

Information on data processing on compliance with the obligation to declare and provide information related to the posting of workers in the framework of the provision of services

in accordance 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 (hereinafter: GDPR)

The Ministry for Innovation and Technology regarding with Article 14 and 13 of the GDPR informs the natural persons concerned (hereinafter: data subject) about the following:

1. Specification of the controller

Name: Ministry for Innovation and Technology
PIR identification number: 764410
Seat: 1011 Budapest, Fő utca 44-50.
Mailbox: 1440 Budapest Pf. 1.
E-mail address: ugyfelszolgalat@itm.gov.hu
Contact details of the data protection officer: dr. Dakos Zsuzsanna
postbox: 1011 Budapest, Fő utca 44-50.
e-mail address: zsuzsanna.dakos@itm.gov.hu

2. The purpose of data processing:

In order to fulfill its obligation regarding with EU directives on the posting of workers in the framework of cross-border provision of services and administrative cooperation within the Internal Market Information System, the labor authority processes data provided by the employer on posted workers in the territory of Hungary in compliance with Section 295 of the Act I of 2012 on the Labour Code.

Name of the processing	data processing regarding to the declaration and reporting obligations related to the posting of workers to the territory of Hungary by a foreign employer in the provision of services
Purpose of the processing	fulfilment of obligations arising from the enforcement of EU directives related to cross-border provision of services and administrative cooperation through the Internal Market Information System
Legal basis for the processing	GDPR Article 6 Subsection 1 c) based on the Act LXXV of 1996 on labour inspection

	Section 8/D Subsection 1
Categories of data subjects	representative of the foreign service provider responsible for providing the information, or, if different, the person responsible for communication with the authority; the posted employee(s)
Categories of personal data	data provided by the data subject (username; the name of the data subject; e-mail address of the data subject; if different, the name, address, telephone number and e-mail address of the person responsible for communication with the authority – the contact person-; name of posted workers)
Recipients to whom the personal data are disclosed	labour authority
Name and representative of the processor	NISZ Nemzeti Infokommunikációs Szolgáltató Zrt. Center: 1081 Budapest, Csokonai u. 3. Mailing address: 1389 Budapest, Pf 133. Telephone: +36 1 459 4200 Fax: + 36 (1) 303 1000 E-mail: info@nisz.hu
Transfer to a third country, international organisation	the provided data may be released at a request of a competent Member State authority only in respect of the matter for which it was requested
Time limit for erasure of personal data	3 years
Description of security measures	The controller declares that it has taken appropriate security measures against unauthorised access to personal data and any disclosure, transfer, alteration, erasure, destruction, damage or loss of personal data.

3. Legislation on which the processing is based

The legal basis for the processing of data related to the obligation of declaration on the posting of workers in the framework of the provision of services is:

- GDPR
- Directive 2014/67 of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation')
- Act LXXVI of 2009 on the general rules of the commencement and performance of service activities

- Act I of 2012 on the Labour Code
- Act LXXV of 1996 on labour inspection

The provision of personal data is declared by the Act LXXV of 1996 on labour inspection Section 8/D.

4. Personal data processed:

<i>Personal data</i>	<i>Purpose of the processing</i>
UserID	Ensuring identification in the database
The name of the user	Verification of the eligibility to make a declaration
User's e-mail address	Ensuring communication in relation to the database
Name and address of person responsible for communication with the authority (contact person)	Ensuring communication in relation to posting activities
Telephone number of the contact person	Ensuring communication in relation to posting activities
E-mail of the contact person	Ensuring communication in relation to posting activities
Names of posted workers	Verification of compliance with the obligation

5. The source of the personal data:

The data provided.

6. Entitled persons to be apprised of the information:

The officers of the Ministry for Innovation and Technology and the labour authority, to fulfill their duties regarding the posting.

7. The duration of data processing:

The controller shall handle the data for a period of 3 years from the date on which the data is submitted by electronic means. After that, the reported data will be deleted from the database.

8. The rights of the data subject:

The person concerned by the data processing is entitled to:

- access to personal data (right of access);
- the rectification of personal data (right to rectification);
- to request the erasure of personal data (right to be forgotten);
- the restriction of the processing of personal data (right to be restricted);
- oppose the processing of his/her personal data (right to object);

- request information on data processing and request access to data processed concerning him/her (right to information);
- may withdraw his/her consent to the processing of his/her personal data.

Right of access: The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed. The data provided shall be disclosed to the labour authority and issued solely to the competent authorities of a Member State, as the applicant authority, solely on the matter or concerns with which it was requested.

Right to rectification:

The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her.

The right to be forgotten: The data subject shall have the right to request the erasure of data; however, in view of the fact that processing takes place for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller, the right to erasure of data shall not be invoked as a matter of priority.

Right to restrict: The data subject shall have the right to obtain from the controller restriction of processing in the following cases: 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.

The right to object: The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her. The controller shall no longer process the personal data unless the controller demonstrates 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.

At the **request of information**, the data subject, in case it is not subject to restrictions on the grounds specified in the law, may know if the processing of his or her personal data is pending at the controller and is entitled to be informed of the data processed concerning him/her:

- the purpose for which his or her personal data are processed,
- the legal basis for the processing of his personal data;
- the duration of the processing of his/her personal data;
- what kind of personal data is handled,
- the recipients of his personal data and the categories of recipients,
- the transfer personal data to a third country or international organisation,
- where the personal data are not collected from the data subject, the source of the data,
- the characteristics of automated decision-making (if used by the controller),

- concerning the rights of the data subject relating to data processing,
- the possibilities for seeking remedies.

At the request of the data subject, the controller shall provide a copy of the personal data undergoing processing.

The controller shall respond to requests for information and access within 25 days at the latest and shall provide a copy to the data subject.

The data subject shall have the right to **withdraw** his or her **consent** to the processing of his or her personal data at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

The person concerned by the data processing may provide his or her request regarding the exercise of his or her rights at the Ministry for Innovation and Technology as the controller of the data. The execution of the request is free of charge, unless the request is manifestly unfounded, or, is - in particular of its repetitive nature - exaggerated. If further copies of the data processed are requested by the data subject, the controller acting on the basis of the request may charge a reasonable fee based on the administration costs.

The request regarding the exercise of the data subject's rights - if the request was submitted by electronic ways - shall be executed **by electronic means** unless otherwise requested by the data subject.

9. Submit a complaint:

If the data subject considers that the processing violates the General Data Protection Regulation or the Hungarian Information Act or considers the processing of data by the controller to be prejudicial, it may submit a complaint to the Data Protection Officer of the Ministry of Innovation and Technology at ugyfelszolgalat@itm.gov.hu.

In order to enforce your rights, according to the Hungarian Information Act Section 22, you can initiate an investigation at the National Authority for Data Protection and Freedom of Information (address: 1125 Budapest, Szilágyi Elizabeth Fásor 22/c, postal address: 1530 Budapest, Pf.: 5, e-mail: ugyfelszolgalat@naih.hu, web site: www.naih.hu) and according to the Hungarian Information Act Section 23 Subsection 1, you may apply to court on the basis of Article 10 (1).