

# PRIVACY NOTICE

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*Briefly, concisely*

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We only collect and process personal data in accordance with the law and regulations

We make every effort to keep your data safe.

We only disclose personal data to third parties with your consent.

In case of a written request, we provide anyone with information on data we hold concerning them:

[nomad@nomadhotel.hu](mailto:nomad@nomadhotel.hu)

You can request the erasure or modification of your personal data here: [nomad@nomadhotel.hu](mailto:nomad@nomadhotel.hu)

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## *Introduction*

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Nomád 93 Bt. (H-3325 Noszvaj, Síkfőkút út 5-7, company registration number: 10-06-020844, hereinafter: Service Provider or Controller) hereby submits to the following notice.

Act CXII of 2011 on Informational Self-Determination and Freedom of Information states that the data subject (in this case, the website/blog user, hereinafter: user) must be informed before processing starts whether the processing is **based on consent** or it is mandatory.

The data subject must be informed clearly and in detail of all the facts relating to the processing of their data, in particular **the purposes and legal basis** of processing, the **persons authorised to process and control the data** and the **duration of** processing, prior to the start of processing.

Pursuant to Section 5(1) of the Privacy Act, the data subject must also be informed that personal data may be processed if

- a. it is ordered by law or – on the basis of the authorisation granted by law, within the scope specified therein, in the case of data that do not qualify as sensitive data or criminal offence data – by a decision of a local authority for a purpose in the public interest,
- b. it is absolutely necessary for the performance of the controller's statutory tasks and the data subject has given their explicit consent to the processing of the personal data,
- c. in the absence of those provided for in paragraph (a), it is necessary and proportionate for the protection of the vital interests of the data subject or of another person, or for the prevention or elimination of an imminent threat to the life, physical integrity or property of a person; or
- d. in the absence of those provided for in paragraph (a), the personal data have been explicitly disclosed by the data subject and the disclosure is necessary and proportionate for the purposes of the processing.

The information provided must also cover the rights and legal remedy options of the data subject in relation to the processing.

This Privacy Notice governs the processing of the following websites:

**[nomadhotel.hu](http://nomadhotel.hu)**

Amendments to the Notice enter into force upon publication on the above website. We have also included the legal reference underlying the various sections of the Notice.

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## Definitions

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*(Article 4 of 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: General Data Protection Regulation, GDPR)*

1. "personal data": means 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;
2. "processing": means 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;
3. "restriction of processing": means the marking of stored personal data with the aim of limiting their processing in the future;
4. "profiling": means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;
5. "pseudonymisation": means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person;
6. "filing system": means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis;
7. "controller": means 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;
8. "processor": means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;
9. "recipient": means 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;

10. "third party": means 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;

11. "data subject consent": means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which they, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to them;

12. "personal data breach": means 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;

13. "genetic data": means personal data relating to the inherited or acquired genetic characteristics of a natural person which give unique information about the physiology or the health of that natural person and which result, in particular, from an analysis of a biological sample from the natural person in question;

14. "biometric data": means personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data;

15. "data concerning health": means personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about their health status;

16. "main establishment": means (a) as regards a controller with establishments in more than one Member State, the place of its central administration in the Union, unless the decisions on the purposes and means of the processing of personal data are taken in another establishment of the controller in the Union and the latter establishment has the power to have such decisions implemented, in which case the establishment having taken such decisions is to be considered to be the main establishment; (b) as regards a processor with establishments in more than one Member State, the place of its central administration in the Union, or, if the processor has no central administration in the Union, the establishment of the processor in the Union where the main processing activities in the context of the activities of an establishment of the processor take place to the extent that the processor is subject to specific obligations under this Regulation;

17. "representative": means a natural or legal person established in the Union who, designated by the controller or processor in writing pursuant to Article 27, represents the controller or processor with regard to their respective obligations under this Regulation;

18. "enterprise": means a natural or legal person engaged in an economic activity, irrespective of its legal form, including partnerships or associations regularly engaged in an economic activity;

19. "group of undertakings": means a controlling undertaking and its controlled undertakings;

20. "binding corporate rules": mean personal data protection policies which are adhered to by a controller or processor established on the territory of a Member State for transfers or a set of transfers of personal data to a controller or processor in one or more third countries within a group of undertakings, or group of enterprises engaged in a joint economic activity;

21. "supervisory authority": means an independent public authority which is established by a Member State pursuant to Article 51;

22. "supervisory authority concerned": means a supervisory authority which is concerned by the processing of personal data because: (a) the controller or processor is established on the territory of the Member State of that supervisory authority; (b) data subjects residing in the Member State of that supervisory authority are substantially affected or likely to be substantially affected by the processing; or (c) a complaint has been lodged with that supervisory authority;

23. "cross-border processing": means (a) the processing of personal data which takes place in the context of the activities of establishments in more than one Member State of a controller or processor in the Union where the controller or processor is established in more than one Member State; or processing of personal data which takes place in the context of the activities of a single establishment of a controller or processor in the Union but which substantially affects or is likely to substantially affect data subjects in more than one Member State;

24. "relevant and reasoned objection": means an objection to a draft decision as to whether there is an infringement of this Regulation, or whether envisaged action in relation to the controller or processor complies with this Regulation, which clearly demonstrates the significance of the risks posed by the draft decision as regards the fundamental rights and freedoms of data subjects and, where applicable, the free flow of personal data within the Union;

25. "information society service": means a service as defined in point (b) of Article 1(1) of Directive (EU) 2015/1535 of the European Parliament and of the Council;

26. "international organisation": means an organisation and its subordinate bodies governed by public international law, or any other body which is set up by, or on the basis of, an agreement between two or more countries.

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### *Legal basis of processing*

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*(Section 5 of Act CXII of 2011 on Informational Self-Determination and Freedom of Information)*

1. Personal data can be processed if

- a) it is ordered by law or – on the basis of the authorisation granted by law, within the scope specified therein, in the case of data that do not qualify as sensitive data or criminal offence data – by a decision of a local authority for a purpose in the public interest,
- b) in the absence of those provided for in paragraph (a), if it is absolutely necessary for the performance of the controller's statutory tasks and the data subject has given their explicit consent to the processing of the personal data,
- c) in the absence of those provided for in paragraph (a), it is necessary and proportionate for the protection of the vital interests of the data subject or of another person, or for the prevention or elimination of an imminent threat to the life, physical integrity or property of a person; or
- d) in the absence of those provided for in paragraph (a), the personal data have been explicitly disclosed by the data subject and the disclosure is necessary and proportionate for the purposes of the processing.

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### *Lawfulness of processing*

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*(Article 6 of 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: General Data Protection Regulation, GDPR)*

Processing shall be lawful only if and to the extent that at least one of the following applies:

- a) the data subject has given consent to the processing of their personal data for one or more specific purposes;
- b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- c) processing is necessary for compliance with a legal obligation to which the controller is subject;
- d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- e) 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;
- f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and

freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Point (f) of the first subparagraph shall not apply to processing carried out by public authorities in the performance of their tasks.

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### *Principles relating to processing of personal data*

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*(Article 5 of 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: General Data Protection Regulation, GDPR)*

(1) Personal data shall be:

a) processed lawfully, fairly and in a transparent manner in relation to the data subject (“lawfulness, fairness and transparency”);

b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes (‘purpose limitation’);

c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (“data minimisation”);

d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (“accuracy”);

e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject (‘storage limitation’);

f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures (“integrity and confidentiality”).

(2) The controller shall be responsible for, and be able to demonstrate compliance with, paragraph 1 (‘accountability’).

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*Information to be provided*

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1. Pursuant to Section 5(1) of Act CXII of 2011 on Informational Self-Determination and Freedom of Information, the following must be specified for the operation of the webpage/blog/website:

- a) the fact of data collection,
- b) the scope of data subjects,
- c) the purpose of data collection,
- d) the duration of processing,
- e) the scope of potential controllers who have access to the data,
- f) the rights of data subjects with regard to processing.

2. **The fact of data collection, the scope of the data processed:**

**For the website:**

Customer's email address

Name

Address

Telephone number

**For event registration:**

Customer's email address

Telephone number

3. **Scope of data subjects:** All users registered on the website.

4. **The purpose of the data collection:**

**For the website:**

Email:

the objective is to send an offer

the objective is to establish customer contact

the objective is marketing

the objective is to send a newsletter

the objective is to build a database

Name (First name and/or last name, company name):

the objective is to establish customer contact

the objective is marketing

the objective is to send a newsletter

the objective is to build a database

the objective is to send an offer

Address (country, postal code, city, street, house number, floor/door)

the objective is marketing

the objective is to send a newsletter

the objective is to build a database

the objective is to establish customer contact

Telephone number

the objective is marketing



the objective is to build a database  
the objective is to establish customer contact

**For event registration**

Email:

the objective is marketing  
the objective is to establish customer contact

Telephone number:

the objective is marketing  
the objective is to establish customer contact

5. Duration of processing, deadline for the erasure of data: Immediately upon cancellation of the registration. Except in the case of accounting documents, as pursuant to Section 169(2) of Act C of 2000 on Accounting, these data must be retained for 8 years.

The accounting documents underlying the accounting records directly or indirectly (including general ledger accounts, analytical records and registers) shall be retained for a minimum of 8 years in a form that is legible and retrievable by means of the code of reference indicated in the accounting records.

6. The scope of potential controllers who have access to the data: Personal data may be processed by the staff of the controller, in compliance with the above principles.

7. Description of data subject rights in relation to processing: The following data can be modified on the websites: The data subject may request the erasure or modification of personal data in the following ways:

by post (sent to Nomád 93 Bt., H-3325 Noszvaj Síkfőkút út 5-7), via email to [nomad@nomadhotel.hu](mailto:nomad@nomadhotel.hu).

8. Legal basis for processing: the consent of the User, Section 5(1) of the Privacy Act, and Section 13/A(3) of Act CVIII of 2001 on Electronic Commerce and on Information Society Services (hereinafter: Electronic Commerce Act):

For the purpose of providing the service, the service provider may process personal data that are technically essential for the provision of the service. All other conditions being equal, the service provider must choose and in all cases operate the means used in the provision of the information society service in such a way that personal data are processed only to the extent strictly necessary for the provision of the service and for the fulfilment of the other purposes laid down in this Act, but only to the extent and for the duration necessary.

**Data of the hosting provider (website) used for data processing:**

Name: INweb-Solutions Kft.

Address: H-8200 Veszprém, Takácskert utca 4/a

Email: [info@inweb.hu](mailto:info@inweb.hu)

Telephone number: +36-30/329-10-31

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## *Security of processing and data subject rights*

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*(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)*

Any processing of personal data should be lawful and fair. It should be transparent to natural persons that personal data concerning them are collected, used, consulted or otherwise processed and to what extent the personal data are or will be processed. The principle of transparency requires that any information and communication relating to the processing of those personal data be easily accessible and easy to understand, and that clear and plain language be used. That principle concerns, in particular, information to the data subjects on the identity of the controller and the purposes of the processing and further information to ensure fair and transparent processing in respect of the natural persons concerned and their right to obtain confirmation and communication of personal data concerning them which are being processed. Natural persons should be made aware of risks, rules, safeguards and rights in relation to the processing of personal data and how to exercise their rights in relation to such processing. In particular, the specific purposes for which personal data are processed should be explicit and legitimate and determined at the time of the collection of the personal data. The personal data should be adequate, relevant and limited to what is necessary for the purposes for which they are processed. This requires, in particular, ensuring that the period for which the personal data are stored is limited to a strict minimum. Personal data should be processed only if the purpose of the processing could not reasonably be fulfilled by other means. In order to ensure that the personal data are not kept longer than necessary, time limits should be established by the controller for erasure or for a periodic review. Every reasonable step should be taken to ensure that personal data which are inaccurate are rectified or deleted. Personal data should be processed in a manner that ensures appropriate security and confidentiality of the personal data, including for preventing unauthorised access to or use of personal data and the equipment used for the processing.

In order for processing to be lawful, personal data should be processed on the basis of the consent of the data subject concerned or some other legitimate basis, laid down by law, either in this Regulation or in other Union or Member State law as referred to in this Regulation, including the necessity for compliance with the legal obligation to which the controller is subject or the necessity for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.

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## *Data transfer*

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1. Pursuant to Act CXII of 2011 on Informational Self-Determination and Freedom of Information, the following must be defined in the scope of the website/blog data transfer activity:

- a) the fact of data collection,
- b) the scope of data subjects,

- c) the purpose of data collection,
- d) the duration of processing,
- e) the scope of potential controllers who have access to the data,
- f) the rights of data subjects with regard to processing.

2. The fact of processing, the scope of data processed. a) The scope of the data transmitted for the purpose of the delivery: Delivery name, delivery address, telephone number, amount payable. b) The scope of the data transmitted for the purpose of online payment: Invoicing name, invoicing address, amount payable.

3. Scope of data subjects: All data subjects requesting home delivery/online payment.

4. Purpose of processing: Home delivery of the product ordered/managing the online purchase.

5. Duration of processing, deadline for the erasure of data: Until conclusion of home delivery/online payment.

6. The scope of potential controllers who have access to the data: Personal data may be processed by the following, in compliance with the above principles: Service provider, controller.

7. Description of data subject rights in relation to processing: The data subject may request the service provider making the home delivery/providing online payment the prompt erasure of their personal data.

8. Legal basis for data transfer: the User's consent.

#### **Data transferred to an external company:**

Social media

I use Facebook: waldorfgastro Facebook privacy notice:

<https://www.facebook.com/privacy/explanation>

1. Pursuant to Section 20(1) of Act CXII of 2011 on Informational Self-Determination and Freedom of Information, the following must be defined in the scope of the website/blog data transfer activity:

- a) the fact of data collection,
- b) the scope of data subjects,
- c) the purpose of data collection,
- d) the duration of processing,
- e) the scope of potential controllers who have access to the data,
- f) the rights of data subjects with regard to processing.

2. The fact of data collection, the scope of the data processed: the name registered on the social networking sites listed above and the user's public profile picture.

3. Scope of data subjects: All data subjects who have registered on Facebook, social media site(s) and liked the website.

4. Purpose of processing: Sharing or liking certain content elements, products, promotions or the website itself on the social media sites listed above.

5. The duration of the processing, the identity of the potential controllers who may access the data and the rights of the data subjects with regard to processing: The data subject may obtain information on the source of the data, the processing thereof and the method and legal basis of the data transfer at the address(es) of the social networking site(s) listed above.

6. The processing is carried out on the above-mentioned social networking site(s), thus the duration of processing, the method of processing and the possibilities of erasing and modifying the data are governed by the rules of the social networking sites.

7. Legal basis for processing: the data subject's voluntary consent to the processing of their personal data on the social networking site(s) listed above.

### **External online payment.**

#### **For the purpose of online payment**

In the case of online bookings made via the hotel's website, the consideration for the booking can be paid by the methods indicated below:

Online payment by bank card: K&H Bank

Bank cards accepted: Maestro, MasterCard, Visa, Visa Electron, Diners Club,

Online payment with SZÉP Card: OTP SZÉP Card, MKB SZÉP Card, K&H SZÉP Card

What data are transferred: select-from-list

website-email-address-request

website-name-request

newsletter, facebook, instagram

Until my customer requests the erasure of their data

#### **Data transferred to an external company:**

Google

Google Adwords: I use it as an advertiser The website/blog uses Google Adwords remarketing tracking codes. Remarketing is a function which facilitates the website/blog to display relevant ads to users who have previously visited the site while browsing other sites in the Google Display Network. The remarketing code uses cookies to tag visitors. Users visiting the online store can disable these cookies and find other information about Google's processing practices at the following addresses: <http://www.google.hu/policies/technologies/ads/> and <https://support.google.com/analytics/answer/2700409>. If users disable remarketing cookies, they will not receive personalised offers on the website/blog.

google analytics The website/blog traffic data is measured by the Service Provider using the Google Analytics service. Data are transmitted when using the service. The data transmitted cannot be used

to identify the data subject. More information about Google's privacy principles is available at:  
<http://www.google.hu/policies/privacy/ads/>

google\_remarketing\_user

*The purpose of remarketing:*

Reminder website remarketing

*Facebook*

For advertising purposes

*The purpose of remarketing:*

website reminder remarketing

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## Newsletter sending

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### *Sending newsletters (Section 6 of Act XLVIII of 2008 on the Essential Conditions Of And Certain Limitations On Business Advertising)*

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- (1) Unless otherwise provided by specific other legislation, advertisements may be conveyed to natural persons by way of direct contact (hereinafter: direct marketing), such as through electronic mail or equivalent individual means of communications – subject to the exception set out in paragraph (4) – only upon the express prior consent of the person to whom the advertisement is addressed.
- (2) \* Declaration of consent may be given by any means which includes the name of the person granting consent and, where the advertising to which the consent relates is restricted to persons of a certain age, the date and place of birth, the categories of personal data to which the person giving the consent consents, and the consent is expressed voluntarily and after having been duly informed.
- (3) Consent under paragraph (1) may be withdrawn at any time, without restriction and without justification, and free of charge. In such cases, the name and all other personal data of the declarant must be deleted from the register specified in paragraph (5) without delay and no further advertising as provided for in paragraph (1) may be communicated to them thereafter.
- (4) \* Direct mail advertising may also be sent, by way of direct marketing, to natural persons as the recipients of such advertising, even in the absence of preliminary express consent of the recipient, however, the advertiser and the advertising service provider shall ensure that the addressee can prohibit such advertising, at any time, free of charge and without limitation, from being sent. In the case of such prohibition, no advertising may be sent by way of direct marketing to the data subject.
- (5) The advertiser, the advertising service provider or the publisher of the advertisement keeps a register of the personal data of the persons who have granted their consent within the scope of the consent provided for in paragraph (1). The data recorded in this register – relating to the recipient of the advertising – may only be processed in accordance with the declaration of consent, until such consent is withdrawn, and may only be transferred to third parties with the prior consent of the data subject.
- (6) The possibility to make a withdrawal declaration pursuant to paragraph (3) or to prohibit the sending of advertising pursuant to paragraph (4) must be provided both by post and by electronic mail in such a way that the person making the declaration can be clearly identified.
- (7) \* In connection with advertising communicated in the manner provided for in paragraphs (1) and (4), the recipient must be clearly and prominently informed of the address and other contact details where they may request the withdrawal of their consent to the communication of such advertising to them or the prohibition of such advertising and– in the case referred to in paragraph (4) – for this purpose, the first advertising mail sent to the same recipient on behalf of the same advertiser after 1 October 2009 must include an addressed reply letter allowing the cancellation, postable as a free of charge item, delivered by registered mail.
- (8) A direct request for consent pursuant to paragraph (1) cannot contain advertising, including the name and designation of the undertaking.

(9) \* For the purposes of this Section, a direct mail advertising item is a mailing containing only advertising, marketing or promotional material – sent to at least 500 recipients at a time, with identical content, except for the name, address of the recipient and information that does not change the nature of the message – as defined in the Postal Services Act, but not specifically named therein.

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### *Management of cookies*

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*(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)*

By using the website/online store, the person acknowledges the following:

Natural persons may be associated with online identifiers provided by their devices, applications, tools and protocols, such as internet protocol addresses, cookie identifiers or other identifiers such as radio frequency identification tags. This may leave traces which, in particular when combined with unique identifiers and other information received by the servers, may be used to create profiles of the natural persons and identify them.

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### *Legal remedy*

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*(Article 79 of 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: General Data Protection Regulation, GDPR)*

(1) Without prejudice to any available administrative or non-judicial remedy, including the right to lodge a complaint with a supervisory authority pursuant to Article 77, each data subject shall have the right to an effective judicial remedy where he or she considers that his or her rights under this Regulation have been infringed as a result of the processing of his or her personal data in non-compliance with this Regulation.

(2) Proceedings against the controller or a processor shall be brought before the courts of the Member State where they are established. Alternatively, such proceedings may be brought before the courts of the Member State where the data subject has his or her habitual residence, unless the Controller or processor is a public authority of a Member State acting in the exercise of its public powers.

In case of a possible infringement, a complaint may be lodged with the Hungarian National Authority for Data Protection and Freedom of Information:

Hungarian National Authority for Data Protection and Freedom of Information

H-1125 Budapest, Szilágyi Erzsébet fasor 22/C

Postal address: H-1530 Budapest, PO Box: 5

Telephone: +36-1-391-1400

Fax: +36-1-391-1410

Email: [ugyfelszolgalat@naih.hu](mailto:ugyfelszolgalat@naih.hu)

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### *Right to compensation*

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*(Article 82 of 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: General Data Protection Regulation, GDPR)*

(1) Any person who has suffered material or non-material damage as a result of an infringement of this Regulation shall have the right to receive compensation from the controller or processor for the damage suffered.

(2) Any controller involved in processing shall be liable for the damage caused by processing which infringes this Regulation. A processor shall be liable for the damage caused by processing only where it has not complied with obligations of this Regulation specifically directed to processors or where it has acted outside or contrary to lawful instructions of the controller.

(3) A controller or processor shall be exempt from liability under paragraph 2 if it proves that it is not in any way responsible for the event giving rise to the damage.

(4) Where more than one controller or processor, or both a controller and a processor, are involved in the same processing and where they are, under paragraphs 2 and 3, responsible for any damage caused by processing, each controller or processor shall be held liable for the entire damage in order to ensure effective compensation of the data subject.

(5) Where a controller or processor has, in accordance with paragraph 4, paid full compensation for the damage suffered, that controller or processor shall be entitled to claim back from the other controllers or processors involved in the same processing that part of the compensation corresponding to their part of responsibility for the damage, in accordance with the conditions set out in paragraph 2.

(6) Court proceedings for exercising the right to receive compensation shall be brought before the courts competent under the law of the Member State referred to in Article 79(2).

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### *References:*

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The following legal regulations have been taken into account in the preparation of this Notice:

Act CXII of 2011 on Informational Self-Determination and Freedom of Information (hereinafter: Privacy Act)

Act CVIII of 2001 on Electronic Commerce and on Information Society Services (in particular Section 13/A)



Act XLVII of 2008 on the Prohibition of Unfair Commercial Practices against Consumers

Act XLVIII of 2008 on the Essential Conditions Of And Certain Limitations On Business Advertising (in particular Section 6)

Act XC of 2005 on the Freedom of Information by Electronic Means

Act C of 2003 on Electronic Communications (in particular Section 155)

Opinion No. 16/2011 on the EASA/IAB Best Practice Recommendation on Online Behavioural Advertising

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)