

PRIVACY NOTICE FOR THE MAKING OF VIDEO RECORDINGS

During the making and use of the sound and image recordings – including video recordings in particular – (hereinafter: **‘Recording’**) prepared by SZIGET in accordance with Clause III. 4.2. of the General Terms and Conditions (available here) laying down the rights and obligations concerning ticket purchases and the purchase of other products and services regarding all festivals organised and hosted by SZIGET Kulturális Menedzser Iroda Korlátolt Felelősségű Társaság (Sziget Cultural Management Private Company Limited by Shares) (hereinafter individually as the **‘Event’** and jointly as the **‘Events’**), regulating the legal relationship between Sziget and ticket purchasers, as well as laying down the general terms and conditions of the visitors’ participation at the Events (hereinafter: **‘GTC’**), the personal data of the data subjects will be processed as follows (in the cases where the data subject is recognisable in the image and sound recordings), in which cases data will be processed under Act CXII of 2011 on Informational Self-Determination and Freedom of Information (**‘Privacy Act’**), 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 (hereinafter: **‘GDPR’**) and Act V of 2013 on the Civil Code of Hungary (hereinafter: **‘Civil Code’**). In compliance with the provisions of the laws referred to above, SZIGET hereby informs the data subjects of the details of the processing of their personal data, along with the rights they have in this regard.

1. **The person of the data controller: Sziget Kulturális Menedzser Iroda Zártkörűen Működő Részvénytársaság** (registered office: H-1033 Budapest, Hajógyári sziget hrsz. 23796/58, company registration number: 01-10-049598, phone: +36 (1) 372 0681, email: hello@sziget.hu, web: www.szigetfestival.com; for the purposes of this document: **“SZIGET”**).

The data protection officer’s contact details:

Mailing address: H-1033 Budapest, Hajógyári-sziget Hrsz: 23796/58,

Phone: +3613720664,

Email: dpo@sziget.hu.

SZIGET shall determine the categories of the data processed during the making and use of the Recordings, as well as the purpose, duration and other substantial conditions of processing for the purposes specified in Clauses 3 to 4. SZIGET hereby informs the data subjects that it may also permit third parties to make Recordings at the Events; however, in such cases SZIGET processes no personal data, and such third party shall qualify as the controller, who will process the personal data of the data subjects pursuant to its own privacy policy.

2. The Recordings may be prepared and used with regard to the undertaking in Clause III. 4.2. of the GTC.

3. **The categories of data processed, the purpose and duration of processing:**

The data processed	Purpose of processing	Duration of processing	Legal basis for processing
the facial image of the persons entering the Event area as shown in the Recording, their other body parts featured in the Recording, as well as the voice of these	SZIGET processes the data for the purpose of creating from them (i.e. from the Recordings) short films to present and advertise the individual Events and the Events in total, as well as SZIGET as the organiser and its other services, and to promote the use of these	The Recordings, and therefore also the personal data included in them, will be processed by SZIGET for an indefinite period, i.e. as long as they can reasonably be used for the data processing	Necessity for the performance of the provisions in Clause III. 4.2. of the GTC, in compliance with point (b) of Article 6(1) of the GDPR.

persons (on the understanding that separate image and voice recordings may also be made)	services. Such films may be created during the 1-year period after the given Event regarding the Event in question, or regarding several consecutive Events (typically before or within 1 year after Events organised for a certain round number of times or other anniversary Events) in a retrospect style regarding several previous Events (for the purpose of this document hereinafter jointly referred to as ‘Films’). The Films will be published in accordance with Clause 7.	purpose specified in this document.	
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4. Persons with access to the personal data:

Data may be accessed by the employees of SZIGET working in the marketing area and/or the Processors named below to carry out their tasks. Thus, for example, the system administrator of SZIGET and the Processors named in this Notice may access the personal data for the purposes of administration and data processing.

5. Data processing:

To perform its activities, SZIGET uses as Processors all the providers that make the Recordings of the data subjects.

Processors make no individual decisions; they may only act in line with their contract with SZIGET and in accordance with the instructions received.

SZIGET will control the Processors’ work.

Processors may engage other processors only with the prior written consent of SZIGET.

6. Data transmission:

Apart from those described in Clause 4 above, the data subject’s data may be transmitted only in anonymised form, in a form unsuitable for the personal identification of the data subjects, which means that such data (and any other data communicated together with such data, or any combination of these) are not suitable for the personal identification of the data subject (for example, to certify the performance of obligations undertaken to sponsors).

7. Use of the Recordings, publication of the Films

The personal data contained in the Recordings will only be processed in the context of making and publishing the Films as specified in this document. No Film may be produced and published unless it features the data subjects in situations, contexts and while engaging in conducts that are generally foreseeable for the data subjects in relation to their participation at the Event in question, on the understanding that recordings generally harmful for the data subject and obviously prejudicial to SZIGET will not be used. Certain parts, elements (including images and sound recordings separately) of the Films created and published earlier may be used in further films. The Recordings used in the Films may be modified for the following reasons and in the following ways, at the good faith discretion of SZIGET not adversely affecting the data subjects’ interests:

- the sharpness and colour depth of the recorded image, for aesthetic reasons;

- to blur out any brand logo or reference to an undertaking other than SZIGET appearing in the Recording;
- to blur out any offensive content.

In accordance with the practice followed by SZIGET at the time of the publication of this document, the Films may be published in the following ways:

- the Events, or the advertisements used by SZIGET from time to time, which are broadcasted in television channels or in cinemas;
- in the online space available to SZIGET.

8. Data security

SZIGET shall provide for the security of data, and take the technical and organisational measures and develop the procedural rules to ensure that the recorded, stored and/or processed data are protected, and/or to prevent them from destruction, unauthorised use or unauthorised alteration. Furthermore, it shall warn any third party to whom the data subject's data have been transmitted that they are obliged to comply with the requirement of data security.

SZIGET shall ensure that no unauthorised party can access, disclose to the public, transmit, alter or erase the data processed.

SZIGET shall use its best efforts to avoid any breach or destruction of the data. The Controller shall also require its employees participating in the data processing operations as well as the processors engaged by the Controller to commit to comply with the above obligation.

For the storage of the personal data, SZIGET uses the operational services offered by Netpositive Kft., which stores the data at the GTS Datanet server room located at Budapest, XIII. ker. Victor Hugo u. 18-22, Hungary. To prevent unauthorised persons from accessing the data, SZIGET and its partners safeguard the data and prevent unauthorised access as follows: SZIGET or the processor on its behalf keeps a log of any access to the personal data stored on the servers, so it can always be verified which personal data were accessed, and by whom and when. Access to the servers and computers is password protected.

9. 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) SZIGET 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.

10. The rights and remedies of data subjects:

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 1.

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 processing¹; 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

¹ 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.

- 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.

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 public interest 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.

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 (30 days) 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. That period may be extended by two further months (60 days) where necessary, taking into account the complexity and number of the requests. 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.

SZIGET shall communicate any rectification or erasure of personal data or restriction of processing carried out to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. SZIGET shall inform the data subject about those recipients if the data subject requests it.

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 1 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, website: 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 a 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.