

BKK's Data Management Policy
concerning data processing in relation to the use of an electronic surveillance system (body-worn cameras) in the course of the ticket inspection process

Pursuant to Articles 13 and 14 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, hereinafter referred to as **GDPR**), BKK Centre for Budapest Transport (hereinafter referred to as **BKK**) provides the following information to data subjects on the processing of personal data.

The purpose of this data management policy (hereinafter referred to as **Data Management Policy**) is to provide information in an understandable way **in relation to the use of an electronic surveillance system of body-worn cameras** (hereinafter referred to as **body cam**) **in the course of the ticket inspection process** to data subjects about the basic principles of processing personal data carried out by BKK, about the rights of data subjects as well as about key data management rules. BKK retains the right to the unilateral modification of the Data Management Policy, in which case BKK shall provide prior notification according to the relevant legal regulations. The changes shall affect the processing of personal data after the modification has come into force.

BKK inspection staff will be using body cams while performing ticket control on the busiest inner-city public transport routes during the body cam **pilot phase: ticket inspectors wearing body cams are authorised to make recordings while being on duty. Ticket inspectors are authorised to use the body cams both at stops and on board public transport vehicles.**

The processing of personal data is performed pursuant to the following current legislation in particular:

- the current text of the GDPR is available at the following link:

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.119.01.0001.01.ENG&toc=OJ:L:2016:119:TOC;

- the current text of Act CXII of 2011 on Informational Self-Determination and Freedom of Information (Privacy Act) is available at the following link:

<https://net.jogtar.hu/jogszabaly?docid=a1100112.tv>

- Act XLI of 2012 on Passenger Transport Services:

<https://net.jogtar.hu/jogszabaly?docid=a1200041.tv>

1. DATA CONTROLLER INFORMATION AND CONTACT DETAILS

Name of data controller	BKK Budapesti Közlekedési Központ Zártkörűen Működő Részvénytársaság (BKK Zrt.)
Company seat	1075 Budapest, Rumbach Sebestyén utca 19–21.
Phone number (customer service)	+36-1-3-255-255
Email address (customer service)	bkk@bkk.hu
Data Protection Officer e-mail address	adatvedelem@bkk.hu
Access to data protection documentation	Data management information (bkk.hu)

2. DEFINITIONS

- a) **Data subject:** any identified or identifiable natural person who can be identified directly or indirectly based on personal data.
- b) **Personal data:** 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.
- c) **Processing:** 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
- d) **Controller:** 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
- e) **Processor:** a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.
- f) **Data concerning health:** personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about his or her health status.
- g) **Third party:** 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.
- h) **Passenger Transport Act (PTA):** Act XLI of 2012 on Passenger Transport Services
- i) **Body-worn camera (body cam):** electronic surveillance system that can be mounted on the human body and/or clothing capable of recording video images

3. PRINCIPLES RELATING TO PROCESSING OF PERSONAL DATA

BKK shall respect the following basic principles relating to data protection while processing personal data in order to implement the data subject's right to personal data:

- a) personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject;
- b) personal data shall be collected and processed for specified, explicit and legitimate purposes;
- c) personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
- d) personal data shall be accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e) personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed, in order to safeguard storage limitation;
- f) personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality');
- g) The controller shall be responsible for, and be able to demonstrate compliance with the principles above ('accountability') with regard to data processing.

The Data Management Policy primarily serves the principle of transparency in data processing, while the implementation of the principles above are ensured by BKK's internal regulations.

4. PURPOSE OF DATA PROCESSING / LEGAL BASIS / SCOPE OF PROCESSED DATA / DURATION

Designation and purpose of data processing	Legal basis of data processing	Scope of processed data	Duration of data processing (retention period)
<p>1) protection of national assets as well as the life, person and physical integrity of passengers, BKK staff members and representatives (PTA 8 (1))</p> <p>2) investigation of the circumstances of accidents and damage incidents involving passengers, BKK staff members and representatives, equipment and facilities (PTA 8 (10))</p>	<p>The legitimate interest of BKK Zrt. pursuant to Article 6 (1) f) of the General Data Protection Regulation (GDPR)</p> <p><u>Legitimate interest:</u></p> <p>In the past few years, several passengers, ticket inspectors and drivers have been attacked, with a proportionally growing tendency as regards the quantity and, primarily, the severity of those attacks. As in other areas of life, customer attitudes will differ upon hearing the warning about a video recording being made or upon seeing a</p>	<p>Recording of video images/ No sound recording</p>	<p>Until day 16 following video recording</p> <p><u>Exceptions:</u></p> <ul style="list-style-type: none"> - official request within the 16-day period by a court of law or the police - the person whose right or legitimate interest is affected by the video recording may request within the 16-day period by proving his or

<p>Passengers are informed that the primary <u>purpose(s) of data processing during the test period is to prevent attacks against the life and physical integrity of our staff members and passengers</u> as well as to protect equipment, facilities and other assets through video surveillance.</p> <p>3) investigation of customer complaints filed with BKK Zrt. about the ticket inspection process (PTA 8 (10))</p> <p>Passengers are informed that the primary <u>purpose(s) of data processing during the test period is to prevent attacks against the life and physical integrity of our staff members and passengers</u> as well as to protect equipment, facilities and other assets through video surveillance.</p>	<p>device capable of making video recordings or a device perceived to be such. The recordings make possible the documentation of the professional manner and legitimacy of actions, thus they can be used not only for reacting to criticism and feedback about ticket inspectors' work, but also for the purpose of prevention, while taking data protection requirements into account. The recordings also provide objective proof for the investigation of customer complaints in the case of other conflict situations, for which currently only contradictory statements are available in most cases, and the hearing of several persons is required. A further aspect is the protection of property, facilities, and most importantly, of inspectors' equipment.</p> <p>With respect to the above, the effectiveness and use of public transport as well as public trust in the service can be increased through the reduction in quantity of attacks against staff and passengers.</p>		<p>her right/legitimate interest that the recording not be deleted by data manager</p> <ul style="list-style-type: none"> - if a retention request was submitted according to the above, but no official request by an authority is received within 30 days thereafter, BKK shall delete the recording - the time frame specified above is extended by the duration of the investigation by BKK, but only for up to a total of 45 days - in case of a procedure by a court or an authority, day 15 following the date when the closing resolution becomes final and binding
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5. USE OF THE VIDEO RECORDING

Viewing and using the video recordings made by BKK ticket inspectors is solely possible for the purposes of data processing listed under Point 4 of this Data Management Policy (PTA 8 (10) and 8/A (3)). The video recordings can be viewed in cases according to the PTA, provided the purpose and legal basis of data processing exist.

6. DATA RECIPIENTS AND RECIPIENT CATEGORIES

Authorised staff of BKK's Business Security department carry out the tasks related to the maintenance and storage of the recordings by the video, staff access and other systems using a dedicated protected server.

Pursuant to PTA 8 (8), BKK is obligated to forward the video recording without delay to a court of law or authority if officially requested to do so.

7. MEASURES TAKEN TO ENSURE DATA SECURITY

BKK shall operate the applied informational technology equipment for personal data processing in such a manner that:

- only authorised access is possible to the processed data (availability)
- the authenticity and authentication of the processed data is ensured
- the unaltered state of the processed data can be verified (data integrity)
- processed data are protected against unauthorised access (confidentiality)
- processed data are automatically deleted after the relating retention period

BKK shall protect data in particular against unauthorised access, alteration, transmission or disclosure, unlawful deletion or annihilation, accidental destruction, damage and inaccessibility due to technical reasons.

BKK ensures that the data sets electronically processed in the different registries are not directly linkable and attributable to the data subject.

8. YOUR RIGHTS AS A DATA SUBJECT AND HOW TO EXERCISE THOSE RIGHTS:

Controller shall inform the data subject without undue delay, and in any event one month of receipt of data subject's request about action taken on the request submitted in line with the information below. 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 data subject's request together with the reasons for the delay.

You, as a data subject, have the following options to exercise your rights below:

In person:

- BKK Central Customer Service Centre, **1075 Budapest, Rumbach Sebestyén u. 19-21.**

Phone:

- BKK Call Centre **+36 1 325 52 55**

In writing to Customer Service:

- letter addressed to **1075 Budapest, Rumbach Sebestyén u. 19-21.**
- telefax: **+36 1 2 351 040**
- email address: **bkk@bkk.hu**

Your right to be informed

Through the information provided by BKK, as the controller, in the form of this Data Management Policy on the BKK website, and through inspectors' alert to the fact of surveillance by body cams worn on control-staff clothing as well as through information displayed at BKK customer service centres, ticket offices and on board the above mentioned vehicles.

Your right of access

You shall have the right to obtain from the controller confirmation as to whether or not personal data concerning you are being processed and, where that is the case, access to the personal data and the following information:

- a) the purposes of the processing;
- b) the categories of personal data concerned;
- c) 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 organisations;
- d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- e) 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;
- f) the right to lodge a complaint with a supervisory authority (in Hungary it is the National Authority for Data Protection and Freedom of Information);
- g) where the personal data are not collected from you, 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 you.

BKK shall provide a copy of your personal data undergoing processing. For any further copies requested by you, BKK may charge a reasonable fee based on administrative costs. If you make the request by electronic means, the information shall be provided in a commonly used electronic form, unless you request it otherwise. The right to obtain a copy shall not adversely affect the rights and freedoms of others.

Your right to rectification

You shall have the right to obtain from BKK without undue delay the rectification of inaccurate personal data concerning you. Taking into account the purposes of the processing, you shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

Your right to erasure ('right to be forgotten')

You as a data subject shall have the right to obtain from BKK the erasure of personal data concerning you without undue delay. BKK shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

- a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- b) you withdraw consent on which the processing is based and where there is no other legal ground for the processing;
- c) you object to the processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority or to processing necessary for the legitimate interests pursued by the controller or by a third party, and there are no overriding legitimate grounds for the processing, or you object to the 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 (Hungarian law) to which the Data Controller is subject;
- f) the personal data have been collected in relation to the offer of information society services.

GDPR also puts forward exceptions, which means that we **cannot** grant your request to erase data in cases where data processing is carried out:

- g) for compliance with a legal obligation, or
- h) for the establishment, exercise or defence of legal claims.

Your right to restriction of processing

You as a data subject shall have the right to obtain from BKK restriction of processing where one of the following applies:

- a) the accuracy of the personal data is contested by you, for a period enabling BKK to verify the accuracy of the personal data;
- b) the processing is unlawful and you oppose the erasure of the personal data and request the restriction of their use instead;
- c) BKK no longer needs the personal data for the purposes of the processing, but they are required by the you for the establishment, exercise or defence of legal claims, or
- d) you have objected to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority, or to processing necessary for the legitimate interests pursued by BKK or by a third party, pending the verification whether the legitimate grounds of BKK override yours.

Where processing has been restricted based on the above, such personal data shall, with the exception of storage, only be processed with your consent or for the establishment, exercise or defence 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 Union or of a Member State. You as a data subject who has obtained restriction of processing shall be informed by BKK before the restriction of processing is lifted.

Your 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 processing of personal data concerning him or her which is based on point (e) or (f) of Article 6(1), 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 defence of legal claims.

Your right to data portability

You as a data subject shall have the right to receive the personal data concerning you, which you have 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, where:

- a) the processing is based on consent or on a contract; and
- b) the processing is carried out by automated means.

In exercising your right to data portability, you as a data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

The exercise of the right to data portability shall be without prejudice to the right to erasure. That right shall not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. The right to data portability shall not adversely affect the rights and freedoms of others.

Your right to legal remedy

If, in your estimation, BKK's data management does not meet legal requirements or BKK has violated your rights, you may request an investigation to be launched by BKK's Data Protection Officer by sending an email to adatvedelem@bkk.hu.

If you believe that BKK has processed your data illegally, you are entitled, without prejudice to any administrative or judicial remedies, to file a complaint with a supervisory authority, especially in the Member State of your stay, workplace or of the alleged infringement, in case in your opinion the management of your personal data infringes the GDPR. This authority in Hungary is the **National Authority for Data Protection and Freedom of Information (NAIH)** located at 1055 Budapest, Falk Miksa utca 9-11., postal address: 1363 Budapest, Pf. 9., e-mail: ugyfelszolgalat@naih.hu, phone :+36 1 391-1400, fax: +36 (1) 391-1410, website: www.naih.hu

You can also start a civil lawsuit against BKK. It is for the General Court to decide on the lawsuit. The lawsuit can be launched primarily at the Budapest General Court, which is competent based on the location of BKK's registered company seat, or at the general court competent at your place of residence.