

**Data protection information in the 2014-2020 programming period for the Hungary-Slovakia-Romania-Ukraine ENI Cross-border Cooperation Programme co-financed under the European Neighbourhood Instrument**

*Last updated: 29/10/2020*

**Controller's data:**

**Name:** Ministry of Foreign Affairs and Trade

**Registered office:** 1027 Budapest, Bem rakpart 47.

**Name of the Data Protection Officer:** dr. Szilvia Molnár-Friedrich

**Contact details of the Data Protection Officer:** SzMolnar-Friedrich@mfa.gov.hu

The Ministry of Foreign Affairs and Trade (hereinafter: 'Controller') manages the data of natural persons (hereinafter: 'Data Subjects') related to grant applications submitted for the Hungary-Slovakia-Romania-Ukraine ENI Cross-border Cooperation Programme co-financed under the European Neighbourhood Instrument in the 2014-2020 programming period as a data controller. The purpose of this document is to provide information on the processing of personal data and the rights related to personal data.

Pursuant to Article 4 of 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, hereinafter: GDPR), the terms used in this information notice are defined as follows:

- '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;
- 'processor' means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;
- '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;

- ‘third party’ means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data;
- ‘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;
- ‘supervisory authority’ means an independent public authority which is established by a Member State pursuant to Article 51;

### **Legal background to the processing of personal data**

In particular, the following laws shall govern the processing of data by the Data Controller:

- 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, hereinafter: GDPR),
- Commission Implementing Regulation (EU) No 897/2014 of 18 August 2014 laying down specific provisions for the implementation of cross-border cooperation programmes financed under Regulation (EU) No 232/2014 of the European Parliament and the Council establishing a European Neighbourhood Instrument (hereinafter: Implementing Regulation (EU) No 897/2014),
- Government Decree No 83/2018 (of April 20) on the implementation of the Hungary-Slovakia-Romania-Ukraine ENI Cross-border Cooperation Programme co-financed under the European Neighbourhood Instrument in the 2014-2020 programming period,
- Government Decree 238/2015 (of November 4) on the institutional framework for the implementation of certain cross-border cooperation programmes of the European Regional Development Fund, the Instrument for Pre-Accession Assistance and the European Neighbourhood Instrument in the 2014-2020 programming period.

### **Purpose, legal basis, duration and obligation of the processing**

The purpose of processing is to fulfil the obligations set out in the legislation related to the use of the grant, and to exercise the public authority granted to the controller.

The Controller manages personal data to a different extent depending on the type and existence of the legal relationship with the Data Subject. Processing includes the data processed in the course of fulfilling the administrative obligations towards the grant management organisations, and data used in project implementation and stored in the project documentation kept on the Data Controller's site.

In accordance with Article 70 of the Implementing Regulation (EU) No 897/2014, the duration of the processing shall be five years from the date of payment of the balance for the programme. Records pertaining to audits, appeals, litigation or pursuit of claims arising from the programme or project performance shall be retained until such audits, appeals, litigation or claims have been completed.

## **Method of sharing Data Subjects' data, transferring data to other organisations**

In processing the data, the Controller shall be entitled and/or obliged to forward, or make available, certain personal data of the Data Subject to data processors, further data controllers or data processors (recipients) used by them if this is:

- necessary to perform the contract;
- required by law;
- possible on the basis of the consent given by the Data Subject.

In some cases, the Controller may need to disclose certain personal information to other recipients. Recipients shall handle Data Subjects' data in compliance with the data protection principles and the provisions of this Data protection information and applicable law. We may share your personal information with the following recipients:

- Data processors acting on behalf of the Controller (advisors, project managers);
- Organisations participating in the grant management process in accordance with Government Decree 238/2015 (of November 4);
- Organisations participating in the grant management process in accordance with Implementing Regulation (EU) No 897/2014;
- Data processors of grant management organisations (organisations responsible for development policy systems and organisations that operate, develop and maintain the portal).

## **Enforcing the Data Protection Rights of the Data Subject**

It is important for the Controller to ensure that Data Subjects become acquainted with their data protection rights. To this end, and in accordance with the applicable data protection rules, the following describes the data protection rights that a Data Subject may enforce in relation to his or her personal data:

- Right to withdraw (Article 7 of the GDPR): You have the right to withdraw your consent to data processing at any time. Withdrawal of the consent shall not affect the lawfulness of the data processing carried out on the basis of the consent.
- Right to access (Article 15 of the GDPR): You have the right to receive feedback on whether your personal data is being processed and, if the data is being processed, to receive a copy of the personal data that is being processed, and to be informed of the essential circumstances of the data processing.
- Right to rectification (Article 16 of the GDPR): You may request the correction, without undue delay, of personal data that is inaccurately managed by the Controller, and that any personal information that is incomplete is completed. In such a case, the Controller verifies the accuracy of the data and corrects the data accordingly.
- Right to data portability (Article 20 of the GDPR): You have the right to request a copy of your personal data processed under a contract and to forward it to other organisations, or to request from the Controller the forwarding of such data.
- Right to object (Article 21 of the GDPR): You may object to the ongoing processing of your personal data and may request that it be terminated in the future if such processing is necessary to exercise the legitimate interests of the Controller or a third party, or is deemed not necessary to exercise public authority, or the data

management is not in the public interest. In such a case, the Data Controller will review your request and, depending on this, will terminate further processing of the data.

- Right to erasure (Article 17 of the GDPR): You may initiate the deletion of your personal data by the Controller if:
  - the purpose of the data management is no longer valid and there is no longer any need to manage that data;
  - you have exercised the right of withdrawal with respect to the data in question, and there is no other legal basis for data management;
  - you have exercised the right of objection to the data in question, and there is no other legitimate reason for processing the data,
  - processing of your data is unlawful;
  - your data must be deleted in order to comply with a legal requirement;

In such a case, the Controller will examine your request and, if deletion of the data is possible, will not only delete your data in its records, but will also forward your request to the persons and entities to whom the data have been disclosed and who are accessible in a reasonable and as expected way.

- Right to restriction of processing (Article 18 of the GDPR): You have the right to request restricted processing of your data by the Controller if any of the following conditions are met:
  - You dispute the accuracy of the personal data in question, in which case the limitation applies to the period when the Controller verifies the accuracy of the personal data;
  - You have objected to the processing, in which case the limitation applies to the period until it is determined whether the Controller's legitimate reasons take precedence over the Data Subject's legitimate reasons,
  - the processing of the data concerned is unlawful, or the purpose of the processing has ceased to exist, but for some reason you object to the deletion of the data;
  - the Controller no longer needs your data, but you need it to make, enforce and defend a legal claim;

In this case, your data will be blocked, after which any data processing operation (except storage) may be performed only with your consent. The restriction may be lifted if the use of the data concerned is necessary for the submission, enforcement, protection or defence of a legal claim, or for the protection of the rights of others or in the public interest of the EU / a Member State. You will always be informed about the lifting of the restriction. Your request for restriction will be forwarded by the Controller to the persons and organisations to whom the data have been communicated and which are accessible in a reasonable way and as expected.

## **How to Submit a Data Protection Request**

You may submit your request for access, rectification, restriction, deletion, objection or data portability by electronic means, at the contact information of the Controller's Data Protection Officer. If you wish to exercise your rights, this will entail your identification, and we will need to communicate with you. Therefore, personal information will be required for identification. Identification can only be based on data that we anyway process in connection with you. Your data management related complaint will be accessible in our email account until we resolve the complaint.

## **Possibilities for Legal Remedies**

**Any questions regarding the processing of your data may be referred to the Controller's Data Protection Officer.**

If you believe that your personal data related rights have been violated, you may seek legal redress or file a complaint with the National Authority for Data Protection and Freedom of Information (hereinafter referred to as: 'Supervisory Authority').

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| <b>Seat of the Supervisory Authority:</b>        | 1055 Budapest, Falk Miksa utca 9-11.                                 |
| <b>Supervisory Authority's Postal address:</b>   | 1363 Budapest, Pf. 9.  |
| <b>Supervisory Authority's telephone number:</b> | +36 1 391 1400;  |
| <b>Supervisory Authority's email address:</b>    | <a href="mailto:ugyfelszolgalat@naih.hu">ugyfelszolgalat@naih.hu</a> |
| <b>Supervisory Authority's website:</b>          | <a href="http://www.naih.hu">www.naih.hu</a>                         |

## **Review of the data protection information**

The information shall be reviewed at least once a year and, as appropriate, by the Controller, and the results of it shall be communicated to those concerned. When determining the method of notification, the Controller shall take into account aspects such as the significance of the change or the persons and data affected by the change.