

DATA PROCESSING POLICY / PRIVACY NOTICE

In the context of our professional activities, CERHA HEMPEL Dezső & Partners (HU-1011 Budapest, Fő utca 14-18., tel.: +36 1 457 8040, e-mail: dataprotection@cerhahempel.hu, represented by: Dr Tamás Polauf; hereinafter: “CERHA HEMPEL”) as data controller and, where applicable, the independent lawyer cooperating with us advising you (hereinafter “we”, “us”, “our” or “CERHA HEMPEL”) processes – as the controller within the meaning of Article 4(7) of the General Data Protection Regulation (Regulation (EU) 2016/679; hereinafter “GDPR”) – your personal data and the personal data of your employees and/or members of corporate bodies (hereinafter “you” or “your”). This privacy notice informs you of the details of the processing of your personal data. Personal data is all information which relates to an identified or identifiable person, such as his/her name, date of birth, address etc. (hereinafter “data”).

The <https://www.cerhahempel.com/> website is operated by CERHA HEMPEL Rechtsanwälte GmbH (CERHA HEMPEL Vienna), and therefore data protection information pertaining to this website is included in CERHA HEMPEL Vienna’s data processing policy.

NOTE: *If we provide our professional services to legal entities, we kindly ask our contract and business partners to bring this privacy notice to the attention of the natural persons concerned (in particular employees and other natural person data subjects).*

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A. DATA PROCESSING IN CONNECTION WITH OUR SERVICE

Categories of data subjects and personal data

The data of our contract partners and of the owners of personal data that we process in connection with our service (clients, suppliers and their employees, contact persons, executive officers, parties in litigation and their counsels, witnesses, experts, officials of regulatory authorities and courts, and persons who participate in, or are affected by, a procedure, etc.) are processed as follows.

Categories of personal data processed: name, address, e-mail address, telephone number, tax identifier, mother's birth name, position. Additional personal data will only be processed as the circumstances of a specific case require and to the extent necessary and proportionate in line with the principle of data minimisation.

1) For what purposes do we process your data and on which legal basis?

We process your data for the following purposes and on the following legal bases:

a. Contractual performance

We process the data of our contract partners and the owners of personal data that we process in connection with our service, for the purpose of the performance of a contract, i.e. so as to provide our legal services or other contractually agreed services. Such processing is lawful on the basis of Article 6(1)(b) GDPR (performance of a contract).

If this data is not provided to us in full or at all, we may not be able to meet all of our contractual obligations or to conclude the contract in the first place.

b. Compliance with legal obligations

Furthermore, we process personal data in order to comply with the legal obligations to which we are subject (e.g. document archiving requirements specified in Hungary's Act C of 2000 on Accounting [Accounting Act] and Act LXXVIII of 2017 on Attorneys [AA], accounting, tax, anti-money laundering and client identification requirements and requirements associated with court procedures, etc.). Such processing is lawful on the basis of Article 6(1)(c) GDPR (compliance with a legal obligation).

Also in this regard, we may not be able to meet all of our contractual obligations or conclude the contract in the first place, if data are not provided in full or at all.

c. Management and database of contract partners

Furthermore, we process your data for administration and business management purposes (e.g. bookkeeping, cost accounting, maintaining a database of contract partners). Such processing is conducted on the basis of our legitimate interest in running our business properly and efficiently and in managing and optimising the selection of our contract partners (suppliers, tradesmen, etc.) and thus is lawful on the basis of Article 6(1)(f) GDPR.

d. Client management and marketing

Lastly, we process the personal data of current, former and potential clients and their employees for the purposes of client management and marketing. Such processing is conducted on the grounds of our legitimate interest in maintaining and developing existing and former client contacts and in acquiring new clients and thus is lawful on the basis of Article 6(1)(f) GDPR.

2) Who receives your data?

Recipients and data transfers: Your data will be disclosed by us only if there is a valid legal basis for such disclosure and provided it does not violate our duty of confidentiality. In any case, we only disclose your data to the extent necessary for each specific purpose, or as required under the relevant legal provision, in line with any legitimate interest or, in the case of consent, as specified by you.

Where necessary, your data will be disclosed in particular to the following recipients:

- Our CERHA HEMPEL partner law firms, to the extent this is necessary for the purpose of providing legal advice (for a current list of our partner law firms, please see <https://www.cerhahempel.com/offices>);
- Independent attorneys (substitutes) cooperating with CERHA HEMPEL;
- Tax consultants or auditors;
- Translators, interpreters;
- Bar associations;
- Banks;
- Insurance undertakings;
- Courts and authorities;
- Opponents and their legal representation;
- Service providers (e.g. travel companies, chauffeur services, hotels).

Furthermore, we sometimes use service providers (data processors) for data processing (in particular for technical support). These processors have agreed to maintain the confidentiality of your data, are carefully selected by us, and are bound by our instructions. In particular, we employ the services of the following processors:

- CHRONOSOFT Hungária Informatikai és Számítástechnikai Korlátolt Felelősségű Társaság (address: HU-1022 Budapest, Bimbó út 26, fsz. 4);
- Titan1 Software & Design Korlátolt Felelősségű Társaság (address: HU-1039 Budapest, Szentendrei út 331);
- TPA Consulting Adótanácsadó Korlátolt Felelősségű Társaság (address: HU-1024 Budapest, Buday László utca 12);
- ATA Solution Korlátolt Felelősségű Társaság (address: HU-2330 Dunaharaszti, Kassák Lajos utca 1 A ép.);
- FÓKUSZ COMPUTER Kereskedelmi és Szolgáltató Korlátolt Felelősségű Társaság (address: HU-2030 Érd, András utca 20);
- Országos Fordító és Fordításhitelesítő Iroda Zártkörűen Működő Részvénytársaság (address: HU-1062 Budapest, Bajza utca 52);
- Fordítóművek Európa Korlátolt Felelősségű Társaság (address: HU-1044 Budapest, Felső utca 3);

- Tranis Korlátolt Felelősségű Társaság (address: HU-1027 Budapest, Kacska utca 16. 4. em. 9);
- Benedicty Gergely egyéni vállalkozó (address: HU-2089 Telki, Berkenye utca 21).

3) How long will your personal data be retained?

In principle, we retain your data until the contractual relationship is fulfilled or has ended. Furthermore, we are subject to multiple retention obligations, in accordance with which data are also required to be retained beyond the term of the contract, as stipulated for instance on the basis of retention periods provided under tax law or professional rules of conduct. (For example, under the general rule, lawyers are required to retain electronic documents for a period of 10 years after the date when a copy of them is made. The general rule states that countersigned paper-based documents that are digitalised must be retained for 5 years after the digitalisation. Countersigned documents and other related documents must be retained for 10 years after the countersigning.) Additionally, we will also retain your data, where appropriate, as long as legal claims can be made in connection with your agreement, i.e. until end of prescriptive period (generally 5 years if the prescriptive period is not suspended). In the case of ongoing regulatory or court procedures, we will retain your data until the procedure is concluded with a final and binding resolution or judgment, whereas in the case of extraordinary remedy procedures, we will retain the data until the procedure is concluded or the deadline for filing a relevant application expires.

Moreover, we retain your data beyond the term of the contractual relationship as part of our database of contract partners and for the purposes of client management. We delete your data if you object to such data processing or if there has been no contact with you for business purposes over a period of two years.

4) Sources of data

We may receive or obtain data directly from you, a client, third parties, official registries or public sources on the internet.

B. JOB APPLICATIONS (HR / RECRUITMENT)

If you apply for a job advertised by CERHA HEMPEL, e.g. on our Career Portal (<https://www.cerhahempel.com/career>) or on a social media site, please read the following information carefully.

If you apply for a position advertised by CERHA HEMPEL, please send your application to the hr@cerhahempel.hu e-mail address. This policy serves to inform applicants about CERHA HEMPEL's relevant data protection rules. If you apply for a position, you are expressly requested to start your preparation of the application by reading the data protection rules pertaining to the recruitment process and to observe them throughout the process.

Categories of data subjects and personal data

Data subjects are applicants who respond to CERHA HEMPEL's job postings and persons who send their applications to CERHA HEMPEL for employment or cooperation purposes without a specific job posting.

We will process the following personal data in connection with your application: name, address, e-mail address, telephone number, place and date of birth, previous employers, education, qualifications, skills, language proficiency, photo, information posted on business and public social media sites, results of professional aptitude tests. We will also process information stated in your resume and motivational letter.

You are expressly requested not to include / indicate the following data about yourself in the application, because these are partly subject to different data protection rules: racial or ethnic origin, data hinting at political opinions, religious or other beliefs or trade union membership, genetic and biometric data that allow unique identification, and data on health status, sex life or sexual orientation.

Your medical ability will not be examined during the recruitment process.

1) For what purposes do we process your data and on which legal basis?

Legal basis for data processing: your consent, and in order to enter into an employment contract.
Purpose of data processing: job application and the conclusion of an employment contract.

2) How long will your personal data be retained?

Your application will be erased/destroyed as soon as the position is filled.

CERHA HEMPEL will only process your application in connection with the position that you apply for. CERHA HEMPEL replies to all applications. If your application is not successful and you would like CERHA HEMPEL to contact you in connection with similar positions in the future, please indicate this to us expressly in writing (mail or e-mail) after you receive our written response. In that case we will retain your application until the end of the calendar half year following the submission of your application.

If you do not disclose the relevant data or withdraw your consent, you will no longer be able to participate in the recruitment process.

3) Sources of data

We may only receive data directly from you.

C. GENERAL DESCRIPTION OF TECHNICAL AND ORGANISATIONAL MEASURES

In order to protect data stored on our computer networks, we have implemented the following measures:

The personal data are stored on our IT devices and our web hosting server. Our information technology solutions and equipment ensure that properly authorised persons can access the data, guarantee data accuracy and data integrity, and protect the data against unauthorised access (data confidentiality). We ensure the security of the data with measures that we can be reasonably expected to implement and that are proportionate with the risks associated with our processing operations. We rely on available information technology solutions, including hardware and software based security solutions, to diligently make all efforts to prevent unauthorised access to, and unauthorised transfer, disclosure, alteration, deletion and destruction, and accidental loss of data, and the inaccessibility of data due to technological changes. We log all processing operations, and therefore any violation of data integrity is documented and traceable.

In particular, we use the following protective measures at server and application level:

- **Virus protection:** The network on which personal data are processed is protected against viruses. The devices used by our employees and agents are equipped with centrally monitored antivirus and intrusion prevention software.
- **Access protection:** Access to personal data and data files on our network is protected with the use of usernames and passwords.
- **Network protection:** Our information technology solutions and their application guarantee that unauthorised persons cannot gain access to the network.
- **Other:** Backup saves are made of data at regular intervals.

To ensure physical protection, there is an access entry system and a main entrance reception desk in the office building where our offices are located, and we also have our own reception desk, all of which ensure that only authorised persons can enter our offices. Our visitors are accompanied by our staff or otherwise supervised at all times. There is a fire and smoke alarm system installed in our offices. We have implemented a Clean Desk Policy. Documents are stored in closed cabinets. Third parties can only enter rooms where work is carried out if accompanied by our staff; otherwise, meetings and communication with visitors takes place in meeting rooms and common areas.

We and our data processors always determine and implement measures to protect data on the basis of state-of-the-art technology. If there are several data processing solutions, we select the one that guarantees a higher level of protection for personal data, unless this would create disproportionate difficulties for you.

D. YOUR RIGHTS IN CONNECTION WITH THE PROCESSING OF YOUR DATA

The General Data Protection Regulation (Regulation (EU) 2016/679) grants you as a data subject certain rights to which we wish to draw your attention in the following. Please note that these rights are complementary, which means that you can for instance either request that your data be rectified/completed or that it be erased.

1. *Revocation of consent*

Where CERHA HEMPEL processes your personal data with your consent, you have the right to revoke your consent at any time. However, this does not affect the lawfulness of data processing conducted up until the time of revocation.

2. *Right of access*

You have the right to obtain information on the origin, categories, storage duration, recipients, and purpose of the data relating to you processed by CERHA HEMPEL, as well as information on the nature of the processing, your rights as data subjects, the right to file a complaint, and automated decision-making and profiling (if applicable).

3. *Right to rectification and erasure*

In the event CERHA HEMPEL processes data relating to you that are incorrect or incomplete, you have the right to request that the data be rectified or completed. Further, you have the right to request the erasure of data processed unlawfully.

4. *Right to restriction of processing*

If it is unclear whether the processed data relating to you are incorrect or incomplete or whether they are being or have been unlawfully processed, or you require us to continue to store your data despite our intention to delete the data (e.g. in connection with legal claims), you have the right to request the restriction of the processing of your data until such time as this issue is clarified.

5. *Right to object*

You have the right to object to the processing of your data even if the data relating to you are correct and complete and even if they are being processed lawfully by CERHA HEMPEL. However, you may only do so in situations in which you provide special justification.

6. *Right to data portability*

You have a right to obtain data relating to you that have been processed by CERHA HEMPEL, which CERHA HEMPEL received from you, in a machine-readable format determined by CERHA HEMPEL or you may instruct CERHA HEMPEL to transfer the data directly to a third party of your choosing provided, however, that CERHA HEMPEL makes this possible for the recipient from a technical perspective and that the transfer of data is not hindered or impeded due to it being an unreasonable burden and providing no other confidentiality obligations or considerations on the part of CERHA HEMPEL or third parties stand in the way of such transfer.

7. *To whom can you turn to enforce your rights as a data subject?*

To assert the aforementioned rights, please write (via letter or email) to the contact specified below.

Contact:

CERHA HEMPEL Dezső & Partners Law Firm

Address: HU-1011 Budapest, Fő utca 14-18

E-mail: dataprotection@cerhahempel.hu

Telephone: +361-457-8040

Represented by: Dr Tamás Polauf

8. *Right to file complaints and seek legal redress*

Lastly, you have a right to lodge a complaint with the Data Protection Authority if you are of the view that the processing of the personal data relating to you breaches the provisions of the General Data Protection Regulation (Regulation (EU) 2016/679).

Nemzeti Adatvédelmi és Információszabadság Hatóság (National Authority for Data Protection and Freedom of Information, Hungary)

HU-1125 Budapest, Szilágyi Erzsébet fasor 22/c

Telephone: +36 1 391-1400

Fax: +36 1 391-1410

E-mail: ugyfelszolgalat@naih.hu

You can file a lawsuit against us or our data processors if you believe that we or our data processors have processed your data in violation of the applicable regulations. You can choose to file the lawsuit with a court that has jurisdiction over your residence or place of stay.

E. PROCESSORS

Name	Contact details	Activities
CHRONOSOFT Hungária Informatikai és Számítástechnikai Korlátolt Felelősségű Társaság	HU-1022 Budapest, Bimbó út 26., fsz. 4	time-tracking and management software
Titan1 Software & Design Korlátolt Felelősségű Társaság	HU-1039 Budapest, Szentendrei út 331	time-tracking and management software
TPA Consulting Adótanácsadó Kft.	HU-1024 Budapest, Buday László utca 12	tax advisory and accounting services
ATA Solution Korlátolt Felelősségű Társaság	HU-2330 Dunaharaszti, Kassák Lajos utca 1 A ép.	tax advisory and accounting services
FÓKUSZ COMPUTER Kereskedelmi és Szolgáltató Korlátolt Felelősségű Társaság	HU-2030 Érd, András utca 20.	IT services
Országos Fordító és Fordításhitelesítő Iroda Zártkörűen Működő Részvénytársaság	HU-1062 Budapest, Bajza utca 52.	translation and/or interpretation services
Fordítóművek Európa Korlátolt Felelősségű Társaság	HU-1044 Budapest, Felső utca 3.	translation and/or interpretation services
Tranis Korlátolt Felelősségű Társaság	HU-1027 Budapest, Kacsa utca 16. 4. em. 9.	translation and/or interpretation services
Benedicty Gergely egyéni vállalkozó	HU-2089 Telki, Berkenye utca 21.	translation and/or interpretation services

F. OTHER PROVISIONS

By signing our engagement letter and by accepting our services, our clients understand and accept the terms of this data processing policy without making a specific declaration. CERHA HEMPEL can modify this data processing policy unilaterally at any time. Modified versions of the data processing policy will be published on the <https://www.cerhahempel.com/privacy-notice> website in a consolidated version. Please make sure that you are aware of the latest version of our data processing policy. The data processing policy will be available on the <https://www.cerhahempel.com/privacy-notice> website at all times, and therefore data subjects can access, read, download or print it at any time. CERHA HEMPEL reserves the right to exclusively modify the data processing policy.

Budapest, 16 September 2019