

Data protection policy

Introduction, legal background:

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 or Regulation**) specifies, that the data controller must ensure personal data security of the data subject by appropriate technical or organisational measures and establish procedural policies for this purpose. The data controller shall provide the data subject with information on processing of personal data in a concise, transparent, easily accessible manner using clear and plain language. Furthermore, it is the task of the data controller to assist the data subject in exercising his right.

Purpose and recipients of the Data Protection Policy

This Data Protection Policy (hereinafter: Policy) aims to determine the conditions and purposes of processing the personal data emerging from the operation of **MATERNITY Private Clinic Ltd.** (hereinafter: **Data Controller**) as data controller. This Policy is intended for natural persons who uses or will use the healthcare services and amenities provided by the Data Controller (hereinafter: **Data Subject**).

Please note that in the joyful event of childbirth during the use of healthcare services provided by the Data Controller, the scope of this Policy includes your child's data as well.

1. Data Controller details:

Company name:	MATERNITY Private Clinic Ltd.
Seat:	Hárshegyi út 23, Building C1 2 nd floor 7, Budapest, Hungary, H-1021
Registry no.:	01-09-918867
Representative:	Gábor Hegyes managing director
VAT no.:	14766624-2-41
Webpage:	www.maternity.hu
<u>Data Controller contacts:</u>	
Address:	8-9 Királyhágó tér, Budapest, Hungary, H-1126
Phone:	+36-1/213-4222
Email:	info@maternity.hu

Data Protection Officer:

Name: Réka Anderka-Kalina
Contact: adatvedelem@maternity.hu

Data protection requests: if you have any questions or requests regarding data protection, please send it via mail or email to the address below: 8-9 Királyhágó tér, Budapest, Hungary, H-1126; adatvedelem@maternity.hu. Responses are sent to the entered address straight on end or within 30 days at latest.

2. [Data Controller departments](#)

The Data Controller has several departments given its scope of business. This Policy applies to all departments of Data Controller where personal data or data concerning health of Data Subjects are processed.

2.1 [Data Controller departments:](#)

- Outpatient care
- Inpatient care:
 - Gynaecology Departmento Maternity
 - Departmento Neonatology Department
- Maternity Studio (courses, trainings, open days)
- Maternity Beauty
- HR, Labour Office
- Financial Department
- Director's Office
- Marketing
- Other administrative units (such as receptions)

3. [Major types of data processing](#)

3.1. [Data processing regarding healthcare services](#)

3.1.1. Data Controller as a healthcare service provider has a data processing obligation required by *section 136 of Act CLIV of 1997 on health*. Beyond the Data Subject's data concerning health, healthcare documentation must include personally identifiable information of Data Subject specified in *section 3b of Act XLVII of 1997 on the processing and protection of healthcare data and associated personal data*.

3.1.2. In the case of Data Subject addressing Data Controller, the consent regarding the processing of personally identifiable information and data concerning health, in the absence of other statement, must be considered given.

3.1.3. Purpose and scope of data processing:

- Purpose of data processing: Provision of healthcare services and related communications
- Scope of data processing: family and first name, maiden name, gender, date and place of birth, mother's family and first name, permanent and residential address, social security number (TAJ), phone number and/or email address

3.1.4. Scope of Data Subjects:

Natural persons using the services of Data Controller.

3.1.5. Duration of data processing:

Destruction of documentation shall be in accordance with applicable regulations in force and specified deadlines.

According to *section 30 of Act XLVII of 1997 on the processing and protection of healthcare data and associated personal data*;

- Health documentation – not including diagnostic imaging scans and reports thereof – must be retained for 30 years;
- Discharge summaries for 50 years;
- Diagnostic imaging scans for 10 years;
- Report of scans for 30 years.

Data can be retained for longer periods of time after the mandatory retention period for the purpose of therapy or scientific research.

3.1.6. Data of data processors engaged in data processing:

(No prior consent is required for the engagement of data processors, however they must be informed.)

Laboratory service providers:

- Centrum Lab Diagnostics Ltd. (www.centrumlab.hu)
- Prof. Endre Czeizel Health Preservation and Diagnostics Centre – prenatal genetic testing (www.czezelintezet.hu)
- PentaCore Laboratory – prenatal genetic testing (www.pentacorelab.hu)
- Corden International Ltd. – microbiological assays (www.corden.hu)
- GenID (www.genoid.net)
- Semmelweis University Department of Laboratory Medicine (www.semmelweis.hu/laboratorium)

Cytological and histopathological test service provider:

- Semmelweis University 1st Department of Pathology and Experimental Cancer Research (www.semmelweis.hu/patologia1)
- MD Microscopic Diagnostics Ltd. (www.florhosp.hu/diagnosztika/patologia-citopatologia-osztaly)
- External record office, archives:

- Eurodoc2000 Ltd. (www.eurodoc2000.hu)

Legal service provider: Service Provider is entitled to request legal services (mainly from lawyers and law firms) for protecting its or the Data Subject(s)' legitimate interests, during which the personal data concerning that interests can be provided to the legal service provider as data processor, and the lawyer is subject to obligation of confidentiality in accordance with Act LXXVIII of 2017 on the professional activities of Lawyers.

Data transfer can occur on the call or request of an organisation outside the healthcare service network pursuant to *sections 23 to 27 of Act XLVII of 1997 on the processing and protection of healthcare data and associated personal data.*

3.1.7. Legal basis of data processing:

- *Act XLVII of 1997 on the processing and protection of healthcare data and associated personal data*
- *Act CLIV of 1997 on health*
- *Point c) of paragraph (1) of Article 6 of GDPR*

3.2. Data processing regarding invoicing

3.2.1. Purpose and scope of data processing:

- Purpose of data processing: issuing of invoice regarding the service
- Scope of data processing: Family and first name, address
 - In specific cases:
 - Health fund membership ID/card no.
 - Company name, seat address, VAT number

3.2.2. Scope of Data Subjects:

Natural persons using the services of Data Controller.

3.2.3. Duration of data processing:

Invoices must be retained for at least 8 years pursuant to section 169 of Act C of 2000 on Accounting.

3.2.4. Data of data processor engaged in data processing:

Accountancy service provider, auditor, payroll calculation:

- Palota Audit Limited Liability Company (76 Veresegyházi utca, Budapest, Hungary, H-1151)
- FairConto Audit Auditor Limited Liability Company (12–14 Könyves Kálmán körút, Budapest, Hungary, H-1097)
- Pigmy Limited Partnership (41 Harmónia u., Veresegyház, Hungary, H-2112)

Invoicing software:

- InfoMatrix (www.infomatrix.hu)

External archives:

- Eurodoc2000 Ltd. (www.eurodoc2000.hu)

3.2.5. Recipient categories:

- NTCA

- Health funds, insurance companies

3.2.6. Legal basis of data processing:

- Act C of 2000 on Accounting.
- Point c) of paragraph (1) of Article 6 of GDPR

3.3. Data processing regarding contracts

3.3.1. The Clinic offers a range of maternity service packages for patients that require prior conclusion of contract to be used.

3.3.2. Maternity service packages (* the company reserves the right to make changes):

- Prenatal care packages:
 - o Basic package 1. (Gestational week 12–24)
 - o Premium package 1. (Gestational week 12–24)
 - o Basic package 2. (Gestational week 25-37)
 - o Premium package 2. (Gestational week 25-37)
- Delivery packages:
 - o Basic package
 - o Exclusive package
 - o Basic package with visiting physician
 - o Basic package for foreigners
 - o Basic package for foreigners with visiting physician
 - o Basic package covered by foreign insurance company
- Gynaecological packages:
 - o Basic screening package
 - o Premium screening package
 - o Baby planning package
 - o Endometriosis therapy package
 - o Postnatal rejuvenation package

3.3.3 Purpose and scope of data processing:

- Purpose of data processing: Performance of contract (providing the package chosen by the Data Subject) and related communications.
- Scope of data processing: family and first name, maiden name, date and place of birth, mother's family and first name, permanent address, social security number (TAJ), phone number and/or email address

3.3.4. Scope of Data Subjects:

Natural persons with contracts.

3.3.5. Duration of data processing:

5 years after the termination of contract.

3.3.6. Data of data processor engaged in data processing:

External record office, archives:

- Eurodoc2000 Ltd. (www.eurodoc2000.hu)

3.3.7. Recipients of personal data:

- Managing director and representative of Data Controller
- Employees performing client service tasks
- Employees of Data Controller performing financial tasks

3.3.8. Legal basis of data processing:

- Performance of contract (Point b) of paragraph (1) of Article 6 of GDPR)
- Data Subject's contact details (phone number, email address) are processed by Data Controller based on Data Subject's consent (Point a) of paragraph (1) of Article 6 of GDPR)

3.4. Data processing regarding reporting

3.4.1. Data Subject can receive the completed report in person (in business hours) at the location of Data Controller (8-9 Királyhágó tér, Budapest, Hungary, H-1126)

3.4.2. Data Subject understands that test results cannot be provided over the telephone.

3.4.3. Data Controller undertakes as an extra service –without additional fee– that the completed report is sent automatically via the Data Controller's IT system to the email address the Data Subject entered and signed, as a password-protected attachment.

3.4.4. Purpose and scope of data processing:

- Purpose of data processing: Identification, enabling the reports to be sent.
- Personal data: family and first name, date of birth, SSN (TAJ) (if applicable), email address, phone number

3.4.5. Scope of Data Subjects:

Natural person with consent to sending reports.

3.4.6. Duration of data processing:

Until the withdrawal of consent by the Data Subject.

3.4.7. Data of data processor engaged in data processing:

- E-doki (IT)

3.4.8. Recipients of personal data:

- Data Subject

3.4.9. Legal basis of data processing:

Data Subject's consent (Point a) of paragraph (1) of Article 6 of GDPR)

3.5. Other types of data processing

3.5.1. Data processing concerning newsletter

3.5.1.1. Natural persons subscribing for newsletter (Data Subject) give consent in advance and expressly to Data Controller for reaching out to Data Subject with advertisements and other messages at the email address given at the time of subscription according to section 6 of Act XLVIII of 2008 on

essential conditions of and certain limitations to business advertising.

3.5.1.2. Data Subject can give consent to the processing of voluntarily provided personal data by checking the applicable checkbox.

3.5.1.3. Data Subject can unsubscribe from the newsletter, without any limitation or reason, directly from the newsletter, or by a written notice sent to the Data Controller, or by a statement sent to the email address: adatvedelem@maternity.hu.

3.5.1.4. Purpose and scope of data processing:

a) Purpose of data processing: Identification, enabling the newsletter to be sent. Providing information on current news, new services and sending emails containing advertisements to the Data Subject.

b) Personal data: Family name, first name, email address

3.5.1.5. Scope of Data Subjects:

Natural persons subscribing to the newsletter.

3.5.1.6. Duration of data processing:

Data Controller processes the given personal data until the withdrawal of consent, i.e. unsubscribing.

3.5.1.7. Data of data processor engaged in data processing:

Name: Morgens Design Ltd.

Address: 2 Csányi László utca, Nagykanizsa, Hungary, H-8800

Telephone no.: +36 30 648 0047

Data processor only sends the newsletter of Maternity Private Clinic, and keeps the personal data (name, email address) thereof.

3.5.1.8. Legal basis of data processing:

Data Subject's consent

- pursuant to points a) and f) of paragraph (1) of Article 6 of Regulation (EU) 2016/679 of the European Parliament and of the Council and

- section (5) of paragraph 6 of Act XLVIII of 2008 on essential conditions of and certain limitations to business advertising:

"Advertisers, advertising service providers and publishers of advertising shall maintain records on the personal data of persons who provided the statement of consent to the extent specified in the statement. The data contained in the aforesaid records - relating to the person to whom the advertisement is addressed - may be processed only for the purpose defined in the statement of consent, until withdrawn, and may be disclosed to third persons subject to the express prior consent of the person affected."

Data processing is based on the Data Subject's consent and Service Provider's legitimate interest. Without the provision of personal data, fulfilling the purpose of the service becomes impossible.

3.5.2. Data processing during contacting

Visitors of Maternity Private Clinic Ltd. webpage can contact Maternity Private Clinic Ltd. via a CONTACT FORM.

3.5.2.1. Purpose of data processing:

Maintaining contact, providing information

3.5.2.2. Scope of data processing regarding the contact form:

Name, email address, subject, message text.

Personal data provided by Data Subject is not reviewed by Data Controller. Data Subject is solely responsible for compliance and truth of provided data.

The data can be given by Data Subject only if he accepts the Data Protection Policy of Maternity Private Clinic Ltd. This can be done by checking a checkbox, otherwise the message cannot be sent.

3.5.2.3. Legal basis of data processing:

- Data subject's consent according to point a) of section (1) of paragraph 5 of Act CXII of 2011 on informational self-determination and freedom of information.
- Point (a) of (1) of Article 6 of GDPR.

3.5.2.4. Data storage period:

Until the resolution of issue in contact form (fulfilment of purpose).

Data Controller informs in advance and requests consent from Data Subject on data processing not included in section 3.

4. Rights of the Data Subject

4.1 Rights of information (Articles 12 and 13 of GDPR)

Data subject is entitled to obtaining information on processing his or her personal data at the time of data collection.

4.2 Right of access by the Data Subject (Article 15 of GDPR)

The data subject shall have the right to obtain from the controller 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 information specified in Article 15 (1) of GDPR.

4.3 Right to rectification (Article 16 of GDPR)

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.

4.4 Right to erasure ('right to be forgotten') (paragraphs (1) to (3) of Article 17 of GDPR)

The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay, if the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed, or the personal data have been unlawfully processed in his or her point of view. Erasure of personal data is not applicable, if processing is necessary for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject.

4.5 Right to restriction of processing (Article 18 of GDPR)

The data subject shall have the right to obtain from the controller restriction of processing where one

of the following applies:

- 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;
- the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
- 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;
- the data subject has objected to processing; in this case pending the verification whether the legitimate grounds of the controller override those of the data subject.

4.6. Notification obligation regarding rectification or erasure of personal data or restriction of processing (Article 19 of GDPR)

The controller 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. The controller shall inform the data subject about those recipients, if the data subject requests it.

4.7. Right to data portability (Article 20 of GDPR)

The data subject shall have the right to receive the personal data concerning him or her on the conditions specified in points a) and b) of paragraph (1) of Article 20 of GDPR, which he or she has provided to a controller, 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.

4.8. Right to object (Article 21 of GDPR)

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 the case of objection the controller shall no longer process the personal data unless the controller 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. Restriction of processing can also be requested at the time of objection.

5. Data Controller's time limits for measures

Data Subject is entitled to request access to the personal data kept by Data Controller. The controller shall provide information on action taken on a request for exercising his or her rights to the data subject without undue delay and in any event within one (1) month 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. The controller shall inform the data subject of any such extension within one (1) month of receipt of the request, together with the reasons for the delay.

Your rights to determine and access can only be provided, for data protection reasons, upon prior identification. If you have such a request, please contact us using the information provided below:

- email: adatvedelem@maternity.hu

- mailing address: 8-9 Királyhágó tér, Budapest, Hungary, H-1126

Complaints regarding lawfulness of data processing are received at the same addresses.

6. [Remedy information](#)

In case of possible infringement of Data Controller, complaints can be filed at the Hungarian National Authority for Data Protection and Freedom of Information.

Hungarian National Authority for Data Protection and Freedom of Information

22/C Szilágyi Erzsébet fasor, Budapest, Hungary, H-1125

Mailing address: 1530 Budapest, P.O. box 5.

www.naih.hu

Email: ugyfelszolgalat@naih.hu

Phone no.: +36 (1) 391-1400

All Data Subject is entitled to court remedy, when in his or her point of view inappropriate data processing resulted in his or her rights being violated pursuant to applicable regulations.

Budapest, 25th May, 2018.

Maternity Private Clinic Ltd.
Gábor Hegyes
managing director