

DATA PROTECTION AND DATA PROCESSING POLICY OF THE DANUBE TRANSNATIONAL PROGRAMME

in line with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

Based on the General Data Protection Regulation (hereinafter referred to as GDPR), the purpose of the present data protection and data processing policy (hereinafter referred to as 'Policy') is to provide the data subject with all the information on cases where personal data relating to the data subject are collected.

1. Definitions

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

- personal data** any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person
- processing** any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction
- controller** the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law
- processor** a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller
- third party** a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data

recipient	a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing;
consent of the data subject	any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;
personal data breach	a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed;
supervisory authority	means an independent public authority which is established by a Member State pursuant to Article 51

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

2. Legal background to the processing of personal data

In particular, the following laws shall govern the processing of data by the Data Controller:

- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (GDPR),
- Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information
- Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (hereinafter referred to as CPR),
- Regulation (EU) No 1299/2013 of the European Parliament and of the Council on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal (hereinafter referred to as ETC regulation),

- Danube Transnational Programme, EC decision number: C(2020)7569, 28.10.2014., Cooperation programmes under the European territorial cooperation goal, CCI reference number: 2014TC16M6TN001.

3. Data Controller

name: **Ministry of Finance, Department of the Danube Transnational Programme Managing Authority and Joint Secretariat** (hereinafter referred to as 'Controller'),
 registered office: 1054 Budapest József nádor tér 2-4.
 represented by: Mr. Imre Csalagovits
 e-mail: imre.csalagovits@interreg-danube.eu

4. Data processors

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

4.1. Responsible authorities of the Partner States

All Partner States are responsible for the implementation of the programme on their country's territory, as laid down in articles 74 and 122 and in compliance with articles 72 and 73 of the CPR. Responsible authorities of the Partner States are listed in the document titled 'Cooperation Programme Complement'.

4.2. Audit Authority of the Programme

The Audit Authority is responsible for ensuring that audits are carried out on the management and control systems in accordance with Article 123(4), and Article 127 of the CPR as well as with Articles 21 (1) and 25(1) of the ETC Regulation. The Audit Authority is assisted by a Group of Auditors comprising of representatives from responsible bodies of each Partner State.

The designated Audit Authority of the programme:

name: **Directorate General for Audit of European Funds, Hungary**
 Department: Directorate for Economic Development and Auditing International Funds
 represented by: Mr Balázs Dencső
 registered office: 1115 Budapest, Bartók Béla út 105-113.
 e-mail: eutaf@eutaf.gov.hu

4.3. Certifying Authority of the Programme

The Certifying Authority is responsible for drawing up and submitting certified statements of expenditure and applications for payment to the Commission and receiving payments from the Commission as laid down in article 126 of the CPR.

name: **Hungarian State Treasury**
 registered office: Hold utca 4., 1054 Budapest, Hungary
 represented by: Mr. László András Borbély (Financial vice-president)
 e-mail: igazolohatosag@allamkincstar.gov.hu

4.4. The operator of the Programme's website

name: **Gbart Trans Kft.**
registered office: 2636 Tésa, Petőfi utca 16.
company reg. no: 13-09-198448
represented by: Mr. István Eszlátyi
e-mail: info@gbart.hu

5. Data protection officer contact details

name: **Ministry of Finance**
registered office: 1054 Budapest József nádor tér 2-4.
e-mail: adatvedelem@pm.gov.hu

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

The purpose of processing is to fulfil the obligations set out in the legislation related to the use of the grant, and to exercise the public authority granted to the controller.

The Controller manages personal data to a different extent depending on the type and existence of the legal relationship with the Data Subject. Processing includes the data processed in the course of fulfilling the administrative obligations towards the grant management organisations, and data used in project implementation and stored in the project documentation kept on the Data Controller's site.

The Controller processes data that is necessary for the functioning of the programme. National level coordinators, national contact points and monitoring committee members are nominated by the Partner States. Contact data (name, e-mail, phone number) of the national level coordinators and national contact points, and the names of the monitoring committee members are published on the programme's website. The obligation of publishing the list of monitoring committee members derives from the article 48 (2) of CPR and is done for information purposes. Publication of contact data of the national contact points and national level coordinators is to ensure that potential and actual beneficiaries, programme bodies and stakeholders have access to relevant information with regard to the programme and project implementation. The personal data will be removed as soon as their nomination expires.

The Programme bodies, monitoring committee members and national contact points, and persons mandated by the programme bodies to act on their behalf (e.g. evaluators, auditors) may also use the personal data collected and published to provide or request information to/from the monitoring committee members and national contact points related to their tasks, the programme implementation or further development.

In accordance with Article 140 of CPR, all supporting documents regarding expenditure on operations for which the total eligible expenditure is less than EUR 1 000 000, are made available for a period of two years from 31 December following the submission of the accounts in which the expenditure of the operation is included. The managing authority shall inform the beneficiaries of the start of the period. The periods shall be interrupted either in the case of legal proceedings or at the duly justified request of the Commission.

personal data	purpose of processing	legal basis for processing	means of processing	period of processing
birth surname and first name	data necessary to identify the natural person to conclusion of the contract, and implementation of the programme: program management, national contact point and Monitoring Committee members, national coordination	GDPR Article 6 (1) (b) and (e)	electronic, on paper	duration specified by the European Union / time to maintain the Programme
permanent and/or temporary address of the contractual partner	data necessary to identify the natural person to conclusion of the contract	GDPR Article 6 (1) (b) and (e)	electronic, on paper	duration specified by the European Union / time to maintain the Programme
place of birth, date of birth of the contractual partner	data necessary to identify the natural person to conclusion of the contract	GDPR Article 6 (1) (b) and (e)	electronic, on paper	specified by the European Union / time to maintain the Programme
nationality	may be included in the curriculum vitae in an expert call for proposals - application evaluation guide, prescribed by the Monitoring Committee, a requirement due to the specifics of the programme	GDPR Article 6 (1) (e)	electronic, on paper	duration specified by the European Union / time to maintain the Programme
e-mail address	1. newsletter; 2. contact (the data subject can choose the most effective form of contact for her or him) of the beneficiary representative, programme management, national contact point, national coordination 3. event registration	1. GDPR Article 6 (1) 2. GDPR Article 6 (1) (b), (e)	electronic, on paper	duration specified by the European Union / time to maintain the Programme
tax identification number of the contractual partner	data necessary to identify the natural person to conclusion of the contract	GDPR Article 6 (1) (b)	electronic, on paper	duration specified by the European Union / time to maintain the Programme
phone number	contact (the data subject can choose the most effective form of contact for her or him) of the beneficiary representative, programme management, national contact point, national coordination	GDPR Article 6 (1) (b), (e)	electronic, on paper	duration specified by the European Union / time to maintain the Programme
	data necessary to identify	GDPR Article 6	electronic,	duration specified

personal identification number or identity card number	the natural person to conclusion of the contract	(1) (b), (e)	on paper	by the European Union / time to maintain the Programme
passport number	1. data necessary to identify the natural person to conclusion of the contract 2. Mission details of contractual partner or program management staff	GDPR Article 6 (1) (b), (e)	electronic, on paper	duration specified by the European Union / time to maintain the Programme
wage data and other benefits	Individuals under contract to the Project Beneficiary who participate in the implementation of a project element or program management staff	GDPR Article 6 (1) (e)	electronic, on paper	duration specified by the European Union / time to maintain the Programme
the name of the school awarding the qualification data on language skills, field of interest previous jobs	may be included in the curriculum vitae in an expert call for proposals or programme management applicants	GDPR Article 6 (1) (e)	electronic, on paper	duration specified by the European Union / time to maintain the Programme
photos, videos audio recordings	1. may be included in the curriculum vitae in an expert call for proposals; 2. photos, videos, audio recording taken at events related to programme management or project implementation, and supporting document submitted for the clearance of projects	GDPR Article 6 (1) (e) and Act V of 2013 on the Civil Code	electronic, on paper	duration specified by the European Union / time to maintain the Programme
performance evaluation data	individuals contracted to beneficiaries who are involved in the implementation of a project element	GDPR Article 6 (1) (e)	electronic, on paper	duration specified by the European Union / time to maintain the Programme
employee insurance details	individuals contracted to beneficiaries who are involved in the implementation of a project element	GDPR Article 6 (1) (e)	electronic, on paper	duration specified by the European Union / time to maintain the Programme
signature	signing of declarations, documents submitted for settlement, handover-acceptance documents, signing of contracts,	1. if the data subject is the contractual partner – GDPR Article 6 (1) (b)	electronic, on paper	duration specified by the European Union / time to maintain the Programme

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

7. Information we collect by automated means and how we use it

To improve our websites and to make your online experience more enjoyable, when you visit our websites we collect certain information by automated means, using cookies and other technologies.

Cookies, web server logs and pixel tags

A cookie is a small amount of data that is sent to your browser from a Web server and stored on your computer's hard drive when you visit our websites. We use cookies to tell us who you are, tailor our services to suit your personal interests, estimate the number of visitors to our websites, track visits to pages within our websites and/or analyse our customers' visiting patterns. Cookies do not contain information such as name. Most browsers are present to accept cookies and are used to make online visits easier and faster for you. Cookies are required for you to browse our websites.

In conjunction with obtaining information through cookies, our web servers may log details such as your operating system type, browser type, domain, and other system settings, as well as the language your system uses and the country and time zone in which your device is located. The web server logs also may record information such as the address of the web page that linked you to our site and the IP address of the device you use to connect to the Internet.

To control which web servers collect this information, we may place "pixel tags" (also called "web beacons" or "clear gifs"), which are tiny graphic images on our websites, to help us gather knowledge about how you use our websites.

Third party web analytics services

We may use third party web analytics services on our websites, such as Google Analytics. The service providers that administer these services use technologies such as cookies, web server logs and web beacons to help us analyse how visitors use the site. The information collected through these means (including IP address) is disclosed to these service providers, who use the information to evaluate use of the website. To disable the Google Analytics cookie and any other third party web analytics service provider cookies, some browsers indicate when a cookie is being sent and allow you to decline cookies on a case-by-case basis.

How we may use information collected by automated means

We may use the information we collect through automated means on our websites for market research, data analytics and system administration purposes, such as to determine whether you've visited us before or are new to the site, and for compliance with our legal obligations, policies and procedures, including compliance with relevant industry standards. We may combine the information we collect through automated means with other information we have collected from you. This information may be used to improve our websites, to personalize your online experience, to focus our communications with you, to determine the effectiveness of our advertising, and for other internal business purposes to improve your experience with us. We also may use the information in other ways for which specific notice is provided at the time of collection.

8. Principles

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

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

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

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

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

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

unauthorised alteration and unauthorised dissemination.

9. Rights of the data subject

The data subject may exercise right in the following ways:

- e-mail
- by post
- in person

➤ *Right of information and access personal data*

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

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

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

➤ *Right to rectification and modification*

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

➤ *Right to data portability*

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

➤ *Right to erasure*

The data subject may request the erasure of one or all personal data concerning him or her. In this case, the Controller erases the personal data without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

- the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- the data subject withdraws consent on which the processing is based and where there is no other legal ground for the processing;

- data processing is based on legitimate interest of the Controller or third person but the data subject objects to the processing and (except objection to processing related to direct marketing) there are no overriding legitimate grounds for the processing;
- the personal data have been unlawfully processed;
- the personal data have to be erased for compliance with a legal obligation.

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

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

➤ *Right to restriction of processing*

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

- the accuracy of the personal data is contested by the data subject, for a period enabling the Controller to verify the accuracy of the personal data;
- the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
- the Controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;
- the data subject has objected to processing pending the verification whether the legitimate grounds of the Controller override those of the data subject.

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

➤ *Right to object*

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

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

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

10. Legal remedies and enforcement

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

In case of any violation of rights listed above, the data subject may make a complaint to the data protection supervisory authority of the Member State, where data processing takes place or the place of the alleged violation.¹ Third country under the GDPR, the data controller has examined the provisions of GDPR Articles 44-46, and finds that the transmission of the processed data is secure as it is done to a body (ministry) performing a public task.

The data subject may bring a case before the court as established in Articles 78-79 of GDPR.

¹ In Hungary, complaint shall be made to the supervisory authority of the Hungarian National Authority for Data Protection and Freedom of Information ('NAIH', address: 1055 Budapest, Falk Miksa utca 9-11.; postal address: 1363 Budapest, Pf. 9.; phone: +36-1-391-1400; e-mail: ugyfelszolgalat@naih.hu; website: www.naih.hu)