

Data Privacy Notice

related to the data processing practices regarding the professional activities of attorneys-at-law and the associated services provided by Fest and Partner Attorneys at Law

I. The designation of the data controller

Data Controller: Fest and Partner Attorneys at Law („**Law Firm**” or „**Data Controller**”)

Registered office: Hungary, 1054 Budapest, Báthory utca 8. I. emelet 6.

Postal address: Hungary, 1054 Budapest, Báthory utca 8. I. emelet 6.

E-mail: office@festandpartner.hu

Phone: +36 (1) 791 7060 (by telephone we are only able to provide general information)

Fax: +36 (1) 791 7065

Web: www.festandpartner.hu

II. The purpose of the Data Privacy Notice

The Law Firm, as the data controller, in accordance with the Regulation (EU) 2016/679 of the European Parliament and of the Council („**GDPR**”)¹ informs

- the job applicants / candidates („**job seeker**”) for the job offers,
- the natural person Clients using the services of the Law Firm and the other third parties involved in the proceedings, and
- the natural person service providers who render services for the Law Firm, and
- the contact persons of the non-natural person service providers who render services for the Law Firm, furthermore,
- the contact persons of the non-natural person Clients,

as data subjects („**data subject**”) about the use and process of their personal data („**data processing**”) as defined in this Data Privacy Notice hereinafter.

Our Law Firm respects the right to informational self-determination, the freedom and security of information of the data subjects, which is implemented by complying the fundamental principles of data protection and the relevant laws and the data processing is conducted in accordance with this Data Privacy Notice and the relevant principles of law. The Data Controller with regard to the data processing specified hereunder acknowledge the content of this notice as binding.

In our Privacy Notice we will describe the following:

- the purposes for which the data is processed and used (purpose of the processing),
- what entitles the Law Firm to process the data (legal basis for the processing),
- whether to use a data processor or to transfer data of the data subject to third parties (categories of recipients),
- how long we process the data (duration of data processing),
- the rights of data subjects regarding their personal data,
- the remedies available to data subjects.

Definitions to assist in the interpretation of this Privacy Notice are provided in Annex 1.

III. The purpose of the processing, the legal basis of the processing, the range of personal data that we process, the recipients of the personal data, the duration of the processing and the range of persons authorized to access personal data

¹ The 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).

The up to date version is available under the following link:

<https://net.jogtar.hu/jogszabaly?docid=A1600679.EUP>

III/1. The processing of the personal data – contained in the resume and other application material – of the applicants applied for job offers.

The purpose of the processing: Examining the fulfillment of the conditions of employment in connection with the job applications, CVs and other application materials received by our Law Firm in regard to the advertised job offers, and making a decision regarding the recruitment or employment of job seekers to our Law Firm.

The legal basis of the processing: The legal basis of the processing is the Article 6 (1) a) of the GDPR which is the specific, explicit and unambiguous consent of the jobseeker to the processing of personal data concerning him or her which with he or she will express his or her approval for the processing of personal data for the purposes of this point based on appropriate information.

A jobseeker's consent may be revoked at any time, but the revocation of the consent does not affect the legality of the consent-based data processing prior to the revocation.

Source of the personal data processed and the range of personal data not provided by the data subject to the controller: The Law Firm does not process personal data concerning job seekers that have not been obtained from the data subject.

The recipients of the personal data: Except in accordance with the law (e.g. to the court, police or prosecutor's office), our Law Firm does not transfer incoming job applications, CVs or other application materials to third parties or to any other recipient for statistical or other purposes, and the known personal data by our Law Firm will not be publicly disclosed.

The duration of the processing: The Law Firm will immediately delete the personal data processed in connection with the examination of the conditions of employment and the final evaluation of job applications in the event of the rejection of the job seeker or the withdrawal of the consent.

The range of persons authorized to access personal data: Partners and employees of the Law Firm involved in the evaluation of the job applications.

The jobseeker is solely responsible for the authenticity and accuracy of the data provided by him / her. The Law Firm is not responsible for any shortcomings in the disclosure of information or for any consequences resulting from the incorrectly given data and expressly excludes its liability in this respect to the fullest extent permitted by law.

We hereby inform you that you are not obliged to provide any of your personal data to our Law Firm, however, the failure to provide the required data will mean that we will not be able to consider / evaluate (in merit) your job applications or notify you of the result.

III/2. Processing of personal data of the contact persons of non-natural person service providers who render services for the Law Firm and the contact persons of non-natural person Clients, and the other third parties involved in the proceedings in order to perform assignments relating to the exercise of the profession of lawyer.

The purpose of the processing: Maintaining relationships with our current and potential Clients and business partners, in particular to establish and maintain a contractual relationship with Clients and to establish and maintain a contractual relationship with service providers (business relationship).

With respect to the processing of personal data of third parties (e.g. witnesses, opposing parties, other participants in the proceeding, employees of the Client), the purpose of data processing is to establish and execute assignments relating to the exercise of the profession of lawyer (e.g. to submit or establish legal claims), having regard to the Section 28 (3) of the Act LXXVIII. of 2017 on the professional activities of attorneys-at-law (hereinafter referred to as: **Hungarian Act on Attorneys**).

The legal basis of the processing: The legal basis of data processing pursuant to the Article 6 (1) f) of the GDPR is the legitimate interest of the Law Firm to inform its Clients about the information concerning them and to fulfill its obligations under the consultancy agreement between the Client and the Law Firm and to establish and maintain a contractual relationship with Clients and service providers having regard to the ethical rules and regulations related to attorneys in force at any given time.

Source of the personal data processed: The Law Firm obtains the personal data of the Client primarily from the Client or, having regard to the client, from third parties who are authorized to disclose the data by law / by the Client. In all other cases, including, but not limited to the source of personal data being a public record, a court, a public authority or any other relevant person, our Law Firm shall inform the client in accordance with Article 14 (3) of the GDPR.

The range of personal data not provided by the data subject to the controller: We process the names, phone numbers, e-mails and positions of our Clients / business partners who provide services for the Law Firm and in case of the personal data of third parties we process the data to establish and execute assignments relating to the exercise of the profession of lawyer.

The recipients of the personal data: Our Law Firm does not transfer the personal data of the contact persons of the non-natural person service providers who render services for the Law Firm and the contact persons of the non-natural person Clients to other recipients, and the known personal data will not be disclosed to the public.

Except in accordance with the law (e.g. to the court, police or prosecutor's office), our Law Firm does not transfer personal data of third parties to other recipients for statistical or other purposes, and the available personal data by our Law Firm will not be publicly disclosed.

The duration of the processing: The data processing will continue until the termination of the status of the contact person or the contractual relationship between the Client and the Law Firm, or the contractual relationship between the service provider and the Law Firm.

The Law Firm will keep the personal data of third parties processed in connection with assignments relating to the exercise of the profession of lawyer – having regard to the Section 46 (5) and (6) and Section 53 (5) of the Hungarian Act on Attorneys, furthermore, in regard to the Policy of the Hungarian Bar Association No 16/2018 (XI.26.) on the retention of documents relating to the exercise of the profession of lawyer - for the following retention periods (unless the parties have agreed on a longer period of retention):

- in the event of countersigning a document, the attorney-at-law shall keep all documents countersigned by him, as well as any other document drafted in the case involving countersigning the document concerned, for ten years from the countersigning;
- an attorney-at-law shall retain the electronic document for ten years from making a copy of it;
- an attorney-at-law shall retain paper-based documents countersigned by him and converted into electronic documents for five years from the date of conversion.

The range of persons authorized to access personal data: The associates of the Law Firm working on the current case of the Client, subcontractors of the Law Firm upon prior consent of the Client, as data processors, or due to the nature of the service other employees of the Law Firm.

III/3. Data processing of personal data of natural person Client in order to provide legal services / data processing of personal data of natural person Client rendering service to the Law Firm

The purpose of the processing: Maintaining relationships with our current and potential Clients and business partners, in particular to establish and maintain a contractual relationship with natural person Clients and to establish and maintain a contractual relationship with natural person service providers (business relationship). Data processing for this purpose is necessary in particular for:

- identification of the customer and communication via his / her contact details;
- establishment and execution of assignments relating to the exercise of the profession of lawyer;
- commission fees and charges, billing;
- fulfillment of the obligation of record keeping on cases;
- document management according to the law.

The legal basis of the processing: The legal basis of data processing pursuant to the Article 6 (1) b) of the GDPR is the performance of a contract to which the data subject (the natural person Client or the natural person service provider) is party having regard to the Section 28 (1) and (3) of the Hungarian Act on Attorneys.

Source of the personal data processed: The Law Firm obtains the personal data of the Client primarily from the Client or, having regard to the client, from third parties who are authorized to disclose the data by law / by the Client. In all other cases, including, but not limited to the source of personal data being

a public record, a court, a public authority or any other relevant person, our Law Firm shall inform the client in accordance with Article 14 (3) of the GDPR.

The range of personal data not provided by the data subject to the controller: As the case may be, we only process personal data required by applicable law. The natural person Client / service provider will be informed in advance of the specific personal data.

The recipients of the personal data: Except in accordance with the law (e.g. to the court, police or prosecutor's office), our Law Firm does not transfer personal data of the Clients to other recipients for statistical or other purposes, and the available personal data by our Law Firm will not be publicly disclosed.

The personal data of natural persons who render services to our Law Firm will not be transferred to other recipients and the known personal data by our Law Firm will not be publicly disclosed.

The duration of the processing: The personal data of natural person service providers who render services for the Law Firm will be processed until the termination of the contractual relationship between the service provider and the Law Firm, unless further processing of personal data is necessary for the establishment, exercise or defense of legal claims.

The Law Firm will keep the personal data of third parties processed in connection with assignments relating to the exercise of the profession of lawyer – having regard to the Section 46 (5) and (6) and Section 53 (3) and (5) of the Hungarian Act on Attorneys, furthermore, in regard to the Policy of the Hungarian Bar Association No 16/2018 (XI.26.) on the retention of documents relating to the exercise of the profession of lawyer - for the following retention periods (unless the parties have agreed on a longer period of retention):

- with respect to the personal data included in the records maintained about the cases:
 - for five years from the termination of the mandate;
 - in the event of countersigning a document, for ten years from countersigning it; and
 - in a case regarding the recording of a right relating to real estate into a publicly certified register, for ten years from the date of entry of that right.
- in the event of countersigning a document, the attorney-at-law shall keep all documents countersigned by him, as well as any other document drafted in the case involving countersigning the document concerned, for ten years from the countersigning;
- an attorney-at-law shall retain the electronic document for ten years from making a copy of it;
- an attorney-at-law shall retain paper-based documents countersigned by him and converted into electronic documents for five years from the date of conversion.

The range of persons authorized to access personal data: The associates of the Law Firm working on the current case of the Client, subcontractors of the Law Firm with prior consent of the Client, as data processors, or due to the nature of the service other employees of the Law Firm.

IV. Notification on the use of a data processor

Our Law Firm uses data processors (for example accounting firm, IT consultant, a subcontractor providing legal services) on a case-by-case basis, depending on the situation, from which inform the data subject in advance.

V. Brief description of the processing operations, security measures related

Our Law Firm stores the electronic documents containing personal data in a secure way on the server(s) to be found in the registered seat of the Law Firm, while the printed versions of the application materials are stored in (a) locked filing cabinet(s) to be found in the seat of the Law Firm. After the end of the determined period, or expiry of the purposes of the data processing, the personal data of electronic format will be definitely erased from our server(s), and the paper-based documentation will be destructed and eliminated in such a way that the restoration of it will not be possible according to the present state of science and technology. Furthermore, our Law Firm uses an installed alarm system in order to protect your personal data.

Our Law Firm does not apply automated decision-making and does not carry on profiling by using the personal data provided.

VI. Rights related to the data processing

VI./1. Deadlines

The Law Firm as controller, shall provide the data subject with information on action taken on the request of the data subject to exercise his / her rights without undue delay and in any event within one (1) month of the receipt of the request. The controller shall inform the data subject of any extension of the deadline within (1) one month of receipt of the request, together with the reasons for the delay. The day of the receipt of the request shall not be included in the deadline.

If the controller does not take action on the request of the data subject, the controller shall inform the data subject without delay but 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.

The deadline may be extended by the controller by two further months where necessary, taking into account the complexity and number of the requests. The controller shall inform the data subject of any extension of the deadline within (1) one month of receipt of the request, together with the reasons for the delay.

VI./2. Rights of the data subject related to the data processing

a) Access to personal data

The data subject is entitled to request information from the controller whether the processing of his / her personal data is in progress, by way of the contact details given in point I., and in case it is, he / she is entitled to know

- which personal data;
- on which legal basis;
- for what purpose;
- what is the source of the personal data processed (in case not the data subject provided access to them);
- for how long we process his / her data, and
- who, when, based on which rule of law and to which personal data of his / hers our Law Firm provided access to, or who they were forwarded to.

Our Law Firm provides the data subjects with the copy of the personal data being subject to data processing. The right to obtain a copy shall not adversely affect the rights and freedoms of others.

The controller provides the data subjects with the copy of the personal data being subject to data processing free of charge for the first time, and subsequently it may charge a reasonable fee taking into account the administrative costs.

In order to fulfil the data security requirements and protect the rights of the data subject, the controller shall ascertain that the identity of the data subject coincides with the identity of the person wishing to exercise his / her right to access, for this reason the information provision, consultation, and the provision of copies thereof is bound to the identification of the data subject.

b) Right to rectification

The data subject is entitled to request from our Law Firm to modify any of his / her personal data (e. g. they can change his / her e-mail address or address any time) by way of the contact details given in point I. In case the data subject can prove the accuracy of the data in a credible way, the Law Firm executes the request within one (1) month, at the latest, and informs the data subject thereof by way of the contact details provided by him / her.

c) Right to erasure

The data subject may exercise his / her right to erasure by way of the contact details given in point I., in case:

- the contract violates the principles set out in Article 5 of GDPR, thus, it is unlawful, or
- the data processing is not necessary any more for the purposes determined in the Data Privacy Notice, or
- the data subject withdraws consent on which the processing is based, and there is no other legal ground for processing, or
- the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject.

The data subject shall not exercise his / her right to erasure in case further data processing is necessary in order to fulfil a legal obligation in Union or Member State law, or in case the data processing is necessary for the establishment, exercise or defense of legal claims.

d) Right to restriction of processing

The data subject is entitled to request from our Law Firm to restrict the processing of his / her personal data (definitely indicating, at the same time, that the processing of the personal data is restricted and ensuring the separate processing from other data) by way of the contact details given in point I, in case:

- the accuracy of the personal data is contested by the data subject (for a period enabling the controller to verify the accuracy of the personal data);
- the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead [in this case our Law Firm keeps storing the documentation containing personal data (e.g. curriculum vitae) until the request of the court or the authority and erase them afterwards];
- the 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 defense of legal claims;
- the data subject has objected to processing (pending the verification whether the legitimate grounds of the controller override those of the data subject).
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The restriction of the data processing is continued as long as the justification indicated by the data subject makes it necessary.

e) Right to object

The data subject shall have the right to object by way of the contact details given in point I, on grounds relating to his / her particular situation, at any time to processing of personal data concerning him / her which is based on point (f) of Article 6 (1).

In this case, our Law Firm shall no longer process the personal data unless we demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defense of legal claims.

f) Right to data portability

The data subject shall have the right to receive the personal data concerning him / her, which he / she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller – by way of the contact details given in point I. – in case the processing is based on consent pursuant to point (b) of Article 6 (1) of GDPR.

g) Right to compensation and liability

Any person who has suffered material or non-material damage as a result of an infringement of the provisions of GDPR shall have the right to receive compensation for the damage suffered (see provision in point b) of chapter VII.).

V. Possibilities of asserting claims related to the data processing

a) Dispute resolution in our Law Firm

Our Law Firm recommends the data subject to turn to us directly by way of the contact details given in point I., in case he or she reckons that his or her personal data are processed in an unlawful / abusive manner. Our Law Firm is deeply committed to protect personal data and ensure the exquisite effectiveness of right to informational self-determination; thus, we do our best efforts in order to respond your questions / doubts / notes raised in a comforting way, the soonest possible but within one (1) month, at the latest.

b) Access to the courts

The data subject is entitled to judicial remedy in case, according to his / her view, his / her rights pursuant to GDPR were violated due to the inappropriate treatment of his / her personal data in line with GDPR.

The data subject might decide on bringing action before the regional court of his / her domicile or residence (please find the list and contact details of the regional courts at the below link: <http://birosag.hu/torvenyszekek>).

c) Initiate the proceedings of National Authority of Data Protection and Informational Freedom

The data subject might initiate an inspection at the National Authority of Data Protection and Informational Freedom by way of his / her announcement with reference to that his / her rights were violated during the data processing, or there is an imminent danger thereof.

Contact details of the National Authority of Data Protection and Informational Freedom:

- Official electronical mailing address: ugyfelszolgalat@naih.hu
- Mailing address: 1530 Budapest, Pf.: 5.
- Telephone number: +36 (1) 391 1400
- Fax: +36 (1) 391 1410
- Address: Hungary, 1125 Budapest, Szilágyi Erzsébet fasor 22/C
- Website: www.naih.hu

Our Law Firm reserves the right to amend the present Data Privacy Notice unilaterally at any time, without justification. In case of the present Data Privacy Notice is amended by our Law Firm, all the data subjects will be informed thereof, in accordance with the relatively respective provisions of the rules of law.

Fest and Partner Attorneys at Law

Appendix 1: Definitions

- personal data means any information relating to an identified or identifiable natural person ('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;
- processing means 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;
- controller means 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;
- consent of the data subject means 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;
- recipient means 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.