

Data Subject Information

No.	29000-148/104/2018.RAV
Title of data processing	Removals by flights
The purpose of data processing	<p>The objective of police data processing is fighting criminality, prevention of crimes and to protect public order, public safety, the order of the state border and the rights, safety, and properties of the person concerned and others.</p> <p>Article 77 (2) of Act XXXIV of 1994 on the Police</p>
Legal basis of data processing	<p>Article 6 (1) c) of the GDPR, Article 102 (2) of Act II of 2007</p>
Data subject categories	Third country nationals affected by deportation by flights
Categories of personal data processed	<p>Article 102 (2) of Act II of 2007: For the purpose of requesting or authorising assistance in cases of transit for the purpose of removal by air, the aliens' registration authority may process the following data of a third-country national:</p> <ul style="list-style-type: none"> a) natural persons' identification data; b) the type, number, and validity of the travel document; c) details of the flight(s) used to carry out the expulsion (flight number, point of departure and arrival, time of departure and arrival); d) the justification for the official escort; e) data on medical care, identifiable epidemic diseases; f) data on previous unsuccessful expulsion attempts.
Special categories of personal data or categories of criminal data under Article 10 of the GDPR	None.
Addressees	<p>Article 106 (1): For the purposes of performing their statutory duties, the aliens policing authority shall, within the scope of the data specified by law, forward data from the partial aliens policing registers to:</p> <ul style="list-style-type: none"> a) judicial authorities, b) investigative authorities, c) national security services, d) the refugee affairs authority, e) tax authorities, f) the specialised authorities involved in the aliens' proceedings,

	<p>g) the customs authority, <i>h)</i>[*] the body responsible for citizenship matters and the Minister responsible for citizenship matters, i) the authority responsible for matters relating to the register of identity and address, j) the labour authority, k) the labour inspectorate, l) the public health authority, <i>m)</i>[*] the pension insurance administration, <i>n)</i>[*] the local government body with public authority functions o)[*] offices of the capital and county government commissioners; p)[*] the authorities responsible for the offence or the preparatory procedure, for the verification of the identity of the person subject to a minor offence procedure, q)[*] the penitentiary institution for the purpose of verifying the identity of the prisoner at the time of admission, <i>r)</i>[*] in accordance with Article 27 of Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and establishing an instrument of financial support for police cooperation, preventing and combating crime, and crisis management, the Responsible Authority, as defined in the Government Regulation on the use of the Internal Security Fund and the Asylum, Migration and Integration Fund for the period 2014-2020 (hereinafter referred to as the "Responsible Authority"), in order to ensure the controllability of the use of the funds.</p>
Name, representative of data processor	Not needed.
Forwarding data to a third country or international organization	Article 107 (1): The aliens policing authority may transmit data from the aliens' sub-registers to a foreign law enforcement, border police, aliens policing or judicial authority, an international organisation or a Community body established by a directly applicable Community act, on the basis of a directly applicable Community act or an international treaty, within the scope of the data set out therein.
Storage period, deletion deadline	Article 102 (4) of Act II of 2007: The data specified in paragraph (2) shall be processed by the aliens' registration authority for five years following the initiation of the transfer.

General description of data security measures	According to the IT Security Regulation of the Police,
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The Police Data Controller processes personal data of data subjects pursuant to Article 6(1)(c) of the GDPR and in order to fulfil the obligation set out in Act II of 2007, as set out above. If the data would be transferred to a third country or an international organisation, the recipient State, public authority, or international organisation will ensure the protection of the data on the basis of international commitments containing appropriate safeguards. Given that the processing of personal data is carried out in order to comply with a legal obligation, the withdrawal of the data subject's consent cannot be understood in relation to the processing. The police data controller shall not use the personal data of the data subjects for any purpose other than that specified in the data sheet.

As regards data processing, anytime by way of the data protection official of the organization dealing with data procession:

- **can request information on data processing and may ask for access to data processed in connection with his/her person,**
- **in case of inaccurate data, may ask for rectification, or completion in case of incomplete data,**
- **request the erasure of data processed on the basis of his/her consent,**
- **may object to the processing of his/her data,**
- **may ask for a restriction of data processing.**

As regards data processing by police data processing units, the right to data portability cannot be exercised.

The person concerned, **based on an information request**, may learn (if it is not subject to a restriction based on interest specified in a legal act) if a police data processing unit processes his/her data and is entitled to receive information in connection with data processed related to his/her person:

- for what purpose is his/her data processed,
- what is the legal basis for data processing,
- since when and until when is his/her data processed (duration),
- what data are processed - is entitled to receive a copy of it,
- addressees of the personal data and categories of the addressees,
- forwarding to a third country or international organization,
- if not collected from the data subject, the source of the data,
- the characteristics of automated decision-making, if used by the controller,
- rights concerning data processing,
- legal remedy possibilities.

The police data processing unit shall reply to requests for information and access within 30 days. For additional copies of the processed personal data of the person concerned, the police data processing unit may request a reasonable fee based on administrative costs. In certain cases, for example in order to prevent or prosecute criminal offences, the police data controller may refuse to provide information on the basis of legal provisions, in which case the reply will always indicate the legal provision on the basis of which the information had to be refused and the legal remedies available to the data subject.

In the case of a request for **rectification (modification) of data**, the data subject must substantiate the accuracy of the data requested to be amended and must also prove that the person entitled to the amendment is the person who requests the amendment. Only in this way can the police data controller assess whether the new data is real and, if so, whether it can amend the old data.

If it is not clear whether the data processed is correct or accurate, the police data processing unit does not correct the data, but only flags it, i.e., indicates that it has been challenged by the data subject, but it may not be incorrect. The data controller shall, without undue delay, correct inaccurate personal data or supplement the data concerned by the request, after confirming the authenticity of the request. The police data processing unit shall notify the data subject of the correction or flagging.

When requesting the erasure or blocking of data, the data subject may request the erasure of his or her data, which means that the body processing the police data is obliged to erase the data relating to the data subject without undue delay if:

- the personal data have been unlawfully processed,
- the personal data are no longer necessary for the purposes for which they were processed,
- if the processing was based on the data subject's consent and he or she has withdrawn it, and no other legal basis justifies the continued processing of the data,
- the police body is under a legal obligation to delete the data and has not yet done so.

However, the deletion or blocking of data may not be carried out by the police data controller if the processing is necessary for the exercise of public authority, the performance of a legal obligation or for the establishment, exercise, or defence of legal claims. This data shall be used and recorded. The police data processing unit shall notify the data subject of the erasure or blocking.

A request for restriction of processing shall be complied with by the police data processing unit if one of the following conditions is met:

- the data subject contests the accuracy of the personal data, in which case the restriction applies for the period of time necessary to allow the controller to verify the accuracy of the personal data,
- the data processing is unlawful, and the data subject opposes the erasure of the data and instead requests the restriction of their use,
- the controller no longer needs the personal data for the purposes of the processing, but the data subject requests them for the establishment, exercise, or defence of legal claims or against the processing concerning him or her.

Where the data are subject to restriction, such personal data may be processed, except for storage, only with the consent of the data subject or for the establishment, exercise or defence of legal claims or the protection of the rights of another natural or legal person or of an important public interest of the Union or of a Member State. The police data processing unit shall inform the data subject in advance of the lifting of the restriction on processing.

They also have the right to object at any time, on grounds relating to your particular situation, to the processing of their personal data necessary for the performance of tasks carried out in the exercise of official authority vested in the police authority, and to the processing of data based on legitimate interest. In that case, the police authority may no longer process the personal data, unless the police authority proves that the processing is justified by compelling legitimate

grounds which override the interests, rights and freedoms of the data subject or are related to the establishment, exercise, or defence of legal claims.

If the data subject considers that the processing is in breach of the provisions of the General Data Protection Regulation or that the processing of his or her personal data by the police data processing unit is prejudicial, he or she should contact the data processing unit of the police with the complaint. All complaints will be investigated.

If, despite having received a response to your complaint, you still have a grievance about the way your data is handled by the police data controller or you wish to contact the data protection authority directly, you can lodge a complaint with the National Authority for Data Protection and Freedom of Information (address: 1125 Budapest, Szilágyi Erzsébet fasor 22/c, postal address: 1530 Budapest, Pf.: 5. E-mail: ugyfelszolgalat@naih.hu, website: www.naih.hu).

To protect your data, you have the right to apply to the courts, which will rule on the case out of turn. In this case, you can decide whether to bring your claim in the court of your domicile (permanent address) or the court of your residence (temporary address) (<http://birosag.hu/torvenyszekek>).

You can find the court in your place of residence or domicile at <http://birosag.hu/ugyfelkapcsolati-portal/birosag-kereso>.