**Privacy Policy**

**on the processing of personal data of natural persons applying for the job advertisements of Grape Solutions Zrt. and addressed with job offers by Grape Solutions Zrt.**

**Preamble**

Grape Solutions Zrt. provides the following information on the processing of personal data of natural persons who wish to establish employment relationship with the Grape Solutions Zrt. (**Applicants**).

The Privacy Policy shall not apply in respect of the data management of legal persons other than natural persons.

We call the attention of the Applicants that after they establish an employment relationship with the Data Controller they may find detailed information on the processing of their personal data after the commencement of the employment relationship in the Data Controller’s “*General Privacy Policy for Employees*” (for the sake of clarity the referred privacy policy also contains the data processing information pertaining to the Applicants).

**1. Name of the Data Controller, definition of personal data and Data Subject**

Data Controller means the legal entity who determines the purposes for which and the manner in which any personal data are, or are to be, processed.

**In relation to this Policy the Data Controller is:**

**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)

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 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. Subject of this Privacy Policy, legislation serving grounds for the data processing**

The present Privacy Policy pertains to **the data processing of the Data Controller(s) in connection with the personal data of natural persons applying for job advertisements of the Data Controller or persons addressed with job offers by Data Controller**.

The main legislation pertaining to the above data processing:

* 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 (General Data Protection Regulation)
* the Act CXII of 2011, on the Right of Informational Self-Determination and on Freedom of Information,
* the Act I of 2012 on the Labour Code (Labour Code)

**The present Privacy Policy also serves the compliance with the provisions of subsection (5) of Section 10. § of the Labour Code (Employer notifies the Data Subject of its data processing under subsections (1)-(4) of Section 10. § in writing).**

**Further details of the data processing, the legal grounds for data processing as per the data processing purposes are defined in the table under section 12.**

**3. Legal grounds of the data processing**

The legal grounds for processing data primarily is the Regulation (EU) 2016/679 of the European Parliament and of the Council (**General Data Protection Regulation**) Article 6 section (1):

* subsection a) (data processing under consent)

**In case of Applicants** (receiving and valuating applications, recruiting, creating an HR data base, sending curriculum vitae and other information to the Data Controller and its representative, preparing the conclusion of the employment agreement) the data processing in all events is based on **the voluntary consent of the Applicant to the processing his/her personal data voluntarily handed over** to Data Controller or its representative **according to point a.) of subsection (1) of Article 6 of the General Data Protection Regulation**.

**The data subject Employee during the selection procedure may ask the Applicants to fill out skill and/or competency tests.**

The filling out of these tests and the related (pertaining to the processing of the data in the tests filled out) data processing shall also and exclusively take place upon **the voluntary consent as per Article 6 (1) a) of the General Data Protection Regulation in respect of the personal data provided voluntarily by the Data Subject in the test voluntarily filled out for the Data Controller or its agent**. Data Controller notifies the Data Subjects that based on the skill and/or competence tests **profile making may take place** during which the personal data may be used for valuating certain personal characteristics of the Data Subject, especially work place performance, personal preferences, interest, reliability, analysing or predicting characteristics of behaviour. Information pertaining to the logic applied during the profile making, the significance of the data processing and the possible consequences for the Data Subject: the results will support the selection of the proper applicant who is most suitable for the scope of job. Data Controller has prepared a data protection impact assessment according to the General Data Protection Regulation which can be viewed as the organizational unit performing recruitment for the HR organization of the Data Controller. The voluntary nature of the consent the Data Controller ensures in such way that the Data Subjects have real, influence free decision right regarding the giving and the revoke of the consent, The rejection of the consent will not have detrimental consequences on the Data Subjects.

**In case of processing certain special category personal data** (for example health data in relation to reduced ability to work) the grounds for processing prior to the establishment of an employment relationship is **the specific voluntary consent of the Data Subject according to Article 6 (1) a) and Article 9 (2) a) of the General Data Protection Regulation.**

You are entitled – in case of data processing based on consent – to withdraw at any time your consent given for the data processing, in which case we will erase your personal data without delay.

**Further details of the data processing, the legal grounds for data processing as per the data processing purposes are defined in the table under section 12.**

**4. Purpose of data processing**

The purposes of processing the personal data of the Data Subjects: the conducting of the internal HR procedure required for the selection by Data Controller or its representative, in case of successful application, selection of the applicant the preparation of the employment agreement, in case the application fails registration in the Data Subject’s data bank for the purpose to later forwarding later job possibilities meeting the Applicant’s professional experience, qualifications.

**Detailed definition of the data processing purposes of the data processing under this Privacy Policy are included in the table under Section 12.**

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

The scope of personal data processed by Data Controller includes all such personal data which Data Controller must process for its selection process and the preparation for establishing the employment relationship, in this scope the source of the data is the subject Applicant.

During application for job advertisements (advertisements, interviews, etc.) personal data on family status, living conditions, parents’ occupation, political opinion, religious, philosophical standpoint or other personal data not related to the employment relationship due to the lack of data processing purpose.

Data pertaining to health status, chronic illness, smoking, severe addiction) qualify as special category of personal data, thus provision of such data and their processing shall always be based on the subject Applicant’s written consent or legal regulation.

From the Applicants only such statement or disclosure of data can be requested which does not infringe your personal rights and material from the aspect of establishing employment relationship. Only such suitability assessment can be applied in respect of the Applicant which are prescribed by employment regulation or which is necessary with a view to exercising rights, and performing obligations defined by employment regulations.

**In case of Applicants** prior to establishing an employment relationship the Applicant may provide to the Data Controller or its representative his/her personal data necessary for the purpose of selection by Data Controller and (upon selection) for the purpose to establish the employment relationship. The scope of these personal data are especially: personal identification data, data certifying qualification, education, photo, upon establishment of employment relationship the personal data necessary to prepare an employment agreement and the data being part of the employment agreement.

Personal data necessary for preparation of employment agreements are especially:

* Name
* Birth name
* Birth place
* Birth date
* Mother’s maiden name
* Address (permanent address)
* Tax identification number
* Social security number (TAJ)
* Salary
* Scope of job
* Work time
* Work order

Beyond the above such personal data which the Applicant has provided voluntarily during his/her application to the job advertisement/tender in the documents the Applicant submitted to the Data Controller or its representative or in any other voluntary manner (application, curriculum vitae, motivation letter, documents verifying education, in case of Applicants having reduced ability to work special category of personal data on health pertaining to the reduced ability to work, etc.).

**The detailed definition of the data processed during the data processing under this Privacy Policy are included in the table under Section 12.**

Source of the data:directly the Data Subject.

**6. Persons having access to the personal data, reasons of data forwarding**

**The persons having access to the data defined in this Privacy Policy (persons within the organization of the Data Controller and external recipients) are included in the table under Section 12.**

**In case of the Data Processors detailed under section 9 the reason of the Data Controller’s data forwarding is that the Data Processors can attend their data processing tasks described undersection 9.**

**7. Term of processing, storing personal data**

**In case of Applicants the Data Controller processes the personal data provided by the Applicant until the withdrawal of Applicant’s consent for data processing, in the lack of withdrawal until the establishment of the employment relationship fails, or upon the separate consent of the Applicant until the date defined below.**

If the Applicant is not selected by the Data Controller, the Data Controller does not wish to establish employment relationship with the Applicant, then the Applicant in the knowledge of this prior notification may voluntarily consent to Data Controller or its representative that against the failure of his/her application Data Controller may process the Applicant’s personal data included in the documents the Applicant has submitted during his/her application/tender (application, motivation letter, documents certifying education, etc.) for the purpose of registration in Data Controller’ databank of applicants, and later on possibly send the Applicant job offers suitable for the Applicant’s professional experience and education until the **until the withdrawal of the Applicant’s consent, but maximum until 12 (twelve) months or if the Data Controller has approached the Applicant with a job offer until 12 (twelve) months from the date of the last contacting.**

In the lack of such consent or in case of withdrawal of the consent or upon expiry of the 12-month term the personal data provided by the Applicant will be fully erased from Data Controller’s databank.

**The duration of the data processing under this Policy are included in the table under Section 12.**

**8. Data security**

Data Controller undertakes to ensure the protection of the personal data processed by Data Controller. Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, Data Controller shall implement appropriate technical and organisational measures and implement the procedures which ensure that the recorded, stored and processed data are protected, furthermore hinder the destroy, the unauthorized use and change of the data.

Data Controller obliges himself that it will call all third parties to whom Data Controller lawfully forwards or hands over data to comply with the requirements of data security.

Data Controller shall do it best to protect the personal data it processes against unauthorized access, transformation, disclosure, deletion or destruction, accidental destruction or damage. The processed data may only be accessed by the Data Controller, its employees and the data processors deployed by the Data Controller as per access levels, the data shall not be handed over to third persons not having right to access. The employees of the Data Controller and Data Processor shall only have access to the personal data as per scope of job, specific manner and access levels defined by the Data Controller and the Data Processor.

Data Controller for the sake of security of the IT systems shall protect its IT systems with firewall, and in order to prevent external and internal data loss use virus screens. Data Controller has also arranged for the control of all forms of incoming and outgoing communication for the sake of preventing misuse.

Data Controller and Data Processor qualifies and handles the personal data as confidential data. For the protection of the data files stored electronically in different registers Data Controller ensures that the data stored in the registers – save for the exceptions defined by law – could not be directly connected to the Data Subject.

Data Controller shall ensure a level of data security appropriate to the risk, including among others, as appropriate:

- the pseudonymisation and encryption of personal data,

- the ability to ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services used for the processing of personal data (operation- and development security, protection against intrusion and detection, prevention of unauthorized access),

- the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident (prevention of data leak, handling vulnerability and incidents),

- a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing (maintaining business continuity, protection against harmful codes, safe storage, forwarding, processing of data, safety training of employees).

When determining the appropriate level of security expressly such risks arising from the data processing shall be taken into account which result especially from the incidental or unlawful destruction, loss, modification, disclosure or unauthorized access to the personal data forwarded, stored or otherwise processed.

**9. Data processors**

Data processors are the natural or legal persons carrying out personal data processing on behalf of Data Controller. In connection with your personal data the following companies act as data processors (**Data Processor**):

| **Data Processor**  **name, seat, ID data** | **Activitiy of the Data Processor** | **Personal data processed by the Data Processor** |
| --- | --- | --- |
| None | Not relevant | Not relevant |

Data Processors shall process the above personal data during the term of their contract with Data Controller and until the duration defined by law in relation thereof.

**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,
* 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, e.g. you consented that your personal data (telephone number, e-mail) may be processed for contacting purposes. In such an event we erase the personal data.

If you have provided us your personal data for the purpose to perform a contract or under law then the related processing of these personal data will not automatically cease with the termination of the contract and we cannot perform your request for erasure.

In such event we have to process your personal data defined by law further on even after the termination of contract until the duration defined in this Privacy Policy.

**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.

**10.1.7. Right to objection (based on Article 21 of the General Data Protection Regulation)**

Through the availabilities defined undersection 10.2 the Data Subject may object in writing the processing of his/her personal data pursuant to point f) Article 6 (1) of the General Data Protection Regulation required for the enforcement of rightful interest of the Data Controller or a third party, including profiling based on those provisions. In such event Data Controller shall not further process the personal data, except if the Data Controller demonstrates compelling legitimate grounds for processing which override the interests, rights and freedoms of the Data Subject or for the establishment, exercise or defence of legal claims.

If personal data is processed for the purpose of direct marketing then the Data Subject is entitled to object at any time for the processing of the personal data for this purpose, including profiling if that is related to direct marketing. If the Data Subject objects the processing of the personal data for direct marketing purposes then the personal data may not be processed further on for this purpose.

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

**Contacting the Data Controller**

We suggest that before initiating a supervisory- or court procedure first be so kind and contact and send to Data Controller your requests, complaints in connection with the processing of your personal data, thus we can examine and remedy those, and if valid we can perform your requests described under the above section 10.1.

Upon the enforcement of any rights of the Data Subject under section 10.1, upon any request for information, objection to data processing and complaint the Data Controller shall without delay and within the time required by the current rules of law examine the case, make the necessary arrangements in connection with the request and provide information in the matter for the Data Subject. Where necessary taking into account the complexity of the request and the number of the requests this deadline may be extended as defined by law.

Where the Data Subject makes his/her request electronically then information shall be provided as far as possible by electronic form means, unless the Data Subject requests otherwise. If the Data Controller does not take action on the request of Data Subject, Data Controller shall inform the Data Subject without delay and maximum within the deadline defined by law of the reasons for not taking action and on the possibility of lodging a complaint with the supervisory authority and seeking a judicial remedy.

**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 seek judicial remedy against the Data Controller or against the Data Processor – in relation to the data processing operations falling in the scope of activity of the data processor – if in his/her view the data controller and the data processor engaged or instructed by data controller processed his/her personal data in breach of the provisions of the rules of law applying to processing of personal data or the General Data Protection Regulation.

The law suit shall fall into the competence of the tribunal. The law suit – upon the choice of the Data Subject – may be initiated before the tribunal competent based on the home address or the residential address of the Data Subject.

**Initiating a supervisory procedure**

The Data Subject for the enforcement of his/her rights may initiate an investigation or a supervisory procedure at the National Authority for Data Protection and Freedom of Information (1055 Budapest, Falk Miksa u. 9-11., post address: 1363 Budapest, webpage: <http://naih.hu>; tel.: +36-1-391-1400; fax: +36-1-391-1410; e mail: [ugyfelszolgalat@naih.hu](mailto:?subject=)) on grounds of infringement or the imminent risk of infringement of rights in connection with processing of his/her personal data, especially:

* if in his/her view the Data Controller restricts his/her rights in connection with processing defined under section 10.1 or rejects his/her request to enforce any of such rights (launching an examination), or
* in his/her view during the process of his/her personal data the Data Controller or the data processor engaged by or instructed by Data Controller breaches the provisions on processing personal data defined by law or the mandatory legal regulation of the European Union (requesting procedure by supervisory authority)

**11. Encumbrances**

During the processing of the personal data describe in this Privacy Policy automated individual decision-making, profiling save as specifically indicated under section 3 of this Policy or forwarding of personal data to third countries or international organisations does not take place.

This Privacy Policy can be found at <https://grape.solutions> website.

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

**12. Detailed description of the data processing**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Purpose of the data processing** | **Processed personal data, their categories** | **Duration of the data processing** | **Legal grounds of the data processing** | **Source of data** | **Persons having access to the data (pls see section 6 also!)**  **External recipients /if any/** | **Purpose of disclosure (if there is a recipient)** |
| **Processing, storage and erasure of the data for the purpose of hiring work force, preparing offer, preparation of employment agreement** | Name, Birth place, Birth date, Mother’s name, Address, Education, Qualification, Professional experience, other data in the Curriculum vitae relevant for filling the job, Former emplyers, scope of jobs, Social security number, Tax identification number, E-mail, Telephone number, Identification number of personal and qualification documents, For jobs defined by law or the Employer existence of the extract of penalty record | Making the decision on the establishment of the employment relationship, upon consenting further processing of data maximum 12 month  In case of withdrawal of consent the date of withdrawal | **General Data Protection Regulation** Article 6 subsection (1) point a) - Consent of the Data Subject | Applicant/ potential employee | employees of the relevant professional field taking part in the selection and such employees of the Data Controller’s HR who take part in the selection process will have full access to the personal data of the Applicant, the person(s) exercising employer’s rights at Data Controller | - |
| **Databank**  **Management of hiring, registration, storage and erasure of CVs** | Name, Birth place, Birth date, Mother’s name, Address, Education, Qualification, Professional experience, Work experience, Existence of driving licence, Scope of interest,  Former employers, Starting date of recognised industry legal relationship, Scope of jobs, Email, Telephone number | Until withdrawal of consent, in the lack of withdrawal until 12 months from the date of establishment of the employment relationship or the application | **General Data Protection Regulation** Article 6 subsection (1) point a) - Consent of the Data Subject | Applicant/ potential employee | employees of the relevant professional field taking part in the selection and such employees of the Data Controller’s HR who take part in the selection process will have full access to the personal data of the Applicant  The Applicant’s name and e-mail address (in the lack of e-mail address the birth date) registered in the Data Controller’s databank may also be accessed by the recruiting agency who recruited the Applicant | Conducting name check procedure |