Privacy Notice

on the processing of the personal data of natural persons indicated as contact persons in the contracts concluded by the European Power Services Zrt. as well as in other documents, and of natural persons acting as contact persons on behalf of the European Power Services Zrt.'s other partners

Introduction

This Notice concerns the processing of personal data of natural persons indicated as contact persons, collaborators or representatives in contracts concluded by the ***European Power Services Zrt.*** (hereinafter: **Controller**), as well as in other documents, of natural persons acting as the company or organisational contact persons, collaborators or representatives of the potential (future) business partners of the Controller, and of natural persons acting as the contact persons, collaborators or representatives of other organisations (municipalities, authorities, courts, administrative organisations, etc.) related to the Controller. (For the purposes of this Notice, contact persons, collaborators and representatives shall be hereinafter collectively: contact person).

The content of this Notice shall not be applicable to data relating to persons other than natural persons.

1. Description of the Controller; definition of personal data and Data Subject

The Controller means the legal person which, alone or jointly with others, determines the purposes and means of the processing of personal data.

Controller:	***European Power Services Zrt.***	(hereinafter: **Controller**)
Address:	***H-1037 Budapest, Montevideo utca 3/A. 3.em. 34/A***	
Registration number:	***01-10-140859***	
E-mail address:	***office@eupowers.hu***	
Telephone:	***+36 20 366 2987***	
Data protection officer:	***dr. Flóra Józan***	
E-mail address:	***dpo@mvm.hu***	

With regard to this Notice, that company shall be deemed controller which is specified as contracting party or subject in a specific contract or which is set out as the subject or recipient in a document not qualifying as a contract where a natural person contact person has been indicated.

With regard to this Notice, that company shall also be deemed controller which keeps contact with potential business partners and/or other organisations (municipalities, authorities, courts, administrative organisations, etc.) and keeps a record of and process(es) the personal data – necessary for contact – of the contact persons of potential business partners and/or other organisations.

For the purposes of this Notice, personal data shall mean any information relating to an identified or identifiable natural person (the **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. The subject matter of this Privacy Notice; legislation under which the processing is performed

This Notice concerns the processing of the personal data of natural persons indicated as contact persons in the contracts concluded by the Controller as well as in other documents performed on the basis of

- **the performance of the work contract or other contract established between the Data Subject employee, etc. and the Controller in the case of a natural person (employee, etc.) indicated as contact person on the part of the Controller**

  and

- **the legitimate interest of the Controller in the case of a natural person indicated as contact person on the part of the Controller's contractual or other partner.**

Apart from the above, this Notice concerns the processing of the personal data of natural persons acting as the company or organisational contact persons or collaborators of the potential (future) business partners of the Controller, and of natural persons acting as the contact persons or collaborators of other organisations related to the Controller (municipalities, authorities, courts, administrative organisations, etc.) performed on the basis of

- **the performance of the work contract or other contract established between the Data Subject employee, etc. and the Controller in the case of a natural person indicated and acting as contact person on the part of the Controller**

  and

- **the legitimate interest of the Controller in the case of a natural person indicated and acting as contact person on the part of the Controller's external partner as per the above.**

Main legislation relating to processing under this Notice and the abbreviations applied herein:

- Regulation (EU) 2016/679 of the European Parliament and of the Council (of 27 April 2016) 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)
- Act CXII of 2011 on Informational Self-determination and Freedom of Information (Privacy Act)
- Act V of 2013 on the Civil Code of Hungary (Civil Code)

3. Legal basis for processing

The legal bases for our processing are the following points of Article 6(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council („**General Data Protection Regulation**"):

- **point (b) (processing necessary for the performance of a contract** – in the case of the natural person employee indicated and acting as contact person on the part of the **Controller**)

  The natural person Data Subject – indicated by the **Controller** concerned as its own contact person in the given contract or document and/or keeping contact with potential contracting partners and other organisations – has established a contractual relationship (employment, any other legal relationship for work, etc.) with the **Controller** (work contract, contract of services, etc.), and based on such contract he or she shall perform the contractual obligation (job-related obligation, etc.) to act

as the contact person of the **Controller** in the case of contracts to be established by the **Controller** with external partners and/or with regard to potential contracting partners and other organisations.

Therefore, such processing is necessary for the performance of the work contract, etc. concluded between the **Controller** and its employee, etc.

- **point (f) (processing necessary for the purposes of legitimate interest** – in the case of the natural person indicated and acting as contact person on the part of the **Controller's** contractual or other partner or potential contracting partner, or any other organisation)

According to the result of the balance of interests performed by the Controller:

The Controller establishes that the legal basis for processing in relation to the contact persons of external partners is in line with the legitimate interest included in point (f) of Article (6)1 of the GDPR, and the Data Subjects' interests or fundamental rights and freedoms are not infringed during processing in a way that they would override the legitimate interest of the Controller (the Data Subject's specific interests or fundamental rights and freedoms do not override the interest).

The legitimate interest exists	The Controller's legitimate interest entails the keeping of contact in relation to the contracts concluded by them, the provision of communication with the contractual partner and thereby the promotion of the performance of the contracts. The storage of the personal data of the contact persons of potential business partners and/or other external organisations as well as the use thereof with regard to future official contact and/or the opportunity of contracting shall constitute the Controller's legitimate interest, which is in line with the Controller's activities and marketing purposes.
Processing is necessary	Processing is necessary as without the data of the contact persons communication with the contractual partners would become extremely difficult, possibly hindering the performance of contracts. In order to ensure the achievement of the Controller's business objectives and cost-effectiveness, the contact details (electronic address, phone number, etc.) – qualifying as personal data – of the contact persons of the potential business partners and/or other external organisations shall be processed. If no central contact details are available in relation to the business partners and/or other external organisations or such details are unknown to the Controller, the Controller's marketing purposes cannot be reached and/or their obligations or intentions to keep contact with other external organisations cannot be fulfilled. The data of the Data Subject contact person qualifying as personal data are necessarily the data of the representative (employee, agent, person in any other legal relationship) relatable to the non-natural person, without whom the legal persons and the Controller cannot establish contact with each other.
Processing means proportionate restriction with regard to the Data Subject	The Controller processes the data of the Data Subject contact person qualifying as personal data exclusively to the extent necessary for achieving the legitimate marketing purpose and/or for establishing contact with the other external organisation. The processed data do not fall under the special categories of personal data; this fact supports the permissibility of processing. The performance of processing is not detrimental to the Data Subject contact persons; processing means proportionate restriction to them as Controller grants them the right to the erasure of their personal data from the Controller's records upon request or objection to that end. The Controller restricts access to the personal data to its own employees. Additionally, it also provides appropriate firewall and virus protection for the purposes of data protection, thus it assumes warranty regarding the risk-proportionate protection of processing.

4. <u>Purposes of processing</u>

The purpose of processing the personal data of contractual contact persons:

- ensuring contact in relation to the performance of the contract or document concerned, the promotion of performance and the maintenance of the contractual relationship,
- ensuring communication between the Controller and its external partner regarding the conclusion, amendment and termination of the contract as well as non-performance or lack of conformity in the performance.

The purpose of processing the personal data of the contact persons of the potential business partners and/or other organisations:

- ensuring the availability of the electronic contact details and contact phone numbers of the contact persons of the potential business partners and/or other organisations (municipalities, authorities, courts, administrative organisations, etc.),
- the Controller is able to keep contact with its potential business partners and/or other organisations exclusively through their contact persons as non-natural persons are inevitably represented by natural persons (in this case employees, agents or persons in other legal relationships) who communicate and keep contact with the legal persons.

5. Set of processed data; source of data

The following data of the natural person Data Subjects acting as contact persons:

- name, position (job role),
- email address,
- phone number,
- postal address,
- fax number.

The source of the data of the natural person indicated by the Controller in the given contract or document as its own contact person and of the data of the natural person keeping contact with the potential business partners and/or other organisations is the internal records of the Controller.

The source of the data of the natural person indicated on the part of the contractual or other partner of the Controller as its contact person in the given contract or document is the contractual or other partner of the Controller.

In the case of the contact persons of potential business partners and/or other organisations the source of data is directly the Data Subject or the source is public (e.g. the legal person concerned, contact details indicated on the website of the organisation).

6. The persons entitled to access the data; the reason for data transfer

At the Controller the persons entitled to access the data shall be the employees of the organisational units participating in the conclusion, amendment, termination, performance of the given contract or document and in the settlement of legal disputes regarding the non-performance or non-contractual performance thereof, thus in particular the employees of the purchasing area, legal area and the professionally competent area concluding the contract concerned.

In the case of the contact persons of potential business partners and/or other organisations, at the Controller the persons entitled to access the data shall be the employees of the organisational units keeping contact with the potential business partners and/or other organisations, thus in particular the employees of the commercial area, as well as the employees of the areas keeping contact with the municipalities, authorities, courts and administrative organisations.

In the case of the Processor referred to in Section 9, the reason for the data transfer(s) performed by the Controller is enabling the Processor to perform its processing activity.

7. <u>The period of processing and storing the personal data</u>

The retention period of the personal data of contact persons indicated in the contract or document shall be no longer than the retention period applicable to the contract or document concerned.

The processed personal data shall be erased without delay if processing was performed not for the purposes stipulated by law or the purpose of processing no longer exists (e.g. the right to contact of the contact person has ceased to exist, the contract concerned has terminated and the retention period as per the provisions below has also expired).

In the case of the termination of the contract or document, the retention period applicable to the contract or document concerned may be three years, five years (as limitation period) or eight years following the termination of such contract or document.

- The contracts or documents containing the personal data of contact persons shall be retained for five years following the termination thereof as stipulated as the general limitation period in civil law (Section 6:22 (1) of the Civil Code of Hungary).

- The retention period for contracts and documents to be retained in accordance with the Act on Accounting shall be eight years (Sections 169 (1)-(3) of Act C of 2000 on Accounting).

In the case of contact persons of potential business partners and/or other organisations:

In the absence of the following, the personal data of the contact persons of potential business partners and/or other organisations shall be processed no longer than 6 (six) years; after the expiry of such period the personal data shall be erased.

The processed personal data shall be erased without delay if processing was performed not for the purposes stipulated by law or the purpose of processing no longer exists (e.g. the right to contact of the contact person has ceased to exist, the contact person concerned informs the Controller that he or she no longer works at the potential partner or organisation concerned, or he or she does not wish to keep contact with the Controller any longer).

The period of processing in the case of exercising the right to object to processing performed as per this Notice and based on legitimate interest:

Subject to the provisions set out in Article 21 of the GDPR, the Controller clearly and expressly, separately from any other information, draws the Data Subject natural persons' attention to the fact that **each Data Subject contact person 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 (f) of Article 6(1) of the GDPR and is in accordance with this Notice.**

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.

8. Security of personal data

The Controller undertakes to ensure the security of personal data processed by it. Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, the Controller shall implement appropriate technical and organisational measures and develop appropriate procedural rules to ensure the protection of the recorded, stored and processed data and shall also prevent the destruction, unauthorised use and unauthorised alteration thereof.

The Controller also undertakes to request every third party to whom the data are transferred or disclosed based on any legal ground to comply with the requirements of the security of personal data.

The Controller shall ensure that the processed data are not accessible to unauthorised persons, and cannot be disclosed, transferred, altered or erased by such persons. The processed data shall exclusively be accessible to the Controller, its employees and the processor(s) engaged by the Controller based on permission levels. The Controller shall not disclose the data to any third person not entitled to access the data. The employees of the Controller and the Processor may access the personal data based on the job roles specified by the Controller and the Processor, in a specified manner and as per the permission levels.

In order to ensure the security of the IT systems, the Controller protects such systems with firewall and also uses virus scanner and anti-virus programs in order to prevent internal and external data loss. The Controller has also taken measures to properly check any form of incoming and outgoing communication to prevent abuse.

The Controller and the Processor deem personal data confidential and process the data as such. In order to ensure the protection of data sets processed electronically in various records, the Controller makes sure that the data stored in the records cannot be directly combined and associated with the Data Subject, with the exceptions stipulated by law.

The Controller shall ensure a level of security appropriate to the risk, including inter alia as appropriate:

- the pseudonymisation and encryption of personal data,
- the ability to ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services (security in terms of operation and development, intrusion control and detection, prevention of unauthorised access)
- the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident (prevention of data leak; vulnerability and incident management)
- a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing (maintenance of business continuity and the protection thereof against malicious codes; secure storage, transfer and processing of data; security-related training of our employees)

In assessing the appropriate level of security account shall be taken in particular of the risks that are presented by processing, in particular from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed.

9. Processors

The Processor means a natural or legal person which processes personal data on behalf of the Controller.

The Processor participating in the performance of the contract concerned (if any) shall be indicated in such contract.

In relation to the contact persons of the potential business partners and/or other organisations, the following companies act as the Processors of Controller:

Processor's name, registered office and company registration number	Activity performed by the Processor	Personal data processed by the Processor
MVMI Zrt. (7030 Paks, Vasút utca 1.)	Providing IT services for the Controller	In relation to the activity concerned, each personal data of the Data Subject as per Section 5
MVM KONTÓ Zrt. (7030 Paks, Gagarin utca 1.)	Providing accounting services for the Controller	In relation to the activity concerned, each personal data of the Data Subject as per Section 5

The Processors shall be entitled to process the personal data above during the term of their contract with the Controller and until the expiry of the periods set out in Section 7.

10. Rights related to processing and the means of right enforcement and legal remedies available related to processing

10.1. Rights related to processing

The Data Subject may request from the Controller the following:

- information on the processing of personal data concerning him or her (before the commencement of processing and during processing),
- access to the personal data concerning him or her (the provision of his or her personal data by the Controller),
- the rectification or completion of his or her personal data,
- the erasure of his or her personal data and the restriction of processing (blocking) with the exception of mandatory processing,
- the Data Subject has the right to data portability,
- the Data Subject may object to the processing of his or her personal data.

10.1.1. Right to request information (based on Articles 13-14 of the General Data Protection Regulation)

The Data Subject may request the following information in writing from the Controller through the contact details indicated in Section 10.2:

- the processed personal data,
- the legal basis for processing,
- the purpose of processing,
- the source of data,
- the period of processing,

- whether a processor is engaged, and if so, the name, address and processing activity of such processor,
- to whom the Controller has provided access to the personal data, when, based on which law and to which data, or the person to whom it has transferred the personal data,
- the circumstances and effects of any personal data breach and the measures taken to eliminate such data breach.

The Controller shall fulfil the Data Subject's request within one month at the latest by sending a letter to the contact details provided.

10.1.2. Right of access (based on Article 15 of the General Data Protection Regulation)

The Data Subject shall have the right to obtain from the Controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data processed.

The Controller shall provide a copy of the personal data undergoing processing to the Data Subject if it does not breach any other legal provision. Where the Data Subject makes the request by electronic means, and unless otherwise requested by the Data Subject, the information shall be provided in a commonly used electronic form.

10.1.3. Right to rectification and completion (based on Article 16 of the General Data Protection Regulation)

The Data Subject may request the Controller in writing through the contact details indicated in Section 10.2 to modify any of the personal data concerning him or her (e.g. he or she may change his or her email address, phone number or postal address at any time, or may request from the Controller the rectification of the inaccurate personal data concerning him or her and processed by the Controller).

Taking into account the purposes of the processing, the Data Subject shall have the right to have incomplete personal data concerning him or her and processed by the Controller completed.

The Controller shall fulfil the request within one month at the latest and notifies the Data Subject thereof in a letter sent to the contact details provided.

10.1.4. Right to erasure (based on Article 17 of the General Data Protection Regulation)

The Data Subject may request the Controller in writing through the contact details indicated in Section 10.2 to erase the personal data concerning him or her.

Basically, the erasure of personal data may be requested if our processing is based on your consent, e.g. you have consented to the processing of your personal data for the purpose of sending a quotation. In such a case, your personal data will be erased.

If the purpose of processing is the performance of the contract in effect, your request to erase cannot be fulfilled.

In such a case, we shall continue to process your personal data under the applicable law even after the termination of the contract until the expiry of the period of processing specified in this Notice.

Where no such obligation exists, the Controller shall fulfil the request within one month at the latest and notifies the Data Subject thereof in a letter sent to the contact details provided for such purpose.

10.1.5. Right to blocking (restriction of processing) (based on Article 18 of the General Data Protection Regulation)

The Data Subject may request the Controller in writing through the contact details indicated in Section 10.2 to block the personal data concerning him or her (by clearly indicating the restricted nature of processing and by performing processing separately from any other data).

Blocking shall be maintained until the reason provided by the Data Subject requires the storage of data.

The Data Subject may request the blocking of data for example where he or she deems that his or her data have been unlawfully processed by the Controller; however, for the purposes of the authority or judicial proceedings initiated by him or her the Controller shall not erase such data.

In such a case, the Controller shall continue to store the personal data (e.g. the submission or personal data concerned) until being contacted by the authority or the court; thereafter the data shall be erased.

10.1.6. Right to data portability (based on Article 20 of the General Data Protection Regulation)

The Data Subject may request in writing through the contact details indicated in Section 10.2 to receive the personal data concerning him or her, which he or she has provided to the Controller, in a structured, commonly used and machine-readable format and shall have the right to transmit those data to another controller without hindrance from the Controller, where

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

10.1.7. Right to object (based on Article 21 of the General Data Protection Regulation)

The Data Subject shall have the right to object – in writing through the contact details indicated in Section 10.2 – to processing of personal data concerning him or her which is necessary to enforce the legitimate interests of the Controller or a third party and which is based on point (f) of Article 6(1) of the General Data Protection Regulation, 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. Means of right enforcement and legal remedies available related to processing

Sending a request to the Controller

Before initiating judicial or authority proceedings, we recommend you to contact the Controller and send your complaint to it regarding the processing of personal data concerning you to enable us to investigate the case and provide a reassuring solution or to fulfil any of your requests or claims under Section 10.1 if it is reasoned.
In the case of the enforcement of any rights of the Data Subject in relation to processing under Section 10.1, the Data Subject's request for information regarding processing, or his or her objection to or complaint regarding processing, the Controller shall investigate the case without undue delay and within the period specified in current laws, take action

in relation to the request and provide information on the case to the Data Subject. That period may be extended as stipulated by law where necessary, taking into account the complexity and number of the requests.

Where the Data Subject makes the request by electronic form means, the information shall be provided by electronic means where possible, unless otherwise requested by the Data Subject. If the Controller does not take action on the request of the Data Subject, the Controller shall inform the Data Subject without delay and at the latest within the period specified by law of the reasons for not taking action and for refusing to fulfil the request, and on the possibility of initiating judicial or authority proceedings in the case as follows.

If you wish to enforce your rights relating to processing, you have any questions or doubts regarding your data processed by the Controller, you wish to request information on your data or lodge a complaint, or you wish to exercise any of your rights under Section 10.1, you may do so through the Controller's contact details listed in point 1.

Initiation of judicial proceedings

The Data Subject may initiate judicial proceedings against the Controller or – in connection with processing operations falling within the scope of the processor's activity – the processor if in his or her opinion the controller or the processor acting on behalf of or on the instruction of the controller processes his or her personal data infringing the requirements relating to the processing of personal data and set out in the law or binding legal act of the European Union.

The decision in the lawsuit shall fall within the competency of the tribunal. The lawsuit may be filed – at the choice of the Data Subject – before the tribunal competent for the Data Subject's place of residence or place of abode.

Initiation of authority proceedings

In order to enforce his or her rights, the Data Subject may request from the National Authority for Data Protection and Freedom of Information (H-1055 Budapest, Falk Miksa u. 9-11., website: http://naih.hu; postal address: H-1363 Budapest, Pf.: 9.; phone: +36-1-391-1400; fax: +36-1-391-1410; email: ugyfelszolgalat@naih.hu) the initiation of investigation or authority proceedings with reference to the fact that infringement has occurred in relation to the processing of his or her personal data, or there is an imminent risk associated therewith, thus in particular

- if in his or her opinion, the Controller restricts the exercise of his or her rights – as Data Subject – under Section 10.1 or refuses his or her request for the enforcement of such rights (initiation of investigation), and
- if in his or her opinion, during the processing of the personal data concerning him or her, the Controller or the processor acting on behalf of or on the instruction of the Controller violates the requirements relating to the processing of personal data and set out in the law or binding legal act of the European Union (requesting the conduct of authority proceedings).

11. Miscellaneous

During the processing of personal data detailed herein automated decision-making, profiling and the transfer of the personal data to third countries or international organisations are not performed.

This Privacy Notice is available on the Controller's website. The Controller reserves the right to unilaterally modify this Notice with regard to the future. The Controller informs the Data Subjects of such modifications through its website.