

Kekstore.com

Data Processing Guide

In brief

Personal data are collected and processed only in accordance with the laws.

DM letters are sent only with specific consent. System messages may be sent without that.

Data are stored in the safest possible way.

Personal data are disclosed to a third party only with consent.

Anyone shall be informed about the data stored in connection therewith and the erasure of data may be requested anytime at our contacts.

Introduction

Kek Group Trading and Contracting Limited Liability Company (6326 Harta, Rákóczi utca 11/A., trade registry number: 03 09 108719, tax number: 12579877-2-03) (hereinafter referred to as: Provider, Controller) shall be subject to the following guide.

According to Section 20 (1) of Act CXII of 2011 on Informational Self-Determination and Freedom of Information (Privacy Act), the person concerned (in this case the user of the website, hereinafter referred to as: User) shall be given the information that data processing is **based on consent** or compulsory prior to data processing.

Prior to data processing, the person concerned shall be clearly and thoroughly informed about every fact in relation to the processing of its data, particularly **about the purpose and legal basis** of data processing, **the person entitled to data processing and technical manipulation of data** and the **period** of data processing.

According to Section 6 (1) of Privacy Act, the person concerned shall be informed about the fact that personal data may be processed even if it is impossible to obtain the consent of the person concerned or it would entail disproportionate costs, and the processing of personal data

- is necessary in order to fulfill the legal obligation relating to the controller, or
- is necessary in order to enforce the legitimate interests of the controller or a third party, and the enforcement of said interests is proportionate to the restriction of the right to the protection of personal data.

The information shall concern the rights of the person concerned about data processing and legal remedies.

If it is impossible to inform the persons concerned or it would entail disproportionate costs (for example in this case on a website), the information may be provided by the disclosure of the following information:

- a) the fact of data collection,
- b) the persons concerned,
- c) the purpose of data collection,
- d) the period of data processing,
- e) the possible controllers entitled to access to data,
- f) information provided on the rights and legal remedies of the persons concerned in relation to data processing,
- g) the registration number of data processing if data processing is involved in the data protection registry.

This Data Processing Guide shall govern the data processing of <http://kekstore.com> website and shall be based on the aforementioned regulations. The guide can be found on the following website: <http://kekstore.com/privacy>

The modifications of the guide shall enter into force upon publication with the aforementioned title.

Interpretative concepts (Section 3)

1. *person concerned/User*: shall mean any natural person who is determined, identified based on personal data or can be – directly or indirectly – identified;
2. *personal data*: shall mean any data which may be associated with the person concerned – particularly the name, identification mark of the person concerned, and one or more information on physical, physiological, mental, economic, cultural or social identity – and any conclusion that can be drawn from the data in connection with the person concerned;
3. *controller*: shall mean a natural or legal person or unincorporated organization who alone or jointly with others determines the purpose of data processing, makes decisions regarding data processing (involving the applied means) and implements such decisions itself or engages a data processor to execute them;
4. *data processing*: regardless of the applied procedure, it shall mean any operation or set of operations performed upon data, particularly collection, entry, recording, organization, storage, alteration, use, retrieval, transmission, disclosure, alignment or combination, blocking, erasure and destruction, blocking them from further data use, photographing, sound and video recording, and the recording of physical attributes suitable for the identification of the person (e.g. fingerprints or palmprints, DNA sample and retinal images);
5. *technical manipulation of data*: shall mean the technical tasks involved in data processing operations, irrespective of the method and instruments used for the performance of such operations and the venue of application, provided that such technical tasks are carried out on the data;
6. *data processor*: shall mean a natural or legal person or unincorporated organization who – based on a contract made with the controller, including when contracting is based on the provisions of an act – is engaged in the technical manipulation of data;
7. *personal data breach*: shall mean the unlawful processing or technical manipulation of personal data, particularly unlawful access, alteration, transmission, disclosure, erasure or destruction, and unintended destruction and damage.

Data processing relating to the operation of webshops – customer registration/purchase

1. According to Section 20 (1) of Act CXII of 2011 on Informational Self-Determination and Freedom of Information, the following shall be determined in terms of data processing relating to the operation of a webshop:

- a) the fact of data collection,
- b) the persons concerned,
- c) the purpose of data collection,
- d) the period of data processing,
- e) the possible controllers entitled to access to data,
- f) information provided on the rights of the persons concerned in relation to data processing.

2. The fact of data collection, the processed data and the purpose of data processing:

Personal data	Purpose of data processing
Password	It facilitates safe login to the user account.
Last name and first name	They are necessary for contact, purchase and the issue of valid invoices.
E-mail address	It is needed to keep contact.
Telephone number	It facilitates contact and the effective consultation on invoicing or the questions about delivery.
Invoicing name and address	It enhances the issue of valid invoices, the creation of the contract, the determination of its content, its modification, monitoring of its performance, invoicing the charges deriving from that, and the enforcement of claims in relation with that.
Delivery name and address	They facilitate home delivery.
Date of purchase/registration	It is necessary for the implementation of technical operations.
IP address valid at the time of purchase/registration	It is necessary for the implementation of technical operations.

The e-mail address shall not compulsorily contain personal data.

3. The persons concerned: all the persons/customers on the website shall be regarded concerned.

4. The period of data processing, deadline for data erasure: immediately upon the cancellation of registration; except for the accounting documents, as according to Section 169 (2) of Act C of 2000 on Accounting, such data shall be retained for 8 years.

The accounting documents underlying the accounting records directly or indirectly (including ledger accounts, analytical records and registers), shall be retained for minimum 8 years, shall be legible and retrievable by means of the code of reference indicated in the accounting records.

5. The possible controllers entitled to access to data: personal data shall be processed by the sales and marketing employees of the controller in accordance with the aforementioned principles.
6. Information provided on the rights of the persons concerned in relation to data processing: the following data may be modified on the website: password, last and first name, e-mail address, telephone number, delivery address, delivery name, invoicing address, invoicing name. The person concerned shall request the erasure or modification of personal data in the following ways:
 - by 6326 Harta, Rákóczi utca 11/A. postal address,
 - via support@kekstore.com e-mail address,
 - by +36 30 700 1001 telephone number.
7. Data of the data processor (hosting service provider) engaged in the data processing:

Cloud-Design Kft.
1033 Budapest, Szentendrei út 32. 12. em. 125.
ugyfelszolgalat@webstudios.hu

8. Legal basis of data processing: User's consent, Section 5 (1) of Privacy Act, Section 13/A (3) of Act CVIII of 2001 on Certain Issues of Electronic Commerce Activities and Information Society Services (hereinafter referred to as: E-Commerce Act):

The provider shall be entitled to process the personal data that are technically essential in order to provide the service. All other conditions being equal, the provider shall in all cases choose and operate the means used during the provision of information society services in a way that personal data are processed only if it is absolutely essential for the provision of services and the completion of other purposes set forth in this act but only to the necessary extent and period.

Seller registration

1. According to Section 20 (1) of Act CXII of 2011 on Informational Self-Determination and Freedom of Information, the following shall be determined in terms of data processing concerning seller registration:

- a) the fact of data collection,
- b) the persons concerned,
- c) the purpose of data collection,
- d) the period of data processing,
- e) the possible controllers entitled to access to data,
- f) information provided on the rights of the persons concerned in relation to data processing.

2. The fact of data collection, the processed data and the purpose of data processing:

Personal data	Purpose of data processing
Password	It facilitates safe login to the user account.
Contact person's last and first name	They are necessary for contact and the issue of valid invoices.
Contact person's e-mail address	It is needed to keep contact.
Contact person's telephone number	It facilitates contact and the effective consultation on questions about invoicing.
Invoicing name and address	It enhances the issue of valid invoices, the creation of the contract, the determination of its content, its modification, monitoring of its performance, invoicing the charges deriving from that, and the enforcement of claims in relation with that.
Date of registration	It is necessary for the implementation of technical operations.
IP address valid at the time of registration	It is necessary for the implementation of technical operations.

The e-mail address shall not compulsorily contain personal data.

3. The persons concerned: all the sellers registered on the website.
4. The period of data processing, deadline for data erasure: immediately upon the cancellation of registration; except for the accounting documents, as according to Section 169 (2) of Act C of 2000 on Accounting, such data shall be retained for 8 years.

The accounting documents underlying the accounting records directly or indirectly (including ledger accounts, analytical records and registers), shall be retained for minimum 8 years, shall be legible and retrievable by means of the code of reference indicated in the accounting records.

5. The possible controllers entitled to access to data: personal data shall be processed by the sales and marketing employees of the controller in accordance with the aforementioned principles.
6. Information provided on the rights of the persons concerned in relation to data processing: the following data may be modified on the website: contact person's last and first name, contact person's e-mail address, contact person's telephone number, invoicing address, invoicing name. The person concerned shall request the erasure or modification of personal data in the following ways:
 - by 6326 Harta, Rákóczi utca 11/A. postal address,
 - via support@kekstore.com e-mail address,
 - by +36 30 700 1001 telephone number.
7. Data of the data processor (hosting service provider) engaged in the data processing:

Cloud-Design Kft.

1033 Budapest, Szentendrei út 32. 12. em. 125.

ugyfelszolgalat@webstudios.hu

8. Legal basis of data processing: User's consent, Section 5 (1) of Privacy Act, Section 13/A (3) of Act CVIII of 2001 on Certain Issues of Electronic Commerce Activities and Information Society Services (hereinafter referred to as: E-Commerce Act):

All other conditions being equal, the provider shall in all cases choose and operate the means used during the provision of services in relation to the information society in a way that personal data are processed only if it is absolutely essential for the provision of services and the completion of other purposes set forth in this act but only to the necessary extent and period.

Management of cookies

1. According to Section 20 (1) of Act CXII of 2011 on Informational Self-Determination and Freedom of Information, the following shall be determined in terms of the cookie data management of the website:
 - a) the fact of data collection,
 - b) the persons concerned,
 - c) the purpose of data collection,
 - d) the period of data processing,
 - e) the possible controllers entitled to access to data,
 - f) information provided on the rights of the persons concerned in relation to data processing.
2. Cookies typical of webshops shall include so-called 'cookies used for sessions protected with a password', 'cookies needed for the cart' and 'safety cookies'; the prior consent of the persons concerned shall not be necessary for the use thereof.
3. The fact of data collection, the processed data: unique identification number, dates, time.
4. The persons concerned: all the website visitors shall be regarded concerned.
5. Purpose of data processing: identification of users, the registration of the 'cart' and tracking visitors.
6. Period of data processing, deadline for the erasure of data: in case of session cookies, the period of data processing shall last until the websites have been visited; in case of permanent cookies it shall last until manual erasure.
7. The possible controllers entitled to access to data: the controller does not process personal data when using the cookies.
8. Information provided on the rights of the persons concerned in relation to data processing: the persons concerned shall be entitled to erase cookies in their browser, in the Tools/Settings menu, usually found under the Data protection menu item.
9. Legal basis of data processing: consent from the person concerned shall not be requested provided that the cookies are used exclusively for transmission through the electronic communications network or it is absolutely necessary for the provider for the provision of the information society service expressly requested by the subscriber or the user.

Use of Google AdWords conversion tracking

1. Google AdWords online advertising program is used by the controller, and within that the controller also uses the conversion tracking service provided by Google. Google conversion tracking is an analyzing service developed by Google Inc. (1600 Amphitheatre Parkway, Mountain View, CA 94043, USA; hereinafter referred to as: Google).
2. When the User visits a website through a Google advertisement, a cookie necessary for conversion tracking appears on the User's computer. The validity of these cookies is limited, they do not contain any personal data, and therefore the User cannot be identified based on them.
3. When the User browses particular sites of the website and the cookie is still valid, both Google and the controller can see that the User clicked on the advertisement.
4. Every Google AdWords customer is given a special cookie; therefore they cannot be tracked through the websites of AdWords customers.
5. The aim of the information gained with the use of conversion tracking cookies is to provide the customers choosing AdWords conversion tracking with conversion statistics. This way the customers are informed about the number of visitors clicking on their advertisement and directed to the website with conversion tracking label. However, they are not provided with information facilitating the identification of any user.
6. If you do not want to participate in conversion tracking, this option can be refused by disabling the installation of cookies in your browser. After that you will not be involved in conversion tracking statistics.
7. Please find more information and Google's Privacy Policy on the following website: www.google.de/policies/privacy/

Google Analytics application

1. This website uses Google Analytics application which is a web analytics program developed by Google Inc. (Google). Google Analytics uses so-called cookies and text files which are saved on your computer thereby enhancing the analysis of the use of the website visited by the User.
2. The information generated by the cookies relating to the website visited by the User are usually stored on one of Google's servers in the USA. By activating IP Anonymization on websites, Google preliminarily shortens the User's IP address in the Member States of the European Union or in the State Parties to the Agreement on the European Economic Area.
3. The whole IP address shall be forwarded and shortened on Google's server in the USA only in exceptional cases. The operator of this website assigns Google to use this information to assess how the User used the website, make reports to the operator of the website in connection with the activity of the website, and provide further services relating to website and Internet usage.
4. Within the framework of Google Analytics, the IP address forwarded by the User's browser shall not be merged with any other Google data. User shall be entitled to disable the storage of cookies by the adequate browser settings, but in this case it shall be considered that possibly not all website functions can be fully used. Google may be prevented from the collection and processing of data generated by cookies and relating to the User's website usage (including IP address) if the browsing plugin is downloaded and installed from the following link: <https://tools.google.com/dlpage/gaoptout?hl=hu>

Newsletter, DM activities

1. According to Section 6 of Act XLVIII of 2008 on the Basic Requirements and Certain Restrictions of Commercial Advertising Activities, advertisements and other mails may be conveyed by the Provider to the User upon express prior consent of the User via any of the given contact details.
2. Additionally, taking into consideration the provisions of this guide, Customer's consent may be given to Provider for processing personal data necessary to send advertisements.
3. Provider shall not send unsolicited advertisement and User shall enjoy the right to freely unsubscribe from the advertisement material without limitation and justification. In this case, Provider shall erase every personal data – necessary for sending advertisement materials – of the User from the database and shall not send any other advertisement material to the User. User may unsubscribe from the advertisements by clicking on the link in the mail.
4. According to Section 20 (1) of Act CXII of 2011 on Informational Self-Determination and Freedom of Information, the following shall be determined in terms of data processing concerning the sending of newsletters:
 - a) the fact of data collection,
 - b) the persons concerned,
 - c) the purpose of data collection,
 - d) the period of data processing,
 - e) the possible controllers entitled to access to data,
 - f) information provided on the rights of the persons concerned in relation to data processing.
5. The fact of data processing, the processed data: name, e-mail address, date, time.
6. The persons concerned: all the subscribers shall be regarded concerned.
7. Purpose of data processing: conveying electronic messages with advertisements to the person concerned, providing the latest information on products, special offers, new functions, etc.
8. The period of data processing, deadline for data erasure: data processing shall last until the consent has been withdrawn, i.e. unsubscription.
9. The possible controllers entitled to access to data: personal data shall be processed by the employees of the controller in accordance with the aforementioned principles.
10. Registration number of data processing: NAIH-116420/2017.

11. Information provided on the rights of the persons concerned in relation to data processing: the persons concerned may freely unsubscribe from the newsletter any time.
12. Legal basis of data processing: voluntary consent of the person concerned, Section 5 (1) of Privacy Act, Section 6 (5) of Act XLVIII of 2008 on the Basic Requirements and Certain Restrictions of Commercial Advertising Activities:

Advertisers, advertising service providers and publishers of advertising shall maintain records of the personal data of persons who provided the statement of consent to the extent specified in the consent. The data contained in the aforesaid records – relating to the person to whom the advertisement is addressed – may be processed only for the purpose defined in the statement of consent, until withdrawn, and may be disclosed to third persons subject to the prior consent of the person concerned.

Social media sites

1. According to Section 20 (1) of Act CXII of 2011 on Informational Self-Determination and Freedom of Information, the following shall be determined in terms of data processing concerning social media sites:
 - a) the fact of data collection,
 - b) the persons concerned,
 - c) the purpose of data collection,
 - d) the period of data processing,
 - e) the possible controllers entitled to access to data,
 - f) information provided on the rights of the persons concerned in relation to data processing.
2. The fact of data collection, the processed data: name of the person registered on social media sites, such as Facebook/Google+/Twitter/Pinterest/Youtube/Instagram, etc. and the public profile photo of the User.
3. The persons concerned: all the persons who registered on social media sites, such as Facebook/Google+/Twitter/Pinterest/Youtube/Instagram, etc. and 'liked' the website.
4. The purpose of data processing: sharing, 'liking', promoting of the specific content elements, products, special offers of the website or the website itself on social media sites.
5. The period of data processing, deadline for data erasure, the possible controllers entitled to access to data and information provided on the rights of the persons concerned in relation to data processing: the person concerned shall obtain information on the particular social media site about the source of data, data processing, the method and legal basis of conveyance. Data processing shall be performed on social media sites; therefore the regulations of the particular social

media site shall be relevant in terms of the period and method of data processing and the data erasure and alteration options.

6. Legal basis of data processing: voluntary consent of the person concerned to the processing of its personal data on social media sites.

Data transmission

1. According to Section 20 (1) of Act CXII of 2011 on Informational Self-Determination and Freedom of Information, the following shall be determined in terms of data processing concerning the data transmission activity of the website:
 - a) the fact of data collection,
 - b) the persons concerned,
 - c) the purpose of data collection,
 - d) the period of data processing,
 - e) the possible controllers entitled to access to data,
 - f) information provided on the rights of the persons concerned in relation to data processing.
2. The fact of data processing and the processed data.
 - a) Data transmitted in order to perform online payment: invoicing name, invoicing address and e-mail address.
3. The persons concerned: all the persons opting for online shopping shall be regarded concerned.
4. Purpose of data processing: performing online purchase, confirmation of transactions and fraud monitoring completed with the aim to protect users (monitoring misuse of information).
5. The period of data processing, deadline for data erasure: it shall last until online shopping has been performed.
6. The possible controllers entitled to access to data: personal data shall be managed by the following, in accordance with the aforementioned principles:

Alipay
Alibaba (China) Co., Ltd:
969 West Wen Yi Road
Yu Hang District
Hangzhou 311121
China
Tel: (+86) 571-8502-2088
Fax: (+86) 571-8526-9066

PayPal

Parent company: eBay Incorporated

Registered office: San Jose, California, USA

Contact: <https://www.paypal.com/hu>

Data Processing Guide: https://www.paypal.com/hu/cgi-bin/helpscr?cmd=p/gen/ua/policy_privacy-outside

7. Information provided on the rights of the persons concerned in relation to data processing: the person concerned may request the controller providing online payment to erase its personal data as soon as possible.
8. Legal basis of data transmission: User's consent, Section 5 (1) of Privacy Act, Section 13/A (3) of Act CVIII of 2001 on Certain Issues of Electronic Commerce Activities and Information Society Services.

Customer relations and other data processing

1. If questions arise when using the services provided by the controller or the person concerned has any problems, the controller may be contacted on the details specified on the website (telephone, e-mail, social media sites, etc.).
2. Controller shall erase the received e-mails, messages, data provided via phone or Facebook, etc. containing the name and e-mail address of the person concerned, as well as every voluntarily conveyed personal data maximum 2 years after the data have been communicated.
3. Information about data processing not listed in this guide shall be given upon data recording.
4. Provider shall give information, transmit and hand over data and documents upon exceptional requests made by authorities, and if it is allowed under legislation in case of requests by other organizations.
5. Provider shall disclose personal data to the authority making the request – if it stated the exact purpose and the data set – to the amount and extent which is absolutely necessary to achieve the aim of the request.

Data safety (Section 7)

1. The controller shall plan and carry out the data processing operations in a way that the privacy of the persons concerned is protected.
2. The controller shall ensure data safety (with passwords, anti-virus softwares), institute technical and organizational measures and establish procedural rules necessary to observe the Privacy Act and other rules for data and confidentiality protection.
3. The controller shall protect data with appropriate measures especially against
 - unlawful access,
 - alteration,
 - transmission,
 - disclosure,
 - erasure or destruction,
 - unintended destruction and damage,
 - inaccessibility deriving from the change of applied technology.
4. The controller shall ensure with a proper technical solution that the data stored in the registry cannot be directly combined and associated with the person concerned.
5. In order to prevent unlawful access to personal data, data alteration and their unlawful disclosure or usage, the controller shall grant:
 - the establishment and operation of proper IT and technical environment,
 - the controlled selection and supervision of employees participating in the provision of the service,
 - the establishment of detailed operational, risk management and service procedures.
6. Based on the aforementioned terms, provider guarantees that the data processed
 - is at the disposal of the entitled person,
 - is certified and its certification is granted,
 - is justifiably unmodified.
7. The IT system of the controller and the hosting service provider thereof shall protect against
 - IT fraud,
 - spying,
 - computer viruses,
 - spams,
 - hackings,

- and other attacks.

Rights of the persons concerned

1. The person concerned may ask the Provider for information on the processing of its personal data, rectification of its personal data, erasure or blocking of its personal data – except for compulsory data processing.
2. Upon request made by the person concerned, the controller shall provide information about the data of the person concerned that is processed by the controller or technically manipulated by it or a data processor assigned by it, as well as about the source of the data; the purpose, legal basis and period of data processing; the name, address of the data processor and its activity relating to data processing; the circumstances, effects of personal data breach and the measures taken in order to prevent it; and – if the data of the person concerned are transmitted – the legal basis and addressee of data transmission.
3. The controller – if there is an internal data protection officer – by means of the data protection officer shall keep records to monitor the measures in relation to the personal data breach and to inform the person concerned; the record shall involve the set of personal data concerned, the set and number of persons associated with personal data breach, the date, circumstances, effects of the personal data breach and also the measures taken in order to prevent it, as well as other data set forth in the act governing data processing.
4. The controller shall keep data transmission records in order to check the legality of data transmission and to inform the person concerned; the record shall include the date of transmission of the personal data processed by it, the legal basis and addressee of data transmission, the definition of the set of transmitted personal data and other data set forth in the act governing data processing.
5. Upon User's request, Provider shall provide information about the data processed by it, the source of data, the purpose, legal basis, period of data processing, the name, address of the possible data processor and its activity in relation to data processing, and – if the data of the person concerned are transmitted – the legal basis and addressee of data transmission. Provider shall give understandable information in writing at the shortest possible time, but maximum within 25 days after the submission of the request. The information shall be free.
6. Provider shall rectify the personal data if the personal data are not correct and the correct data are at controller's disposal.
7. Instead of erasure, Provider shall block the personal data if it is requested by the User or based on the information at its disposal it can be assumed that erasure would violate the User's legitimate interests. The blocked personal data shall only

be processed until the purpose of data processing excluding erasure of the personal data is valid.

8. Provider shall erase the personal data if its processing is unlawful, it is requested by the User, the processed data are incomplete or incorrect – and this condition cannot be lawfully rectified – provided that erasure is not excluded by law, the purpose of data processing is not valid, the deadline for data storage set forth in the laws expired or erasure has been ordered by court or the Hungarian National Authority for Data Protection and Freedom of Information.
9. The controller shall mark the processed personal data if the person concerned debates its correctness or accuracy, but the incorrectness or inaccuracy of the debated personal data cannot be clearly determined.
10. The person concerned and the persons to whom the data has previously been transmitted for the purpose of data processing shall be informed about the rectification, blocking, marking and erasure. Notification may be ignored if – regarding the purpose of data processing – it does not violate the legitimate interests of the person concerned.
11. If the controller does not fulfill the request made by the person concerned on rectification, blocking or erasure, it shall state in writing the factual and legal reasons for the refusal of such request on rectification, blocking or erasure within 25 days. If the request on rectification, blocking or erasure is refused, the controller shall inform the person concerned about the options of legal remedies or contacting the Authority.

Legal remedy

1. User may refuse the processing of its personal data
 - a) if the personal data processing or transmission is necessary exclusively to fulfill the legal obligations relating to the Provider or enforce the legitimate interests of the Provider, the data importer or a third party, except if data processing has been ordered by law;
 - b) if personal data is used or transmitted with the purpose of direct marketing, survey or scientific research;
 - c) in other cases defined by law.
2. Provider shall review the refusal at the shortest possible time from the submission of the request but not later than 15 days; Provider shall decide whether it is valid and inform the applicant about the decision in writing. If the Provider establishes that the refusal of the person concerned is valid, Provider shall terminate the data processing – including further data recording and transmission -, block the data and inform the persons about the refusal and the measures taken based thereon to whom the

personal data concerned in the refusal have earlier been transmitted and who shall take measures to enforce the right to refusal.

3. If User disagrees with the decision made by the Provider, User shall be entitled to refer the issue to the court within 30 days after the decision has been communicated. The issue shall be given priority at court.
4. If the controller possibly commits an infringement, complaints may be sent to the Hungarian National Authority for Data Protection and Freedom of Information:

Hungarian National Authority for Data Protection and Freedom of Information

1125 Budapest, Szilágyi Erzsébet fasor 22/C.

Address for correspondence: 1530 Budapest, Postafiók: 5.

Telephone: +36 -1-391-1400

Fax: +36-1-391-1410

E-mail: ugyfelszolgalat@naih.hu

Enforcement at court

1. The controller shall prove that data processing complies with the laws. The data importer shall prove the legality of data transmission.
2. The tribunal shall be competent in making the judgement in the lawsuit. The legal proceeding may be initiated – at the request of the person concerned – at the tribunal competent based on the place of residence or habitual residence of the person concerned.
3. Persons without the capacity to be parties to legal proceedings may stand to be parties during the legal proceedings. The Authority may intervene in the legal proceedings to ensure the success of the person concerned.
4. If the court grants the request, the controller shall be obliged to provide information, rectify, block, erase the data, repeal the decision made with automatic data processing, take into consideration the right of refusal of the person concerned, and release the data requested by the data importer.
5. If the request of the data importer is refused by court, the controller shall erase the personal data of the person concerned within 3 days after the decision has been communicated. The controller shall be obliged to erase the data even if the data importer does not refer the issue to the court before the given deadline expires.
6. The court may order the publication of its decision – by disclosing the identification data of the controller – if it is necessary based on the interests of data protection and the protected right of the huge number of persons concerned.

Compensation and damages

1. If the controller infringes the personality rights of the person concerned by unlawfully processing the data of the person concerned or not meeting the requirements of data safety, the person concerned shall have the right to demand damages from the controller.
2. In respect of the person concerned, the controller shall be liable for the damage caused by the data processor and shall pay the damages that are due to the person concerned in case of the infringement of personal rights by the data processor. The data processor shall be exempt from the liability for the caused damage and the payment of damages if the data processor proves that the damage or the infringement of the personal rights of the person concerned was triggered by an unavoidable cause irrespective of data processing.
3. The damage shall not be compensated and damages shall not be claimed if the damage arose from the deliberate or grave negligence of the aggrieved party or the impairment of a right caused by the infringement of the rights of personality arose from the deliberate or grave negligence of the person concerned.

Conclusion

The following acts were considered when compiling this guide:

- Act CXII of 2011 on Informational Self-Determination and Freedom of Information (Privacy Act);
- Act CVIII of 2001 on Certain Issues of Electronic Commerce Activities and Information Society Services (particularly Section 13/A);
- Act XLVII of 2008 on the Prohibition of Unfair Commercial Practices against Consumers;
- Act XLVIII of 2008 on the Basic Requirements and Certain Restrictions of Commercial Advertising Activities (particularly Section 6);
- Act XC of 2005 on the Freedom of Information by Electronic Means;
- Act C of 2003 on Electronic Communications (particularly Section 155);
- Opinion 16/2011 on EASA/IAB Best Practice Recommendation on Online Behavioural Advertising;
- Recommendation of the Hungarian National Authority for Data Protection and Freedom of Information on the data protection requirements of prior information