**PRIVACY POLICY**

**ON THE PROCESSING OF PERSONAL DATA, BASED ON CASE-BY CASE CONSENT**

**FOR THE NATURAL PERSONS SENDING IN SUBMISSIONS AS PER THIS POLICY TO THE DATA CONTROLLER**

Based on Article 13 and 14 of the General Data Protection Regulation 2016/679 of the EUROPEAN PARLIAMENT AND COUNCIL (EU) (April 27, 2016) on the protection of natural persons with regard to the processing personal data and on the free movement of such data, and repealing Directive 95/46/EC (hereinafter referred to as: „General Data Protection Regulation” or “GDPR”) the Data Controller provides the following notification to the data subjects in connection with the processing of their personal data.

This Policy pertains to the processes of receiving and examining the submissions in relation to events harming corporate integrity, complaints and risks, which is suitable in relation to all scope of activity to ensure the enforcement of ethical values and integrity, and efficiently prevent corruption and malfeasance.

Nevertheless for the purpose of compliance with the Act CXXII of 2009 on the more economic operation of publicly owned business associations and the Government Decree No. 339/2019 (XII.23.) on the internal control system of publicly owned business associations the Data Controller processes the personal data of the data subjects and the personal data of the persons making the submissions.

This Policy within the scope defined above pertains to the processing of the personal data of **natural persons sending in submissions** by the Data Controller for the purpose to examine the events harming integrity.

This Policy explicitly draws the attention to the fact that in relation to **the data processing pertaining to** **the personal data of** **the natural persons affected by the submissions** **the Data Controller has given its notification on the processing for the data subjects** in its General Privacy Policy for Employees available at <https://www.mvmnext.hu/Adatvedelem/adatvedelmi-tajekoztatasok> , especially but not exclusively under Section 12 of such policy in the table row titled “Upon suspicion of the breach of obligations arising from the employment relationship or other relationship (e.g. ethical standards) conducting the examination, and upon breach of obligation applying legal consequences, enforcing rights of the employer/principal.”

In case of persons affected by the submissions the legal grounds for the processing of their personal data is the Data Controller’s legitimate interest.

**1. Data Controller in relation to this Policy**

**Data Controller: Grape Solutions Hungary Zártkörűen Működő Részvénytársaság** (in this Policy hereinafter referred to as **Data Controller**)

Registered seat: 1023 Budapest, Árpád fejedelem útja 26-28.

Postal address: 1023 Budapest, Árpád fejedelem útja 26-28.

Registration no.: 01-10-047087

Website: https://grape.solutions

E-mail address: [support@grape.hu](mailto:support@grape.hu)

Telephone no.: +36-1-880-9200

Data protection officer: dr. Józan Flóra

Availability: Jozan.Flora@nkm.energy

Representative: Gárdonyi Zsuzsa ([Gardonyi.Zsuzsa@grape.](mailto:Gardonyi.Zsuzsa@grape.)solutions)

hereinafter: Data Controller

From the aspect of this Policy personal data shall mean 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 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).

**2. Main legislation pertaining to this data processing**

* GDPR
* the Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information (hereinafter referred to as the “Privacy Act”)
* Act CXXII of 2009 on the more economic operation of publicly owned business associations and the Government Decree 339/2019 (XII.23.) on the internal control system of publicly owned business associations

**3. Legal grounds of the data processing** Article 6 section (1) subsection a) of the GDPR (**data processing based in consent**).

**4. Purpose of the data processing** shall be the examination of the events harming integrity in case of a submission.

**5. Scope of the data processed, source of the data**

|  |  |
| --- | --- |
| **Scope of data** | **Why necessary?** |
| Name | Required for the identification of the natural person. |
| Any other personal data provided voluntarily by the person making the submission | Required for the identification of the natural person. |
| E-mail address | For the purpose to notify about the initiation of the examination or the rejection of the submission. |

**Source of the data processed**:directly the person sending in the submission.

**6. Persons having access to the personal data**

|  |  |
| --- | --- |
| **Name of recipients** | **Purpose of disclosure** |
| Employees of the Data Controller involved in the examination of ethical cases (employee responsible for ethical cases, person exercising employer’s rights, employees at the legal and compliance department) | For the purpose to search for information material necessary for the procedure. |

Generally the employees of the Data Controller may access the personal data of the Data Subjects for the purpose to attend their duties. For example the employees of Data Controller involved in the examination of ethical cases (employee responsible for ethical cases, person exercising employer’s rights, employees at the legal and compliance department) for the purpose to investigate the submission.

The personal data will be forwarded to the **Recipients** defined above. Data Controller may only forward the personal data of the Data Subjects in special cases to state organs. For example if an administrative or court procedure is initiated in connection with a legal dispute between the Data Subject and the Data Controller or the natural person affected by the submission and the forwarding of the personal data is required by the proceeding court or authority or the police makes an inquiry to the Data Controller and requests forwarding of the personal data for its investigation.

Furthermore the attorney attending the legal representation of the Data Controller will also get to know the personal data if a legal dispute would arise between the Data Subject or the Data Controller.

**7. Term of processing:** Until the revoke of the voluntary consent of the Data Subject, otherwise for 5 years from the date the examination has been closed.

**8. Data security**

Data Controller shall only store the personal data provided by the Data Subjects at its registered seat or registered premises.

Data Controller shall implement appropriate information security measures to protect the personal data of the Data Subjects against unauthorized use or change of the data. For example the access to the personal data shall be logged based on which it can be checked who, when accessed and which type of data. The Data Controller ensures with proper organisational measures that the personal data cannot be accessed by undetermined number of persons.

**9. Encumbrances**

The personal data **will not be forwarded to third countries of to international organizations**.

During the processing of personal data defined in this Policy **no automated decision making or profiling takes place**.

This Policy shall be available at the <https://grape.solutions> website.

Data Controller reserves the right to unilaterally amend this Policy for the future. Data Controller will notify the Data Subjects of the amendments on its website.

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You (in case of a child the name of the parent(s) exercising custody right)

* with the sending in of the submission by e-mail, or
* by the ticking the checkbox on the website, or
* by the signing of the statement in the annex

based on this Policy consent that Data Controller may process your personal data which you have provided for the data processing purpose indicated above (i.e. collection, recording, organization, storage, use, downloading, forwarding, blocking, erasure, dissemination, preventing further use of the data).

The provision of the personal data is based on your decision.

You may withdraw your consent voluntarily at any time, however the withdraw of your consent shall not affect the rightfulness of the data processing under my consent prior to the withdrawal. Data Controller shall interpret any defective, ambiguous, and incomprehensible marking as denial of consent.

In connection with deploying information society services in case of children under the age of 16 the processing of the personal data of the child is only legitimate and only up to the extent to which the consent has been given by the parent exercising custody rights in respect of the child.

**10. The rights in connection with data processing and possibility of enforcement of rights and legal remedy**

**10.1. Rights in connection with data processing**

The Data Subject may request from Data Controller the followings:

* to receive information about the facts pertaining to the data processing (before the start of the data processing or during processing),
* access to their personal data (provision of their personal data by Data Controller),
* to have their personal data rectified, or amended,
* save for the cases of compulsory data processing to have the processing of their personal data limited or to have their personal data deleted or restricted (blocked),
* right to data portability,
* may object against processing their personal data.

The Data Subject may submit its request to the Data Controller as per section 10.2 in writing. Data Controller shall perform the Data Subject’s request within one month by e-mail, letter sent to the availability provided by the Data Subject.

**10.1.1. Right to information (based on Article 13-14 of the General Data Protection Regulation)**

Data Subjects on the availabilities defined under section 10.2 may request information from Data Controller that:

* which personal data,
* under what legal grounds,
* for what purpose,
* from which sources
* for what duration are processed,
* are any data processors deployed, if yes their name, address and activity in relation to the data processing,
* to whom the Data Controller ensured access to or forwarded personal data, when and under what legal regulation,
* the circumstances, impact and the countermeasures taken related to any personal data breach,

**10.1.2. Right to access (based on Article 15 of the General Data Protection Regulation)**

Data Subject is entitled to receive response from Data Controller regarding whether the Data Subject’s personal data are processed by Data Controller and if personal data of the Data Subject are processed get access to their personal data subject to processing together with the following information from Data Controller as per section 10.2 in writing.

Data Controller will provide copy of the personal data undergoing processing to the Data Subject if that is not prohibited by law. If Data Subject has submitted its request by electronic means, then the information shall be provided to the Data Subject in a commonly used electronic form unless otherwise requested by the Data Subject.

**10.1.3. Right to rectification, supplementation (based on Article 16 of the General Data Protection Regulation)**

Through the availabilities defined undersection 10.2 the Data Subject may request in writing from Data Controller to modify any of his/her personal data (for example may change his/her e-mail address or post address or request rectification any of his/her inaccurate personal data).

Considering the purpose of the data processing the Data Subject is entitled to request from the Data Controller the supplementation of any of his/her incomplete personal data undergoing processing.

**10.1.4. Right to erasure (based on Article 17 of the General Data Protection Regulation)**

Through the availabilities defined undersection 10.2 the Data Subject may request in writing from Data Controller the erasure of his/her personal data.

Primarily the erasure of personal data may be requested if our data processing is based on your consent. In such an event we erase the personal data.

**10.1.5. Right to restriction of processing (based on Article 18 of the General Data Protection Regulation)**

Through the availabilities defined undersection 10.2 the Data Subject may request in writing from Data Controller the restriction of processing of his/her personal data (by clearly indicating the restricted nature of data processing and ensuring processing separated from other data).

The restriction shall last until the reason determined by Data Subject makes the storage of the data necessary.

Restriction of data may be requested by the Data Subject for example if he/she thinks that his/her data has been processed by the Data Controller unlawfully, but it is necessary that the data should not be erased for the purpose of any court or administrative procedures initiated by the Data Subject.

In such cases until the notification of the authority or the court the Data Controller maintains the storage of the personal data which it only erases thereafter.

**10.1.6. Right to data portability (based on Article 20 of the General Data Protection Regulation)**

Through the availabilities defined undersection 10.2 the Data Subject may request in writing from Data Controller to receive the personal data concerning him/her, which he or she has provided to the Data Controller in a structured and commonly used and machine-readable format and forward these data to another data controller without hindrance from the Data Controller, if

* the data processing is based on consent pursuant to point a) of Article 6 (1) or point a) of Article 9 (2) of the General Data Protection Regulation, or
* based on agreement as per Article 6 Section (1) point b); and
* the data processing is carried out by automatic means.

**10.2. Enforcement of rights, legal remedies in connection with data processing**

**Contacting the Data Controller**

We recommend that before initiating any court or administrative procedure please send your request, complaint related to the data processing to Data Controller so that we can examine and satisfy it and so that we can perform your requests, claims under section 10.1 if justified.

Upon exercising any rights of the Data Subject according to section 10.1, request for information on data processing, or objection or complaint against the data processing the Data Controller without undue delay within the deadline defined by current legal regulations shall examine the case, take measures in connection with the request and provide information to the Data Subject. If required considering the complexity and number of requests this deadline may be extended according to law.

If Data Subject has submitted its request by electronic means, then the information shall be provided to the Data Subject in a commonly used electronic form unless otherwise requested by the Data Subject. Should the Data Controller fail to take measures without delay based on the request by the Data Subject at the latest within the deadline defined by law then it shall inform the Data Subject about the reason of the lack of measures, the reasons of denying the request and that the Data Subject may initiate a court or other administrative out of court procedure as follows.

**For the sake of enforcing your rights or if you have any questions, doubt about your data processed by the Data Controller or if you request information or wish to submit a complaint about your data or wish to exercise any of your rights under section 10.1 you may do so as a request by a data subject in letter, e-mail sent to the availabilities of the Data Controller.**

**Initiating a court procedure**

The Data Subject may initiate a lawsuit against the Data Controller or against the data processor (if any) – in relation to the data processing falling within the activities of the data processor -, if in his/her view the Data Controller or the data processor engaged by Data Controller processes his/her personal data by the breach of the provisions of the legal regulation or the compulsory legal rules of the European Union on processing personal data.

The lawsuit shall fall within the competence of the regional court (törvényszék). The lawsuit – as per the choice of the Data Subject - can also be initiated before the regional court having competence based on the home address or the residence address of the Data Subject.

**Initiating administrative procedure of the supervisory authority**

The Data Subject is entitled to request an investigation procedure or the conduction of an administrative procedure from the Hungarian National Authority for Data Protection and Freedom of Information (1055 Budapest, Falk Miksa u. 9-11., post address: 1363 Budapest, Pf. 9., telephone: +36-1-391-1400, fax: +36-1-391-1410, e-mail: [ugyfelszolgalat@naih.hu](mailto:ugyfelszolgalat@naih.hu)) in order to enforce his/her rights with reference to the fact that infringement has occurred in connection with the processing of his/her personal data or the direct threat of such infringement occurred, such as in particular:

* according the Data Subject’s opinion the Data Controller restricts the exercising of the rights of the Data Subject defined under Section 10.1 or rejects the request of the Data Subject regarding the enforcement of such rights (initiation of an examination), or
* in view of the Data Subject during the processing of his/her personal data the Data Controller or the data processor engaged by the Data Controller infringe the provisions of law or the compulsory legal regulations of the European Union pertaining to data processing (request for conducting an administrative procedure).