

Data Processing Policy for the processing of data entered via the client gate on the website of the Constitutional Court

25 May 2018.

1. The controller

Name: Office of the Constitutional Court
Registered office: 1015 Budapest, Donáti u. 35-45
Mailing address: 1535 Budapest, P.O. Box 773.
E-mail: tajekoztatas@mkab.hu
Phone: (+36-1) 488-31-00
Telefax: (+36-1) 212-11-70
Website: www.alkotmanybirosag.hu

2. Contact details of the data protection officer

Name: Dr. Botond Bitskey, secretary general
E-mail: tajekoztatas@mkab.hu
Phone: (+36-1) 488-32-21
Telefax: (+36-1) 488-32-29

3. The data entered via the client gate on the website of the Constitutional Court

3.1. The scope of the personal data processed

Surname

Forename

E-mail address

Phone number (optional)

The personal data mentioned in the submission (application, inquiry) entered via the client gate

3.2. The purposes of data processing

Adjudication of the application made in the submission and exercising the Constitutional Court's powers

Managing the communication related to the submission.

Providing the personal data is a precondition of processing the submissions entered via the Constitutional Court's client gate.

3.3. The legal basis of data processing

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. [Article 6 (1) e) of the General Data Protection Regulation]

Processing is necessary for compliance with a legal obligation to which the controller is subject. [Article 6 paragraph (1) point c) of the General Data Protection Regulation]

The data subject has given consent to the processing of his or her personal data for one or more specific purposes. [Article 6 paragraph (1) point a) of the General Data Protection Regulation]

3.4. The period of data processing

The Office of the Constitutional Court shall retain the files until the date of transfer to the archives, but in any case for a minimum period of 15 years in the case of files not subject to rolling out, and until rolling out, but in any case for a minimum period of 10 years in the case of files subject to rolling out.

The rules on rolling out and the transfer to the archives are regulated in the Act LXVI of 1995 on Public Records, Public Archives, and the Protection of Private Archives, the Government Decree No. 335/2005. (XII. 29.) Korm. on the general requirements of document management by bodies performing public duties and the order No. 8/2015. (XII. 10.) of the president of the Constitutional Court on the Constitutional Court's document management policy.

Data in the electronic files shall be processed as long as the purposes and the legal basis set forth in points 3.1.2. and 3.1.3. exist.

4. Automated decision-making

The Office of the Constitutional Court shall not apply automated decision-making mechanisms, including profiling based on personal data.

5. Access to data and data security measures

5.1. Access to data and the transfer of data

The members of the Constitutional Court and the staff members of the Office of the Constitutional Court shall have access to the personal data provided by the data subjects to the extent made necessary by the provision of their duties. In justified and necessary cases, to the extent necessary, the persons acting under contractual assignment by the Office of the Constitutional Court may also have access to the personal data.

The Office of the Constitutional Court shall only transfer personal data to other authorities of the state when it is necessary. For example

– on the basis of the Act LXVI of 1995 on Public Records, Public Archives, and the Protection of Private Archives, the Government Decree No. 335/2005. (XII. 29.) Korm. on the general requirements of document management by bodies performing public duties and the order No. 8/2015. (XII. 10.) of the president of the Constitutional Court on the Constitutional Court's document management policy, the Office of the Constitutional Court shall transfer to the National Archives of Hungary the files of lasting value including the personal data.

– on the basis of its statutory obligations, the Office of the Constitutional Court shall, as appropriate, transfer the personal data processed by it to the authorised authorities (e.g. court, prosecutor's office, investigating authority, State Audit Office etc.).

The Constitutional Court shall not transfer the personal data processed by it to third countries or to international organisations.

5.2. Data security measures

The Office of the Constitutional Court shall store the personal data processed by it in paper based files and in electronic format in the computers (servers) owned by the Constitutional Court. The Office of the Constitutional Court shall not use computers (servers) owned by other persons for the purpose of storing the personal data processed by it.

The Office of the Constitutional Court shall take the measures required by the applicable law to protect the personal data processed by it from unauthorised access, unauthorised deletion, unauthorised modification and unauthorised use.

6. Rights of the data subjects related to the data processing

6.1. The right to request information

Via the contact details provided in point 1, the data subject may request information in writing from the Office of the Constitutional Court on the following:

The Office of the Constitutional Court.

- which personal data of the data subject are processed by the controller, on what legal basis, for what processing purpose, since when and for how long;
- how did the controller acquire the personal data of the data subject;
- to what personal data of the data subject has the controller provided access for whom, when, and under what legislative basis, or to whom, when, and under what legislative basis did it transfer the above data.

The data subject's request for information shall be fulfilled by the Office of the Constitutional Court in not more than 30 days by replying to the address provided by the data subject.

6.2. The right to rectification

Via the contact details provided in point 1, the data subject may request in writing the Office of the Constitutional Court to modify their personal data (for example they may change their e-mail address or mailing address). The request shall be fulfilled by the Office of the Constitutional Court in not more than 30 days and it shall notify the data subject at the address provided by the data subject.

6.3. The right to deletion

Via the contact details provided in point 1, the data subject may request in writing the Office of the Constitutional Court to delete their personal data. With the exceptions below, the request made by the data subject shall be fulfilled by the Office of the Constitutional Court in not more than 30 days and it shall notify the data subject at the address provided by the data subject.

The Office of the Constitutional Court shall reject the request for deletion and it shall notify the data subject at the address provided by the data subject, if an Act or another statutory regulation or policy based on an Act requires the Office of the Constitutional Court to continue the processing of personal data.

6.4. The right to blocking

Via the contact details provided in point 1, the data subject may request in writing the Office of the Constitutional Court to block their personal data. The request shall be fulfilled by the Office of the Constitutional Court without delay and it shall notify the data subject

at the address provided by the data subject. The blocking shall last as long as it is necessary for the reason identified by the data subject.

6.5. The right to objection

Via the contact details provided in point 1, the data subject may raise an objection in writing concerning the processing, if the Office of the Constitutional Court uses the personal data of the data subject for direct marketing, opinion poll or for any other unauthorised purpose, or provides access to the data for any unauthorised person or transfer it to such persons.

7. The enforcement of rights related to data processing

In case of experiencing any unlawful data processing, the data subject may file a complaint at the National Authority for Data Protection and Freedom of Information:

Name: National Authority for Data Protection and Freedom of Information

Registered office: 1125 Budapest, Szilágyi Erzsébet fasor 22/C.

Mailing address 1530 Budapest, P.O. Box 5.

Phone: +36 (1) 391-1400

Telefax: +36 (1) 391-1410

E-mail: ugyfelszolgalat@naih.hu

Website: www.naih.hu

In case of experiencing any unlawful data processing, the data subject may sue the Constitutional Court in a civil procedure.