

Data Subject Information

Registration no.:	29000-148/81-1/2018.RAV
Title of data processing	Carrying out border checks in a separate place
The purpose of data processing	To determine whether a person seeking to enter Hungary meets the conditions for entry.
Legal basis of data processing	<ul style="list-style-type: none"> – Article 5 (1) a) of Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information; – Article 91/K, 91/L (1) and (1a) of Act XXXIV of 1994 on the Police (hereafter: Rtv.); – Article 8 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on the Union Code on the rules governing the movement of persons across borders (hereafter: the Schengen Borders Code); – Article 42 of HNP HQ Decree No. 24/2015 (XII. 29.) on Border Traffic Control Regulations.
Categories of personal data processed	<p>In the course of border checks, the Police, in accordance with the binding legal acts of the European Union, compares the data of the documents presented by persons crossing the state border and the data of the vehicle used during the border crossing with the following records:</p> <ul style="list-style-type: none"> – the central aliens policing register, – the search registration system, – the travel document register, – the personal data and address register, – the road traffic register, – the Schengen Information system, – the minor offence registration system, – the records available in the INTERPOL FIND network database, and – compares the data of the documents presented by the third-country national subject to the visa requirement and his/her fingerprints with the Visa Information System. <p>The Police manage the following data of third-country nationals, as defined in a special law, crossing the state border:</p> <ul style="list-style-type: none"> – surname and first name; – date of birth (year, month, day), – sex; – nationality; – number and type of travel document; – number and type of visa;

	<ul style="list-style-type: none"> – the registration number of the vehicle used to cross the border, and – persons who have not crossed the state border of Hungary at a border crossing point or border crossing checkpoint, or who cannot provide credible proof of their identity by means of fingerprints.
Duration of retention of processed personal data, aspects of determining the duration	Based on Article 91/L (1a) of the Rtv., 5 years following the crossing of the state border.
Addressees of data forwarding	No data forwarding takes place.
Source of the personal data processed	Data retrieved from the registers involved in the checks and data presented by the person applying to cross the state border in the form of a travel document or passport.
Name and contact details of the processor	IdomSoft Ltd. 1138 Budapest, Váci út 133.
<p>Rights of the data subject</p> <p>In the case of citizens enjoying the EU right of free movement, if the check in the records indicates the existence of entry conditions and the check in the separate place used in the border checks does not reveal any risk factor in relation to the entry conditions, the processing of data during the border checks will only last until the check in the data files is completed, after which the data will be deleted immediately and accordingly no further processing will take place, so that the following rights of the data subject are not applicable:</p> <ul style="list-style-type: none"> – information request, – rectification, – completing incomplete data, – erasure of data processed, – restriction of data processing or – the right to data portability. <p>A third-country national within the meaning of a separate law:</p> <ul style="list-style-type: none"> – 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, – may ask for a restriction of data processing. <p>As regards data processing by police data processing units, the right to data portability cannot be exercised.</p> <p>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:</p> <ul style="list-style-type: none"> – 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,
- rights concerning data processing,
- legal remedy possibilities.

The police data processing unit shall reply to **requests for information and access** within 25 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 (such as prevention or fighting crimes), the police data processing unit may deny providing information. In this case, the reply includes the legal provision providing a ground for denying information and also information on legal remedies.

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.

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.

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.

If the data is subject to a restriction, personal data other than storage may only be processed:

- with the consent of the data subject,
- to bring, assert or defend legal claims,
- to protect the rights of another natural or legal person, or
- based on an important public interest of the European 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.

If the data subject considers that the processing is in breach of the provisions of the relevant 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 protection official with the complaint.

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 protection official 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, whose contact details can be found at <https://www.naih.hu/1.1-kapcsolat,-elerhet-seg.html>.

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> .