



## **THE DATA PROCESSING ACTIVITY OF HÁTTÉR SOCIETY** **in relation to data processing in connection with its Legal Aid Service** (on the basis of the Data Protection Regulation of the European Union)

Pursuant to Article 13 of **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 the free flow of such data, as well as the repeal of Directive 95/46/EC (hereinafter: **GDPR**), the Háltér Society association provides the following information to the data subjects.

The services of Háltér Society's Legal Aid Service can be used primarily by e-mail at [jogsegely@hatter.hu](mailto:jogsegely@hatter.hu) or [legalaid@hatter.hu](mailto:legalaid@hatter.hu), via the reporting interface [jelentsd-a.homofobiat.hu](http://jelentsd-a.homofobiat.hu), online forms for certain types of cases, or by contacting us via our answering machine. The Legal Aid Service does not organise personal client receptions, a personal meeting is only possible in cases requiring special consideration or required by the nature of legal aid (contract conclusion, questioning, trial, etc.), after consultation with a member of the Legal Aid Service.

Háltér Society, as a provider of Legal Aid Service, informs the recipients of its services below about the circumstances of the handling of their personal data during the service, about the organisational and technical measures taken to protect the personal data, and about the individual rights and legal remedies available to the users of the service under the GDPR.

### **1. Identification and contact details of the data controller**

Háltér Society association (head office: 1136 Budapest, Balzac u. 8-10, tax number: 18071872-1-41, registration number: 01-02-0006352; e-mail: [hatter@hatter.hu](mailto:hatter@hatter.hu); represented by: Beda Balázs, executive board member)

### **2. Name and contact information of the Data Protection Officer**

dr. Tamás Pfszter, e-mail: [adatvedelem@hatter.hu](mailto:adatvedelem@hatter.hu)

### **3. Nature and purpose of the data processing**

Háltér Society operates a Legal Aid Service at the above contact details. The Legal Aid Service is most often approached in connection with the following problems: homophobic and transphobic violent assaults; discrimination in the workplace, harassment; discrimination by service providers; establishing a registered partnership and its legal consequences; options for having children; entry and residence of a foreign partner; issues related to their non-legal recognition. The Legal Aid Service also undertakes the documentation of legal violations affecting LGBTQI people. We therefore also welcome enquiries in the event that the applicant has learnt of a legal violation or has witnessed such a case. The Legal Aid Service endeavours to be as careful as possible in relation to the advice it provides free of charge. If we enter into a written contract with the recipient of the service (hereinafter: client), this privacy policy forms

a part of the contract. In the absence of a written contract, we always provide an opportunity to familiarise yourself with the content of the data processing information in advance.

The services of the Legal Aid Service include information, advice and representation of clients, and the referral of clients to a partner lawyer. During the use of the service, an agency agreement is concluded between the client and the Legal Aid Service, irrespective of whether the parties put this in writing. Contacting the Legal Aid Service with an enquiry (provided that it is genuinely aimed at using the service) is the first step towards drawing up a contract.

The Legal Aid Service (1) provides the service itself, (2) commissions a lawyer, or (3) refers the requestor to an external partner lawyer. In case (3), the assignment only applies to the referral to the lawyer, the legal service is provided by the lawyer. The data controller in case (1) is Háttér Society, in case (2) Háttér Society and the commissioned lawyer are joint data controllers, in case (3) the data controller is Háttér Society in relation to the referral of the client, while in relation to legal services the partner lawyer acts as an independent data controller.

If the client is referred to an external partner lawyer, the Legal Aid Service does not transfer any personal data to the partner lawyer; the Legal Aid Service may contact the partner lawyer to clarify whether the case will be taken over, but in this case, only the legal problem related to the case will be presented, without allowing the person to be identified.

The Legal Aid Service also operates an answering machine on +36 1 6 333 454. The recorded announcement draws attention to the e-mail address used for contact, considering that the Legal Aid Service is primarily available electronically.

The activities of the Legal Aid Service have a significant impact on the development of LGBTQI rights in Hungary. Therefore, the documentation of its activities is necessary for archiving purposes in the public interest and for scientific and historical research purposes (hereinafter: documentation of service provision).

Enquiries to the Legal Aid Service may also contain information about a crisis situation (e.g. serious child endangerment, suicide) that requires the involvement of a third party (e.g. parent, family member, healthcare provider or authority) (hereinafter: crisis situation).

#### **4. Categories of personal data subject to data processing**

In connection with the use of the Legal Aid Service operated by Háttér Society, the following personal data is collected by Háttér Society:

In the case of an enquiry without service provision (the enquiry is not aimed at using the services of the Legal Aid Service):

- the name, e-mail address and voice on the answering machine used by the data subject (service user) in the enquiry,
- other personal data - even sensitive personal data, e.g. regarding health and sexual life, sexual orientation, etc. - provided by the data subject to Háttér Society.

In the case of service provision:

If Háttér Society does not transfer the provision of the service to a third party (and it is performed by the association or its appointed lawyer), it manages the following personal

data:

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- name, address, postal address, place of birth, date of birth, mother's name, tax identification number, telephone number, e-mail address of the data subject (service user),
- other personal data - even sensitive personal data, e.g. health, sexual orientation, sex life, etc. - provided by the data subject to Háttér Society.

Documentation of service provision (data processing for archiving purposes in the public interest, for scientific and historical research purposes or for statistical purposes): In this context, among the data managed in the scope of service provision, we preserve those that have historical significance. The significance of the story is determined on a case-by-case basis, taking into account the impact, precedential nature or LGBTQI historical value of the case.

## **5. Legitimate ground for data processing**

In the case of an enquiry without service provision:

The legal basis for data processing in the case of a simple enquiry is the consent of the data subject [Article 6 (1) point a) of the GDPR]. Háttér Society processes the client's personal data on the basis of the voluntary consent of the data subject based on the prior specific and adequate information and only to the extent necessary and in all cases subject to the purpose.

Considering that the nature of the enquiry may involve the processing of sensitive personal data (typically, but not exclusively, health data about the data subject, data on sexual orientation/gender identity, sex life), Háttér Society informs the data subject of the need for consent in accordance with Article 9 (2) point a) of the GDPR at an early stage in a prominent manner next to the contact details of the Legal Aid Service.

The data subject may withdraw their consent to data processing at any time. In the event of withdrawal of consent, Háttér Society will ensure the erasure of the data, unless another legal basis [Article 6 (1) b) of the GDPR (contractual legal basis) or Article 6 (1) point f) of the GDPR (the legal basis for legitimate interest)] allows the management of this data. The erasure of the data does not affect the lawfulness of the data processing prior to the withdrawal of consent. In the event of withdrawal of consent, the data controller shall carry out the erasure of the data without undue delay.

In case of service provision:

In the case of the conclusion or preparation of a contract, data processing is necessary for the performance of the contract or for taking steps at the request of the data subject prior to entering into the contract [Article 6 (1) point b) of the GDPR].

In view of the fact that, due to the nature of the contractual relationship, sensitive personal data (typically, but not exclusively, health data relating to the data subject, data relating to sexual orientation/gender identity, sex life) may also be processed, Háttér Society shall record the data subject's consent in the main text of the contract in a separate, express manner, pursuant to Article 9 (2) point a) of the GDPR.

In the case of documentation of the provision of services (data processing for archiving purposes in the public interest, for scientific and historical research purposes or for statistical purposes):

Pursuant to Article 6 (1) item f) of the GDPR, it is the legitimate interest of Háttér Society, which provides the Legal Aid Service, and researchers of posterity and future generations to document and preserve historical (LGBTQI or legal historical) events, also taking into account Article 89 of the GDPR.

Crisis situations and suicide prevention:

With the requestor's consent, the Legal Aid Service may transfer the data to a third party (e.g. ambulance or family member). In this case, the data will be transferred pursuant to Article 6. (1), point a) of the GDPR.

The data subject's personal data may be transferred to the authorities and emergency services without obtaining consent, if there is a risk that the data subject endangers their own physical integrity or that of other persons. In this case, the data is transferred on the basis of Article 6 (1) point d) of the GDPR: Data processing is necessary in order to protect the vital interests of the data subject (person using the service) or of another natural person.

## **6. Recipients of the personal data**

Within the Háttér Society association, access to personal data is strictly possible only for those employees who need the personal data to perform their tasks: in general matters, the employees and Managing Director of Háttér Legal Aid Service; when it comes to organisational responsibility, the attorneys and key employees of Háttér Society; for or the purpose of responding to requests related to data processing, the Data Protection Officer, and the lawyers appointed by Háttér Society providing representation in a given case.

## **7. Duration and place of storage of the processed data**

Part of the data is stored electronically, on the servers of Háttér Society (3 in 1 Hosting Bt., registered office: 2030 Szigetszentmiklós, Dévai u. 10/a.) located in the territory of the European Economic Area. The other part of the data is stored in the Google Drive document management system. In the European Economic Area (EEA) and Switzerland, Google services are provided by Google Ireland Limited, a company incorporated in Ireland and operating under Irish law (registration number: 368047).

The paper-based documents generated during the service and the personal data contained therein are stored in a locked cabinet to which only the following persons have access: the employer and Managing Director of the Legal Aid Service, the attorneys, key employees and the Data Protection Officer of Háttér Society and the lawyers appointed by Háttér Society acting in the specific case.

In the event of an enquiry without service provision:

Háttér Society will manage the personal data until the data subject withdraws his/her consent. If Háttér Society does not receive a request for erasure, or Háttér Society does not become aware of another request related to the data provided by the data subject, Háttér

Society will erase the personal data of the specific enquiry 30 days following the last request.

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In case of service provision:

Háttér Society manages personal data in accordance with the general statute of limitations of civil law for five years after the termination of the contract with the data subject.

In the case of documentation of the provision of services (data processing for archiving purposes in the public interest, for scientific and historical research purposes or for statistical purposes):

Háttér Society shall keep the data deemed to be of historical importance related to the service for an indefinite period of time in view of their historical value.

## **8. The rights of the data subject**

The user of the service (the data subject) may exercise the following rights in relation to the ongoing data processing based on the GDPR (*data subject rights*): they may request access to their personal data, request the rectification, erasure, restriction of processing, exercise their right to data portability, and object to data processing based on legitimate interest. We inform you that we do not use your processed data for the purpose of automated decision making.

You can exercise your rights marked with a \* as a data subject below by making a written request. To do so, please send an e-mail to [adatvedelem@hatter.hu](mailto:adatvedelem@hatter.hu). We will also accept your request related to data processing by post: please send your letter to Háttér Society, 1136 Budapest, Balzac utca 8-10. Háttér Society will provide you with an individual response, information or feedback to your request within the one-month deadline specified in Article 12 (3) of the GDPR, or otherwise enable you to exercise the following rights.

Your right to information: Prior to the start of data processing we will provide information via the present privacy policy, in accordance with Article 13 of the GDPR. By familiarising yourself with it you can verify the characteristics of the data processing carried out by us regarding your personal data and obtain information about the rights you can exercise in connection with data processing.

Your right of access: \* You may request Háttér Society to provide access to your personal data by being informed whether your personal data is currently being processed and if so, under what circumstances.

Your right to rectification:\* If there has been a change in the personal data we process and you want your data to be recorded correctly in our records, you can request that we correct the data you have provided and processed without undue delay.

Your right to erasure:\* You may request that we erase your personal data without undue delay if one of the following grounds apply:

- a) your personal data is no longer needed for the purpose for which it was collected or processed;
- b) you withdraw the consent that forms the basis of the data processing, and there is no other legal basis for the data processing;
- c) you object to the data processing and there are no other overriding legitimate grounds

for the data processing;

d) we have processed your personal data unlawfully;

e) your personal data must be erased in order to fulfill a legal obligation to which we are subject;

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Please note that if you withdraw your consent, the data controller may not use the personal data for the purpose for which consent was withdrawn or for any other purpose, depending on the nature of the withdrawal of consent. The withdrawal of consent does not affect the lawfulness of data processing prior to the withdrawal of consent. The data controller reserves the right, in the event of withdrawal of consent if the conditions laid down in the GDPR apply, to base the processing on other legitimate grounds of data processing and to take technical and organizational measures in order to modify the processed data in accordance with the data subject's needs.

Your right to restriction of processing: \* you may request that we restrict the processing of your personal data if one of the following applies:

a) you contest the accuracy of your personal data, in which case the restriction applies for the period that enables us to verify the accuracy of your personal data; b) the data processing is unlawful and you object to the erasure of your data and request the restriction of their use instead;

c) we no longer need your personal data for the purposes of data processing, but you need them for the establishment, enforcement or defense of legal claims; or

d) you have objected to the data processing, in which case the restriction applies for the period until it is determined whether the legitimate reasons of the association override your right to your personal data.

In the event of data restriction, this personal data may only be processed with your consent, with the exception of storage or for the establishment, enforcement or defense of legal claims, or for the protection of the rights of other natural or legal persons or for important public interests.

Your right to object to data processing: \* You have the right to object to the processing of your personal data based on the legitimate interests of Hátter Society at any time for reasons related to your own situation.

## 9. Options for legal enforcement in connection with data processing

Before submitting your complaint to the supervisory authority or the court – in order for reconciliation and finding a solution to the problem at the earliest - please contact our organisation by email at [adatvedelem@hatter.hu](mailto:adatvedelem@hatter.hu) or by post to our address (1136 Budapest, Balzac u. 8-10)

If you believe that your rights have been violated in connection with the processing of your personal data or there is an immediate threat of such, you can file a complaint or initiate an official data protection procedure at the National Authority for Data Protection and Freedom of Information (head office: 1055 Budapest, Falk Miksa utca 9-11.; postal address: 1363 Budapest, Pf.: 9; e-mail: [ugyfelszolgalat@naih.hu](mailto:ugyfelszolgalat@naih.hu); telephone: +36 (1) 391-1400; website: [www.naih.hu](http://www.naih.hu)).

You can also initiate a civil lawsuit in court for unlawful data processing. The adjudication of the lawsuit falls within the jurisdiction of the courts.

## 10. Clause

Háttér Society reserves the right to amend its privacy policy from time to time. Háttér Society will inform the data subjects of any changes of the privacy policy on its official pages.

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**If you have any questions about the provision of services not related to data processing (e.g. questions related to counselling), please write to us at [jogsegely@hatter.hu](mailto:jogsegely@hatter.hu).**

