



PARLIAMENTARY GUARD

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Privacy Notice on Electronic Surveillance Systems Operated by the Parliamentary Guard

Introduction

The Parliamentary Guard hereby informs the natural persons affected by its data processing activity carried out in the context of the performance of its duties through the use of electronic surveillance systems about the legal basis and purpose of such data processing, the personal data processed by it, the duration of processing, the measures taken in order to protect personal data, the exercise of rights by data subjects and their options for enforcing such rights.

This Privacy Notice is issued in order to fulfil the preliminary information obligation as set out in Article 13 of the General Data Protection Regulation [(Regulation (EU) 2016/679)], and the information obligation as set out in Section 137(14) of Act XXXVI of 2012 on the National Assembly ('National Assembly Act').

1. Name of Controller

Controller: The Parliamentary Guard ('Parliamentary Guard')
Registered office: H-1055 Budapest, Balassi Bálint utca 5
Postal address: H-1055 Budapest, Balassi Bálint utca 5
Email: info@orszaggyulesiorseg.hu
Telephone: +36-(1)-441-47-91
Fax: +36-(1)-441-47-47,
Data Protection Officer: Dr. Eszter Ambrus (adatvedelem@orszaggyulesiorseg.hu)

2. Legal basis for processing

The processing carried out in the context of the use of electronic surveillance systems is based on Article 6(1)e) of the General Data Protection Regulation [(Regulation (EU) 2016/679)], pursuant to which processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested with the Controller.

The legal basis for processing is set out in Section 137(4)* of the National Assembly Act.

** (4) By operating an electronic surveillance system, the Parliamentary Guard shall create and process image and video recordings for the purpose of supporting its tasks set out in Sections 125(2)a), b), c) e) and f)** of the National Assembly Act, safeguarding the House of Parliament, the Office Building of the National Assembly, the buildings accommodating the Office of the National Assembly and the Parliamentary Guard and the persons in the above buildings, securing the place where the Speaker is staying, the security of persons in the facilities, auditing*

and reviewing safeguarding and security criteria, preventing extraordinary incidents, eliminating the consequences of such incidents and facilitating the investigation thereof, detecting and preventing infringements and violations of law and catching perpetrators in the act.

3. Purpose of processing

The purpose of processing carried out in the context of the use of electronic surveillance systems is to efficiently and expertly support the tasks set out in Sections 125(2)a), b), c) e) and f)** of the National Assembly Act, with particular regard to the facility security and personal protection duties of the Parliamentary Guard, securing the place where the Speaker is staying, the security of persons in the facilities, auditing and reviewing safeguarding and security criteria, the prevention of extraordinary incidents, eliminating the consequences of such incidents and facilitating the investigation thereof, detecting and preventing infringements and violations of law and catching perpetrators in the act.

*** Section 125(2) of the National Assembly Act:
the Parliamentary Guard shall*

- a) protect the Speaker,*
- b) perform facility security duties with regard to the House of Parliament, the Office Building of the National Assembly, the buildings accommodating the Office of the National Assembly and the Parliamentary Guard and the safety of the persons staying in the above buildings,*
- c) in collaboration with the Office of the National Assembly, enforce the rules governing entry to and stay in the House of Parliament, the Office Building of the National Assembly, the buildings accommodating the Office of the National Assembly and the Parliamentary Guard,*
- e) perform the functions specified in this Act relating to maintaining the order of sessions,*
- f) provide patrol and guard services to preserve the dignity of the key national monument and the order of the public grounds that are part of the key national monument.*

4. Scope of personal data* processed**

Through the use of electronic surveillance systems, the Parliamentary Guard records the images and actions of natural persons in the areas surveilled.

****Article 4(1) of the General Data Protection Regulation [(Regulation (EU) 2016/679]:
"personal data": 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.*

5. Duration of processing

Pursuant to Section 137(12) of the National Assembly Act – with the exception of the use of such recordings in proceedings set out in Sections 137(7)-(11)**** of the National Assembly Act or use for other purposes set out therein – the recording shall be erased after thirty days of recording.

Data subjects whose right or legitimate interest is affected by such recording may request the extension of the period of retention thereof pursuant to Section 137(13)***** of the National Assembly Act.

**** Section 137(7)-(11) of the National Assembly Act:

(7) The recording made pursuant to Sections (2)-(4), and the personal data contained therein, may be used by the Parliamentary Guard

a) to initiate the opening of criminal proceedings, infringement proceedings or administrative proceedings, or

b) to investigate the lawfulness of the actions of the parliamentary guard in the framework of administrative proceedings.

(9) The recording made pursuant to Sections (2)-(4), and the personal data contained therein, may be transmitted

a) in criminal proceedings, infringement proceedings or administrative proceedings brought on account of criminal offences, infringements or the violation of traffic rules,

b) in the context of gathering intelligence information,

c) in order to identify a wanted person or object, or

d) in order to enable the data subject to exercise his/her rights,

to the investigating authority, infringement authority, public prosecutor's office, court or other responsible and competent body conducting administrative proceedings, the national security services and anti-terrorist agencies requesting such personal data or data reporting, and to the data subject.

*****Section 137(13) of the National Assembly Act:

Data subjects whose right or legitimate interest is affected by such recording may request, within thirty days of the recording and by claiming their right or legitimate interest, that the Controller should not erase the data by the deadline set out in Subsection (12) for the purpose of proceedings as set out in Subsections (7)-(11) or for other purposes specified therein. *Upon request by the court or other authorities, the recording shall be transmitted without delay. If no such request is made within thirty days from the receipt of the application, the recording shall be erased.*

6. Areas surveilled by the electronic surveillance systems:

- House of Parliament (Budapest, Kossuth tér 1-3) and its direct vicinity;
- the Office Building of the National Assembly – Barankovics István Office Building (Budapest, Széchenyi rkp. 19) and its direct vicinity;
- the building accommodating the Parliamentary Guard – Tisza Lajos Office Building (Budapest, Balassi Bálint utca 5) and its direct vicinity;
- the building accommodating the Office of the National Assembly – Szabad György Office Building (Budapest, Kossuth tér 6-8) and its direct vicinity;
- The Memorial of National Unity (Budapest Alkotmány utca – Kossuth Lajos tér – Honvéd utca) and its direct vicinity;
- Vértanúk tere;
- the private residence and place of stay of the Speaker.

7. Recipients and categories of recipients of personal data

The recordings made using electronic surveillance systems and the personal data in such recordings are used by the Parliamentary Guard, pursuant to the powers granted in Section 137(7)**** of the National Assembly Act, for the opening of criminal proceedings, infringement proceedings or administrative proceedings, or to investigate the lawfulness of the actions of the parliamentary guard in the framework of administrative proceedings.

Pursuant to Section 137(9)**** of the National Assembly Act, video and sound recordings may be transmitted

a) in criminal proceedings, infringement proceedings or administrative proceedings brought on account of criminal offences, infringements or the violation of traffic rules,

b) in the context of gathering intelligence information,

c) in order to identify a wanted person or object, or

d) in order to enable the data subject to exercise his/her rights,

to the investigating authority, infringement authority, public prosecutor's office, court or other responsible and competent body conducting administrative proceedings, the national security services and anti-terrorist agencies requesting such personal data or data reporting, and to the data subject.

Pursuant to Section 137(10) of the National Assembly Act, the Parliamentary Guard grants direct access to recordings of public areas by the electronic surveillance system available for the purpose of supporting event security tasks, for the body set up to perform general policing tasks with event security responsibilities and for anti-terrorist agencies.

8. Data security measures

In the course of the processing of recordings, the Parliamentary Guard takes all necessary organisational, technical and other measures to prevent that the personal data of data subjects, in particular their private secrets and private circumstances, should be disclosed to unauthorised third parties.

The recordings are stored at the building accommodating the Parliamentary Guard.

The Parliamentary Guard's Internal Data Protection and Data Security Policy (available on www.orszaggyulesiorseg.hu under Data Protection) determines the persons who have access to the recordings and the persons who assess requests for the release of recordings.

9. Data subject rights

Data subject rights in respect of processing carried out in the context of the use of electronic surveillance systems operated by the Parliamentary Guard:

a) Right of access by the data subject:

Upon the data subject's request, the Parliamentary Guard provides the following information on processing in progress concerning the data subject: the scope of personal data processed, the source of data, the purpose, legal basis and duration of processing, the Processor's name, address and activity relating to processing, the circumstances and effects of any potential data breaches and the measures taken to eliminate such breaches and, in the case of data transfer, the legal basis and recipient thereof. Upon request, the Parliamentary Guard makes copies of the personal data subject to processing available to the data subject.

b) Rectification of personal data processed:

Data subjects have the right to request the rectification of their personal data if such data are untrue or inaccurate.

c) Right of the data subject to initiate the erasure of the personal data processed:

The data subject has the right to initiate the erasure of personal data processed, where any of the following applies:

- the personal data are no longer necessary in relation to the purposes for which they were collected;
- the data subject objects to the processing, and there are no overriding grounds for processing;
- the personal data have been unlawfully processed;
- the personal data have to be erased in order to comply with a legal obligation in Union or Member State law to which the Controller is subject.

The right to initiate erasure shall not apply if processing is necessary for the performance of a task carried out in the exercise of official authority vested with the Controller.

d) Right of the data subject to restrict the processing of personal data:

If the data subject contests that the personal data concerned are accurate, processing shall be restricted upon the data subject's request until the Controller has been able to verify the accuracy of the personal data. The data subject may request the restriction of processing until their objection is assessed. Furthermore, at the data subject's request, the Parliamentary Guard restricts processing if processing is unlawful and the data subject objects to the erasure of personal data, or if the Controller no longer requires the personal data for the purpose of processing, yet the personal are required by the data subject for the establishment, exercise or defence of legal claims.

e) The data subject's right to object:

The data subject may object to the processing of their personal data and in such cases, where it is established that the objection was well-founded, processing shall be terminated and all persons/entities to whom the personal data objected to was transmitted shall be notified of the fact of objection and of any measures taken on the basis thereon. In the course of the exercise of the right to object, the Controller shall prove that processing was based on compelling legitimate interests that override the data subject's interests, rights and freedoms and, if that has been established, processing shall continue.

Means of enforcing the data subject's rights:

The exercise of the data subject's rights is only possible by keeping data security requirements serving the protection of data subject data in mind, following the appropriate identification of the applicant and if the criteria ensuring the authentication of their request apply.

Requests by data subjects may be submitted via email to adatvedelem@orszagguyulesiorseg.hu, by post sent to H-1055 Budapest, Balassi Bálint utca 5, or in person – after booking an appointment in advance at +36-1-441-4791 – at the Central Secretariat of the Parliamentary Guard.

In the interest of facilitating the enforcement of data subjects' rights, the Parliamentary Guard carries out the notification or information provision in a concise, transparent, intelligible and easily accessible form, using clear and plain language, with particular regard to any information

addressed specifically to a child. The Parliamentary Guard may provide information in writing or electronically or, at the data subject's request, verbally, provided the data subject's identity can be verified.

The Parliamentary Guard assesses the data subject's requests submitted in relation to the exercise of rights without undue delay, and in any event within one month of the receipt of the request, and informs the data subject of its decision with justification attached. This period may be extended by an additional two months in justified cases, with a view to the complexity of the given request. The Parliamentary Guard informs the data subject of such extension within one month of the receipt of the request.

The Parliamentary Guard ensures the enforcement of rights free of charge, unless the data subject's request – on account of its repetitive character or pursuant to the legal practice of the National Authority for Data Protection and Freedom of Information – is excessive. In such cases – unless otherwise provided for in legal regulations – the Parliamentary Guard is entitled to charge an administrative fee.

The rights of the data subject may only be restricted in the case of statutory authorisation as per Article 23 of the General Data Protection Regulation [(Regulation (EU) 2016/679)]. In the event of the restriction of the rights or rejection of the request of the data subject, the Parliamentary Guard informs the data subject about their right to seek judicial remedy.

10. The data subject's options for the enforcement of rights

In the event of unlawful processing as experienced by the data subject, they may primarily turn **to the Parliamentary Guard – as Controller of their personal data** – for the remedy of infringements of violation of law.

If consultation with the Controller proves to be unsuccessful, pursuant to Act CXII of 2011 on Informational Self-Determination and Freedom of Information the data subject may initiate proceedings with the **National Authority for Data Protection and Freedom of Information (NAIH)** or turn to the court.

Any person may initiate proceedings with NAIH (registered office: H-1055 Budapest, Falk Miksa utca 9-11, postal address: H-1374 Budapest, Pf. 603, email: ugyfelszolgalat@naih.hu), citing that their personal data were processed in an infringing manner or there is a direct threat thereof.

Any person who feels that his or her rights have been violated as a result of processing by the Parliamentary Guard may apply to the **court**. The court shall proceed in the action as a matter of urgency. The Budapest-Capital Regional Court (1055 Budapest, Markó u. 27) has competence in such action, however, the action may be also brought, at the data subject's discretion, at the tribunal having competence based on their place of residence or abode.

22 October 2020