

**INTEREST BALANCING TEST
"WEBSITE USE AND COOKIE MANAGEMENT"
KELER LTD.**

Personal data concerned:

The data subjects are the persons visiting the websites, e.g. clients, partners, employees, suppliers, other interested visitors, the personal data concerned are anonymous user identifiers (cookies), which are a series of signals that are placed on the user's computer by service providers and are suitable for unique computer identification and for storing profile information. The sequence of signals is not in itself able to identify the user personally in any way, but only to recognise his/her computer.

I. Reason for carrying out the balancing of interests test

- KELER Zrt. uses cookies to ensure the secure operation of its websites (<https://www.keler.hu/> <https://english.keler.hu/>) and to ensure the expected and optimal functioning of the websites.
- For KELER Zrt. as the institution responsible for the websites (operator, developer, information provider), it is important that the commitment to quality is visible on its websites and that visitors receive the latest and best quality content.
- It is therefore in the legitimate interest of KELER Zrt. that the websites, through which it informs visitors about the company, its products and services, properly reflect the operational standards expected by the company and its clients. The cookies necessary for the operation of the websites serve these purposes.
- The reason for conducting the interest balancing test is to assess the legal basis for the session "Website use and cookie management" and the processing of cookies as personal data.

II. The legitimate interest of KELER Zrt. as Data Controller

Definition of legitimate interest:

- Interest of the data controller:

For the expected and optimal functioning of websites, it is necessary to place certain technical codes, so-called session cookies, which are basically anonymous codes, in the visitors' browser.

- Justification of the legitimacy of the interest:

- The lawfulness of the data processing activity can be established, as it does not infringe any form of law.
- KELER Zrt. processes the data of visitors to its websites as data processing on the basis of the legal basis of legitimate interest as defined in Article 6(1)(f) of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Regulation (EC) No 95/46/EC (General Data Protection Regulation, hereinafter referred to as "GDPR"), in relation to which the interest balancing test was carried out as follows.

- The legitimate interest is sufficiently specific:

Legitimate interest is sufficiently specific because it avoids being too general. It is as precise as possible, taking into account the circumstances. The retention of personal data is limited to the controller's websites. Consequently, a more precise and narrow

formulation of the legitimate interest would not be possible.

- The legitimate interest is real and present:

To ensure the secure operation of the KELER Zrt. websites and to ensure the optimal operation of the websites expected by the visitors, which is also in the business interest of the company. It is important for KELER Zrt. that visitors to the company's websites receive high quality content and information, thus reflecting the company's commitment to quality, and it is therefore important to ensure that visitors are able to browse the websites in an optimised and appropriate manner and to use the functions appropriately. The cookies necessary for the operation of the site are used to achieve this legitimate interest.

- Interest of third parties, society in the processing:

According to Article M of the Fundamental Law of Hungary, Hungary's economy is based on value-creating work and freedom of enterprise. The ability of enterprises to protect their business interests is a prerequisite for the proper functioning of society.

On the basis of the above, a legitimate interest exists and the question of necessity can be further examined.

- **Legitimate interest:** the legitimate interest of the data controller is to ensure the secure operation of its websites and the optimal functioning of the websites expected by visitors, which is also in the commercial interest of the company.
- **Necessity test:** the processing is necessary to achieve the purpose, without which the KELER Zrt. website will not provide the expected functionality and user experience.
- **Is there a less restrictive means of achieving the objective for the person concerned?** No.
- The personal data recorded in the IT system contains the data necessary for the proper functioning of the system, therefore they cannot be reduced. Consequently, each of the processing operations referred to is limited to the scope of the data necessary to achieve the legitimate interest identified above, in the least restrictive way possible. Therefore, it can be concluded that there is no alternative, less restrictive solution available to the controller to achieve the interest from the data subjects' perspective. On this basis, there is also a necessity for the processing, and thus the proportionality criterion can be further examined.
- **Proportionality test:** the restriction of the rights of the natural persons concerned in the case of prior information is proportionate to the legitimate interest of KELER, and the restriction of rights in such a case is essentially negligible. Cookies are a series of signals that can be used to uniquely identify a computer or to store profile information, which do not in themselves identify the user personally, but are only used to recognise the user's computer.

III. Interests and fundamental rights of Data Subjects

The processing of personal data affects the data subject's right to informational self-determination, which ultimately:

- A right derived from the fundamental human right to human dignity. The right to human dignity, together with the right to life, enjoys absolute, i.e. unlimited,

protection.

- The Constitutional Court has consistently held that certain rights derived from human dignity, such as the right to self-determination in the present case, may be subject to necessary and proportionate restrictions on the aspect of the right to the processing of personal data.

IV. Comparison of the interests of KELER Zrt. as Data Controller and of the Data Subjects, result of the balancing of interests test

Examining the nature of interests

- The nature of the legitimate interest of the controller:

It is in the legitimate interest of the data controller that the websites through which it informs visitors about the company, its products and services, properly reflect the standards expected by the company and its clients. The cookies necessary for the functioning of the websites serve these purposes.

- Nature of the legitimate interest of the controller:

The data controller has a fundamental interest in the secure operation of its websites and in ensuring the optimal functioning of the websites expected by visitors, which is also in the company's business interest. Without the data processing activity in question, its essential economic and commercial interest in the security of information would be undermined.

- The interest of the person concerned:

The processing of personal data affects the data subject's right to informational self-determination, which is ultimately a right derived from the fundamental human right to human dignity. The right to human dignity, together with the right to life, enjoys absolute, i.e. unlimited, protection. According to the established case-law of the Constitutional Court, certain rights derived from human dignity, such as the right to self-determination in the present case, may be subject to necessary and proportionate restrictions on the aspect of its disposal of personal data.

- Nature of the data:

Cookies by themselves do not identify the user (data subject) personally, they are only used to recognise the computer. Accordingly, the data processed does not include personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data, biometric data, health data, or personal data concerning sex life or sexual orientation, and therefore does not include any of the special categories of personal data as defined in Article 9 of the GDPR.

Impact assessment of data controlling

- The positive and negative effects of data controlling regarding data subjects:

Although the data controlling does not bring any explicit benefit to the data subject, it does create the basic conditions for safe browsing on the website.

Data controlling may negatively affect individuals, as it may not necessarily be in

accordance with their intentions. However, this negative impact is mitigated by the fact that the data controller does not aim to control the data subject when operating the websites and the data stored cannot be used for this purpose.

The processing is not suitable for triggering more serious emotional reactions, such as anxiety or feelings of vulnerability, as it does not intrude so deeply into the privacy of the data subject as to allow this. This is supported by the fact that the use of cookies on websites is widely accepted in practice. On this basis, the processing does not constitute a serious interference with the rights of the data subject.

In addition, the data subject can delete cookies from his/her computer and disable the use of cookies in the employee's browser and object to their further processing (some of the session cookies are deleted after the session is terminated (browser closed)).

Criteria to be taken into account in the screening test

A. Identification of legitimate interest

1	Purpose of data controlling	The processing of data carried out by KELER during the use of the website by the visitor of the website is carried out in accordance with Article 6 (1) (f) of the GDPR - 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 Regulation (EC) No 95/46/EC (hereinafter: General Data Protection Regulation or GDPR). The purpose of the processing is to optimise the browsing of the websites. Cookies are used on the websites to achieve this interest.
2	Is data controlling necessary for the fulfilment of a legitimate business purpose(s)?	Yes.
3	Is data controlling necessary for the legitimate business purpose(s) of a third party?	No.
4	Does the GDPR, the Infotv., other legislation or the NAIH require a balancing of interests test to be carried out in relation to the data controlling activity?	Yes, given that the processing is based on Article 6(1)(f) of the GDPR.
B. Needs test		
1	Why is data controlling activity necessary for the Data Controller?	It is in the legitimate interest of the data controller that the websites through which it informs visitors about the company, its products and services, properly reflect the standards expected by the

		company and its clients. The cookies necessary for the functioning of the websites serve these purposes.
2	Why is data controlling activity necessary for third parties who have access to the data (if any)?	Data is transferred to the following companies (data processors): Sense/Net Zrt. (website development company), data entry and viewing on a case-by-case basis for full access in case of error.
3	Can the goal be achieved by other means?	No, there is currently no other method available to replace it.
C. Balancing test		
1	Can the data subject expect that processing may take place for the purposes in question?	Yes.
2	Does data controlling provide added value to the product or service used by the data subject?	Yes, because without session cookies the website will not function properly.
3	Is data processing likely to adversely affect the rights of the data subject?	Not likely.
4	Is data processing likely to cause unjustified damage to the data subject?	Not likely.
5	Will the Data Controller suffer any prejudice if the processing activity is not carried out?	Yes, visitors' expectations of the quality and functionality of websites and their browsing experience may be compromised.
6	Does it cause any harm to third parties if data controlling activity does not take place?	Not an applicable question.
7	Is data controlling activity in the interest of the data subject (or society)?	The data processing activities are primarily carried out in the interest of KELER Zrt., but they are also carried out in the interest of business interests and indirectly (see answer to question 5 above) also in the interest of the data subject.
8	What is the relationship with the company? (e.g. current or future customer, client, supplier)	The persons concerned are clients, partners, employees, suppliers and other interested visitors of KELER Zrt.
9	Does data controlling affect special categories of personal data under the	The processing of special data is not necessary to achieve the purpose of the processing.

	GDPR?	
10	Is there a two-way relationship between the person and the company? If so, how regular (continuous, regular, occasional)?	Yes, the relationship between KELER Zrt. and the employee, supplier, customer, partner is ongoing (during the period of employment, contractual relationship). The relationship between the visitors of the website and KELER Zrt. is casual.
11	Would data controlling in any way restrict the rights of the data subject?	No, however, the rights of the data subject to be taken into account in this respect are mainly the right to informational self-determination, which is ultimately a constitutional right derived from the fundamental human right to human dignity. In addition, according to the settled case-law of the Constitutional Court, certain rights derived from human dignity, such as the right to informational self-determination in the present case, may be limited in a necessary and proportionate manner in the aspect of its disposal of personal data.
12	Was the personal data obtained directly from the data subject or indirectly?	Directly from the person concerned.
13	Is there an unequal (subordination) relationship between the data subject and the Data Controller?	With employees, yes, but not with other categories of stakeholders.
14	Can the data subject reasonably expect that his or her personal data will be processed for the purposes for which they are collected (Yes/No/Uncertain)	Yes, and you will be warned when you open the website, which will give you access to detailed information.
15	Can the data subject consider the processing to be intrusive or inappropriate from a privacy perspective?	No.
16	Has the data subject been adequately informed about data controlling and its purposes?	Yes.
17	Does the data subject have sufficient control over data controlling and can he or she object to it?	Yes.
18	Can the scope of data controlling be modified to	No, because all data is necessary for the optimised functioning of websites.

reduce/mitigate data protection risks?	
<p>D. Safeguards and controls in place to protect the data subject, reduce risks and potential negative impacts (e.g. cookie information, cookie settings, privacy by design, technical measures, data minimisation, retention period limitation, access restriction, etc.)</p>	
<p>In order to guarantee the confidentiality, integrity and availability of personal data, the Data Controller stores the data in a password-protected and/or encrypted database of Sense/Net Zrt, The Data Controller shall secure the data in a risk-proportionate manner and in accordance with the classification of personal and business data by means of network, infrastructure and application level protection (firewalls, anti-virus programs, storage and communication encryption mechanisms where asymmetric encryption results in the decryption key not being known, content filtering and other technical and process solutions). Data breaches are continuously monitored and managed.</p> <p>KELER Zrt. will process personal data for as long as it is strictly necessary and permitted by law. Furthermore, access to personal data is strictly limited to those employees who need it to perform their work.</p>	
<p>E. Decision and reasons (with references to the above points)</p>	
<p><u>Legitimate interest exists</u></p> <p>There is a legitimate interest of the Data Controller, as its lawfulness is clear as explained above. Given that the legitimate interest is, as set out above, sufficiently specific, genuine and current, further analysis of necessity is appropriate.</p> <p><u>The processing is necessary</u></p> <p>The use of cookies on websites is necessary for the realisation of the legitimate interest.</p> <p>In addition, the data controller only processes the minimum data necessary for the accurate identification of the persons concerned. Therefore, it can be concluded that there is no alternative, less restrictive solution available to the controller to achieve the interest of the individual. The data controlling constitutes a proportionate restriction for the data subject.</p> <p><u>Examining the nature of interests</u></p> <p>Data controlling affects the data subject's right to self-determination with regard to his or her personal data, but this right is not an absolute, unlimited right and may be limited in a necessary and proportionate manner. Given that necessity is already established on the basis of the foregoing, the proportionality test is warranted in the following. The nature of the data subject's interest moves the proportionality test towards the unlawfulness of the processing. However, the nature of the interest of the Data Controller moves proportionality towards the permissibility of the processing, which is a legally and socially recognised interest. The same results from the fact that cookies do not in themselves identify the user concerned personally, but only allow the recognition of his computer, and therefore the processing does</p>	

not fall within any of the categories of sensitive data.

Impact assessment of data processing

The fact that the processing may result in negative emotional effects for the data subject moves the proportionality towards the unacceptability of data controlling, but this is fully offset by the fact that data controlling also serves to protect the data subject and that the controller does not data controlling to control the data subject. This is further reinforced by the fact that data controlling does not intrude into the privacy of the individual to an extent that creates a feeling of vulnerability. The fact that a high degree of economic dominance on the part of the controller can be identified shifts the balance of proportionality towards the primacy of the rights of the data subject. This is also counterbalanced by the fact that data controlling does not affect individuals in an unexpected way. The fact that the controller provides individuals with detailed information on the circumstances of data controlling before the processing starts, thus minimising the vulnerability of the individual and shifting the proportionality test towards the permissibility of the processing. The permissibility of processing is also supported by the fact that the way in which data controlling is carried out makes the effects of the processing as predictable as possible.

Other security measures

- Proportionality is further enhanced by the security measures implemented by the controller. The Data Controller will limit data controlling to the minimum possible, both in terms of duration and access. It processes personal data only for as long as is strictly necessary and permitted by law.
- Furthermore, access to personal data is strictly limited to those employees who need it to do their job. In addition, the data controller stores the data in a password-protected and/or encrypted database in accordance with IT security standards and norms.
- It protects them with firewalls, anti-virus programs, encryption mechanisms, where asymmetric encryption results in an encrypted data stream that cannot be decrypted without knowing the decryption key, content filtering and other technical and process solutions.
- Data breaches are monitored and managed on an ongoing basis. All these measures have a real and significant potential to achieve the protection of personal data and therefore also shift the proportionality test towards the permissibility of data processing.
- On the basis of the above, the balancing of interests test concludes that the data subject's rights do not prevail over the legitimate interests of the controller and that data controlling constitutes a necessary and proportionate restriction on the data subject.

Name	
Position	Data Protection Officer
Date	2024