

# Privacy Policy

Applicable from: 1<sup>st</sup> January, 2019

## Contents:

In this Privacy Policy, you may find information regarding the processing of your personal data in the following **chapters**:

**I. General.** Besides other general information, this chapter contains the data of the Controller and some processors.

**II. Ways of processing.** In this chapter you may find specific information (the purpose, grounds and period of processing, the scope of data subjects and the data processed) per each purpose of the processing:

II/1. Orders

II/2. Invoices

II/3. Newsletters

**III. The rights of the data subjects.** Here you may find a detailed description of your rights regarding the processing and the related procedure.

**IV. Remedies.** In this chapter you may find the detailed description of the remedies you can have if our rights related to your personal data are violated.

## I. General

1. In relation to this Privacy Policy, the customer of the controller placing orders on the Website shall be considered data subjects.

### The Controller:

Company name: **NUVOLA Hungary Kft.**

registered seat: 1063 Budapest, Szív utca 64. fszt., Hungary

Email: [info@francescomilano.com](mailto:info@francescomilano.com)

Phone: +36 1 4062990

Registration No.: 01-09-285122

Court of registration: Budapest Municipal Court as Court of Registration

Tax No.: 25712942-2-42.

European VAT No.: HU25712942

‘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;

2. It is the Controller’s intention to ensure the protection of the personal data of the persons providing such on the **Website** at [www.francescomilano.com](http://www.francescomilano.com) to the extent possible. This

Privacy Policy shall be applicable in respect of the Website only and no other websites of any third parties, even if such are accessible from the Website.

3. The Controller shall have the right to unilaterally modify this Privacy Policy anytime on which it shall inform the data subjects by email.
4. The Controller provides its services protecting the personality rights of the visitors of the Website and its clients, in accordance with the law, especially:
  - 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, GDPR);
  - the Hungarian Civil Code;
  - Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information (hereinafter: the **Data Protection Act**)
5. Please note that it is voluntary to provide personal data on the Website and upon the acceptance of this Privacy Policy, the data subject gives his or her consent to the control of the personal data.
6. The Controller may forward personal data to pursue its activities, to the extent required thereto, to **data processors** as recipients. 'Processor' means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;
  - 6.1. The **accountant** of the Controller is considered a data processor:  
Company name/ Name: AZSUR Kft.  
Registered and postal address: 1144 Budapest, Rákosfalva park 3/c.  
Activities: accountancy, in case no data is provided, the Controller cannot fulfill its activities.  
  
Forwarded personal data: personal data required for invoices, name and address.
  - 6.2. The personal data processed by us are stored in Euroteam srl server hosted by EQUINIX ITALIA Via Savona 125, 20144 - Milano (MI) – Italia ph.+39.02.3667.9500  
Activities: web storage, in case no data is provided, the Controller cannot fulfill its activities.  
Forwarded data: data collected upon registrationEndFragment

## **II. Ways of processing:**

### **II/1. Orders, contact persons**

7. Upon the placement of the order, for fulfilling it, the Controller processes personal data (name, email, job title, phone number) of the contact persons of the customers of the Controller.
8. The purpose of processing is the provision of the services.
9. The ground for processing is the legitimate interest of the Controller to keep contact with its contractual partners. [point (f) of subparagraph 1 of Article 6 of the GDPR].
10. Period of processing: the civil law expiry period of 5 years (In accordance with the Hungarian Civil Code).

11. The provision of the data is necessary to enter into the contract, the consequence of failure to provide such data is that the order cannot be fulfilled.

## **II/2. Invoices**

12. The Controller stores, i.e. processes the personal data on the invoices.
13. The purpose of processing is issuing invoices, compliance with the laws for accounting.
14. The ground for processing is compliance with a legal obligation, in accordance with paragraph (1) of Article 159 of Act CXXVII of 2007, and paragraph (2) of Article 169 of Act C of 2000 [point (c) of subparagraph 1 of Article 6 of the GDPR].
15. Processed personal data: name, address, e-mail address, phone number, tax No of natural persons.
16. The data subjects are any natural persons on the invoices.
17. Period of processing: 8 years.
18. The provision of the data is a statutory requirement, the consequence of failure to provide such data is that the order cannot be fulfilled.

## **II/3. Newsletters:**

19. The customer may subscribe to the newsletter with his or her expressed, voluntary and active declaration.
20. The purpose of processing is informing the data subjects on the services, products, news and events of the Controller and any changes thereto.
21. The ground for processing is the *voluntary consent of the data subject* in accordance with point (a) of subparagraph 1 of Article 6 of the GDPR.

Processed personal data:

- name (surname and first name)
  - email address
22. Period of processing: lasts until the data subject requests to unsubscribe from the newsletters.
  23. If no personal data is provided, newsletters cannot be sent.

## **III. The rights of the data subjects**

24. The data subject may exercise his or her following rights via the contacts of the Controller listed above:
  - right to request information on the processing of the personal data and the right of access;
  - right to rectification,
  - right to request erasure except the cases of obligatory processing,
  - right to withdraw the consent,
  - right to data portability,

- Right to objection;
- right to object against automated individual decision-making.

### **III/1. Right for information and access:**

25. The Controller shall take appropriate measures to provide any information referred to in Articles 13 and 14 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language.
26. Information may be requested in writing through the contact data of the Controller specified above. When requested by the data subject, the information may be provided orally, provided that the identity of the data subject is proven by other means.
27. 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: the purposes of the processing; the categories of personal data concerned; 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 organizations; the envisaged period for which the personal data will be stored; 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; the right to lodge a complaint with a supervisory authority; 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. Where personal data are transferred to a third country or to an international organization, the data subject shall have the right to be informed of the appropriate safeguards relating to the transfer.
28. 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.
29. The Controller shall be obliged to respond to requests from the data subject at the latest within one month.

### **III/2. Right to rectification:**

30. The data subject shall have the right to obtain from the Controller without undue delay the rectification of inaccurate personal data and the completion of incomplete personal data concerning him or her.

### **III/3. Right to erasure ('right to be forgotten'):**

31. 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:
  - the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
  - the data subject withdraws consent on which the processing is based, and where there is no other legal ground for the processing;

- the data subject objects to the processing and there are no overriding legitimate grounds for the processing,;
- the personal data have been unlawfully processed;
- 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;
- the personal data have been collected in relation to the offer of information society services.

32. Erasure may not be requested to the extent that processing is necessary: for exercising the right of freedom of expression and information; 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; for reasons of public interest in the area of public health; for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes; or for the establishment, exercise or defense of legal claims.

#### **III/4. Right to restriction of processing:**

33. The data subject shall have the right to obtain from the controller restriction of processing where one of the following applies:
- 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;
  - the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
  - 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 defense of legal claims;
  - the data subject has objected to processing pending the verification whether the legitimate grounds of the controller override those of the data subject.
34. Where 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 defense 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 European Union or of a Member State.
35. A data subject who has obtained restriction of processing shall be informed by the controller before the restriction of processing is lifted.

#### **III/5. Right to data portability:**

36. 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 to which the personal data have been provided.

#### **III/6. Right to object:**

37. 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 the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller or processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, including profiling based on those 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 defense of legal claims.

38. Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him or her for such marketing, which includes profiling to the extent that it is related to such direct marketing. Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.

### **III/7. Right to object against automated individual decision-making:**

39. The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her. This right may not be exercised if the processing is necessary for entering into, or performance of, a contract between the data subject and a data controller; is authorized by Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or is based on the data subject's explicit consent.

### **III/8. Right of withdrawal:**

40. The data subject shall have the right to withdraw his or her consent anytime. The withdraw of the consent shall not affect affecting the lawfulness of processing based on consent before its withdrawal.

### **III/9. Rules on the procedure of the enforcement of rights:**

41. Deadline: The Controller shall provide information on actions taken on a request under Chapter III hereof to the data subject without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. The Controller shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay. Where the data subject makes the request by electronic form means, the information shall be provided by electronic means where possible, unless otherwise requested by the data subject.
42. If the controller does not take action on the request of the data subject, the controller shall inform the data subject without delay and 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.
43. Information shall be provided free of charge. Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may either charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or refuse to act on the request.
44. 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.

## **IV. Remedies**

45. Any person shall have the right to notify the Hungarian National Authority for Data Protection and Freedom of Information (in Hungarian: Nemzeti Adatvédelmi és Információszabadság Hatóság; <http://www.naih.hu/>; registered seat: 1125 Budapest Szilágyi Erzsébet fasor 22/c, post address: 1530 Budapest, Pf.: 5., telephone: +36 (1) 391-1400) and request an investigation alleging an infringement relating to his or her personal data or concerning the exercise of the rights of access to public information or information of public interest, or if there is imminent danger of such infringement. The Authority shall carry out the investigation free of charge; the costs thereof shall be advanced and borne by the Authority.
46. In the event of any infringement of his rights, the data subject may turn to court action against the controller. The court shall hear such cases in priority proceedings. The action shall be heard by the competent tribunal. If so requested by the data subject, the action may be brought before the tribunal in whose jurisdiction the data subject's home address or temporary residence is located. Data controllers shall be liable for any damage caused to a data subject as a result of unlawful processing or by any breach of data security requirements. The data controller shall also be liable for any damage caused by data processors acting on its behalf. The data controller may be exempted from liability if it proves that the damage was caused by reasons beyond his control. No compensation shall be paid where the damage was caused by intentional or serious negligent conduct on the part of the aggrieved party. Should the data controller infringe the personality rights of the data subject with the illegal control of the data subject's data or with the breach of data security requirements, the data subject may claim restitution from the data controller.