

## **PRIVACY NOTICE**

### **Privacy Notice to be provided in the case of processing arising in connection with the suppliers of KELER GROUP,**

in which

KELER Central Depository Ltd. (hereinafter: KELER) and  
KELER CCP Central Counterparty Ltd. (hereinafter: KELER  
CCP) inform you as data subject of processing performed in  
relation to the purchasing activity.

**Budapest, 5 October 2020**

In order to comply with *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, and repealing Directive 95/46/EC* (hereinafter: “**Regulation**” or “**GDPR**”), the purpose of this Privacy Notice is to ensure transparency regarding the following: who qualifies as controller within the KELER GROUP during the centralised purchasing processes; for what purpose, on what legal grounds and how the controller collects and uses the personal data disclosed to it; who may inspect such data and to whom such data are transferred; how long the Controller retains such data; and what rights the data subjects are entitled to in relation to the processing of their personal data.

According to Act LXXXI of 1996 on Corporate Tax and Dividend Tax and Act C of 2000 on Accounting, KELER and KELER CCP shall qualify as affiliated company (and as group pursuant to the provisions of the European Market Infrastructure Regulation, the Act on the Capital Market, the Act on Credit Institutions and Financial Enterprises and the Act on Investment Firms and Commodity Dealers - hereinafter: KELER Group).

Pursuant to the outsourcing agreement established between the parent company of KELER CCP, i.e. KELER, and KELER CCP, KELER shall perform the purchasing activities in the interest and on behalf of KELER CCP.

The explanation of particular terms used in the Privacy Notice are included in **Appendix 2** hereto.

## **1. Information relating to the controller**

**With regard to KELER’s purchasing, the controller shall be KELER Central Depository Ltd.**

**Registered office:** H-1074 Budapest, Rákóczi út 70-72.

**Email:** keler@keler.hu

**Website:** www.keler.hu

**Data Protection Officer’s name and contact details:** Dr. Éva Kis;

KELER Central Depository Ltd.;

H-1074 Budapest, Rákóczi út 70-72.;

[adatvedelemitisztviselo@keler.hu](mailto:adatvedelemitisztviselo@keler.hu)

**With regard to KELER CCP’s purchases, the controller shall be KELER CCP Ltd.**

**Registered office:** H-1074 Budapest, Rákóczi út 70-72.

**Email:** kelerccp@kelerkszf.hu

**Website:** www.kelerkszf.hu

**Data Protection Officer’s name and contact details:** Dr. Éva Kis;

KELER CCP Ltd.;

H-1074 Budapest, Rákóczi út 70-72.;

[adatvedelemitisztviselo@keler.hu](mailto:adatvedelemitisztviselo@keler.hu)

However, with regard to KELER CCP's purchases, the actual processing activity in the interest of KELER CCP is performed by KELER as processor, i.e. in this case **KELER is the processor**.

With regard to KELER's and KELER CCP's joint purchases, the companies are joint controllers.

## **2. The purpose and the legal ground of processing the Data Subject's personal data, and the processed data**

In order to ensure that KELER and KELER CCP can provide their own internal organisation systems, processes and particular services in the highest possible quality, they use the services of various suppliers who provide KELER and KELER CCP with specific services. The use of such services and the processes taking place before and after such services also entail - in several cases - the processing of personal data. In consideration thereof, KELER and - with regard to purchases (also) concerning KELER CCP - KELER CCP as controller (and in the case of their joint purchases, joint controllers) issued this Notice in which they inform the data subjects of the above processing activities in line with the provisions of the GDPR.

The purpose of processing shall be in particular: Performing purchasing procedures. During the purchasing procedure, the sending of the request for proposal to the potential bidders, and selecting the successful bidder(s) during the purchasing procedure. Concluding a contract with the selected supplier, and performing the contract. Maintaining an up-to-date database containing KELER's and KELER CCP's suppliers.

Pursuant to point (f) of Article 6(1) of the GDPR, the legal ground for processing shall be KELER's and/or KELER CCP's legitimate interest.

### **THE EXTRACT OF BALANCE OF INTEREST TESTS**

The Controllers process the personal data of the natural persons concerned during the purchasing procedures based on their own legitimate economic interests. In order to inform the data subjects of the above processing activities about the processing of their data to the fullest extent possible, they disclose the extract of the balance of interest test performed by them and in line with the GDPR to the data subjects as follows:

The Controllers thoroughly assessed whether their legitimate economic interests regarding the performance of the above-mentioned processing activities outweigh the interests of the data subjects and whether their fundamental rights and freedoms have priority, taking into consideration their reasonable expectations based on their relationship with the Controller.

Based thereon, the Controllers established that - as the above processing activities do not limit disproportionately the data subjects' rights and freedoms - their legitimate economic interests may create a proper legal ground for the processing activities.

The detailed information on the processed data and the legal grounds for data processing in relation to each purpose of processing are included in **Appendix 1** hereto.

### **3. The persons entitled to access the data and the processors**

The data may be accessed by: the authorised employees - exclusively within KELER and KELER CCP - may have access to the data (usually the employee of the controller involved or participating in the given request for proposal, the CEO(s), KELER's Director of Finance, the employees of KELER's Maintenance and Purchasing Department as well as the members of the Evaluation Committee and the Purchasing Committee, and the employees of KELER's Legal Department).

As stated earlier, KELER CCP's purchases are performed by KELER as processor through outsourcing.

KELER does not disclose the Data Subjects' personal data to processors/additional processors.

### **4. Period of processing (retention period)**

The retention periods are included in **Appendix 1** hereto.

### **5. Data transfers**

The data are not disclosed to third-party recipients; however, the Controllers shall not refuse to hand over the documents created during the purchasing procedures in the course of inspections by any authority, the supervisory body or the owners and external/internal controls. Within the framework thereof, KELER or KELER CCP may transfer personal data to certain third parties based on its statutory obligation. The Controllers transfer the Data Subject's personal data to third parties only in cases specified in the relevant laws.

### **6. The Data Subjects' rights and legal remedies in relation to processing**

In relation to processing, the data subject shall be entitled to:

- a) request information on the processing of his or her personal data;
- b) request the rectification of his or her personal data;
- c) request the erasure of his or her personal data or the restriction of processing of his or her personal data;
- d) exercise his or her right to data portability;
- e) object to the processing of his or her personal data;
- f) withdraw his or her consent to processing;
- g) contact the Controller's data protection officer, the data protection supervisory authority or the court if his or her rights are violated.

### **7. Right of access by the Data Subject**

The Data Subject may request confirmation as to whether personal data concerning him or her are being processed. Where that is the case, he or she may request information about the following:

- a) the purpose of processing;

- b) the categories of the personal data concerned;
- c) the persons who may access the personal data, and in particular, whether the data are transferred to third countries;
- d) the period of processing, or, if not possible, the criteria used to determine that period;
- e) his or her 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) his or her right to lodge a complaint with the data protection supervisory authority;
- g) where the personal data are not collected from the Data Subject, any available information as to their source;
- h) 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.

#### **7.1. Right to rectification**

At the Data Subject's request, the Controller shall rectify without undue delay the 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.

#### **7.2. Right to erasure ("right to be forgotten")**

At the Data Subject's request, the Controller shall erase the personal data concerning him or her without undue delay if:

- 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 has withdrawn his or her consent, provided that there is no other legal ground for the processing;
- c) the Data Subject objects to the processing and the Controller has no overriding legitimate grounds for the processing, or the Data Subject objects to processing for direct marketing purposes;
- 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;
- f) the personal data have been collected in relation to the offer of information society services directly to a child, without the consent of the holder of parental responsibility.

The data shall not be erased if the 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;

- c) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes and the erasure would render impossible or seriously impair the achievement of the objectives of that processing;
- d) for the establishment, exercise or defence of legal claims (e.g. the data are necessary in a judicial proceeding to be used as evidence).

If the Data Subject discloses such personal data to the Controller that are not necessary for achieving the given purpose of processing, the Controller returns - if it does not entail disproportional burden and costs - the data incompatible with the principle of expediency to the Data Subject with justification, or where the data cannot be returned (e.g. photocopy, data stored in an electronic system, etc.), the Controller erases or destroys the data concerned. The return, erasure or destruction of the data as well as the reason of unecessity relative to the purpose of processing shall be recorded during the given procedure.

### **7.3. Right to restriction of processing**

The Data Subject shall be entitled to obtain restriction of processing in the following cases:

- 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; or
- d) the Data Subject has objected to processing pending the verification whether the legitimate grounds of the Controller override those of the Data Subject.

Where processing has been restricted based on the above, such personal data shall, with the exception of storage, only be processed for the following purposes and based on the following legal grounds:

- a) with the Data Subject's consent;
- b) for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person;
- c) for reasons of important public interest of the Union or of a Member State.

The Data Subject who has obtained restriction of processing shall be informed by the Controller before the restriction of processing is lifted.

### **7.4. 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.

### **7.5. Right to data portability**

In the case of processing based on a consent granted by the Data Subject to the Controller or contractual performance, or if the processing is carried out by automated means, the Data Subject shall be entitled to:

- a) receive the personal data concerning him or her, which he or she has provided to the Controller, in a structured, commonly used and machine-readable format; and
- b) transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where the processing is based on a consent or a contract and is carried out by automated means; or
- c) have the personal data transmitted directly from one controller to another, where technically feasible.

### **7.6. 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 the Controller's processing of personal data concerning him or her which is based on legitimate interest, including profiling; regarding this processing activity, the Controller does not perform profiling. 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.

The Data Subject shall have the right to object only in the case of processing carried out by the Controller based on legitimate interests.

### **7.7. Right to withdraw consent**

If the processing is based on the Data Subject's consent, the Data Subject shall be entitled to withdraw his or her consent granted to the Controller at any time. However, it shall not affect the lawfulness of processing based on consent before its withdrawal.

### **7.8. Legal remedies**

Before initiating authority or judicial proceedings, we recommend you to lodge a complaint with the Controller.

In relation to exercising your rights, you may act at the Controller as follows:

- a) by sending a postal mail to the Controller's registered office or mailing address: H-1074 Budapest, Rákóczi út 70-72.
- b) by sending an electronic mail to the following email address: [adatvedelmitisztviselo@keler.hu](mailto:adatvedelmitisztviselo@keler.hu);
- c) via telephone on the following telephone number: +36 1-483-6202; and
- d) in person, at the Controller's registered office during business hours, at the Data Protection Officer (at a date agreed on in advance).

**Hungarian National Authority for Data Protection and Freedom of Information**

In relation to the processing of the personal data concerning him or her, the Data Subject may lodge a complaint with the data protection supervisory authority (Hungarian National Authority for Data Protection and Freedom of Information; H-1055 Budapest, Falk Miksa utca 9-11.; postal address: H-1374 Budapest, Pf. 603.; email: [ugyfelszolgalat@naih.hu](mailto:ugyfelszolgalat@naih.hu)).

### **Court**

The Data Subject may initiate proceedings before the court against the Controller or - in connection with processing operations falling within the processor's scope of activities - the processor if the Data Subject considers that the Controller or the processor assigned by it or acting in a way as specified by it violates the specifications on the processing of personal data set out in laws or in the binding legal acts of the European Union while processing the personal data concerning him or her.

The Data Subject may bring a lawsuit before the tribunal competent on the basis of its place of residence or abode, at its own discretion. The court handles the case with priority.

The Controller shall prove that the processing complies with the legal provisions.

Beyond that, the Data Subject shall also be entitled to turn to the court in the following cases:

- a) against the legally binding decision of the data protection supervisory authority concerning the Data Subject;
- b) if the supervisory authority does not deal with the complaint;
- c) if the supervisory authority fails to give information about the progress or outcome of the procedure related to his or her complaint within three months;
- d) if the Data Subject believes that the Controller or the processor violated his or her rights under the GDPR by processing not in compliance with the provisions of the GDPR.

### **7.9. Responding to the Data Subject's request**

The Controller shall inform the Data Subject of the actions taken in relation to the requests as per Subsections 7.1-7.7.7 and the complaint lodged by the Data Subject as per Subsection 7.8 without delay but no later than within one month following the receipt of the request; such deadline may be extended by two months, depending on the complexity and number of the requests. The Controller shall inform the Data Subject of the extension of the deadline for response no later than within one month following the receipt of the request.

If the Controller decides not to take action on the request of the Data Subject, the Controller shall inform the Data Subject without delay but at the latest within one month of receipt of the request of the reasons for not taking action and on the possibility of lodging a complaint with a supervisory authority and seeking a judicial remedy.

## **8. Automated decision-making, profiling**

The Controller does not make decisions based on solely automated processing and does not perform profiling in relation to the processing of the Data Subjects' data.



## **9. Security of processing**

In order to ensure the protection and security of the personal data, the Controller takes internal regulatory (protection of data and confidentiality, information security, access rights, etc.), organisational, technical and educational measures to provide secure processing.

Filtering engines are applied to provide protection against certain risks (e.g. phishing scams, viruses, spyware, etc.). Such application may - on an ad-hoc basis - result for example in the blocking of external private mails by the filtering engines.

The protection of personal data is also ensured by the fact that the Controller engages a data protection officer who is accountable to the senior management of KELER or KELER CCP and shall not act under the instruction of any person when performing his or her tasks.

Where processing is to be carried out on behalf of the Controller, the Controller shall use only processors providing sufficient guarantees to implement appropriate technical and organisational measures in such a manner that the requirements of the GDPR will be met and the protection of the rights of the Data Subjects will be ensured.

## **10. Appendices:**

Appendix 1: Detailed information on the processed data

Appendix 2: Definition of terms

**Appendix 1**  
**Detailed information on the processed data**

Name/type of processing	Purpose of processing	Processed data, data sets	Legal ground for processing	Retention period	Recipients of the data	Other remarks
<b>Request for information</b>	The sending of the request for proposal to the potential bidders during the purchasing procedure.	KELER's Maintenance and Purchasing Department processes the name and email address of the contact persons of potential suppliers invited to submit proposals.	Pursuant to point (f) of Article 6(1) of the GDPR, the legitimate interest of KELER or KELER CCP <sup>1</sup> .	Retention period as per the Document Management Policy (bids: five years) which shall commence as follows: In relation to the exercise of civil-law claims and fulfilment of obligations: where bidding is followed by the establishment of a contract, it shall be five years following the termination of the contractual relationship, in other cases following the receipt of the offer for concluding a contract by the recipient or the explicit refusal of the offer, and where there is no offer (for example: no proposal is made after the request for proposal), following the last communication (Section 6.22(1) of Act V of 2013 on the Civil Code of Hungary ("Civil Code")), with regard to the fact that civil-law claims lapse in five years.	The data are not transferred to third-party recipients. <sup>2</sup> KELER does not engage processors in the processing.	The request for proposal is part of the purchasing procedure. In order to ensure transparency, the purchasing procedure documents are retained until the expiry of the civil-law limitation period.

<sup>1</sup> Depending on the person of the announcer of the tender.

<sup>2</sup> However, the Controller shall not refuse to hand over the documents created during purchasing procedures in the course of inspections by any authority, the supervisory body or the owners as well as of controls. Within the framework thereof, personal data may be transferred to third parties based on its statutory obligation.

<p><b>Bid collection</b></p>	<p>Selecting the successful bidder(s) during the purchasing procedure.</p>	<p>The personal data included in the bids submitted to KELER's or KELER CCP's request for information/request for proposal, thus among others: the name and contact details of the contact persons of each supplier, the recommended experts, the CVs of the persons involved in the performance, specimen signature (signature image, identification card number), legal declarations made, e.g. declarations of confidentiality (during purchasing procedures with sensitive content:  - name,  - place and date of birth,  - mother's name,  - address.)</p>	<p>Pursuant to point (f) of Article 6(1) of the GDPR, the legitimate interest of KELER or KELER CCP<sup>1</sup>.</p>	<p>Retention period as per the Document Management Policy (bids: five years) which shall commence as follows: In relation to the exercise of civil-law claims and fulfilment of obligations: where bidding is followed by the establishment of a contract, it shall be five years following the termination of the contractual relationship, in other cases following the receipt of the offer for concluding a contract by the recipient or the explicit refusal of the offer, and where there is no offer (for example: no proposal is made after the request for proposal), following the last communication (Section 6.22(1) of Act V of 2013 on the Civil Code of Hungary ("Civil Code")), with regard to the fact that civil-law claims lapse in five years.</p>	<p>The data are not transferred to third-party recipients.<sup>2</sup> KELER does not engage processors in the processing.</p>	<p>With regard to the fact that KELER / KELER CCP has no control over the content of the proposals received, it cannot accurately specify the set of personal data included therein (despite accurately indicating the requested data sets in the request for proposal, it may happen that not exclusively the requested data are received), therefore, the exceptional case that the Controller - without any fault on its part - temporarily processes sensitive data may occur (when noticed, such data are erased or returned where possible).  The data source is a third party: the company invited to submit a proposal.</p>
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<p><b>Conclusion of a contract with the successful bidder, performance of the contract</b></p>	<p>Concluding a contract with the selected supplier, and performing the contract.</p>	<p>The Controller processes the name, signature and signature specimen of the person entitled to represent the supplier as well as the name, telephone number, position and email address of the contact persons and employees. The (company) name, registered office, bank account number and tax number of the represented organisation as well as any other data in relation to the performance of the contract<sup>3</sup>. The above personal data may also be processed during the performance of the Contract.</p>	<p>Pursuant to point (f) of Article 6(1) of the GDPR, the legitimate interest of KELER or KELER CCP<sup>1</sup>.</p>	<p>Retention period as per the Document Management Policy, which shall commence as follows: In relation to the exercise of civil-law claims and fulfilment of obligations, it shall be five years following the termination of the contractual relationship with the partner (Section 6.22(1) of the Civil Code), with regard to the fact that civil-law claims lapse in five years.</p> <p>If the processing of such data is required for performing the tax obligations the Company is subject to, the data shall be processed for five years following the last day of the calendar year in which tax return, data report or report on tax should have been prepared or in the lack of tax return, data report or report, the tax should have been paid (Section 78(3) and 202(1) of the Act on the Rules of Taxation).</p>	<p>The data are not transferred to third-party recipients.<sup>2</sup> KELER does not engage processors in the processing.</p>	<p>The data source is a third party: the contracted partner of KELER or KELER CCP. The Controller has no exact control over the set of personal data arising during the performance of contract and processed by the Controller. With regard thereto, the set of data is hard to define.</p>
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<sup>3</sup> Not exclusively personal data but listed for the purpose of providing comprehensive information.

<p><b>Supplier record and the contact persons of suppliers</b></p>	<p>Maintaining an up-to-date database containing KELER's and KELER CCP's suppliers. Performing purchasing procedures.</p>	<p>KELER or KELER CCP keeps a record of its existing and potential suppliers in order to ensure their uniform registration and classification. The following personal data are processed concerning the given suppliers: name, signature and signature specimen of the person entitled to represent the supplier as well as the name, telephone number, position and email address of the contact persons and employees.</p>	<p>Pursuant to point (f) of Article 6(1) of the GDPR, the legitimate interest of KELER or KELER CCP<sup>1</sup>.</p>	<p>Retention period as per the Document Management Policy (bids: five years) which shall commence as follows: In relation to the exercise of civil-law claims and fulfilment of obligations: where bidding is followed by the establishment of a contract, it shall be five years following the termination of the contractual relationship, in other cases following the receipt of the offer for concluding a contract by the recipient or the explicit refusal of the offer, and where there is no offer (for example: no proposal is made after the request for proposal), following the last communication (Section 6.22(1) of Act V of 2013 on the Civil Code of Hungary ("Civil Code")), with regard to the fact that civil-law claims lapse in five years.</p>	<p>The data are not transferred to third-party recipients.<sup>2</sup> KELER does not engage processors in the processing.</p>	<p>On the one hand, the data source is a third party, i.e. the existing or potential supplier of KELER or KELER CCP. On the other hand, KELER CCP may obtain data from public registers.</p>
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## Appendix 2

### The definition of terms used in the Privacy Notice

**“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;

**“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;

**“restriction of processing”**: means the marking of stored personal data with the aim of limiting their processing in the future;

**“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;

**“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;

**“processor”**: means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;

**“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;

**“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;