

## PRIVACY NOTICE

### REGARDING THE USE OF ELECTRONIC SURVEILLANCE SYSTEM

Sziget Kulturális Menedzser Iroda Zrt. (H-1033 Budapest, Hajógyári sziget 23796/58., company registration number: 01-10-049598; hereinafter referred to as: „SZIGET”) operates electronic surveillance (camera) systems at the sites of certain festivals organised by it. The camera surveillance systems are operated in accordance with the provisions of the effective legislation and only record footage of events taking place in private areas or areas temporarily taken into private use (without recording sound); in addition, certain events are recorded at festivals (without recording sound) in accordance with the following. The purpose of this Notice is to provide information to the data subjects regarding the processing of personal data in relation to the camera surveillance systems.

#### I. General information:

- a) **the data controller and its contact details: Sziget Kulturális Menedzser Iroda Zártkörűen Működő Részvénytársaság** (registered office: H-1033 Budapest, Hajógyári sziget 23796/58, company registration number: 01-10-049598, phone: +36 (1) 372 0681, email: [hello@sziget.hu](mailto:hello@sziget.hu)),
- b) **name and contact details of the data protection officer:**
  - a. The person acting as data protection officer: Daniel Csaky
  - b. Mailing address: H-1033 Budapest, Hajógyári-sziget Hrsz: 23796/58,
  - c. Phone: +3613720664,
  - d. Email: [dpo@sziget.hu](mailto:dpo@sziget.hu).
- c) purpose and legal basis of the processing of personal data: specified individually for each processing as below
- d) duration of the storage of personal data or the factors based on which such duration is determined: specified individually for each processing as below
- e) data subjects shall be entitled to request from SZIGET access to the personal data concerning them, as well as the rectification, erasure or restriction of processing of such data, may object to the processing of such data and may exercise the right of data portability, all in accordance with those set out in Clause V of this Notice

#### II. General information regarding the electronic surveillance systems used by SZIGET

##### 1. Camera surveillance systems operated by SZIGET:

camera systems installed at festivals for the duration of the festival (direct and recorded surveillance) and

##### 2. General information regarding the legal basis and purpose of the processing:

SZIGET informs the data subjects regarding all camera systems that they are used by SZIGET solely for the purpose of the protection of persons and property in accordance with Act CXXXIII of 2005 (hereinafter referred to as: “**Security Services Act**”), and both the employees of SZIGET and persons not employed by SZIGET entering the area of the festivals or the registered office of SZIGET (hereinafter referred to as: “guests”) may be concerned by the processing with regard to all camera systems.

In accordance with the foregoing, the stored footage recorded by the camera surveillance and recording systems operated by SZIGET may only be accessed by the persons authorised thereto in order to prove infringements harming human life, bodily integrity or property and to identify the perpetrators of such infringements.

In general, having regard to the foregoing, SZIGET also informs the data subjects that for the employees of SZIGET, the legal basis of the processing is the legitimate interest of the employer, and therefore their consent is not required for the associated processing.

For persons not employed by SZIGET (i.e. the guests), the legal basis of the processing is the consent of the data subject.

### **III. Detailed information regarding each camera system**

#### **1. Camera systems installed at festivals for the duration of the festival**

SZIGET installs camera systems at the following festivals: Sziget Festival, Volt Festival, Balaton Sound. The camera system is installed for the purpose of monitoring larger hubs allowing for direct and recorded surveillance, entry points and cash desks in all cases. The camera system is operated all day at each festival concerned.

The exact location, purpose and field of vision of and the description of the areas and objects monitored by the specific cameras concerning the employees but serving solely for property protection purposes are set out in Annex 1 to this Notice, which documents, however, are not public and may only be accessed solely for the purpose of informing the employees of SZIGET and solely by the employees of SZIGET.

The location of the cameras is also shown on a pictogram and a privacy notice put on display at the site.

**Entity acting as data controller with regard to the personal data:** the Operative Control Centre (hereinafter referred to as: "OCC") established by SZIGET, the exact composition of which is set out in the policy relating thereto.

**The purpose of the processing in all cases:** preventing and detecting infringements, catching the perpetrator in the act, proving infringements, identifying persons entering the area of the festival without authorisation, recording the fact of the entry and documenting the activity of persons staying in the area without authorisation, all in order to protect human life, bodily integrity and property.

**Legal basis of the processing:** in the case of the guests, the consent of the data subject given by entering the area of the festival, while in the case of the employees, Section 11 of Act I of 2012 (hereinafter referred to as: "**Labour Code**") and point (f) of Article 6(1) 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 on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (hereinafter referred to as: "**GDPR**"), given that SZIGET has a legitimate interest in property protection.

**Type of the personal data processed:** the facial image of persons entering the area of the festival visible on the footage, as well as their other actions recorded by the surveillance system.

**Duration of the processing:** 14 days after the closing of the festival concerned [Section 31(3) of the Security Services Act]

#### **Use of the footage**

The scope of persons entitled to view the live feed of the cameras with video and without audio (direct surveillance) and the footage recorded by them is governed by the non-public policy titled "Policy regarding the camera system performing area surveillance and property protection tasks for Sziget 2018".

The live feed of and stored footage recorded by the camera surveillance system operated by SZIGET may only be accessed by the persons authorised thereto in order to prevent and prove infringements harming human life, bodily integrity or property and to identify the perpetrators of such infringements. Any data subject whose right or legitimate interest is affected by the footage or the recording of any other of their

personal data, may request – by certifying such right or legitimate interest – within 72 hours (i.e. within three business days) of the closing of the festival concerned that SZIGET does not destroy and/or delete the footage until the court or authority inquiry. Upon the request of a court or another authority, SZIGET will send the footage recorded and all other associated personal data to the court or the authority without delay. If no such inquiry takes place within thirty days after the request for the omission of destruction and/or deletion was made, SZIGET will destroy and/or delete the footage recorded and all other associated personal data.

**Transfer of data:** in the case of a misdemeanour or criminal proceeding, the data may be transmitted to the authorities and courts conducting such proceedings, with the provision that SZIGET will record in a protocol any access to the footage recorded, the name of the person accessing them and the reason and time of the access to the data, and will keep separate records of each data transfer.

**Scope of the data disclosed:** footage recorded by the camera system containing relevant information.

**Legal basis of the data transfers:** Sections 71(1), 151(2)(a) and 171(2) of Act XIX of 1998 on the Criminal Procedure (hereinafter referred to as: “**Criminal Procedure**”), as well as Sections 75(1)(a) and 78(3) Act II of 2012 on Misdemeanours, the Misdemeanour Procedure and the Misdemeanour Registry System (hereinafter referred to as: “**Misdemeanours Act**”).

**Place of storage of the footage, and the related data security measures:**

Direct surveillance takes place in all cases via the operative control centre established at the event concerned and that is continuously guarded around the clock, which may be entered by authorised persons only.

The cameras are connected to the optical network installed by the IT Department of Sziget, in which network they are connected to a separate dedicated VLAN. This VLAN has no internet or other traffic, its only purpose is to enable communication between the cameras and the servers. The VLAN contains devices with static IP addresses. Locations may be made available through the VLAN only if this is authorised by the IT Manager of SZIGET. This can be done by using the network management software, to which only the persons responsible for operating the network have access. In the Operative Control Centre, the recording, surveillance and management takes place via the Axxon Universe software. At the display locations specified above, we display the images to the competent persons using the CMS3 software. The footage and the Axxon Universe software runs on the camera servers located in the OCC. In order to protect the data, the footage is recorded on HDDs in a RAID set. The system is installed on a separate disk. The Servers are protected with passwords only known to the operators of the camera system.

The area surveillance camera system is not capable of recognising faces and license plates and has no image analytics algorithm.

During the festivals, SZIGET stores the footage at the location of the festivals in local servers that are independent of all other systems and are located in a closed, continuously (0-24) guarded area. After the closing of a given festival, SZIGET stores the footage at its registered office, in a closed and guarded server room, in accordance with the foregoing, until the data is deleted.

#### **IV. Communication of a personal data breach to the data subjects**

‘**Personal data breach**’ means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, SZIGET shall communicate the personal data breach to the data subject without undue delay, in clear and plain language.

The communication to the data subject shall not be required if any of the following conditions are met:

- a) the controller has implemented appropriate technical and organisational protection measures, and those measures were applied to the personal data affected by the personal data breach, in particular those that render the personal data unintelligible to any person who is not authorised to access it, such as encryption;
- b) the controller has taken subsequent measures which ensure that the high risk to the rights and freedoms of data subjects is no longer likely to materialise;
- c) it would involve disproportionate effort. In such a case, there shall instead be a public communication or similar measure whereby the data subjects are informed in an equally effective manner.

**V. The rights and remedies of data subjects:**

In addition to the rights set out above in relation to the use of the footage, the data subjects may exercise the following rights in relation to the data processing that is the subject of this Notice:

**Right to information, and right of access to the personal data processed:**

The data subject shall have the right to obtain from SZIGET 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:

- a) the purposes of the processing;
- b) the categories of personal data concerned;
- c) the recipients or categories of recipients 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;
- g) where the personal data are not collected from the data subject, 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 the data subject.

Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards relating to the transfer.

SZIGET shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, SZIGET 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 by SZIGET in a commonly used electronic form.

**The right to obtain a copy referred to in the previous paragraph shall not adversely affect the rights and freedoms of others.**

The above rights can be exercised through the contact details specified in Clause I.

**Right to rectification:**

At the data subject's request, SZIGET shall rectify any inaccurate personal data concerning the data subject without undue delay. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

**Right to erasure ('right to be forgotten'):**

The data subject shall have the right to obtain from SZIGET the erasure of personal data concerning him or her 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) the data subject withdraws consent on which the processing is based, and where there is no other legal ground for the processing;
- c) the data subject objects to the processing and there are no overriding legitimate grounds for the processing, or processing is related to direct marketing;
- 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 to which the controller is subject;
- f) the personal data have been collected in relation to the offer of information society services.

The erasure of the data may not be requested to the extent that processing is necessary:

- a) for exercising the right of freedom of expression and information;
- b) 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;
- c) for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and when those data are processed by or under the responsibility of a professional subject to the obligation of professional secrecy under Union or Member State law or rules established by national competent bodies or by another person also subject to an obligation of secrecy under Union or Member State law or rules established by national competent bodies;
- d) for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;
- e) for reasons of public interest in the area of public health, when those data are processed by or under the responsibility of a professional subject to the obligation of professional secrecy under Union or Member State law or rules established by national competent bodies or by another person also subject to an obligation of secrecy under Union or Member State law or rules established by national competent bodies;

- f) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in so far as the right to erasure is likely to render impossible or seriously impair the achievement of the objectives of that processing<sup>1</sup>; or
- g) for the establishment, exercise or defence of legal claims.

**Right to restriction of processing:**

The data subject has the right to obtain from SZIGET restriction of processing where one of the following applies:

- a) 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;
- b) the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
- c) SZIGET 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 defence of legal claims; or
- d) the data subject has objected to a processing carried out by SZIGET in the public interest or for a legitimate interest; pending the verification whether the legitimate grounds of the controller override those of the data subject.

Where processing has been restricted under the above, such personal data shall, with the exception of storage, only be processed with the data subject's 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.

A data subject who has obtained restriction of processing pursuant to the above shall be informed by SZIGET before the restriction of processing is lifted.

**Right to data portability:**

The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to SZIGET, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from SZIGET, to whom 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 his or her right to data portability pursuant to above, the data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

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<sup>1</sup> Processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, shall be subject to appropriate safeguards for the rights and freedoms of the data subject. Those safeguards shall ensure that technical and organisational measures are in place in particular in order to ensure respect for the principle of data minimisation. Those measures may include pseudonymisation provided that those purposes can be fulfilled in that manner. Where those purposes can be fulfilled by further processing which does not permit or no longer permits the identification of data subjects, those purposes shall be fulfilled in that manner.

The exercise of the right to data portability shall be without prejudice to the right to erasure ('right to be forgotten'). 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.**

**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 by SZIGET which is based on the performance of a task carried out in the public interest or in the exercise of official authority vested in SZIGET or is necessary for the purposes of the legitimate interests pursued by SZIGET or by a third party, including profiling based on those provisions. SZIGET shall no longer process the personal data unless SZIGET 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.

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.

Where personal data are processed for scientific or historical research purposes or statistical purposes, the data subject, on grounds relating to his or her particular situation, shall have the right to object to processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

**Right to withdrawal:**

The data subject has the right to withdraw his or her consent at any time, provided that the processing by SZIGET is based on the data subject's consent. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

**Procedure in the case of a request by the data subject relating to the exercising of the above rights:**

SZIGET shall provide information on action taken on a request related to the exercising of the rights set forth in this Notice 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.

SZIGET 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 means, the information shall be provided by electronic means where possible, unless otherwise requested by the data subject.

If SZIGET does not take action on the request of the data subject, it 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.

The information and communication requested shall be provided by SZIGET free of charge, on the proviso that where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, SZIGET 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.

**Ways to communicate your comments, questions or complaints**

Data subjects can send any questions, requests or objections relating to their personal data stored or the processing thereof in writing or by email to one of the contact details of SZIGET specified in Clause I of this Notice.

### **Legal remedy**

a) The data subject may file a report with and initiate an investigation at the National Authority for Data Protection and Freedom of Information (Nemzeti Adatvédelmi és Információszabadság Hatóság, mailing address: H-1530 Budapest, Pf. (P.O. Box): 5, phone: +36 1 391-1400, email: [ugyfelszolgalat@naih.hu](mailto:ugyfelszolgalat@naih.hu), website: [www.naih.hu](http://www.naih.hu)) with reference to an infringement suffered in connection with the processing of his or her personal data or the immediate risk thereof; and/or

b) In the case of violation of his or her rights, the data subject may apply to court against SZIGET as the controller. The court will give priority to such cases. SZIGET will be obliged to prove that the processing of the data complies with the law. The adjudication of the case falls into the subject-matter competence of the regional courts. At the data subject's choice, the action may also be filed with the regional court of the data subject's place of permanent or temporary residence.