

**Barth Designs Ltd.**

# **Privacy Policy**

## INTRODUCTION

**BARTH DESIGNS LTD.** (hereafter referred to as: Provider, data manager) submits to the following informative.

We provide the following information about natural persons' protection in relation to data management and the free flow of these data, and about the repeal of regulation 95/46/EK (General Data Protection Regulation) according to REGULATION 2016/679 OF THE EUROPEAN PARLIAMENT AND COMMITTEE (EU) (27 April 2016).

The current data management informative controls the data management of the following sites: <https://OnlineHelmetDesigner.com>

You can access Privacy Policy at the following link: <https://OnlineHelmetDesigner.com/privacy-policy>

The modifications of the informative are applied by publications on the website determined above.

## DATA MANAGER AND CONTACT:

Name: Barth Designs Ltd.  
Seat: 19th Dózsa György rakpart, 9026 Győr, HUNGARY  
Email: [info@designsbybarth.com](mailto:info@designsbybarth.com)  
Phone: +36306115327

## DPO'S CONTACT:

Name: Júlia Barth  
Seat: 19th Dózsa György rakpart, 9026 Győr, HUNGARY  
Email: [info@designsbybarth.com](mailto:info@designsbybarth.com)  
Phone: +36306115327

## DEFINITION OF TERMS

1. “personal data”: any information concerning an identified or identifiable natural person (“concerned”); identifiable is the natural person who can be identified directly or indirectly, based on especially some kind of identifier, such as name, number, location data, online identifier, or one or more factor connoting the natural person’s physical, physiological, genetical, mental, economical, cultural or social identity;
2. “data management”: the collection of automatic or non-automatic process or processes based on personal data or database, including collection, recording, organization, parting, storing, modification or changing, requesting, introspection, use, publication, transfer, spreading or giving access in any other form, synchronizing or attachment, limitation, deletion, or elimination;
3. “data manager”: the natural or legal person, public authority, agency or any other organ that determines the purpose and tools of data management individually or together with others; if the purpose and tools of data management are determined by EU or member state law, the particular aspects of the data manager of the appointment of the data manager can also be determined by the EU and member state law;
4. “data processor”: the natural or legal person, public authority, agency or any other organ that processes data in the name of the data manager;
5. “addressee”: the natural or legal person, public authority, agency or any other organ to which the personal data is delivered, whether it is a third party or not. Those public authorities that can access personal data in connection to unique investigation due to EU or member state law are not considered addressee; the process of the mentioned data by the public authorities have to correspond the applicable data protection regulation regarding the purpose of the data management;
6. “the consent of the concerned”: the concerned person’s voluntary and obvious declaration based on exact and proper information, with which the concerned signifies by declaration or unmistakable action for confirmation that they submit to the procession of their personal data;
7. “data protection incident”: the harm of security that results in the unintentional or illegal elimination, misplacement, changing, unauthorized publication or unauthorized access to the transferred, stored or otherwise processes personal data.

## PRINCIPLES RELATING TO PROCESSING OF PERSONAL DATA

Personal data:

- a) the management of personal data must be carried out legally and decently, transparently for the concerned person (“legality, decent process and transparency”);
- b) its collection must be carried out only for determined, clear and legal purpose, and these must not be treated in an incompatible way; due to Article 89, paragraph 1, it is not considered incompatible with the original purpose if additional data management is carried out for the public purpose of archiving, for scientific or historical research, or for statistical purpose (“purpose limitation”);
- c) the purposes of data management must be adequate and relevant, and must be limited to the minimum requirement (“data minimisation”);
- d) they must be accurate and - in case of need - up to date; all reasonable measures must be done to immediately delete or correct the personal data that are inaccurate from the aspect of the purpose of data management (“accuracy”);
- e) the storage must happen in a way which provides access to the identification of the concerned only for the time required to achieve the goals of data management; personal data may only be stored for a longer period, if the data management serves the public purpose of archiving, scientific or historical research, or for statistical purpose, according to Article 89, paragraph 1, in respect for the execution of the prescribed technical and organization measures protecting the rights and liberties of the concerned (“storage limitation”);
- f) the management must be carried out in a way that the protection of the personal data is secured by the proper technical and organization measures, including the protection against unauthorized or illegal management, unintentional loss, elimination or damage (“integrity and confidentiality”).

The data manager is responsible for fulfilling the requirements mentioned above, and also for being able to certify the compliance any time (“accountability”).

## DATA MANAGEMENT

### DATA MANAGEMENT IN CONNECTION WITH THE OPERATION OF THE WEBSHOP

1. The fact of the data collection, the scope of the managed data and the **purpose of data management:**

Personal data	Purpose of data management
Username	Identification, enabling the registration.
Password	It serves the secure logging in to the user profile.
Full name	It is needed for making contact, shopping and invoicing the bills.
Email	Keeping in contact.
Phone number	Keeping in contact, discussing issues concerning invoice and delivery.
Billing name and address	The proper invoice of the bill, also making contact, the determination and modification of its content, the checking of its fulfillment, the invoice of the fees related to it, the enforcement of demands related to it.
Delivery name and address	Making delivery possible.
The date of purchase/registration	Execution of technical operation.
Purchase/registration IP address:	Execution of technical operation.

Neither the username nor the email address needs to contain personal data.

2. Range of stakeholders: All the registered/purchaser users of the webshop website.
3. The duration of data management, the deadline of data deletion: Immediately after registration. The data manager informs the concerned electronically about the deletion of any personal data given by the concerned person due to GDPR Article 19. If the deletion request of the concerned affects the given email address, then the data manager deletes the email address as well right after informing the concerned. Except the accounting documents, as they must be preserved for 8 years according to Act 2000 Law C section 169 paragraph 2.

*The accounting certificate that proves the bookkeeping accounting directly and indirectly (including the general ledger accounts, the analytical and detailed records) must be preserved in legible form for at least 8 years in a way that can be retrievable by the references of the bookkeeping records.*

4. **The legally possible data managers entitled to access the data, addressees of personal data:** Personal data can be managed by sales and marketing employees, in respect of the terms mentioned above.
5. **The description of the rights of the concerned in relation to data management:**

- The concerned may request access, correction, deletion or limitation of management concerning the personal data related to the concerned, and
  - they may protest the management of such personal data, and
  - the concerned has a right to data portability and to cancel the consent anytime.
6. **The concerned may request access to the data, their deletion, modification or limitation of management, portability of the data or protest data management through the following contacts:**
- <https://OnlineHelmetDesigner.com/my-account/edit-account/> website, and
- through the mailing address 19th Dózsa György rakpart, 9026 Győr, HUNGARY,
  - in email through [info@designsbybarth.com](mailto:info@designsbybarth.com),
  - by calling +36306115327.

7. **The legal basis of data management:**

7.1. GDPR Article 6, paragraph 1, point B,

7.2. The 2001 Law CVIII (hereafter Eltra Law) section 13/A paragraph 3 concerning electronic commercial services and the services related to information reads as the following:

*The service may manage those personal data that are technically required for providing the service. In case of the identity of the additional requirements, the service must choose and - in all cases - operate the tools applied during providing the service in relation to information society that the management of the personal data is only carried out if it is definitely necessary in order to provide the service, and only for the required measure and time.*

7.3. In the case of invoicing bills due to the accounting standards, Article 6 paragraph 1 part C.

7.4. In case of enforcing the demands in relation to the contract, due to the 2013 Law V section 6:21 concerning the Civil Code, it must be 5 years.

*Section 6:22. [limitation period]*

*(1) If this law does not determine otherwise, the demands expire in five years.*

*(2) The limitation period begins when the demand is due.*

*(3) The agreement concerning changing the limitation period must be recorded in writing.*

*(4) The agreement excluding the limitation period is invalid.*

8. We inform you that

- **the data management is required for fulfilling a contact.**
- **you are obliged** to provide personal data in order to enable us to fulfill your order.
- as a **consequence** of the failure of data delivery, we may not be able to fulfill your order.

## THE USED DATA PROCESSORS

### Delivery

1. The activity performed by the data processor: Delivery of the products, transportation
2. The name and contact of the data processor:
  - UPS.  
UPS Euope SA  
Seat: Ave Ariane 5, Brussels, B-1200, BELGIUM  
Phone: [+32 2 776 91 11](tel:+3227769111)  
Website: <http://www.ups.com>  
Email: [europemail@ups.com](mailto:europemail@ups.com)
3. The fact of the data collection, the scope of the managed data: Delivery name, delivery address, phone, email.
4. Range of stakeholders: All the requestors of home delivery.
5. Purpose of data management The delivery of the ordered product.
6. The duration of data management, the deadline of data deletion: Until the fulfillment of the delivery.
7. The legal basis of data management: Article 6, paragraph 1, point B.

## Internet hosting service

1. The activity performed by the data processor: Internet hosting service
2. The name and contact of the data processor:  
SiteGround Spain S.L.,  
Contact:  
SiteGround Spain SL,  
C/ Serrano 1, 5º,  
28001 Madrid, Spain.  
Email: [contact@siteground.com](mailto:contact@siteground.com),  
Web: [www.siteground.com](http://www.siteground.com)
3. The fact of the data collection, the scope of the managed data: All the personal data given by the concerned.
4. Range of stakeholders: All the concerned using the website.
5. Purpose of data management Making the website accessible, its proper operation.
6. The duration of data management, the deadline of data deletion: Data management lasts until the termination of the agreement between the data manager and the internet hosting service, or until the deletion request of the concerned to the internet hosting service.
7. The legal basis of data processing: Article 6 paragraph 1 points C and F, and the 2001 Law CVIII section 13/A paragraph 3 concerning electronic commercial services and the certain questions related to information society.

**ADDRESSEES TO WHOM THE PERSONAL DATA ARE DELIVERED (DATA TRANSFER):****Online payment**

1. The activity performed by the addressee: Online payment
2. The name and contact of the addressee:  
  
PayLike.ApS  
P. O. Pedersens Vej 14, 8200 Aarhus, Denmark  
[www.paylike.io](http://www.paylike.io)  
[hello@paylike.io](mailto:hello@paylike.io)  
[Phone: +44 1403 540174](tel:+441403540174)
3. The fact of the data collection, the scope of the managed data: Billing data, name, email, credit card number
4. Range of stakeholders: All the concerned choosing paying on the website.
5. Purpose of data management The execution of online payment, the certification of transactions and the fraud-monitoring for the protection of users.
6. The duration of data management, the deadline of data deletion: It lasts until the execution of the online payment.
7. The legal basis of data processing: GDPR Article 6, paragraph 1, point B. The data management is required for fulfilling the online payment requested by the concerned.
8. The rights of the concerned:
  - a. You may be informed about the circumstances of data management,
  - b. You are entitled to receive response from the data manager about the current management of your personal data, and you may access all the information related to data management.
  - c. You are entitled to receive the personal data related to you in an articulated, widely used format readable by PC.
  - d. You are entitled to have the data manager correct your inaccurate personal data without any uncertified latency.

**THE MANAGEMENT OF COOKIES**

1. Cookies that are related to webshops are “cookies for password-protected working process”, “cookies required for carts” and “security cookies”, for which it is not required to ask for the permission of the concerned.
2. The fact of the data collection, the scope of the managed data: Unique ID number, data

3. Range of stakeholders: All the concerned visiting the website.
4. Purpose of data management The identification of users in order to record the “cart” and trace visitors.
5. The duration of data management, the deadline of data deletion:

Type of cookie	Legal basis of data management	Time of data management	Scope of managed data
Working process cookies (session)	The 2001 Law CVIII (Eltra Law) section 13/A paragraph 3 concerning electronic commercial services and certain questions related to information society.	The period until the closure of the concerning visitor working process	connect.sid

6. The legally possible data managers entitled to access the data: The data manager does not manage personal data when using cookies.
7. The description of the rights of the concerned in relation to data management: The concerned have the opportunity to delete cookies in the browser’s Tools/Settings menu, usually among the settings of Data Protection menu.
8. The legal basis of data management: The consent of the concerned is not required if the exclusive purpose of the use of cookies is the information transfer through the electronic communication network or if the fulfillment of the service related to information society requested by the subscriber or the user definitely requires it.

### THE USE OF GOOGLE ADWORDS CONVERSION TRACKING

1. The data manager uses the Google AdWords online advertisement program, and it uses Google’s conversion tracking service among its framework. Google conversion tracking is an analysis service of Google Inc. (1600 Amphitheatre Parkway, Mountain View, CA 94043, USA; „Google“).
2. When the user accesses a website through a Google advertisement, then a cookie used for conversion tracking is transferred onto your computer. The validity of these cookies is limited and they do not contain any personal data, so the user cannot be identified through them.
3. When the user browses certain pages of the website, and the cookie is still not expired, then Google and the data manager can also detect that the user clicked on the advertisement.

4. Every Google AdWords client receives a different cookie, so they cannot be tracked through the websites of AdWords' clients.
5. The information — which are retrieved with the help of conversion tracking cookies — serve the purpose of making conversion statistics for AdWords' clients choosing conversion tracking. The clients may get information this way about the number of users clicking and being transferred to a page with a conversion tracking label. However, they do not access information that may help identifying any users.
6. If you do not intend to take part in conversion tracking, then you can deny it by disabling cookies in your browser. Then you will not be recorded in the conversion tracking statistics.
7. Additional information and Google's terms of data protection can be accessed here: [www.google.de/policies/privacy/](http://www.google.de/policies/privacy/)

### APPLICATION OF GOOGLE ANALYTICS

1. This website uses Google Analytics application, which is the web analysis service of Google Inc. ("Google"). Google Analytics uses so-called cookies or text-based files that are saved onto your computer, thus helping the analysis of the website's usage visited by the user.
2. The information created by the cookies related to the website used by the user are usually transferred to and stored in one of Google's servers in the USA. By the activation of IP anonymity on the website, the IP address of the user will be shortened by Google in advance within the member states of the European Union or the other states participating in the agreement about the European Economic Area.
3. The transfer of the whole IP address to the USA server of Google and the shortening happens only in exceptional cases. Due to the request of the operator of this website, Google will use this information to evaluate how the user used the website, as well as to create reports to the operator of the website in connection to the activity of the website, and to fulfill other services related to the usage of the website and the internet.
4. Google does not compare the IP address transferred by the user's browser to other data within the framework of Google Analytics. The storage of cookies can be hindered by the proper settings in the user's browser, but we would like to highlight that it may occur in this case that not all function of this website may be fully functional. You may also hinder Google to collect and process the user's website usage data retrieved through the cookies (including IP address), if you download and install the browser plugin from the following link: <https://tools.google.com/dlpage/gaoptout?hl=hu>

### NEWSLETTER, DM ACTIVITY

1. Due to the 2008 Law XLVII section 6 concerning the basic requirements and certain limits of economic advertisements, the user may accept that the service will contact them through the contacts given at registration about its advertisements and other consignments.
2. Also, the client may consent to the service managing the personal data required for sending advertisements, in respect of the regulations of the current informative.
3. The service does not send unsolicited advertisement, and the user may unsubscribe from the offers without any limitations or justification. In this case, the service deletes all the personal data required for sending advertisements from its records and does not contact the user about any of its advertisements. The user may unsubscribe from the advertisements by clicking the link provided in the message.

4. The fact of the data collection, the scope of the managed data and the **purpose of data management:**

Personal data	Purpose of data management
Name, email address.	Identification, enabling subscription to newsletter.
Date of subscription	Execution of technical operation.
IP address in the moment of subscription	Execution of technical operation.

5. Range of stakeholders: All the concerned subscribing to the newsletter.
6. The purpose of data management: sending electronic messages (email, text, push message) containing advertisement to the concerned, information about current products, information, sales, new functions etc.
7. The duration of data management, the deadline of data deletion: data management lasts until the cancellation of the consent declaration, so until unsubscribe.
8. The registration number of data management: NAIH-131205/2017.
9. **The legally possible data managers entitled to access the data, addressees of personal data:** Personal data can be managed by sales and marketing employees, in respect of the terms mentioned above.
10. **The description of the rights of the concerned in relation to data management:**
- The concerned may request access, correction, deletion or limitation of management concerning the personal data related to the concerned, and
  - they may protest the management of such personal data, and
  - the concerned has a right to data portability and to cancel the consent anytime.
11. **The concerned may request access to the data, their deletion, modification or limitation of management, portability of the data or protest data management through the following contacts:**
- through the mailing address 19th Dózsa György rakpart, 9026 Győr, HUNGARY,
  - in email through [info@designsbybarth.com](mailto:info@designsbybarth.com),
  - by calling +36306115327.
12. The concerned can **unsubscribe for free** from the newsletter anytime.
13. **The legal basis of data management:** the consent of the concerned, Article 6 paragraph 1 points A and F, and the 2008 Law XLVIII section 6 paragraph 5 concerning the basic requirements and certain limitations of economic advertisement:

*The advertiser, the advertisement service, and the publisher of the advertisement — in the scope determined in the consent — register the personal data of the persons submitting their consent to them. The data recorded in this registry — in relation to the addressee of the advertisement — can only be managed according to the consent declaration until its cancellation, and it can only be transferred exclusively with the preliminary consent of the concerned person.*

14. We inform you that

- **data management is based on you consent.**
- **you are obliged** to give the personal data in case you intend to receive newsletter from us.
- as a **consequence** of the failure of data delivery, we may not be able to send you newsletters.

### COMPLAINTS MANAGEMENT

1. The fact of the data collection, the scope of the managed data and the **purpose of data management:**

Personal data	Purpose of data management
Full name	Identification, keeping in contact.
Email	Keeping in contact.
Phone number	Keeping in contact.
Billing name and address	Identification, the handling of quality complaints, questions and problems related to the ordered product.

2. Range of stakeholders: All the concerned purchasing at the website and having quality complaints.
3. The duration of data management, the deadline of data deletion: The record about the complaint, its transcription and the copies of the response given to it are to be preserved for 5 years due to the 1997 Law CLV section 17/A paragraph 7 concerning consumer protection.
4. **The legally possible data managers entitled to access the data, addressees of personal data:** Personal data can be managed by sales and marketing employees, in respect of the terms mentioned above.
5. **The description of the rights of the concerned in relation to data management:**
- The concerned may request access, correction, deletion or limitation of management concerning the personal data related to the concerned, and
  - they may protest the management of such personal data, and
  - the concerned has a right to data portability and to cancel the consent anytime.
6. **The concerned may request access to the data, their deletion, modification or limitation of management, portability of the data or protest data management through the following contacts:**
- through the mailing address 19th Dózsa György rakpart, 9026 Győr, HUNGARY,
  - in email through [info@designsbybarth.com](mailto:info@designsbybarth.com),
  - by calling +36306115327.

7. **The legal basis of data management:** Article 6 paragraph 1 point C, and the 1997 Law CLV section 17/A paragraph 7 concerning consumer protection.
8. We inform you that
  - the service of personal data is based on **contractual obligation**.
  - the **requirement** of making contract is the management of personal data.
  - **you are obliged** to provide personal data in order to enable us to manage your complaint.
  - as a **consequence** of the failure of data delivery, we may not be able to manage your complaint.

### **SOCIAL WEBSITES**

1. The fact of the data collection, the scope of the managed data: Your name registered on Facebook/Twitter/Pinterest/Youtube/Instagram social websites, your public profile picture.
2. Range of stakeholders: All the concerned registered on Facebook/Twitter/Pinterest/Youtube/Instagram social websites who liked the website.
3. Purpose of data management: The sharing, liking or advertising of the website's certain contents, products, sales or the website itself on social websites.
4. The duration of data management, the deadline of data deletion, the legally possible data managers entitled to access the data and the description of the rights of the concerned in relation to data management: The concerned may be informed on the given social website about the source of data, their management, and the method of transfer and its legal basis. The data management is carried out on the social websites, so the given social website's regulations are valid for the duration of data management, its method, and their deletion and modification options.
5. The legal basis of data management: the voluntary consent of the concerned to manage their data on the social websites.

### **CUSTOMER CONNECTIONS AND OTHER DATA MANAGEMENT**

1. If a question may arise during the usage of our data management services, or if the concerned had a problem, they may contact the data manager through the means given on the website (phone, email, social websites etc.).
2. The data manager deletes the incoming emails, messages, data given on the phone, on Facebook etc. with the name and email address or other personal data of the interested person within a maximum of 2 years after the data transfer.

3. We provide information about the data management not mentioned in this informative during data record.
4. The service is obliged to give information, share and transfer data, deliver documents in case of exceptional request from an authority, or in case of other legally authorized organs' request.
5. The service provides the personal data for the requester — if it determined the exact purpose and scope of data — only in a measure that is definitely required for fulfilling the determined purpose.

### **THE RIGHTS OF THE AFFECTED**

#### **1. The right of access**

You are entitled to receive response from the data manager about the current management of your personal data, and if such a management is in progress, you are entitled to access all the personal data and the information listed in the regulation.

#### **2. The right of correction**

You are entitled to have the data manager correct your inaccurate personal data without any uncertified latency. Regarding the purpose of data management, you are entitled to request the completion of the incomplete personal data — by additional declaration among others.

#### **3. The right of deletion**

You are entitled to request the data manager to delete your personal data without any uncertified latency, and the data manager is obliged to delete your personal data without any uncertified latency if the determined requirements meet.

#### **4. The right of erasure**

If the data manager published the personal data and is obliged to delete it, they will do the expected measures — including the technical measures — in respect of the accessible technology and the costs of the execution to inform the data managing data managers about your request to delete the links transferring to your personal data or the copies and secondary copies of these personal data.

#### **5. The right of limiting data management**

You are entitled to request the data manager to limit the data management if any of the following requirements meet:

- You question the accuracy of the personal data. In this case, the limitation is valid for the time period which enables the data manager to check the accuracy of the personal data;
- the data management is illegal, and you protest the deletion of the data, and you request the limitation of their use instead;

- the data manager does not need the personal data for the purpose of data management, but you require them for the proposal, validation or protection of legal demands;
- You have protested data management; in this case, the limitation is valid for the time period until it is declared whether the data manager's rightful claims are prior to your rightful claims or not.

## 6. The right of data portability

You are entitled to receive your personal data that you provided to the data manager in an articulate, widely used form that is readable by PC, and you are entitled to transfer these data to another data manager without being hindered by the data manager you originally provided your data (...)

## 7. The right to protest

You are entitled to protest the management of your personal data (...) for reasons related to your situation, including the profile creation based on the mentioned disposals.

## 8. Protest in case of direct marketing

If the management of the data is carried out in the interest of direct marketing, you are entitled to protest the management of your personal data for this purpose, including profile creation, if it is related to direct marketing. If you protest the management of your personal data for the purpose of direct marketing, then your personal data must not be managed for this purpose any longer.

## 9. Automatic decision in unique cases, including profile creation

You are entitled to being not affected by a decision that is based exclusively on automatic data management — including profile creation — that would have a legal effect on you or you may be affected in a similarly significant measure.

The previous paragraph cannot be applied if the decision:

- Is required for making of fulfilling contract between you and the data manager;
- is enabled by an EU or member state law applicable on the data manager that declares measures for providing protection for you rights, liberties and lawful interests; or
- Is based on your expressed consent.

### DEADLINE OF MEASURES

The data manager informs you without uncertified latency, but by all means within **1 month** after receiving your request, about the measures carried out based on your requests mentioned above.

It can be **prolonged by 2 months** if needed. The data manager informs you about the prolonging of the deadline with the reasons of the latency within **1 month** after receiving your request.

If the data manager does not carry out measures based on your request, **they inform you about the reasons of the failure to carry out measures without latency, but within one month after receiving your request**, and about your opportunity to submit a complaint to a certain supervisory authority and you may exercise your right for legal appeal.

### SECURITY OF DATA MANAGEMENT

The data manager and the data processor carries out technical and organization measures in respect of the current state of science and technology, the costs of execution, the type, scope, circumstances and purposes of the data management, and the risks with varying probability and severity on the natural persons' rights and liberties in order to provide the proper data security in relation to the level of risk, including among others:

- a) the pseudonymization and encryption of personal data;
- b) securing the confidentiality, integrity, accessibility and immunity of the systems and services used for the management of the personal data;
- c) the protection of the computer used for data management provided by password and antivirus program;
- d) the ability to restore the accessibility of the personal data in case of physical or technical malfunction in proper time;
- e) the process serving the purpose of the regular testing, measuring and evaluation of the technical and organization measures to grant the security of data management.

### THE INFORMATION OF THE CONCERNED ABOUT THE MALFUNCTION OF DATA PROTECTION

If the malfunction of data protection is likely to come with high risk for the liberties and rights of the natural persons, the data manager informs the concerned without uncertified latency about the malfunction of data protection.

The concerned must be **clearly and plainly** informed about the type of data protection malfunction, and they must be informed about the name and contacts of the data protection official or any other contact person providing further information; the concerned must be informed about the probable consequences originating from the malfunction of data protection; the concerned must be informed about the measures carried out or planned by the data manager to remedy the malfunction of data protection, including the measures alleviating the probable unfavorable consequences originating from the malfunction of data protection.

The concerned is not needed to be informed if any of the following requirements meets:

- the data manager **carried out the proper technical and organization protection measures**, and these measures were carried out in regard of the data affected by the malfunction of data protection, especially those measures — like

encryption — that make the personal data **uninterpretable** for the unauthorized persons;

- the data manager carried out additional measures after the malfunction that **secure that the high risk threatening the rights and liberties of the concerned are unlikely to be realized afterwards**;
- the information **would make a disproportionate effort necessary**. In these cases, the concerned must be informed through their public information or such similar measures must be carried out that provide the similarly effective information of the concerned.

If the data manager have not informed the concerned about the malfunction of data protection, the supervisory authority may order the information of the concerned after evaluating whether the malfunction of data protection comes with probably high risk.

#### **THE REPORT OF MALFUNCTION OF DATA PROTECTION TO THE AUTHORITY**

The data manager reports the malfunction of data protection to the competent supervisory authority based on Article 55 without any uncertified latency, or if possible, within 72 hours after learning about the malfunction of data protection, except if the malfunction of data protection is unlikely to come with high risk for the liberties and rights of the natural persons. If the report is not carried out within 72 hours, then the reasons certifying latency must be attached.

#### **COMPLAINT OPTIONS**

In case of the data manager's violation of rights, complaints are accepted by the National Authority for Data Protection:

National Authority for Data Protection  
22/C. Szilágyi Erzsébet fasor 1125 Budapest, HUNGARY  
Mailing address: 1530 Budapest, P.O.: 5.  
Phone: +36 -1-391-1400  
Fax: +36-1-391-1410  
Email: [ugyfelszolgalat@naih.hu](mailto:ugyfelszolgalat@naih.hu)

### CLOSING REMARKS

During the making of this informative, we respected the following laws:

- The natural persons' protection in relation to data management and the free flow of these data, and about the repeal of regulation 95/46/EK (General Data Protection Regulation) according to REGULATION 2016/679 OF THE EUROPEAN PARLIAMENT AND COMMITTEE (EU) (27 April 2016).
- The 2011 Law CXIII concerning informational self-determination and liberty of information (hereafter: Info Law)
- The 2001 Law CVIII (especially section 13/A) concerning electronic commercial services and the certain questions related to information society.
- The 2008 Law XLVII concerning the prohibition of unfair commercial practice against consumers;
- The 2008 Law XLVIII (especially section 6) concerning the basic requirements and certain limitations of economic advertisement
- The 2005 Law XC concerning electronic information liberty.
- The 2003 Law C (especially section 155) concerning electronic communications.
- The 16/2011 argument about the EASE/IAB recommendation concerning online advertisement based on behavior and its successful practice.
- The recommendation of the National Authority for Data Protection concerning the preliminary information about the requirements of data protection.
- The REGULATION 2016/679 OF THE EUROPEAN PARLIAMENT AND COMMITTEE (EU) (27 April 2016) concerning natural persons' protection in relation to data management and the free flow of these data, and about the repeal of regulation 95/46/EK.