



Information on the processing of data for users of electronic payment by bank card

Preamble

The Hungarian Intellectual Property Office (hereinafter 'the HIPO') pays particular attention to ensure that in the course of electronic payments by bank card from its webpage it proceeds in accordance with the General Data Protection Regulation of the European Union (hereinafter 'the GDPR'), the Hungarian Data Protection Act (hereinafter 'the Information Act') and other laws, the guidelines in effect of the European Data Protection Board and the Article 29 Working Party, as well as the data protection practices developed by the National Authority for Data Protection and Freedom of Information. In the course of the processing of data covered by this privacy notice, the HIPO also takes into account the provisions of Act XXXIII of 1995 on the Protection of Inventions by Patents (hereinafter 'the Patent Act').

I. The controller of personal data

Contact details of the controller

▪ Name:	Hungarian Intellectual Property Office
▪ Headquarters:	1081 Budapest, II. János Pál pápa tér 7.
▪ Postal address:	1438 Budapest, pf. 415.
▪ Phone number:	06-1/312-4400
▪ E-mail address:	sztnh@hipo.gov.hu

II. Name and contact details of the HIPO's data protection officer

▪ E-mail address:	adatvedelem@hipo.gov.hu
▪ Phone number:	06-20/297-1266
▪ Postal address:	1438 Budapest, pf. 415.

III. Source of personal data

The personal data described in point VI are partly provided directly or indirectly by the data subject to the HIPO and partly available to the HIPO.

IV. Automated decision-making

The HIPO does not use automated decision-making procedures.

V. Obligation to provide personal data, consequences of failure to provide personal data The provision of personal data is partly mandatory under the applicable legal provisions, failing which the HIPO cannot carry out the relevant administrative procedure; partly optional, but failing which the data subject can only fulfil his/her obligation to pay the fee by other means.



VI. Categories of personal data concerned, purpose, legal basis, recipients and duration of data processing

1. Fee payment obligations (service fee)	
Categories of personal data	<p>case number, name of the cardholder, e-mail address provided by the payer, amount of the fee, fact and date of successful / unsuccessful payment transaction, payment transaction IDs (both HIPO and OTP Mobil Kft. ID)</p> <p><i>WARNING! The HIPO does not process the bank card data, which are only available to OTP Mobil Kft. as the financial service provider of the electronic bank card payment.</i></p>
Purpose of data processing	<p>controlling the fulfilment of the obligation to pay fees, accounting and financial recording of fees paid, and settlement with the financial service provider providing the electronic payment card</p>
Legal basis of data processing	<p>processing is necessary for the performance of a task carried out in the public interest [Article 6(1)(e) of the GDPR], with special regard to the provisions of</p> <ul style="list-style-type: none">▪ Section 118 of the Patent Act▪ Decree No. 19/2005. (IV. 12.) GKM on Administrative Service Fees in Industrial Property Procedures before the Hungarian Patent Office▪ Section 169 of Act C of 2000 on Accounting;▪ Act CXCV of 2011 on Public Finances;▪ Government Decree 4/2013 (I. 11.) on Accounting for Public Finances
Recipients	<ul style="list-style-type: none">▪ as data processor, the OTP Mobil Kft. (seat: 1138 Budapest, Váci út 135-139., e-mail: ugyfelszolgalat@simple.hu, information on data processing: https://simplepay.hu/adatkezelesi-tajekoztatok/ Title of the current privacy notice: „Information on data protection to SimplePay Service Standard Contractual Clauses for Users”) as the financial service provider for electronic payment by bank card;▪ as the independent data controller, the Hungarian State Treasury (seat: 1054 Budapest, Hold u. 4.; e-mail: info@allamkincstar.gov.hu, Information on data protection: https://www.allamkincstar.gov.hu/footer-tartalmak/jogi-informaciok/Adatvedelem)



Duration of data processing	<ul style="list-style-type: none">▪ 8 years for all data according to Section 169 of Act C of 2000 on Accounting▪ with regard to the fact of payment, the entire duration of the records management and data processing period for the given form of protection pursuant to Act LXVI of 1995 on public records, public archives and the protection of private archival material and the administrative regulations based on it (details of the term of protection for each form of protection are available on the following page: https://www.sztnh.gov.hu/hu/adatvedelem)
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2. (Full or partial) refund of the service fee

Categories of personal data	case number, name of the holder of the bank card, amount to be refunded, payment transaction IDs (IDs of both the HIPO and OTP Mobil Kft.), date of payment transaction <i>WARNING! The HIPO does not process the bank card data, which are only available to OTP Mobil Kft. as the financial service provider of the electronic bank card payment.</i>
Purpose of data processing	refund (in full or in part), accounting and financial recording of service fees
Legal basis of data processing	processing is necessary for the performance of a task carried out in the public interest [Article 6(1)(e) of the GDPR], with special regard to the provisions of <ul style="list-style-type: none">▪ Section 118 of the Patent Act▪ Sections 24 to 26 of Decree No. 19/2005. (IV. 12.) GKM on Administrative Service Fees in Industrial Property Procedures before the Hungarian Patent Office▪ Section 169 of Act C of 2000 on Accounting;▪ Act CXCV of 2011 on Act CXCV of 2011 on Public Finances;▪ Government Decree 4/2013 (I. 11.) on Accounting for Public Finances



Recipients	<ul style="list-style-type: none">▪ as data processor, the OTP Mobil Kft. (seat: 1138 Budapest, Váci út 135-139., e-mail: ugyfelszolgalat@simple.hu, information on data processing: https://simplepay.hu/adatk-ezelesi-tajekoztatok/ Title of the current privacy notice: „Information on data protection to SimplePay Service Standard Contractual Clauses for Users”)”) as the financial service provider for electronic payment by bank card;▪ as the independent data controller, the Hungarian State Treasury (seat: 1054 Budapest, Hold u. 4.; e-mail: info@allamkincstar.gov.hu, Information on data protection: https://www.allamkincstar.gov.hu/footer-tartalmak/jogi-informaciok/Adatvedelem)
Duration of data processing	<ul style="list-style-type: none">▪ 8 years for all data according to Section 169 of Act C of 2000 on Accounting▪ with regard to the fact of payment, the entire duration of the records management and data processing period for the given form of protection pursuant to Act LXVI of 1995 on public records, public archives and the protection of private archival material and the administrative regulations based on it (details of the term of protection for each form of protection are available on the following page: https://www.sztnh.gov.hu/hu/adatvedelem)

3. Information on data processing in connection with the official procedures of the HIPO

Available at <https://www.sztnh.gov.hu/hu/adatvedelem>

4. The webpage <https://www.befizetes.sztnh.gov.hu> does not use cookies



VII. Further recipients of personal data, transmission

In the event of a failure or other problem in the IT systems of the HIPO, the systems containing personal data may also be accessed by authorised staff of the data processor responsible for certain operational tasks of the IT infrastructure of the Office.

Processor's	
▪ Name:	Novell Professzionális Szolgáltatások Magyarország Kft.
▪ Seat:	1117 Budapest, Neumann János utca 1. A épület II. emelet
▪ Website:	https://www.npsh.hu/

In the event of an error or other problem in the accounting and bookkeeping system (SAP) of the HIPO, the system containing personal data may also be accessed by authorised staff of the data processor providing SAP support.

Processor's	
▪ Name:	Telekom Rendszerintegráció Zrt.
▪ Seat:	1097 Budapest, Könyves Kálmán körút 36.
▪ Website:	https://www.telekom.hu/vallalati-megoldasok/telekom-rendszerintegracio-zrt

Where proceedings have been instituted before a court or other authority which require the transfer of personal data to that court or authority, the court or authority may also have access to the personal data. Otherwise, the HIPO does not transmit personal data or the documents containing them to other controllers or processors, to third countries or to international organizations.

VIII. Data security

To the extent necessary for the performance of their tasks or duties, the HIPO and its processors are entitled to access the personal data of the data subject. The HIPO shall take all security, technical and organisational measures necessary to ensure the security of personal data.

Organisational measures

Access to the HIPO's IT systems is granted on the basis of individual access rights. The principle of "necessary and sufficient rights" applies to the allocation of access rights, i.e. each user may use HIPO's IT systems and services only to the extent necessary for the performance of his/her tasks, with the corresponding rights and for the necessary duration. Only persons who are not restricted for security or other reasons (e.g. conflict of interest) and who have the professional, business and information security skills necessary to use the IT systems and services safely may have access to them.

The HIPO and its processors are bound by strict confidentiality rules and are required to act in accordance with these confidentiality rules in the course of their activities.



Technical measures

The HIPO stores the data on its own equipment in a data centre. The IT tools that store the data are stored in a separate, locked server room with an alarm system, protected by a multi-level access control system with authorisation control.

The HIPO protects its internal network with multiple layers of firewall protection. The access points to the public networks used are everywhere always equipped with a hardware border protection device (firewall). Data is stored on several servers to protect it from destruction, loss, damage due to malfunctioning of the IT equipment, or from unlawful destruction.

The HIPO protects its internal networks from external attacks with multiple layers of active, complex malware protection (e.g. virus protection). The necessary external access to the IT systems and databases operated by the HIPO is provided via an encrypted data connection (VPN).

The HIPO does its utmost to ensure that its IT tools and software are always in line with the technological solutions generally accepted in the operation of the market.

The HIPO will develop systems to control and monitor operations and detect incidents (e.g. unauthorised access) through logging.

IX. Data subjects' rights in relation to data processing

a) The rights of the data subject with regard to data processing

If the data subject submits a request concerning the processing of personal data by the HIPO, the HIPO shall inform him or her of the measures taken or the reasons for not taking any measures within one month of the day following the receipt of the request, in which case the data subject shall also be informed of his or her right to lodge a complaint and to seek judicial remedy. If the complexity or the number of requests received by the HIPO so justifies, the HIPO may extend the deadline by up to two additional months. The HIPO shall inform the person concerned of the extension and the reasons for it within one month of receipt of the request.

In order to protect the rights of the data subject and to meet the requirements of data security, the HIPO will verify the identity of the data subject and the person exercising the right in each case, and will request additional information if necessary.

b) The right of access

The data subject shall have the right to obtain from the HIPO information as to whether or not his or her personal data are being processed and, if so, to obtain information in particular on

- the purposes of the processing;
- the categories of personal data processed;
- the recipients or categories of recipient to whom the personal data have been or will be disclosed (including, where necessary, guarantees of data transmission);
- the envisaged period for which the personal data will be stored, or, the criteria used to determine that period;



- 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;
- the right to lodge a complaint with the National Authority for Data Protection and Freedom of Information;
- where the personal data are not from the data subject, information as to their source.

Upon request, the HIPO will provide the data subject with a copy of the personal data it processes or of a document containing such data, provided that this does not adversely affect the rights and freedoms of others. It will grant the request for a copy free of charge for the first time, and thereafter charge a reasonable fee based on the administrative costs or refuse to provide a copy.

c) The right to rectification

The data subject has the right to have inaccurate personal data relating to him or her corrected by the HIPO upon request, and, taking into account the purpose of the processing, the right to request that incomplete personal data be completed.

d) The right to erasure

The data subject shall have the right to request the erasure of his or her personal data, which request shall be complied with by the HIPO, unless one of the following grounds applies: the data requested to be erased are necessary for the exercise of the right to freedom of expression and information, for compliance with an obligation under Union or Member State law, for the performance of a task carried out in the public interest by the HIPO or in the exercise of official authority vested in the HIPO; for reasons of public interest in the field of public health; for archiving purposes in the public interest, for scientific or historical research purposes, or statistical purposes; or for the establishment, exercise or defence of legal claims.

e) The right to restriction of processing

The data subject has the right to have the processing of his or her personal data restricted by the HIPO at his or her request if.

- the data subject contests the accuracy of the personal data;
- the processing is unlawful but the data subject opposes the erasure of the data and requests the restriction of their use;
- the HIPO no longer needs the personal data for the purposes of processing, but the data subject requires them for the establishment, exercise or defence of legal claims;
- the processing is based on the exercise of a public interest function or the exercise of official authority vested in the HIPO, and the data subject has objected to the processing.

The processing of personal data subject to restriction, with the exception of storage, is only carried out by the HIPO with the consent of the data subject, and furthermore for the establishment, exercise or defence of legal claims, for the protection of the rights of another natural or legal person or for an important public interest of the European Union or of a Member State.

The HIPO shall inform in advance the person at whose request the processing has



been restricted of the lifting of the restriction.

f) The right to object

The data subject has the right to object at any time, on grounds relating to his or her particular situation, to the processing of his or her personal data where the processing is based on Article 6(1)(e) of the GDPR, if the data subject considers that the processing of his or her personal data by the HIPO is not adequate for the purposes specified in this privacy notice. The HIPO is entitled to continue to process the data despite the objection, if the processing is justified by compelling legitimate grounds which override the interests, rights and freedoms of the data subject, or for the establishment, exercise or defence of legal claims.

X. Exercise of rights after the death of the data subject

Within five years of the death of the data subject, the rights of access, rectification, erasure, restriction of processing or objection may be exercised by the person whom the data subject has authorised by administrative provision, by a declaration made in a public instrument, or in a private instrument of full probative value lodged with the HIPO.

In the absence of a declaration, the rights to rectification and objection and, where the processing was unlawful during the lifetime of the data subject or the purpose of the processing ceased to exist upon the death of the data subject, the rights to erasure and restriction of processing shall be exercised by the close relative of the data subject (spouse; next of kin; adopted, step or foster child; adoptive, step or foster parent; and sibling) who is the first to exercise this right.

The person enforcing the rights must provide proof of the fact and date of the death of the person concerned by means of a death certificate or a court order, and proof of his or her identity and, where necessary, of his or her status as a close relative by means of a public instrument.

The person who exercises the rights is then subject to the rights and obligations established for the data subject.

Upon request, the HIPO shall inform the close relative of the person concerned of the measures taken pursuant to this paragraph, unless the person concerned has prohibited this in the administrative provision referred to in the first paragraph, in a public instrument or in a private instrument having full probative value.

XI. The right to lodge a complaint and the right to remedy

Anyone who considers that their rights have been infringed as a result of the processing of their data by the HIPO,

- may lodge a complaint with the HIPO using one of the following contact details: 1081 Budapest, II. János Pál pápa tér 7., Postal address: 1438 Budapest, Pf. 415., Central phone number: +36- 1/312-4400, Central fax number: +36-1/474-5534, Central e-mail address: sztnh@hipo.gov.hu, e-mail address of the Data Protection Officer: adatvedelem@hipo.gov.hu;
- for the protection of their data, may have recourse to the court, which will act



out of turn. The statement of claim may be submitted to the Budapest-Capital Regional Court, which is competent according to the seat of the HIPO (1055 Budapest, Markó utca 27, Phone number:

+36-1/354-6000, Website: <https://fovarositorvenyszek.birosag.hu/>), or to the court competent according to the place of residence or domicile of the person concerned, which can be found at the following website: <https://birosag.hu/torvenyszekek>;

- may also lodge a complaint with the National Authority for Data Protection and Freedom of Information (Seat: 1055 Budapest, Falk Miksa utca 9-11., Postal address: 1374 Budapest, Pf. 603., Phone number: +36-1/391-1400, Fax number: +36-1/391-1410, E-mail address: ugyfelszolgalat@naih.hu, Website: <https://www.naih.hu/>).