

Privacy Notice

1. CONTROLLER'S NAME AND DATA

Name: Flight Refund Korlátolt Felelősségű Társaság

Registered office: 1024 Budapest, Rózsahegy utca 1-2. 1. em. 1.

Postal address (official mailing address): 1024 Budapest, Rózsahegy utca 1-2. 1. em. 1.

E-mail: office@flight-refund.eu

Website: <https://flight-refund.eu/hu/>

Representative: Anikó Bolyó managing director

Representative's telephone number: 06-20-399-0173

NAIH identification number: NAIH 131496/2017

2. LEGISLATION UNDERLYING PROCESSING

Concerning the data processing related to the online services provided by the Company the following laws shall apply:

- **Act CXII of 2011** on Informational Self-determination and Freedom of Information (hereinafter referred to as **InfoAct**; its effective wording is available via the following link: <https://net.jogtar.hu/jogszabaly?docid=A1100112.TV>)
- the **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: **Regulation**; its effective wording is available via the following link: <https://www.adatvedelmirendelet.hu/wp-content/uploads/2016/07/CELEX3A32016R06793AHU3ATXT.pdf>)
- Act CVIII of 2001 on Electronic Commerce and on Information Society Services (hereinafter: **E-commerce Act**); its effective wording is available via the following link: <https://net.jogtar.hu/jogszabaly?docid=a0100108.tv>
- Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to

passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (hereinafter: **EC Regulation**)

- Act VI of 1998 on the Promulgation of the Convention Concluded at Strasbourg on 28th January 1981 on Processing of Personal Data (hereinafter: **Convention**).

3. General information

We will process your personal data under the EC Regulation only for providing compensation due to you.

Our Company will process no other but the personal data that you have voluntarily provided on our website.

The Company will not process your personal data on the legal ground of registration. Consequently, your personal data will be processed only when you intend to enforce your claim for compensation according to the EC Regulation.

Please note that we may be required to transfer your personal data to a third country to enforce your claim for compensation, to which we request for your explicit consent.

You may request for information of your processed data free of charge, and you will have the right to rectification, erasure, restriction of processing and objection. In case you believe that processing of your personal data by us is not in compliance with the EU Regulation, you will have the right to lodge a complaint to the **National Authority for Data Protection and Freedom of Information**.

4. PERSONAL DATA PROCESSED BY THE COMPANY IN RELATION TO ITS ACTIVITY

4.1. PERSONAL DATA PROCESSED IN THE COURSE OF INSTITUTION OF PROCEEDINGS FOR ENFORCEMENT OF CLAIM FOR COMPENSATION

<i>Description of records</i>	<i>Extent of processed personal data</i>	<i>Purpose of processing</i>	<i>Legal grounds for processing</i>
Institution of procedure			
	Surname and given name	Necessary to the identification of the person entitled to compensation	Article 6 b) of the Regulation

	Mother's maiden name	To the identification of the person entitled to compensation	Article 6 b) of the Regulation
	Address (country, post code, name of the public domain, street number)	To the identification of the person entitled to compensation, sending of documents, enforcement of claim	Article 6 b) of the Regulation
	Place of birth (country, city)	To the identification of the person entitled to compensation	Article 6 b) of the Regulation
	Date of birth	To the identification of the person entitled to compensation	Article 6 b) of the Regulation
	Type and number of identification document	To the identification of the person entitled to compensation	Article 6 b) of the Regulation
	E-mail address	To the communications between you and the Company	Article 6 b) of the Regulation
	Booking number	To the identification of the person entitled to compensation	Article 6 b) of the Regulation
	E-ticket number	To the identification of the person entitled to compensation	Article 6 b) of the Regulation
	Flight number, departure and arrival time	To validate the legality of the claim for compensation and to the enforcement of the claim	Article 6 b) of the Regulation
	EUB (European Travel Insurance Plc.) policy number	To the determination of the compensation amount	Article 6 b) of the Regulation
	Legal representative's data: name,	To the representation in the case of compensation due to a person under 18	Article 6 b) of the Regulation

	mother's name, address (country, post code, name of the public domain, street number, place of birth (country and city), type and number of the identification document	years of age	
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Please be advised that it is not necessary that an e-mail address contain personal data. Consequently, you need not give an e-mail address containing your name. You can decide at your sole discretion whether to give an e-mail address that contains information indicative of your identity.

4.1.1. Legal grounds for the processing

The legal grounds for the processing are specified in Article 6 b) of the Regulation. You and the Company shall enter into contract so that we will be able to act for you and on your behalf against the airline. Under Article 6 b) of the Regulation our Company shall be entitled to process your personal data.

4.1.2. Duration of the processing

Based on the booking number and e-ticket number provided by you, our Company shall validate the flight and check whether you are entitled to compensation.

If you are not entitled to compensation under the EC Regulation, we shall erase your personal data from our system within 3 months after our Company becomes aware of the underlying circumstances and facts. Please take note that we will erase your personal data from our system within 3 months after we become aware of the fact depriving you of entitlement to compensation under the EC Regulation whether during the validation or upon the receipt of notice from the airline on any fact unknown yet, e.g. notice on airspace closure, court decision on dismissal.

If you are entitled to the compensation but you have failed to return the contract, which would enable our Company to act, we will erase your personal data after 6 months of recording.

If you are entitled to the compensation and you have returned the contract which will enable our Company to act, we will process your personal data until the limitation of the enforceability of the claim but not longer than until the settlement of the claim by the airline.

4.2. PERSONAL DATA PROCESSED BY THE COMPANY IN RELATION TO REQUEST OR COMPLAINT, PURPOSE AND LEGAL GROUNDS OF PROCESSING

Mandatory data:

<i>Description of records</i>	<i>Extent of processed personal data</i>	<i>Purpose of processing</i>	<i>Legal grounds for processing</i>
Request for information	Please draft your petition that you'll submit to our Company	Our Company may duly act only if you specify the data in relation to which you have requested for information and what you find injurious.	Consent according to Article 6 a) of the Regulation

Provision of the following data is subject to your discretion:

<i>Description of records</i>	<i>Extent of processed personal data</i>	<i>Purpose of processing</i>	<i>Legal grounds for processing</i>
Request for information	Surname and given name	Provision of your name for our Company is indispensable to fulfilment of your request for information. If you do not give your name. Our Company will notify you that in the lack of your name we will be unable to conduct the procedure since we will not be able to identify you.	Consent according to Article 6 a) of the Regulation
	E-mail address	You need not give your e-mail address. If you give your e-mail address, we will send the reply of our Company to that.	Consent according to Article 6 a) of the Regulation
	Address (for contact by postal service)	You need not give your postal address. Please give your postal address if you'd like to receive the reply of our	Consent according to Article 6 a) of the Regulation

		Company by post.	
	Telephone number	You need not give your telephone number. Please note that in case you give only your telephone number, our Company will be unable to provide the information, since it must be provided in a provable manner, in writing. If you give your telephone number, our Company will be entitled to call you for clarification of the request for information.	Consent according to Article 6 a) of the Regulation

4.2.1. Legal grounds for processing

The legal grounds for processing shall be your consent. This means the consent under Article 6 a) of the Regulation. You shall give your consent by mail sent to our Company, petition or by implicit conduct in order to exercise the right to complaint or to be informed.

4.2.2. Duration of processing

Our Company shall process the personal data for 1 year after providing information or reply relating to the complaint. In case proceedings are instituted before the Authority or court in relation to the complaint, we will process your personal data until the final closing of the official or judicial proceedings.

4.3. PERSONAL DATA PROCESSED IN THE CASE OF THE PAYMENT OF THE AMOUNT OF THE COMPENSATION UNDER THE CONTRACT FOR YOU, PURPOSE AND LEGAL GROUNDS OF THE PROCESSING

<i>Description of records</i>	<i>Extent of processed personal data</i>	<i>Purpose of processing</i>	<i>Legal grounds for processing</i>
Payment of the compensation			
	Bank account number	Indispensably necessary to the payment of the compensation	Article 6 b) of the Regulation

4.3.1. Legal grounds for the processing

The legal grounds for the processing shall include the performance of the contract concluded between the Company and you according to Article 6 b) of the Regulation and the transfer of the part of our liability under the contract between our Company and you on the legal grounds of compensation.

4.3.2. Duration of the processing

Our Company shall promptly erase the personal data after the payment of the part of the liabilities under the contract.

5. ACCESS TO PERSONAL DATA AND INTERMEDIARY SERVICE PROVIDERS, PROCESSORS

5.1. Persons with the right of access

The personal data provided by you shall be accessed by the employees of the Company, for instance the colleagues engaged in the validation of the flights to perform their work duties.

Apart from this, your personal data shall be accessed by third parties acting on behalf of the Company, including, in particular, the law office in contractual relationship with the Company, which shall represent the company in the course of the legal enforcement of the claim.

5.2. Data transfer

In order to enforce your claim against an airline, out of your personal data, we will transfer your name, mother's maiden name, address, place and date of birth, number

and type of your identification document, number of booking number and E-ticket, flight number and departure- and arrival time of the flight to the airline or - in the case of legal proceedings - to the court or authorities.

We will transfer your bank account number to the airline or to the court if the payment is made directly by them.

We shall transfer the policy number taken out with EUB Zrt. and your name to EUB Biztosító Zrt. so as to check the maintenance of the insurance. Since the insurance has been made with your name and policy number, such data shall be known by EUB Zrt, the purpose of the transfer is to check the maintenance of the insurance.

Our Company will never transfer your telephone number and e-mail address.

Please be advised that we will also transfer your personal data to any third country if it is necessary in view of the airline's registered office or for the enforcement of the claim.

Under the Regulation the Member States of the European Union and Norway, Liechtenstein and Island, parties to the agreement on the European Economic Area, shall provide equal rights for the data subjects for exercising the rights and for protecting the personal data and liberties of the data subjects.

According to Article 45 of the Regulation, the European Commission shall determine the states outside the territory of the Member States of the European Union and EEA which have the adequacy decision Article 43 of the Regulation and safeguards under Article 46 in respect of the processing of personal data and exercising the data subjects' rights, i.e. the states regulating the protection of the personal data of the data subjects and provide appropriate for the enforcement and protection of the data subjects' rights at the same level as the Regulation.

In conformity with Article 45 of the Regulation the Commission of the European Union has published the list of the following countries with having the adequacy under Article 43 (3) and safeguards under Article 46: Switzerland, Andorra, Argentina, Canada, Farö, Guernsey, Israel, Isle of Man, Jersey, New Zealand, Uruguay and the United States of America. The list available on web page https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en

In case the airline or the court or other authority proceeding in the course of the enforcement of your claim is established in a country which is not included in the list published by the European Commission, then your personal data shall be transferred only by your consent.

Please note that in the case of data transfer to such a country, your rights related to the privacy provided by the Regulation may not necessarily be enforced, and we hereby attract your attention to the risks possibly arising from this.

The Company shall transfer your data only in exceptional cases and for the fulfilment of statutory obligations to regulatory agencies, authorities – including, in particular, court, public prosecutor's office, investigative authority and misdemeanour authority, Hungarian National Authority for Data Protection and Freedom of Information. For

instance, in case the Hungarian National Authority for Data Protection and Freedom of Information contacts our company and requests for information related to processing your personal data.

5.3. Processor

	Name	Registered office	Type of processing
1.	Korrekt-Kontír Kft.	1024 Budapest, Fényes Elek utca 3. msz.2.	Book-keeping
2.	PannonHitel Pénzügyi Zrt.	1024 Budapest, Rózsahegy utca 1-2. 1. emelet 1.	Claim management
3.	Dr. Szegő Judit Law Office	1024 Budapest, Rózsahegy utca 1-2. 1. emelet 1.	Legal counsel, legal representation
4.	Dr. Kreuzer & Kroll	Lorenzer Platz 3a, 90402, Nürnberg	Legal counsel, legal representation
5.	Dr. Kovács Kázmér Law Office	1065 Bp. Nagymező u. 28.	Legal counsel, legal representation
6.	Hetzner Online GmbH	Industriestr. 25. 91710 Gunzenhausen, Germany	Server hosting service
7.	Ágnes Varjassy, sole trader	1239 Budapest, Kisduna u. 7.	Maintenance of administration system
8.	BARAKUDA Kft.	2049 Diósd, Álmos fejedelem utca 8.	Server maintenance
9.	EUB Zrt.	1132 Budapest, Váci út 36-38.	Maintenance and monitoring of travel insurance

We declare that the Company shall hire processors who provide adequate guarantee for compliance with the privacy rule prescribed by the Regulation and InfoAct as well as for the implementation of the appropriate technical and organizational measures providing the protection of your rights.

There are written agreements between our Company and the processors which specify the rights and obligations arising in connection with processing and set out in the Regulation.

6. DATA SECURITY MEASURES

We advise you that our Company shall take all the necessary measures for the protection of your personal data, including, in particular, the protection against unauthorized access, alteration, transfer, public disclosure, erasure or destruction as well as damage and accidental loss, and to ensure that stored data cannot be corrupted and rendered inaccessible due to any changes in or modification of the applied technique.

In the case of personal data breach, we shall notify the Hungarian National Authority for Data Protection and Freedom of Information without delay, but not later than within 72 hours after we became aware thereof unless the privacy breach is unlikely to pose any risk on your rights and liberties through the personal data processed by us.

We will notify you of any personal data breach without delay if it may pose high risk upon your right and liberties. We will consider any risk high if we detect unauthorized intrusion into the network or if the processor detects and notifies us of such intrusion or if we detect unauthorized obtainment of personal data.

Data protection breach shall be any event where the data processed by our Company are damaged or destructed by chance or despite the obligation of retention, lost, unlawfully disclosed to third parties or accessed by any unauthorized person.

7. Your rights relating to processing

7.1. Right of access and to be informed

You may request for information in writing at the contact addresses specified in paragraph; you may request the Company to provide information in respect of the following:

- what personal data,
- on what legal grounds and for purpose the Company performs processing,
- source of the data if they have not been collected from you by the Company,
- how long the Company shall process the personal data, or if it not possible, the criteria for determination of such duration by the Company,
- the supervisory authority to which complaints can be lodged in the case of any possible privacy breach,
- your right to request the Company to rectify, erase the personal data relating to you, to restrict the processing of such personal data, and you may object to the processing,
- circumstances and effects of the data protection breach as well as the measures taken for prevention thereof,
- name, address of the processor and his activity related to processing,

- recipients and categories of recipients to whom the Company disclosed your personal data; when, under what law and to whom the Company has provided access to your personal data or transferred your personal data.

The Company will fulfil your request **free of charge**, by replying in mail or to the mail address provided by you not later than **within 1 month**.

If your request is expressly unfounded or excessive, the Company may:

- refuse to take action based on your request, or
- charge fees to cover the postal- and administrative costs incurred by our Company.

We shall consider your request excessive if it is of reoccurring nature; and we have already informed you of the abovementioned data and facts on two occasions within one year, and the scope of the Company's activity and the processed data have remained unchanged, consequently, no change have occurred concerning lawfulness, reason and manner of our processing.

We advise you that if you contact us only over telephone to request for information, we will be able to provide only general information. Our Company may accept request only in writing, otherwise we will be unable to ascertain whether the request has been submitted by you or someone else.

7.2. Right to alteration of personal data

You may request in writing by using the contact details in paragraph 1 that the Company alter any of your personal data (for instance, if you change your e-mail address or your home address changes). The Company shall fulfil the request not later that within 1 month by replying in mail or to the mail address provided by you.

In addition, you may request in writing by using the contact details in paragraph 1 that the Company rectify any inaccurate data relating to you. The Company shall fulfil the request without unreasonable delay and the Company shall notify you thereof in mail or via e-mail sent to the address provided by you.

In case you detect that it is reasonable to supplement the personal data inadequate to attain the purpose of the processing, and as a result, to enforce your lawful interest, you may request that our company supplement its records with the missing data. To this end, we request you to return your consent form completed with your missing personal data to our address specified in paragraph 1. By relying on the supplementary consent form, our Company will supplement your personal data with the information specified in the request.

We shall inform the person of the rectification and rectified data to whom we have communicated the personal data subject to rectification. Upon request we will provide the name and contact details of the persons whom we have notified as recipients before of the personal data to be rectified and to whom we have transferred the personal data.

7.3. Right to erasure

You may request the Company to erase your personal data in writing by using the contact details in paragraph 1.

The company shall reject the request for erasure if the personal data concerned is needed for submission and enforcement of your claim for compensation. On the other hand, in case there is no such obligation, then the Company shall fulfil your request within 1 month and notify you in mail or via e-mail sent to the address provided by you.

We inform you in connection with processing performed online that our Company will use its best efforts to have your personal data stored in the search engines erased as well at all access and storage location points – if you have stipulated it in connection with the service of our Company.

We shall inform the person of the erasure to whom we have communicated the personal data subject to erasure. Upon request we will provide the name and contact details of the persons whom we have notified as recipients before of the personal data to be erased and to whom we have transferred the personal data.

7.4. Right to restrict processing

You may request the Company to restrict the processing of your personal data in writing by using the contact details in paragraph 1.

This means that during the period of restriction we may only store your personal data but we will not be authorized to transfer them to any recipient or allow inspection or query, make available or erase and destruct your personal data.

The restriction shall not apply to cases where the processing of personal data subject to restriction is necessary for enforcement of claims or essential public interest. If such restriction is released, we will notify you in writing.

We shall inform the person of the restriction of processing to whom we have communicated the personal data subject to the restriction. Upon request we will provide the name and contact details of the persons whom we have notified as recipients of the personal data subject to restriction and to whom we have transferred the personal data.

7.5. Right to data portability

You will have the right to receive your personal data provided for us in a machine-readable format that is suitable for being transferred in a machine-readable format.

Please note that under the Regulation and 2017 report of the Data Protection Supervisor the processors shall not be responsible for development of formats allowing data portability and for implementation or maintenance of processing systems technically compatible with one another. The data subject shall be entitled to enable the processors

to transfer the personal data directly among themselves if it is possible in technical terms.

7.6. Right to object

Please be advised that our company shall not use or disclose your personal data for the purposes of direct marketing, public opinion polling or scientific research.

In spite of this, we advise you that you may object in writing to the processing by using the contact details specified in paragraph 1 if you believe that our Company should transfer or use your personal data for such purposes.

You may also object to the processing if the Company processes the personal data only for fulfilment of legal obligation (Article 6 c) of the Regulation) or for enforcement of your lawful interest (Article 6 f) of the Regulation) or for any reason of public interest (Article 6 e) of the Regulation). In such a case our company may only process your personal data only if it is able to demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims. However, please note concerning the objection that our Company shall not process your personal data under the abovementioned Article 6 c), e) and f) of the Regulation.

7.7. Specific protection of children's rights

Due to the nature of the activity, our Company shall also process personal data of children.

We advise you that under the Regulation persons under 16 years of age shall be qualified as children.

According to the laws applicable to the enforcement of claims, our Company shall consider any child under the age of 18 as minor. Accordingly, in case there are personal data of a client younger than 18 years, i.e. a child, among the processed personal data, the Company shall request for the explicit consent of the parent exercising parental guardianship over the child.

8. Remedies related to processing

Prior to the institution of any proceedings our Company at any of the contact addresses specified in paragraph 1 and send your complaint for us. Our Company will cooperate with you as a complainant and we will restore the lawful condition without delay if we deem it reasonable in view of the complaint.

You may also seek remedy by instituting the proceedings and lodging complaint before the Hungarian National Authority for Data Protection and Freedom of Information (hereinafter: NAIH) if you believe that our Company violates the provisions of the Regulations in the course of the processing of your personal data.

For such purpose we provide the contact details of NAIH as follows:

Name: Hungarian National Authority for Data Protection and Freedom of Information /Nemzeti Adatvédelmi és Információszabadság Hivatal/

Registered office: 1125 Budapest, Szilágyi Erzsébet fasor 22/c

Postal address: 1530 Budapest, Pf.: 5.

Central electronic mailing address: ugyfelszolgalat@naih.hu

Website: www.naih.hu

Telephone number: +36 (1) 391-1400

Fax: +36 (1) 391-1410

Online administration: <http://naih.hu/online-uegyinditas.html>

In the case of illegal processing detected by you, you can also initiate civil action against our Company. The judgement of the case shall fall within the competence of the regional court. The action may be instituted before the regional court with jurisdiction according to either your place of residence or habitation, at your choice. (You can find the list and contact details of the regional courts via the following link: <http://birosag.hu/torvenyszekek>).

9. Availability of the privacy notice

Our privacy notice shall be available without interruption on the home page of our website specified in paragraph 1 of this notice.

Our Company shall process your personal data after they have been provided and recorded only via the website.

Notwithstanding the foregoing, in case you contact us over telephone, we will inform you in words of the essential conditions of the processing, that is:

- the processing to be performed in the course of our activity, where
- what personal data will be stored
- how long and
- for what purpose they will be stored as well as
- of remedies related to the processing.

10. Providing information for persons in special situation

We shall ensure that the work of our Company will be determined by integrity, empathy and cooperation.

For this reason we ensure that our privacy notice is communicated to our elderly clients and persons with sight, hearing or perception impaired for any reason by all means and they can be informed without any obstacle.

In the case of such need, please inform us of your special demands at the contact addresses specified in paragraph 1.

We will do our best to fulfil your requests as soon as possible, by using all means available for us.

11. Revision of the privacy notice

Our Company shall revise the privacy notice on an annual basis to ascertain whether it is in compliance with all relevant legal regulations and the requirements and practical guidelines published by NAIH.

This privacy notice shall become effective on 25 May 2018.

Date of the next revision: 25 May 2019.