Controller the erasure of personal data concerning him/her without undue delay, and the Data Controller is obliged to erase personal data concerning the data subject without undue delay where one of the grounds set out in the Regulation applies.

(Regulation, Article 17)

6.5. Right to restriction of processing

Az érintett jogosult arra, hogy kérésére az Adatkezelő korlátozza az adatkezelést, ha ennek Rendeletben meghatározott feltételek teljesülnek.

(Rendelet 18. cikk)

6.6. Notification obligation regarding rectification or erasure of personal data or restriction of processing

The Data 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 Data Controller shall inform the data subject about those recipients if the data subject requests it.

(Regulation, Article 19)

6.7. Right to data portability

Under the conditions set out in the Regulation, the data subject has the right to receive the personal data concerning him/her, which he/she has provided to the Data Controller, in a structured, commonly used and machine-readable format, and has the right to transmit those data to another Data Controller without hindrance from the Data Controller to which the personal data have been provided.

(Regulation, Article 20)

6.8. Right to object

The data subject has the right to object, on grounds relating to his/her particular situation, at any time to processing of personal data concerning him/her which is based on point (e) of Article 6(1) of the Regulation (processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Data Controller), or on point (f) (processing necessary for the purposes of the legitimate interests pursued by the Data Controller or by a third party).

(Regulation, Article 21)

6.9. Automated decision-making in individual cases, including profiling

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

(Regulation, Article 22)

6.10. Restrictions

Union or Member State law applicable to the Data Controller or Processor may restrict by way of a legislative measure the scope of the rights and obligations set out in Articles 12–22 and 34, as well as the rights and obligations provided for in Article 5, insofar as such a restriction respects the essence of the fundamental rights and freedoms.

(Regulation, Article 23)

6.11. Information to the data subject about a personal data breach

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

(Regulation, Article 34)

6.12. Right to lodge a complaint with a supervisory authority (right to administrative remedy)

The data subject has 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/her infringes the Regulation.

(Regulation, Article 77)

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

Every natural or legal person has the right to an effective judicial remedy against a legally binding decision of a supervisory authority concerning them, or where the supervisory authority does not handle a complaint or does not inform the data subject within three months of the progress or outcome of the complaint lodged.

(Regulation, Article 78)

6.14. Right to an effective judicial remedy against a Data Controller or Processor

The data subject has the right to an effective judicial remedy where he or she considers that his or her rights under the Regulation have been infringed as a result of the processing of his or her personal data in non-compliance with the Regulation.

(Regulation, Article 79)

CHAPTER VII: DETAILED INFORMATION ABOUT THE RIGHTS OF THE DATA SUBJECT

7.1. Right to prior information

The data subject has the right to be informed about the facts and information related to data processing before the start of the processing.

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

1. Where personal data relating to the data subject are collected from the data subject, the Data 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 Data Controller, and, where applicable, of the Data Controller's representative;
- b) the contact details of the data protection officer;
- c) the purposes of the intended processing of the personal data, as well as the legal basis for the processing;
- d) where the processing is based on point (f) of Article 6(1) of the Regulation (legitimate interest), the legitimate interests pursued by the Data 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 Data Controller intends to transfer personal data to a third country or international organisation.

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

- 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 Data 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) (consent of the data subject) or point (a) of Article 9(2) (consent of the data subject) of the Regulation, 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 Data Controller intends to further process the personal data for a purpose other than that for which the personal data were collected, the Data 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 point 2.

4. Points 1–3 shall not apply where and insofar as the data subject already has the information.

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

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

- a) the identity and the contact details of the Data Controller, and, where applicable, of the Data Controller's representative;

- b) the contact details of the data protection officer, where applicable;
- c) the purposes of the intended processing of the personal data 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, the fact that the Data Controller intends to transfer personal data to a recipient in a third country or international organisation, together with the existence or absence of an adequacy decision by the Commission, or, in the case of transfers referred to in Article 46, Article 47 or the second subparagraph of Article 49(1) of the Regulation, 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 point 1, the Data Controller shall provide the data subject with the following further 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) (legitimate interest), the legitimate interests pursued by the Data Controller or by a third party;
- c) the existence of the right to request from the Data 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;
- d) where the processing is based on point (a) of Article 6(1) (consent of the data subject) or point (a) of Article 9(2) (consent of the 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 Data Controller shall provide the information referred to in points 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 under 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 with the 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 Data Controller intends to further process the personal data for a purpose other than that for which the personal data were obtained, the Data Controller shall, prior to that further processing, provide the data subject with information on that other purpose and with any relevant further information as referred to in point 2.

5. Points 1–4 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) of the Regulation, or insofar 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 Data 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 Data 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, Articles 13–14)

7.2. Right of access of the data subject

1. The data subject has the right to obtain from the Data Controller confirmation as to whether or not processing of his/her personal data is taking place, and, where such processing is taking place, he/she has the right to access 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 recipients to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
- d) where applicable, 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 of the data subject to request from the Data Controller rectification or erasure of personal data or restriction of processing concerning him/her, and 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 has the right to be informed of the appropriate safeguards pursuant to Article 46 of the Regulation relating to the transfer.

3. The Data Controller shall provide a copy of the personal data undergoing processing to the data subject. For any further copies requested by the data subject, the Data Controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, the information shall be provided in a commonly used electronic form, unless the data subject requests otherwise.

4. The right to obtain a copy referred to in point 3 shall not adversely affect the rights and freedoms of others.

(Regulation, Article 15)

7.3. Right to rectification

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

7.4. Right to erasure (“right to be forgotten”)

1. The data subject has the right to obtain from the Data Controller the erasure of personal data concerning him/her without undue delay, and the Data Controller is obliged to erase personal data concerning the data subject 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 pursuant to point (a) of Article 6(1) of the Regulation or point (a) of Article 9(2), and where there is no other legal basis for the processing;
- c) the data subject objects to the processing pursuant to Article 21(1) of the Regulation 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 must be erased for compliance with a legal obligation in Union 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 referred to in Article 8(1) of the Regulation.

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

3. Points 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 Data 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 Data Controller;
- c) for reasons of public interest in the area of public health in accordance with point (h) and (i) of Article 9(2) and Article 9(3) of the Regulation;
- d) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) of the Regulation, in so far as the right referred to in point 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)

7.5. Right to restriction of processing

1. The data subject has the right to obtain from the Data 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 Data 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 Data 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; or
- d) the data subject has objected to processing pursuant to Article 21(1) of the Regulation; in this case the restriction applies pending the verification whether the legitimate grounds of the Data Controller override those of the data subject.

2. Where processing has been restricted under point 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. The Data Controller shall inform the data subject who has obtained restriction of processing under point 1 before the restriction of processing is lifted. (Regulation, Article 18)

7.6. Notification obligation regarding rectification or erasure of personal data or restriction of processing

The Data Controller shall communicate any rectification or erasure of personal data or restriction of processing carried out pursuant to Article 16, Article 17(1), and Article 18 of the Regulation to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. The Data Controller shall inform the data subject about those recipients if the data subject requests it. (Regulation, Article 19)

7.7. Right to data portability

1. The data subject has the right to receive the personal data concerning him/her, which he/she has provided to a Data Controller, in a structured, commonly used and machine-readable format, and has the right to transmit those data to another Data Controller without hindrance from the Data 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) of the Regulation 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 the right to data portability referred to in point 1, the data subject has the right to have the personal data transmitted directly from one Data Controller to another, where technically feasible.

3. The exercise of this right shall not adversely affect 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 Data Controller.

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

7.8. Right to object

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

2. Where personal data are processed for direct marketing purposes, the data subject has the right to object at any time to processing of personal data concerning him/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 points 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/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 in accordance with Article 89(1) of the Regulation, the data subject shall have the right to object, on grounds relating to his/her particular situation, to processing of personal data concerning him/her, unless the processing is necessary for the performance of a task carried out for reasons of public interest. (Regulation, Article 21)

7.9. Automated decision-making in individual cases, including profiling

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

2. Point 1 shall not apply if the decision:

- a) is necessary for entering into, or performance of, a contract between the data subject and the Data Controller;
- b) is authorised by Union or Member State law to which the Data 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 point 2(a) and (c), 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 Data Controller, to express his/her point of view and to contest the decision.

4. Decisions referred to in point 2 shall not be based on the 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, freedoms and legitimate interests are in place.

7.10. Restrictions

1. Union or national legal sources applicable to the Data Controller or the processor may restrict, by way of a legislative measure, the scope of the rights and obligations laid down in Articles 12–22 and Article 34 of the Regulation and, in respect of provisions consistent with the rights and obligations set out in Articles 12–22, those laid down in Article 5, where 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;
- h) in the cases referred to in points (a)–(e) and (g), control, supervisory or regulatory functions connected with the exercise of official authority, even occasionally;
- i) the protection of the data subject or the rights and freedoms of others;
- j) the enforcement of civil law claims.

2. Legislative measures referred to in point 1 shall, where appropriate, contain specific provisions at least as to:

- a) the purposes of the processing or categories of processing;
- b) the categories of personal data;
- c) the scope of the introduced restrictions;
- d) the safeguards to prevent abuse or unlawful access or transfer;
- e) the specification of the Data Controller or categories of Data 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)

7.11. Information to the data subject about a personal data breach

1. When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the Data Controller shall communicate the personal data breach to the data subject without undue delay.
2. The information provided to the data subject referred to in point 1 shall describe in clear and plain language the nature of the personal data breach and shall contain at least the information and measures referred to in points (b), (c) and (d) of Article 33(3) of the Regulation.
3. The communication to the data subject referred to in point 1 shall not be required if any of the following conditions are met:
 - a) the Data 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 Data Controller has taken subsequent measures which ensure that the high risk referred to in point 1 is no longer likely to materialise with respect to the rights and freedoms of data subjects;
 - c) it would involve disproportionate effort. In such a case, a public communication or similar measure whereby the data subjects are informed in an equally effective manner shall be required.
4. If the Data 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 point 3 are met. (Regulation, Article 34)

7.12. Right to lodge a complaint with a supervisory authority

1. Without prejudice to any other administrative or judicial remedy, every data subject has the right to lodge a complaint with a supervisory authority – in particular in the Member State of his/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/her infringes the Regulation.
2. The supervisory authority to which the complaint has been lodged shall inform the complainant of the progress and the outcome of the complaint, including the possibility of a judicial remedy pursuant to Article 78 of the Regulation. (Regulation, Article 77)

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

1. Without prejudice to any other administrative or non-judicial remedy, every natural and legal person has 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, every data subject has the right to an effective judicial remedy where the supervisory authority which is competent under Articles 55 or 56 of the Regulation does not handle a complaint or does not inform the data subject within three months of 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 has been the subject of an opinion or a decision of the Board under the consistency mechanism, the supervisory authority shall forward that opinion or decision to the court. (Regulation, Article 78)

7.14. Right to an effective judicial remedy against a Data 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 provided for by Article 77 of the Regulation – every data subject has the right to an effective judicial remedy where he/she considers that his/her rights under the Regulation have been infringed as a result of the processing of his/her personal data in non-compliance with the Regulation.

2. Proceedings against a Data Controller or a processor shall be brought before the courts of the Member State where the Data Controller or processor has an establishment. Such proceedings may also be brought before the courts of the Member State where the data subject has his/her habitual residence, unless the Data 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 THE DATA SUBJECT'S REQUEST, THE DATA CONTROLLER'S MEASURES

1. The Data Controller shall inform the data subject without undue delay, but in any case within one month of receipt of the request, of the measures taken on the basis of his/her request aimed at the exercise of his/her rights.

2. Where necessary, taking into account the complexity of the request and the number of requests, this deadline may be extended by a further two months. The Data 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 means, the information shall be provided by electronic means where possible, unless the data subject requests otherwise.

4. If the Data Controller does not take action on the data subject's request, the Data 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. Where the Data Controller has reasonable doubts concerning the identity of the natural person making the request, the Data Controller may request the provision of additional information necessary to confirm the identity of the data subject.