

Data protection and data processing policy for the operation of the Hungary-Slovakia-Romania-Ukraine ENI Cross-border Cooperation Programme 2014-2020

The purpose of the present data protection and data processing policy (hereinafter referred to as 'Policy') is to define data protection and data processing principles related to **the operation of the Hungary-Slovakia-Romania-Ukraine ENI Cross-border Cooperation Programme 2014-2020** (hereinafter referred to as 'Program') **operated by the Széchenyi Program Office Consulting and Service Non-Profit Limited Liability Company** (hereinafter referred to as 'Data Processor' or 'Company') and therefore, the data subject will be provided with adequate information of data processed by the Company or the data processor involved by the Company, source of the data, purpose of the processing, legal basis for the processing, period of processing, name and address of data processor involved by data controller, activity of data controller related to data processing, furthermore, where personal data is transferred the legal basis for and recipient of transfer of personal data.

Acts and their abbreviations used and considered in relation to the Policy

the Act	Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information
GDPR	Regulation (EU) 2016/679 of the European Parliament and of the Council of 17 December 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)
897/2014	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
Government Decree	Government Decree 197/2018. (X. 24.) on Széchenyi Program Office Consulting and Service Non-Profit Limited Liability Company
Gov Decree 83/2018	Government Decree No 83/2018 (IV.20) on the implementation of the Hungary-Slovakia-Romania-Ukraine ENI Cross-Border Cooperation Programme

Definitions

Definitions in the present Policy meet definitions of Article 4 of GDPR:

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

third party 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

supervisory authority means an independent public authority which is established by a Member State pursuant to Article 51

Where definitions of GDPR in force are different from the definitions of the present Policy, definitions of GDPR in force shall prevail.

I. Data controller and contact details

name: **Széchenyi Programme Office Consulting and Service Nonprofit Limited Liability Company**
registered office: 1053 Budapest, Szép utca 2. 4. em.
company reg. no: 01 09 916308
represented by: Áron Szakács (managing director)
e-mail: info@szechenyiprogramiroda.hu

II. Data processor

1. Managing Authority of the Program

name: **Ministry of Foreign Affairs and Trade of Hungary Department for Cross-border Cooperation Programmes**
registered office: 1027 Budapest, Medve u. 25-29. „B” F30/2.
represented by: Péter Kiss-Parciu (Deputy State Secretary)
e-mail: hathatar@mfa.gov.hu

The data controller forwards the personal data necessary for the performance of the tasks of the managing authority specified in the domestic and European Union legislation to the data processor.

2. National authorities of the Program

name: **Ministry of Foreign Affairs and Trade of Hungary Department for Cross-border Cooperation Programmes**
registered office: 1027 Budapest, Medve u. 25-29. „B” F30/2.
represented by: Péter Kiss-Parciu (Deputy State Secretary)
e-mail: hathatar@mfa.gov.hu

name: **Ministry of Investments, Regional Development and Informatization of the Slovak Republic Section of Cross-Border Cooperation Programmes**
registered office: Račianska 153/A, 830 03 Bratislava 33, Slovak Republic
represented by: Ms. Marianna Bašistová; Ms. Lucia Kaločaiová

e-mail: marianna.basistova@land.gov.sk; lucia.kalocaiova@land.gov.sk

name: **Ministry of Public Works, Development and Administration of Romania
Directorate-General for European Programmes Unit of National
Authorities for European Programmes**

registered office: Bd. Libertății, nr. 16, sector 5, Bucharest, 050706, Romania

represented by: Robert Costețchi (Programme manager)

e-mail: robert.costetchi@mdrap.ro

name: **Secretariat of the Cabinet of Ministers of Ukraine Directorate for
Coordination of International Technical Assistance**

registered office: 12/2, Mykhaila Hrushevskoho Street, 01008 Kyiv, Ukraine

represented by: Volodymyr Kharlanov (Chief Specialist)

e-mail: kharlanov@kmu.gov.ua

Counterparts of the MA/NA; responsible for the coordination of the programming process in their countries in the programme preparation period and they bear the ultimate responsibility for the implementation of the programme on their country's territory.

3. Control contact points, national controllers and auditors

The Control Contact Points (CCPs) are listed below and have the task of supporting the Managing Authority in its control of the programme obligations. In addition the national controllers for the member states have the role of examining the expenditures declared by the beneficiaries. In the Member States, the body performing the national controllers' task is the same institution as the Control Contact Point.

Hungary

Széchenyi Programme Office Consulting and Service Nonprofit Limited Liability Company

Slovakia

Ministry of Investments, Regional Development and Informatization of the Slovak Republic Section of Cross-Border Cooperation Programmes

Romania

Ministry of Regional Development and Public Administration, General Directorate of Territorial Activity Coordination – First Level Control Department

In case of Ukraine:

The Control Contact Point: Ministry of Finance of Ukraine

Auditors: pre-selected long list of external auditors carried out by the CCP

The data controller will send them the data necessary to perform the above tasks.

Given that Ukraine is a third country under the GDPR, the data controller has examined the provisions of GDPR Articles 44-46, and finds that the transmission of the processed data is secure as it is done to a body (ministry) performing a public task.

4. Audit bodies of the Program

The audit authorities of the Program shall have access to the data to the extent necessary for the performance of their duties.

Audit Authority (Directorate General for Audit of European Funds Hungary) and representatives to the group of auditors referred to in Article 28 (2).

Hungary:

Institution: Directorate General for Audit of European Funds Hungary; Department/Position: Directorate for Economic Development and Auditing International Funds

Slovakia:

Institution: Ministry of Finance of the Slovak Republic; Department/Position: Audit and Control Section

Romania:

Institution: Romanian Court of Accounts - Audit Authority; Department/Position: Audit Directorate for ERDF

Ukraine:

Institution: Accounting Chamber of Ukraine

Departments/Positions:

Defence and Law Enforcement Audit Department, Head Controller and Director of the Department and Auditor

Agricultural Industry, Nature Protection and Emergencies Audit Department, Chief of the division and Senior Auditor

Chairman Advisor

5. The operator of the Program's website

name: **SRG Group Limited Liability Company**
 registered office: 2161 Csomád, Levente utca 14/a.
 company reg. no: 13-09-197896
 represented by: Hais Bertalan Bonifác
 e-mail: ceg@srg.hu

III. Data protection officer and contact details

Data protection officer designated by the Company:

name: Judit Nyerges dr.
 postal address: 1053 Budapest, Szép utca 2. 4. em.
 e-mail: dataprotectionofficer@szechenyiprogramiroda.hu

IV. Personal data, purpose of processing, legal basis for processing, period of processing

personal data	purpose of processing	legal basis for processing	means of processing	period of processing
birth surname and first name of the contractual partner	data necessary to identify the natural person to conclusion of the contract	GDPR Article 6 (1) (b)	electronic, on paper	duration specified by the European Union / time to maintain the Program

permanent and/or temporary address of the contractual partner	data necessary to identify the natural person to conclusion of the contract	GDPR Article 6 (1) (b)	electronic, on paper	duration specified by the European Union / time to maintain the Program
place of birth, date of birth of the contractual partner	data necessary to identify the natural person to conclusion of the contract	GDPR Article 6 (1) (b)	electronic, on paper	specified by the European Union / time to maintain the Program
nationality	may be included in the curriculum vitae in an expert call for proposals - application evaluation guide, prescribed by the Joint Monitoring Committee, a requirement due to the specifics of the program	GDPR Article 6 (1) (e)	electronic, on paper	duration specified by the European Union / time to maintain the Program
e-mail address	1. newsletter; 2. contact (the data subject can choose the most effective form of contact for her or him)	1. GDPR Article 6 (1) (a) 2. GDPR Article 6 (1) (b), (e)	electronic, on paper	duration specified by the European Union / time to maintain the Program
tax identification number of the contractual partner	data necessary to identify the natural person to conclusion of the contract	GDPR Article 6 (1) (b)	electronic, on paper	duration specified by the European Union / time to maintain the Program
phone number	contact (the data subject can choose the most effective form of contact for her or him)	GDPR Article 6 (1) (b), (e)	electronic, on paper	duration specified by the European Union / time to maintain the Program
personal identification number or identity card number	data necessary to identify the natural person to conclusion of the contract	GDPR Article 6 (1) (b), (e)	electronic, on paper	duration specified by the European Union / time to maintain the Program
passport number of the contractual partner	data necessary to identify the natural person to conclusion of the contract	GDPR Article 6 (1) (b), (e)	electronic, on paper	duration specified by the European Union / time to maintain the Program

wage data and other benefits	Individuals under contract to the Project Beneficiary who participate in the implementation of a project element	GDPR Article 6 (1) (e)	electronic, on paper	duration specified by the European Union / time to maintain the Program
the name of the school awarding the qualification	may be included in the curriculum vitae in an expert call for proposals	GDPR Article 6 (1) (a)	electronic, on paper	duration specified by the European Union / time to maintain the Program
data on language skills, field of interest	may be included in the curriculum vitae in an expert call for proposals	GDPR Article 6 (1) (a)	electronic, on paper	duration specified by the European Union / time to maintain the Program
previous jobs	may be included in the curriculum vitae in an expert call for proposals	GDPR Article 6 (1) (a)	electronic, on paper	duration specified by the European Union / time to maintain the Program
photos	1. may be included in the curriculum vitae in an expert call for proposals; 2. photos taken at events, and supporting document submitted for the clearance of projects	GDPR Article 6 (1) (a) and Act V of 2013 on the Civil Code	electronic, on paper	duration specified by the European Union / time to maintain the Program
details of missions	individuals contracted to beneficiaries who are involved in the implementation of a project element	GDPR Article 6 (1) (e)	electronic, on paper	duration specified by the European Union / time to maintain the Program
performance evaluation data	individuals contracted to beneficiaries who are	GDPR Article 6 (1) (e)	electronic, on paper	duration specified by the European Union / time to maintain the Program

	involved in the implementation of a project element			
employee insurance details	individuals contracted to beneficiaries who are involved in the implementation of a project element	GDPR Article 6 (1) (e)	electronic, on paper	duration specified by the European Union / time to maintain the Program
signature	signing of declarations, documents submitted for settlement, handover-acceptance documents, signing of contracts, proving the authenticity of data recorded in the monitoring system, attendance sheets, certification of the organization's representation (copy of signature title)	1. if the data subject is the contractual partner – GDPR Article 6 (1) (b) 2. if the data subject is not a contractual partner of the SZPO – GDPR Article 6 (1) (e) 3. the signatures of the persons who participated in the event, which are organized in connection with the Program - GDPR Article 6 (1) (a) (e)	electronic, on paper	duration specified by the European Union / time to maintain the Program
mother's full name	individuals contracted to beneficiaries who are involved in the implementation of a project element	GDPR Article 6 (1) (e)	electronic	duration specified by the European Union / time to maintain the Program
social security number	individuals contracted to beneficiaries who are involved in the implementation of a project element	GDPR Article 6 (1) (e)	electronic	duration specified by the European Union / time to maintain the Program
employee account number	individuals contracted to beneficiaries	GDPR Article 6 (1) (e)	electronic	duration specified by the European Union / time to maintain the Program

	who are involved in the implementation of a project element			
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V. Principles

The Company processes personal data in accordance with principles of good faith and fair dealing and transparency and subject to law in force and provisions of the present Policy.

The Company processes personal data only on the basis of the present Policy and for a specific purpose(s) and does not go beyond them.

If the Company intends to use personal data for purpose(s) other than the original purpose(s), the Company informs the data subject of such a purpose and use and obtain the previous and express consent of the data subject (where there is no other legal basis determined by GDPR) and the Company allows the opportunity to defy the use of personal data.

The Company does not control personal data provided, person who provided the personal data, shall be liable for adequacy.

The Company does not transfer personal data, except that the Company is entitled and obliged to transfer or forward personal data available to and properly stored by the Company to competent authority where transfer and forward of personal data is determined by law or legally binding order of authority. Company shall not be liable for such a transfer or its consequences.

The Company ensures the security of personal data, takes all technical and organizational measures and establishes rules of procedure that guarantee protection of recorded, stored and processed personal data, and prevent accidental losses, destruction, unauthorised access, unauthorised use, unauthorised alteration and unauthorised dissemination.

VI. Rights of the data subject

The data subject may exercise right in the following ways:

- e-mail
- by post
- in person

➤ *Right of information and access personal data*

The data subject may at any time request the Company to provide information on data processed by the Company or the data processor involved by or according to the order of the Company, purpose of the processing, legal basis for the processing, period of processing, name and address of data processor, activity of data processor related to data processing, the circumstances, effect of a personal data breach, measures taken for averting personal data breach, furthermore, where personal data is transferred the legal basis for and recipient of transfer of personal data.

In relation to the above, the data subject may request a copy of his/her processed data. In case of an electronic request the Company executes the request first electronically (PDF format), except where the data subject requests expressly otherwise.

The Company already draws attention to the fact that if the above right of access affects adversely the rights or freedoms of others, including in particular trade secrets or intellectual property, the Company may refuse the execution of the request, to the extent it is necessary and proportionate.

➤ *Right to rectification and modification*

The data subject may request the rectification, modification and completion of personal data processed by the Company.

➤ *Right to data portability*

The data subject has the right to receive the personal data concerning him or her, which he or she has provided to the Company, in a structured, commonly used and machine-readable format and has the right to transmit those data to another controller without hindrance from the Company. Furthermore, the data subject has the right to have the personal data transmitted directly from one controller to another, where technically feasible.

➤ *Right to erasure ('right to be forgotten')*

The data subject may request the erasure of one or all personal data concerning him or her.

In this case, the Company erases the personal data without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

- the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- the data subject withdraws consent on which the processing is based and where there is no other legal ground for the processing;
- data processing is based on legitimate interest of the Company or third person but the data subject objects to the processing and (except objection to processing related to direct marketing) there are no overriding legitimate grounds for the processing;
- the personal data have been unlawfully processed;
- the personal data have to be erased for compliance with a legal obligation.

The Company informs the data subject of the refusal to the request of erasure in any event (e.g. data processing is required for the establishment, exercise or defence of legal claims), indicating the reason of the refusal. Erasure of personal data is executed that after fulfilment of request of erasure personal data (erased) cannot be restored.

In addition to the exercise of right to erasure, the Company erases personal data if the data processing is unlawfully, the purpose of data processing is no longer exists, data storage period determined by law is already expired, it is ordered by court or authority.

➤ *Right to restriction of processing*

The data subject shall have the right to obtain from the controller restriction of processing where one of the following applies:

- the accuracy of the personal data is contested by the data subject, for a period enabling the Company 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;
- the Company 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 defence of legal claims;
- the data subject has objected to processing pending the verification whether the legitimate grounds of the Company override those of the data subject.

Where processing has been restricted, such personal data will not be processed or will, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.

A data subject will be informed by the Company before the restriction of processing is lifted.

➤ *Right to object*

Where the legal basis for processing is legitimate interest of the Company or third person (except compulsory data processing) or data is processed for direct marketing, scientific or historical research purposes or statistical purposes, the data subject has the right to object to processing of personal data concerning him or her. Objection may be rejected if the Company demonstrates

- compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject; or
- that data processing is related to the establishment, exercise or defence of legal claims of the Company.

The Company examines the lawfulness of the objection of the data subject and where the objection is grounded, the Company stops data processing.

➤ *Right to legal remedy*

See section VIII.

VII. Modification of the Policy

The Company reserves the right to modify the present Policy through an unilateral decision at any time.

If the data subject does not agree with the modification, he or she may request the erasure of his or her personal data as determined above.

VIII. Legal remedies and enforcement

The Company as data controller may be contacted for the purpose of any question or comments related to data processing using contact details above.

In case of any violation related to data processing, the data subject may make a complaint to the competent data protection supervisory authority of the Member State of residence, workplace or the place of the alleged violation.

In Hungary, complaint shall be made to Hungarian National Authority for Data Protection and Freedom of Information ('NAIH', address: 1125 Budapest, Szilágyi Erzsébet fasor 22/c.; phone: +36-1-391-1400; e-mail: ugyfelszolgalat@naih.hu; website: www.naih.hu).

The data subject may bring the following cases before court:

- violation of rights,
- against the legally binding decision of the supervisory authority,
- if the supervisory authority does not deal with the filed complaint or does not inform the data subject of aspects or result of the procedure related to the filed complaint within 3 months.