

Detailed rules on data subjects' rights, remedies and exercise of rights in relation to the processing of personal data after the death of the data subject

The **University of Óbuda** (hereinafter referred to as "**University**") is subject to the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council 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 (hereinafter referred to as "**Regulation**" or "**GDPR**") and the provisions of Act CXII of 2011 on the right to information self-determination and freedom of information. In order to comply with the provisions of the Act on Data Protection and Freedom of Information and Data Security of 2011, the principle of accountability as set out in Article 5(2) of the Regulation and Chapter III of the Regulation, the following details the issues relating to the rights and remedies of data subjects of personal data processing operations carried out by the Regulation, including enforcement after the death of the data subject.

This document is an integral part of the University's Privacy and Data Protection Policy (the "**Policy**").

1. Rights of data subjects

1.1. Right to information

1.1.1. Where the personal data is collected by the University from the data subject, the University will provide the data subject with the following information at the time the personal data is obtained:

- a) the identity and contact details of the University and its representative;
- b) contact details of the Data Protection Officer;
- c) the purposes for which the personal data are intended to be processed, the legal basis for the processing and, in the case of processing based on consent, the possibility to withdraw consent;
- d) in the case of processing based on legitimate interests, the legitimate interests of the controller or a third party;
- e) the recipients of the personal data, categories of recipients, if any;
- f) where applicable, the fact that the controller intends to transfer the personal data to a third country or an international organisation.

1.1.2. The University will provide the data subject with the following additional information at the time of obtaining the personal data in order to ensure fair and transparent processing:

- a) the duration of the storage of personal data or, where this is not possible, the criteria for determining that duration;
- b) the data subject's right to request the University to access, rectify, erase or restrict the processing of personal data concerning him or her, to obtain the portability of the data and to object to the processing of personal data;
- c) in the case of processing based on consent, the right to withdraw consent at any time, without prejudice to the lawfulness of the processing carried out on the basis of consent prior to its withdrawal;
- d) the right to lodge a complaint with a supervisory authority;

- e) whether the provision of the personal data is based on a legal or contractual obligation or is a precondition for the conclusion of a contract, whether the data subject is under an obligation to provide the personal data and the possible consequences of not providing the data;
- f) where automated decision-making is carried out, the fact of such processing, including profiling, and, at least in those cases, the logic used, i.e. the significance of such processing and the likely consequences for the data subject.

1.1.3. If the University has not obtained the personal data from the data subject, it will provide the data subject with the following information:

- a) the identity and contact details of the University and its representative;
- b) contact details of the Data Protection Officer;
- c) the purposes for which the personal data are intended to be processed and the legal basis for the processing;
- d) the categories of personal data concerned;
- e) the recipients of the personal data, categories of recipients, if any;
- f) where applicable, the fact that the controller intends to transfer the personal data to a third country or an international organisation.

1.1.4. In order to ensure fair and transparent processing, the University will provide the data subject with the following additional information:

- a) the duration of the storage of personal data or, where this is not possible, the criteria for determining that duration;
- b) in the case of processing based on legitimate interests, the legitimate interests of the controller or a third party;
- c) the data subject's right to request the University to access, rectify, erase or restrict the processing of personal data concerning him or her and to object to the processing of such personal data, and the data subject's right to data portability;
- d) in the case of processing based on consent, the right to withdraw consent at any time, without prejudice to the lawfulness of the processing carried out on the basis of consent prior to its withdrawal;
- e) the right to lodge a complaint with a supervisory authority;
- f) the source of the personal data;
- g) where automated decision-making is carried out, the fact of such processing, including profiling, and, at least in these cases, the logic used, i.e. the significance of such processing and the likely consequences for the data subject.

1.1.5. The University provides the information described in Sections 1.1.3 and 1.1.4 as follows:

- a) taking into account the specific circumstances in which the personal data are processed, within a reasonable period of time from the date on which the personal data were obtained, but not later than one month;
- b) where the personal data are used for the purpose of contacting the data subject, at least at the time of the first contact with the data subject; or
- c) if the data are likely to be disclosed to other recipients, at the latest when the personal data are disclosed for the first time.

1.1.6. Information under 1.1.3. and 1.1.4. need not be provided if

- a) the data subject already has the information;
- b) it proves impossible or would require disproportionate effort to provide the information in question. In such cases, the controller must take appropriate measures, including making the information publicly available, to protect the rights, freedoms and legitimate interests of the data subject;
- c) the acquisition or disclosure of the data is expressly required by Union or Member State law applicable to the controller, which provides for appropriate measures to protect the data subject's legitimate interests; or
- d) the personal data must remain confidential under an obligation of professional secrecy imposed by EU or Member State law, including a legal obligation of secrecy.

1.1.7. If the University intends to further process personal data for a purpose other than that for which it was obtained, it shall inform the data subject of that other purpose and of any relevant additional information before further processing.

1.1.8. The University will provide all information in a concise, transparent, understandable and easily accessible form, and in a clear and plain language.

1.2. **Right of access**

1.2.1. At the request of the data subject, the University will inform him or her whether his or her personal data are being processed and, if so, provide access to the personal data and the following information:

- a) the purposes of the processing;
- b) the categories of personal data concerned;
- c) the recipients or categories of recipients to whom or which the personal data have been or will be disclosed, including in particular recipients in third countries or international organisations;
- d) the envisaged period of storage of the personal data or, if this is not possible, the criteria for determining that period;
- e) the right of the data subject to obtain from the controller the rectification, erasure or restriction of the processing of personal data concerning him or her and to object to the processing of such personal data;
- f) the right to lodge a complaint with a supervisory authority or to take legal action;
- g) if the data were not collected from the data subject, any available information on their source;
- h) where automated decision-making is carried out, the fact of such processing, including profiling, and, at least in those cases, the logic used, i.e. the significance of such processing and the likely consequences for the data subject.

8.2.2. The University is obliged to provide the data subject with a copy of the personal data processed upon request. The University shall be entitled to charge a reasonable fee, proportionate to the costs incurred, for any additional copies requested by the data subject. The amount and the method of calculation of the fee shall be determined by the Director-General for Economic Affairs. If the data subject has made the request by electronic means, the information shall be provided in a commonly used electronic format, unless the data subject requests otherwise. The provision of personal data shall not adversely affect the rights and freedoms of others.

1.3. **Right to rectification of personal data**

- 1.3.1. The data subject shall have the right to obtain from the University, upon his or her request and without undue delay, the rectification or integration of inaccurate or incomplete personal data relating to him or her.
- 1.3.2. When contacting the data subject, the University will, as far as possible, match the data subject's personal data.
- 1.3.3. In the case of a request for rectification (amendment) of data, the data subject must substantiate the accuracy of the data requested to be amended and must also certify that the person entitled to the amendment is the person who requests the amendment. Only in this way can the University assess whether the new data is accurate and, if so, whether it can amend the old data. Where it is not clear whether the data processed is correct or accurate, the University will not correct the data, but will mark it, i.e. indicate that it has been challenged by the data subject, but may not be incorrect. The University will, without undue delay, correct inaccurate personal data or supplement the data concerned by the request, after confirming the authenticity of the request. The University shall notify the data subject of the correction or marking.
- 1.3.4. Personal data must be reconciled only through a secure communication channel.

1.4. **Right to erasure of personal data (right to be forgotten)**

- 1.4.1. The data subject shall have the right to obtain from the University the erasure of personal data relating to him or her without undue delay upon request, and the University shall be obliged to erase personal data relating to the data subject without undue delay if one of the following grounds applies:
 - a) the personal data are no longer necessary for the purposes for which they were collected or otherwise processed;
 - b) the data subject withdraws the consent on which the processing is based and there is no other legal basis for the processing;
 - c) the data subject objects to the processing and there is no overriding legitimate ground for the processing, or the data subject objects to the processing for direct marketing purposes;
 - d) the personal data have been unlawfully processed;
 - e) the personal data must be erased in order to comply with a legal obligation under Union or Member State law to which the controller is subject;
 - f) personal data are collected in connection with the provision of information society services.
- 1.4.2. If the University deletes personal data that has been lawfully disclosed with regard to the provisions of Section 1.4.1, it will take all reasonable and appropriate measures, including technical measures, taking into account the available technology and the cost of implementation, to inform the other controllers that, upon the data subject's request, the link to or copy or replica of the personal data in question must be deleted.
- 1.4.3. Paragraphs 1.4.1 and 1.4.2 do not apply where the processing is necessary:
 - a) to exercise the right to freedom of expression and information;
 - b) to comply with an obligation under Union or Member State law that requires the processing of personal data for the performance of a task carried out in the public interest or in the exercise of an obligation of the University;
 - c) on grounds of public interest in the field of public health;

- d) for archiving purposes in the public interest, scientific and historical research purposes or statistical purposes, where deletion would be likely to render impossible or seriously impair such processing; or
- e) to bring, enforce or defend legal claims.

1.4.4. The deletion of data is permanent and irreversible. The University will carry out the deletion in such a way that it can justify it at a later date, as provided for in the Policy. The deletion of personal data in paper form shall be carried out using a shredder. The destruction of a document or object containing personal data shall be carried out only in such a way that it is impossible to retrieve the personal data from the data carrier by any method.

1.5. **Right to object to the processing of personal data**

1.5.1. The data subject has the right to object at any time, on grounds relating to his or her particular situation, to the processing of his or her personal data where the processing is:

- a) necessary for the performance of a task carried out in the exercise of official authority vested in the controller in the public interest;
- b) necessary to pursue the legitimate interests of the controller or a third party, including profiling based on those provisions.

In such a case, the University will no longer process the personal data unless it can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.

1.5.2. Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to the processing of personal data concerning him or her for such purposes, including profiling. If the data subject objects to the processing of his or her personal data for direct marketing purposes, the personal data may no longer be processed for those purposes.

1.6. **Right to restriction of processing**

1.6.1. The data subject shall have the right to obtain from the University, at his or her request, restriction of processing if one of the following conditions is met:

- a) the data subject contests the accuracy of the personal data, in which case the restriction applies for the period of time necessary to allow the controller to verify the accuracy of the personal data;
- b) the data processing is unlawful and the data subject opposes the erasure of the data and requests instead the restriction of their use;
- c) the controller no longer needs the personal data for the purposes of processing, but the data subject requires them for the establishment, exercise or defence of legal claims; or
- d) the data subject has objected to the processing; in this case, the restriction applies for the period until it is established whether the legitimate grounds of the controller override those of the data subject.

1.6.2. If the processing is restricted, such personal data, except for storage, may only be:

- a) with the consent of the data subject;
- b) to bring, maintain or defend legal claims;

- c) to protect the rights of another natural or legal person; or
- d) may be handled in the important public interest of the Union or of a Member State.

1.6.3. The University shall inform the data subject in advance of the lifting of the restriction on processing.

1.7. **Right to data portability**

1.7.1. The data subject shall have the right to receive personal data concerning him or her which he or she has provided to the University in a structured, commonly used, machine-readable format and the right to transmit such data to another controller without hindrance from the controller, if:

- a) the processing is based on consent or a contract; and
- b) the processing is carried out by automated means.

1.7.2. The data subject has the right to request that his or her personal data be sent directly by the University to another controller.

2. **Data subjects' right to redress**

2.1. The data subject may contact the University with any questions, comments, requests or complaints regarding the processing of his or her personal data by e-mail at jog@uni-obuda.hu, by post or in person at the University's headquarters. In such a case, the University will investigate the matter within a maximum of 30 days and inform the data subject of the outcome of the investigation.

2.2. In addition to the provisions set out in the previous point, any person may initiate an investigation against the University before the National Authority for Data Protection and Freedom of Information (hereinafter referred to as "**the Authority**") on the grounds that a breach of rights has occurred or is imminent in relation to the processing of personal data, or that the University is restricting the exercise of his or her rights to information, access, rectification, restriction, erasure or remedy, or is refusing to grant his or her request to exercise such rights. The notification can be made using one of the following contact details:

National Authority for Data Protection and Freedom of Information (NAIH)

Postal address: 1363 Budapest, Pf. 9.

Address: 1055 Budapest, Falk Miksa utca 9-11.

Phone: +36 (1) 391-1400

Fax: +36 (1) 391-1410

E-mail: ugyfelszolgalat@naih.hu

URL: <http://naih.hu>

2.3. In addition to points 2.1 and 2.2, the data subject may also have recourse to the courts in order to enforce his or her right to judicial remedies if he or she considers that the controller or a processor acting on his or her behalf or at his or her instructions is processing his or her personal data in breach of the provisions of the law or of a legally binding act of the European Union relating to the processing of personal data. The action may also be brought, at the choice of the data subject, before the courts for the place where the data subject resides or is domiciled or before the courts for the place where the controller is established.

3. Enforcement of rights concerning the processing of personal data after the death of the data subject

- 3.1. Within five years after the death of the data subject, the right of access, rectification, erasure, restriction of processing and objection may be exercised by a person authorised by the data subject by means of an administrative arrangement or a declaration in a public or private document having full probative value made to the controller or, if the data subject has made several declarations to a controller, by a declaration made at a later date.
- 3.2. If the data subject has not made a declaration of rights in accordance with point 3.1, his or her close relatives within the meaning of the Civil Code shall have the right to rectification and objection and, if the processing was unlawful during the data subject's lifetime or the purpose of the processing ceased to exist upon the death of the data subject, the right to erasure and restriction of processing within five years of the death of the data subject. The next of kin shall be the first to exercise the rights of the data subject under this point.
- 3.3. A person who asserts the rights of the data subject under this clause shall be subject to the rights and obligations established for him or her in the exercise of those rights, in particular in proceedings before the University and before the Authority or the courts.
- 3.4. The person exercising the rights of the data subject under this point shall certify the fact and the date of death of the data subject by means of a death certificate or a court order, and his or her identity and status as a relative by means of a public document.