



## Privacy Policy

For the GS1 Healthcare Barcode Scanner App

22 July 2021

## 1. The controller

### 1.1. The details of the controller

Company name: GS1 MAGYARORSZÁG Globális Azonosító és Kommunikációs Rendszereket Működtető Közhasznú Nonprofit Zártkörűen Működő Részvénytársaság

Address: 1139 Budapest, Fáy utca 1/B

Company registration no.: 01-10-045991

Phone: +36 (1) 2377240

E-mail: info@gs1hu.org

[hereinafter: Controller or the Company]

Due to the fact that the Company is entitled to intellectual property rights of the Healthcare Barcode Survey App together with GS1 AISBL (registered office: 326 Avenue Louise (Box 10), B-1050 Brussels, Belgium), under Paragraph (1) of Section 26. of GDPR they qualify as joint controllers; however, based on their agreement, the obligations which are set out in their agreement under GDPR and also set forth in the present Privacy Policy, shall be met by the Company, who shall also maintain contact with the data subjects. Independently of such agreement, nevertheless, the Company informs the data subjects that he or she may exercise his or her rights under GDPR, also set out in the present Privacy Policy, with regard to and against either controller. The contact details of GS1 AISBL are set out in Annex No. 2.

### 1.2. The contact details of the data protection officer

No data protection officer is employed by the Company.

### 1.3. The most important legislation on data processing

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 (GDPR),

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

Act V of 2013 on the Civil Code (Civil Code),

## 2. The legal basis and purpose of the data processing, the legitimate interests of the controller, the addressee and storage period of the personal data

### 2.1. The need for processing

In the course of processing personal data, the Company is dedicated to acting at all times by fully complying with the relevant data protection and other laws and by paying particular respect to human dignity.

The present Privacy Policy is adopted by the Company – with regard to processing the personal data of the data subjects, i.e. the end users who have established a legal relationship with the Company by downloading the Healthcare Barcode Scanner App as well as by accepting the EULA referring to the use thereof – in order to comply with the relevant legislation and to inform the data subjects with regard to the data processing in a concise, transparent, understandable and easily accessible way.

### 2.2. The scope of the data processed, the purpose, legal basis of data processing, the legitimate interests of the controller, the addressee, duration of the personal data, the source of the processed personal data

The scope of the data processed by the Company, the purpose, legal basis of the data processing, the legitimate interests of the controller or of third persons, if relevant, the addressees of the personal data and the categories of the addressees, the duration of storing the personal data or the criteria used for determining the duration, the source of the processed personal data are set out in Annex No. 1. to the present policy.

## 3. Engaging a processor

In the course of data processing the following processor is engaged by the Company.

The contact details of the processor:

<b>Company name</b>	<b>HGDS Informatikai Szolgáltató és Kereskedelmi Betéti Társaság</b>
Registered office	1023 Budapest, Lajos utca 33. 4. em. 1/a
Legal representative	Hegedűs Endre
Contact details	+36 30 841 3949 endre.hegedus@gs1hu.org

The processing operation carried out by the controller: Infrastructure and application maintenance and data management

<b>Company name</b>	<b>KingSol Informatikai Szolgáltató és Tanácsadó Zrt.</b>
Registered office	1068 Budapest, Felsőerdősor utca 10. Fsz. 2.
Legal representative	Király István Károly
Contact details	+36 30 292 8373 kiraly.istvan@kingsol.hu

The processing operation carried out by the controller: Infrastructure and application maintenance and data management

<b>Company name</b>	<b>H-H Informatikai Szolgáltató és Kereskedelmi Korlátolt Felelősségű Társaság</b>
Registered office	4031 Debrecen, István út 55. 1. em. 13.
Legal representative	Háló Gyula
Contact details	+36 20 476 2745 hao@solitron.hu

The processing operation carried out by the controller: Infrastructure and application maintenance and data management

<b>Company name</b>	<b>BABALOO Számítástechnikai Szolgáltató Korlátolt Felelősségű Társaság</b>
Registered office	2000 Szentendre, Dózsa György út 19. 2. em. 11.
Legal representative	Stefancsik Ferencné
Contact details	+36 30 248 2609 stefancsik@gs1hu.org

The processing operation carried out by the controller: Read-only access

<b>Company name</b>	<b>Javellák Tibor egyéni vállalkozó</b>
Registered office	1172, Budapest Laskó utca 28.
Legal representative	Javellák Tibor
Contact details	+36 20 314 6665 tibor.javellak@gs1hu.org

The processing operation carried out by the controller: Read-only access

## 4. The protection of personal data

The Company as controller ensures the security of the processed personal data and takes all the necessary technical and organizational measures and develops all the regulations which ensure proper data security, including but not limited to the ongoing confidentiality, integrity, availability and resilience of the processing systems used for data storage, and as such guarantees confidential data processing.

The security measures on data processing with regard to the Company are set out in the Information Security Regulation (hereinafter: ISR) [2], and in the related ISMS documents.

## 5. Principles relating to processing of personal data

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').

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

## 6. The rights of the data subject in relation to processing

The data subject shall have the right to

- obtain from the Controller proper information as to whether or not personal data concerning him or her are being processed,
- obtain rectification of inaccurate personal data,
- obtain erasure of personal data concerning him or her where the personal data are no longer necessary in relation to the purposes for which they were collected, or if the personal data have been processed for unlawful purposes,
- obtain restriction of processing (e.g. if the accuracy of the personal data is contested or the lawfulness of the data processing has been questioned, until the clarification of such circumstances),
- protest against the processing of his or her personal data,
- withdraw his or her consent, where the legal basis of the data processing is such consent – the withdrawal of the consent does not affect the lawfulness of the data processing carried out on the basis of the consent before the withdrawal,
- submit a complaint to the authorities or start a lawsuit, should the data processing be perceived as prejudicial.

### 6.1. 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, and, where that is the case, 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 recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
- d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- f) the right to lodge a complaint with a supervisory authority;
- g) where the personal data are not collected from the data subject, any available information as to their source;
- h) if relevant, the existence of automated decision-making, including profiling, and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.

## 6.2. 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. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

## 6.3. Right to erasure ('right to be forgotten')

The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

- a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- b) the data subject withdraws consent on which the processing is based and there is no other legal ground for the processing;
- c) the data subject objects to the processing and there are no overriding legitimate grounds for the processing;
- d) the personal data have been unlawfully processed;
- e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject;

Where the controller has made the personal data public and, given the above, is obliged to erase the personal data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, those personal data.

The above regulations on the erasure of data shall not apply to the extent that processing is necessary:

- a) for exercising the right of freedom of expression and information;
- b) 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;
- c) for reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9(2) as well as Article 9(3) of GDPR;
- d) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in so far as the right to the erasure of personal data is likely to render impossible or seriously impair the achievement of the objectives of that processing; or
- e) for the establishment, exercise or defence of legal claims.

## 6.4. 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:

- a) 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;

- b) the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
- c) 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;
- d) the data subject has objected to processing; in such cases the restriction shall refer to the time period of the verification of whether the legitimate grounds of the controller override those of the data subject.

Where, in the light of the foregoing, processing has been restricted, such personal data shall, 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.

A data subject who has obtained restriction of processing pursuant to above shall be informed by the controller before the restriction of processing is lifted.

## **6.5. Notification obligation regarding rectification or erasure of personal data or restriction of processing**

The controller shall communicate any rectification or erasure of personal data or restriction of processing to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. The controller shall inform the data subject about those recipients if the data subject requests it.

## **6.6. Right to data portability**

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

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

In exercising his or her right to data portability, the data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

The right to data portability may not infringe the right to erasure.

The right to data portability shall not adversely affect the rights and freedoms of others.

## **6.7. 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 which is necessary for enforcing the legitimate interests of of the controller or of a third party, including profiling based on the abovementioned provisions. 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.



## 6.8. Automated individual decision-making, including profiling

The company does not make decisions based on automated data processing – including profiling.

## 6.9. Communication of a personal data breach to the data subject

Should there be a data breach at the Controller which is likely to result in a high risk to the rights and freedoms of natural persons, the Controller shall communicate the personal data breach to the data subject without undue delay.

The communication shall describe in clear and plain language the nature of the personal data breach and contain at least the following information and measures:

- a) the name and contact details of other contact persons providing further information;
- b) the likely consequences of the personal data breach;
- c) describe the measures taken or proposed to be taken by the controller to address the personal data breach, including, where appropriate, measures to mitigate its possible adverse effects.

The above mentioned communication to the data subject shall not be required if any of the following conditions are met:

- a) the controller has implemented appropriate technical and organisational protection measures, and those measures were applied to the personal data affected by the personal data breach, in particular those that render the personal data unintelligible to any person who is not authorised to access it, such as encryption;
- b) the controller has taken subsequent measures which ensure that the high risk to the rights and freedoms of data subjects is no longer likely to materialise;
- c) it would involve disproportionate effort. In such a case, there shall instead be a public communication or similar measure whereby the data subjects are informed in an equally effective manner.

If the controller has not already communicated the personal data breach to the data subject, the supervisory authority, having considered the likelihood of the personal data breach resulting in a high risk, may require it to do so or may decide that any of the above mentioned conditions are met.

## 6.10. Enforcing the rights of the data subject

The requests of the data subject may be submitted to the appointed employee of the Company, specified in Annex No. 2. to the present regulation, in the form of a letter sent by mail to the registered office of the Company or via e-mail sent to [gdpr@gs1hu.org](mailto:gdpr@gs1hu.org), ensuring that the data subject is clearly identifiable by the request.

The Company shall provide information to the data subject on the action taken on his or her requests without undue delay and in any event **within one month** of receipt of the request.

If the Company rejects the request of the data subject or if it takes no measures based on it, the Company shall communicate the factual and legal reasons of the rejections.

## 6.11. Compensation

The Company shall be liable for any damage caused with the data processing according to the provisions of the relevant law.

The company shall compensate for any damage caused by unlawful data processing or by breaching the obligation of data security. With regard to the data subject, the Company shall also be liable for the damage caused by the controller. The Company shall be exempt from the liability if it proves that the damage was caused by force majeure, outside the scope of the data processing. No compensation for the damage shall be paid if it was caused by the deliberate action or gross negligence of the data subject. The Company's general, civil liability shall be governed by the provisions of the Civil Code.

## 7. Right to remedies

### 7.1. Lodging complaints

Should the Company deny to provide information or fails to comply with the request for access, blocking or erasure, or by the processing of his or her personal data otherwise harm him or her, or if the Company limits the rights due to him or her under the data protection regulations, the data subject may submit a complaint to the data protection authority (Nemzeti Adatvédelmi és Információszabadság Hatóság, cím: 1055 Budapest, Falk Miksa utca 9-11., address: 1363 Budapest, Pf. 9., E-mail: [ugyfelszolgalat@naih.hu](mailto:ugyfelszolgalat@naih.hu), homepage: [www.naih.hu](http://www.naih.hu)).

### 7.2. Right to judicial remedy

The data subject is entitled to judicial remedy should he or she have the impression that the Company, by the processing of personal data, has infringed the rights due to him or her under the data protection law. The data subject may lodge a lawsuit – at his or her discretion – at the court of his or her permanent or temporary address.

## Annexes

### Annex No. 1.

The purpose of the processing	The scope of the processed data	The legal basis of the processing (in case of processing for a legitimate interest, the name of the legitimate interest)	The addressee (if any)	The duration of the data storage or the criteria of determining the period	The source of the data
Concluding and performing the contract, controlling the use of the application, sending messages related to using the application, enforcing claims related to using the application or to the contract,	the personal data disclosed during registration (name, email address, GS1 member organization membership, company name)	consent and the contract	-	the duration of the contract and the limitation period, should enforcement be necessary, the completion of the procedures aimed therefor, including the present procedures	the person concerned
Obtaining the consent of the relevant GS1 member organization to concluding the contract	the personal data disclosed during registration (name, email address, GS1 member organization membership, company name)	consent	the GS1 member organization with whom the user has a legal relationship, if it is not the controller itself	the duration of the contract and the limitation period after its termination	the person concerned
Sending the reports to the concerned GS1 member organization	name, email address	consent	the GS1 member organization to whom the user sends the report	the duration of the contract and the limitation period after its termination	the person concerned
Supervising and monitoring the use of the application	location data	consent	-	the duration of the contract and the limitation period after its termination	the person concerned
Auditing, data analysis and research done for the development of the application	the personal data disclosed during registration (name, email address, GS1 member organization)	consent	-	the duration of the contract and the limitation period after its termination	the person concerned

	membership, company name)				
Information about the person of the Supervisor operator appointed within the company	the name and e-mail address of the Supervisor operator	consent	further users within the company	the duration of the contract and the limitation period after its termination	the person concerned
Contacting the data subject user if any clarification is needed in connection with the record filed by it	name, location data and GS1 member organization	consent	further users of the app	the duration of the contract and the limitation period after its termination	the person concerned

Annex No. 2.

The

name: Fekete Balázs

position: member of the management board

contact details: gdpr@gs1hu.org

of the GS1 HUNGARY employee to whom the person concerned may submit his or her requests related to personal personal data.

The

name: Marie Petre

position:GS1 General Counsel

contact details: marie.petre@gs1.org

of the GS1 AISBL employee to whom the person concerned may submit his or her requests related to personal personal data.