

**Privacy Notice  
regarding newsletters**

**Effective as of October 30, 2018**

In order to ensure the legality of its internal data protection processes and the rights of the data subjects, **Virtual Solutions Limited Liability Company** (hereinafter: Company) formulates the following data protection prospectus.

Name of data controller:	Virtual Solutions Limited Liability Company
Trade Registry	Number of Data controller: Cg. 01-09-199004
Headquarters of Data controller:	12. Bajcsy-Zsilinszky út 12. Budapest H-1051, Hungary
Electronic address of Data controller:	info@cloudstorm.io
Representative of Data controller :	David Salamon
Data protection officer:	Dr. Levente Lojek (Bovard Kft.; info@bovard.hu)

The personal data of the concerned party is managed in accordance with the requirements of all effective laws, but primarily in accordance with the requirements of the following laws:

- Act CXII. of 2011 on the right of informational self-determination and the freedom of information (hereinafter Info. tv.),
- 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: GDPR)
- Act V. of 2013 on the Civil Code.

Our company processes personal data confidentially, in order to preserve the data. We take all necessary technical and organizational measures to ensure safe data processing procedures and data storage.

## **I. DEFINITIONS**

The definitions are based on the GDPR:

1. 'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;
2. 'processing' means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;
3. 'controller' means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law;
4. 'processor' means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;
5. 'consent' of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;
6. '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;
7. „special data”: personal data relating to racial or ethnic origin, political opinion, religion or beliefs, trade union membership, as well as data relating to genetic and biometric data serving the purpose of personal identification, and data on health status or sexual private life or sexual orientation;
8. 'recipient' means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing;
9. 'third party' means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data;
10. „third country” means a country that is not a member of the European Union;

11. where this privacy notice provides about data or data processing, it means personal data and its processing.

## **II. DATA PROCESSING:**

### **Sending of newsletters**

#### **The purpose of data processing**

The purpose of data processing is sending email messages with information and marketing purpose content in connection with the services provided by our Company. We inform the interested parties (data subjects) about the important events, developments and promotions concerning our Company. [here you can include any additional information]

#### **Processed personal data**

Name, email address.

#### **Legal basis of data processing**

The newsletters are sent to the data subjects with reference to several legal basis.

The data subjects who subscribed to the newsletter on our website: the data processing is performed on the legal basis of their consent (point (a) of Article 6(1) of GDPR).

To the representatives of the legal entities using the services of our Company: the newsletters are sent on the legal basis of legitimate interest (point (f) of Article 6(1) of GDPR) of our Company, to the email address provided by the legal entity. When providing the email address, the legal entities are fully aware of the purpose of data processing, thus they have the option of providing an email address that does not qualify as personal data (info@). In case of legitimate interest, prior to sending the first newsletter an information message is sent about the data processing.

Independent from which legal basis is used for the data processing, the data subjects are entitled to unsubscribe from the newsletter at any time by clicking on the "Unsubscribe" button at the bottom of the newsletter.

#### **The source of personal data**

The data subject or, in case of data processing performed on the legal basis of legitimate interest, their employer.

#### **Recipients of the personal data provided**

Only the employees of our Company whose professional responsibility includes data processing have access to the personal data respecting the principle of purpose limitation.

Our company enlists the services of the following data processors for processing personal data:

**Intercom, Inc.** (Intercom R&D Unlimited Company; Seat: 55 2nd Street, 4th Floor, San Francisco, California 94105, USA): Providing customer messaging platform. Holds contact data and processes communication via chat service and email.

**The Rocket Science Group, LLC** (675 Ponce de Leon Ave NE Suite 5000 Atlanta, GA 30308 USA): Providing Mailchimp, online e-newsletter sending system.

The data processors can process the personal data of the data subject only with the purpose specified by our Company and stated in the contract, only in accordance with the instructions given by our Company, they do not have independent decision rights with regard to the data processing. The data processors undertook confidentiality obligations and contractual guarantees to protect the personal data they gain access to during the performance of their tasks.

### **The transfer of personal data to a third country or international organization**

From the above data processors, the entities seated in the USA (Intercom, Inc., The Rocket Science Group LLC) are on the U.S. – EU Privacy Shield List set up based on the adequacy decision laid down in Article 45 of the GDPR and by the regulation 2016/1260 of the European Commission, thus data transfer to these companies shall not be considered as data transfer to third countries, outside of the EU, and the explicit consent of the data subjects is not required, furthermore transferring data to these companies is allowed under Article 45 of the GDPR. This company undertook to comply with the GDPR.

### **The duration of personal data processing**

In case of consent given, our company processes the data until the consent is revoked.

In case of data processing performed on the legal basis of legitimate interest, the processing of personal data is processed until the termination of the contract between the companies.

### **Automated decision making and profiling**

Neither is done during the processing of the data.

## **III. THE RIGHTS OF THE DATA SUBJECT**

### **Right to be informed**

The data subject has the right to be informed with regard to the data processing, which right is observed by the Company by providing this privacy notice.

### **Data processing based on consent**

In case the legal basis of any data processing is the consent of the data subject, they have to right to withdraw their consent to the data processing at any time. However, it is important to note that withdrawing the consent involves only the data whose processing has no other legal basis. In case there are no other legal bases, we delete the personal data finally and irrevocably after the consent is revoked.

The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

### **Right of Access by the data subject**

The data subject shall have the right to obtain from Our Company 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 recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
- d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- f) the right to lodge a complaint with a supervisory authority;
- 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, referred to in Article 22 (1) and (4) 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.

### **Right to rectification**

The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. 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.

Please report any changes in your personal data to our Company as soon as possible, facilitating the legality of data processing and the enforcement of your rights.

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

The data subject shall have the right to obtain from Our company the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

- a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- b) 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 the data subject objects to the processing of personal data for direct marketing purposes;
- d) the personal data have been unlawfully processed;
- e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject;
- f) the personal data have been collected in relation to the offer of information society services referred to in Article 8(1).

Our Company shall not fulfill the request by the data subject if further processing of data is required due to any of the below reasons:

- 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 or in the exercise of official authority vested in the controller;
- c) for reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9(2) as well as Article 9(3);
- d) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) in so far as the right to erasure is likely to render impossible or seriously impair the achievement of the objectives of that processing; or
- e) for the establishment, exercise or defence of legal claims.

The erasure of the data is final and irrevocable. In case of erasure the data processors to whom we have previously transferred the data are also informed.

### **Right to restriction of processing**

The data subject shall have the right to obtain from Our company 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) the controller 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;
- d) the data subject has objected to processing pending the verification whether the legitimate grounds of the controller override those of the data subject.

If the data processing falls under restrictions, these data, with the exception of storage, can be processed only

- a) with the consent by the data subject,
- b) with the purpose of making, enforcing, or protecting a legal claim,
- c) in the interest of the protection of rights of other natural persons or legal entities, or
- d) processed in the important public interest of the Union or any of its member states.

### **Right to object**

If the legal basis for processing personal data is the legitimate interest of our Company, 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. In this case, Our company can no longer process the personal data unless we demonstrate 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.

If the personal data of the data subject are processed for direct marketing purposes (i.e.: sending marketing e-mails), 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.

### **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 Our company, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where:

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

## **IV. PROCEDURES FOR ENFORCING THE RIGHTS OF DATA SUBJECTS**

The above rights can be exercised by data subject by sending an electronic mail to this e-mail address: **compliance@cloudstorm.io**, or regular mail to the seat of the Company (12. Bajcsy-Zsilinszky út 12. Budapest H-1051, Hungary), or in person at the seat of the Company. The data subject shall be informed about the measure taken in response to the request within 30 days. If we are unable to fulfil the request, we inform the data subject about the reasons of the rejection and the administrative and judicial redress rights of the data subject.

## **V. THE RIGHT TO LODGE A COMPLAINT AND TO AN EFFECTIVE JUDICIAL REMEDY**

Without prejudice to any other administrative or judicial remedy, every data subject shall have the right to lodge a complaint with a supervisory authority, in particular in the Member State of his or her habitual residence, place of work or place of the alleged infringement if the data subject considers that the processing of personal data relating to him or her infringes this Regulation. The authority, then, is liable to investigate the complaint and to inform the data subject about the outcome of the investigation.

The data subject may appeal to the court if they consider the processing of their personal data by our Company or by a data processor acting on behalf of our company in violation of the laws on personal data processing. The Hungarian court tries the case in a priority procedure. The decision making in the legal suit belongs to the jurisdiction of the Regional Court of Appeal (Törvényszék). The legal suit - based on the choice made by the data subject – may also be initiated at the Regional Court of Appeal according to the place of residence, place of stay of the data subject, or according to the place of the headquarters of the data controller (Budapest-Capital Regional Court of Appeal - Fővárosi Törvényszék).

An investigation can be initiated against our Company by filing a claim at the National Authority for Data Protection and Freedom of Information (NAIH) in the above cases referencing:

- a possible breach of law or potential danger of breach of law during the processing of personal data,



- that our Company has limited the data subject's rights related to the data processing, or
- that we have rejected their claim for enforcing their right.

The claim can be filed at one of the below addresses:

National Authority for Data Protection and Freedom of Information (NAIH)

Mailing address: Po.box.: 5, Budapest, H-1530

Address: 22/c Szilágyi Erzsébet fasor Budapest, H-1125

Telephone: +36 (1) 391-1400

Fax: +36 (1) 391-1410

E-mail: [ugyfelszolgalat@naih.hu](mailto:ugyfelszolgalat@naih.hu)

URL: <http://naih.hu>