

Processing of employee's and trainee's personal data for the purpose of creating, maintaining and terminating employment relationships

1 *Creating employment relationships*

Description and purpose of data processing	Legal basis of data processing	Scope and source of the processed personal data	Duration of data processing	Recipient of data transfers
<p>Data processing necessary for entering into a contract or the performance of a contract</p>	<ul style="list-style-type: none"> • Performance of a contract (Article 6(1)(b) of the GDPR) • Compliance with a legal obligation to which the controller is subject (Article 6(1)(c) of the GDPR) <p>The referenced legal provisions are included in the attached table.</p>	<p>Among other things:</p> <ul style="list-style-type: none"> • employee's, trainee's personal data; • data that should be part of the student agreement; • data relating to the legal relationship; • name, tax number, OM ID, address of the educational institution and the student's study data; • statistical data; • occupational health classification; • data required for payroll accounting; • banking details of the data subject (bank account number, bank identifier code, payment method); • work clothes, shoe size. <p>Source of data: obtained directly from the employee or the trainee, calculated automatically in SAP, HRBP.</p>	<p>For accurate information on the data retention period for the data processed, see the attached table.</p>	<p>The Hungarian Tax and Customs Administration (NAV), the National Health Insurance Fund Manager (NEAK) or the Hungarian Statistical Office (KSH) may be recipients of the data processed for these purposes, and such data may be accessed by the competent bank clerks in the context of bank transfers. In the event of legal proceedings, the data may be transferred to the competent court or authorities.</p>
<p>Data processing necessary for the exercise of legal claims after termination of the employment relationship</p>	<ul style="list-style-type: none"> • Legitimate interest of the controller (Article 6(1)(f) of the GDPR) • The balancing test is available in the section entitled "<i>Balancing test concerning the exercise of legal claims</i>". 	<p>Source of data: obtained directly from the employee or the trainee, calculated automatically in SAP, HRBP.</p>	<p>5 years after the termination of employment (Section 286 of the Labour Code, limitation period) + 1 year under Act CXXX of 2016 on the Code of Civil</p>	<p>In the event of legal proceedings, the data may be transferred to the competent court or authorities.</p>

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			Procedure/based on a legitimate interest	
<p>Data processing necessary for paying taxes, filing tax returns, or fulfilling the statutory obligation to report new employees, trainees to NAV.</p>	<ul style="list-style-type: none"> Compliance with a legal obligation to which the controller is subject (Article 6(1)(c) of the GDPR) <p>The referenced legal provisions are included in the attached table.</p>	<p>Among other things:</p> <ul style="list-style-type: none"> name of the employee, student; start date of employment; start date of insurance coverage by the social insurance scheme; any other personal data required to report the employee, student to the competent authorities; data relating to the legal relationship; data required for payroll accounting; statistical data; <p>Source of data: obtained directly from the employee or trainee.</p>	<p>For accurate information on the data retention period for the data processed, see the attached table.</p>	<p>The Hungarian Tax and Customs Administration (NAV), the National Health Insurance Fund Manager (NEAK) or the Hungarian Statistical Office (KSH) may be recipients of the data processed for these purposes, and such data may be accessed by the competent bank clerks in the context of bank transfers. In the event of legal proceedings, the data may be transferred to the competent court or authorities.</p>
<p>Data processing necessary for keeping contacts within the company</p>	<ul style="list-style-type: none"> Legitimate interest of the controller (Article 6(1)(f) of the GDPR) The balancing test is available in the section entitled "<i>Balancing test concerning the processing of employees' personal data relating to their employment relationship for the</i> 	<p>Among other things:</p> <ul style="list-style-type: none"> contact address; position ID. <p>Source of data: obtained directly from the employee or the trainee, calculated automatically in SAP, HRBP.</p>	<p>For accurate information on the data retention period for the data processed, see the attached table.</p>	<p>In the event of legal proceedings, the data may be transferred to the competent court or authorities.</p>

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	<i>purposes of administration and keeping contacts".</i>			
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2. Maintaining employment relationships

Description and purpose of data processing	Legal basis of data processing	Scope and source of the processed personal data	Duration of data processing	Recipient of the data transfer
Data processing necessary for concluding or fulfilling student contract, cooperation agreement, student agreement	Data processing activities relating to working time <ul style="list-style-type: none"> • Performance of a contract (Article 6(1)(b) of the GDPR) • Compliance with a legal obligation to which the controller is subject (Article 6(1)(c) of the GDPR) The referenced legal provisions are included in the attached table.	Among other things: <ul style="list-style-type: none"> • recording of working time data (overtime, home office); • work schedule in a specific calendar month; • annual leave; • sick leave; Source of data: obtained directly from the employee or the trainee, HRBP, generated automatically in SAP.	For accurate information on the data retention period for the data processed, see the attached table.	The Hungarian Tax and Customs Administration (NAV), the National Health Insurance Fund Manager (NEAK) or the Hungarian Statistical Office (KSH) may be recipients of the data processed for these purposes, and such data may be accessed by the competent bank clerks in the context of bank transfers. In the event of

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	<p>Data processing activities relating to salaries/wages or other benefits and allowances</p>	<ul style="list-style-type: none"> • Performance of a contract (Article 6(1)(b) of the GDPR) • Compliance with a legal obligation to which the controller is subject (Article 6(1)(c) of the GDPR) <p>The referenced legal provisions are included in the attached table.</p>	<p>Among other things:</p> <ul style="list-style-type: none"> • banking details of the data subject (bank account number, bank's name); • basic wage/salary, student benefits; • payroll accounting status; • regular wage/salary components and benefits. <p>Source of data: obtained directly from the employee or the trainee, generated automatically in SAP.</p>		<p>legal proceedings, the data may be transferred to the competent court or authorities.</p>
	<p>Data processing for the purposes of compensation and remuneration</p>	<ul style="list-style-type: none"> • Performance of a contract (Article 6(1)(b) of the GDPR) 	<p>Among other things:</p> <ul style="list-style-type: none"> • optional fringe benefits (for vocational training student) <p>Source of data: obtained directly from the employee or the trainee, generated automatically in SAP.</p>		
	<p>Reimbursement of travel expenses</p>	<ul style="list-style-type: none"> • Compliance with a legal obligation to which the controller is subject (Article 6(1)(c) of the GDPR) 	<p>Among other things:</p> <ul style="list-style-type: none"> • permanent address; • place of temporary residence. <p>Source of data: obtained directly from the employee, trainee.</p>		

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		The referenced legal provisions are included in the attached table.			
	Other	<ul style="list-style-type: none"> • Performance of a contract (Article 6(1)(b) of the GDPR) • Compliance with a legal obligation to which the controller is subject (Article 6(1)(c) of the GDPR) <p>The referenced legal provisions are included in the attached table.</p>	<p>Among other things:</p> <ul style="list-style-type: none"> • contract type. <p>Source of data: obtained directly from the employee, trainee, generated automatically in SAP.</p>		
Data processing necessary for the exercise of any legal claims after termination of the employment relationship		<ul style="list-style-type: none"> • Legitimate interest of the controller (Article 6(1)(f) of the GDPR) • The balancing test is available in the section entitled "<i>Balancing test concerning the exercise of legal claims</i>". 	<ul style="list-style-type: none"> • All of the data listed above. <p>Source of data: directly from the employee, trainee, manually recorded based on special notifications, SAP, HRPT, HRBP, HR, derived from the contract of employment, or generated automatically.</p>	5 years after the termination of employment (Section 286 of the Labour Code, limitation period) + 1 year under Act CXXX of 2016 on the Code of Civil Procedure/based on a legitimate interest	In the event of legal proceedings, the data may be transferred to the competent court or authorities.

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<p>Data processing necessary for paying taxes, filing tax returns and reporting new employees to NAV</p>	<ul style="list-style-type: none"> • Compliance with a legal obligation to which the controller is subject (Article 6(1)(c) of the GDPR) <p>The referenced legal provisions are included in the attached table.</p>	<p>Among other things:</p> <ul style="list-style-type: none"> • name and address of the employee, student; • start date of employment; • start date of insurance coverage by the social insurance scheme; • data relating to tax allowances; • any data required to report an employee to the authority; • data relating to the legal relationship; • data required for payroll accounting; • data required for paying taxes and filing tax returns; • statistical data. <p>Source of data: directly from the employee, trainee, manually recorded based on special notifications, SAP, HRPT, HRBP, HR, derived from the contract of employment, or generated automatically.</p>	<p>For accurate information on the data retention period for the data processed, see the attached table.</p>	<p>The Hungarian Tax and Customs Administration (NAV), the National Health Insurance Fund Manager (NEAK) or the Hungarian Statistical Office (KSH) may be recipients of the data processed for these purposes, and such data may be accessed by the competent bank clerks in the context of bank transfers. In the event of legal proceedings, the data may be transferred to the competent court or authorities.</p>
<p>Data processing necessary for keeping contacts and communicating within the company</p>	<ul style="list-style-type: none"> • Legitimate interest of the controller (Article 6(1)(f) of the GDPR) • The balancing test is available in the section entitled <i>“Balancing test concerning the processing of employees’</i> 	<p>Among other things:</p> <ul style="list-style-type: none"> • HR Partner; • Time Administrator; • Payroll Admin; • language of communication with the employee; 	<p>For accurate information on the data retention period for the data processed, see the attached table.</p>	

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	<p><i>personal data relating to their employment relationship for the purposes of administration and keeping contacts".</i></p>	<ul style="list-style-type: none"> • contact address; • company name; • private telephone number or e-mail address. <p>Source of data: obtained directly from the employee, trainee, HRBP, SAP.</p>		
<p>Data processing necessary for outbound communication, keeping contacts (in any form) or entering into a contract</p>	<ul style="list-style-type: none"> • Legitimate interest of the controller (Article 6(1)(f) of the GDPR) • The balancing test is available in the section entitled <i>"Balancing test concerning the processing of employees' personal data relating to their employment relationship for the purposes of administration and keeping contacts"</i>. 	<p>Among other things:</p> <ul style="list-style-type: none"> • employee's, trainee's name; • company e-mail address; • telephone number; • signature; • other information required for keeping contacts online. 	<p>For accurate information on the data retention period for the data processed, see the attached table.</p>	<p>In the event of legal proceedings, the data may be transferred to the competent court or authorities or to the legal representative. When contact details appear in a contract, in addition to the controller, data will be accessible to the other contracting party or parties. In case of contacts with third parties, customers can also have access to the data.</p>

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3. Terminating employment relationships

Description and purpose of data processing	Legal basis of data processing	Scope and source of the processed personal data	Duration of data processing	Recipient of the data transfer
<p>Data processing necessary for the lawful execution of agreements and declarations related to the termination of the employment relationship or for the proper termination of the employment relationship</p>	<ul style="list-style-type: none"> • Compliance with a legal obligation to which the controller is subject (Article 6(1)(c) of the GDPR) <p>The referenced legal provisions are included in the attached table.</p> <ul style="list-style-type: none"> • Performance of a contract (Article 6(1)(b) of the GDPR) 	<p>Among other things:</p> <ul style="list-style-type: none"> • personal data being part of notices and declarations related to termination of the employment relationship; • agreements associated with the termination of the employment relationship; • personal data being part of a death certificate; • personal data being part of an employee's exit form; <p>Source of data: obtained directly from the employee, trainee.</p>	<p>For accurate information on the data retention period for the data processed, see the attached table.</p>	<p>The Hungarian Tax and Customs Administration (NAV), the National Health Insurance Fund Manager (NEAK) or the Hungarian Statistical Office (KSH) may be recipients of the data processed for these purposes, and such data may be accessed by the competent bank clerks in the context of bank transfers. In the event of legal proceedings, the data may be transferred to the competent court or authorities.</p>
<p>Data processing necessary for the exercise of any legal claims after termination of the employment relationship</p>	<ul style="list-style-type: none"> • Legitimate interest of the controller (Article 6(1)(f) of the GDPR) • The balancing test is available in the section entitled "<i>Balancing test concerning the exercise of legal claims</i>". 		<p>5 years after the termination of employment, or where there is a statutory obligation, 5 years after that obligation ceases to exist (Section 286 of the Labour Code, limitation period) +</p>	<p>In the event of legal proceedings, the data may be transferred to the competent court or authorities.</p>

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			1 year under Act CXXX of 2016 on the Code of Civil Procedure/based on a legitimate interest	
Data processing necessary for the controller to demonstrate the lawfulness of its actions as well as for internal communication or enforcing any legal claims	<ul style="list-style-type: none"> • Legitimate interest of the controller (Article 6(1)(f) of the GDPR) • The balancing test is available in the section entitled "<i>Balancing test concerning the processing of employees' personal data relating to their employment relationship for the purposes of administration and keeping contacts</i>" or "<i>Balancing test concerning the exercise of legal claims</i>". 	<p>Among other things:</p> <ul style="list-style-type: none"> • notices and information related to the termination of employment relationships or misconducts which are part of the internal communication; • personal data being part of the documents required for the exercise of legal claims; • declarations made by an employee concerning deductions from their salary/wage. <p>Source of data: obtained directly from the employee, trainee, calculated in SAP.</p>	For accurate information on the data retention period for the data processed, see the attached table.	In the event of legal proceedings, the data may be transferred to the competent court or authorities.

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<p>In the event of termination of employment, data processing is necessary for the issuance or retention of documents required by law, so that during a labour inspection the employer should be able to demonstrate that such documents have been issued and to report the termination of employment to the Hungarian Tax and Customs Administration (NAV)</p>	<ul style="list-style-type: none"> Compliance with a legal obligation to which the controller is subject (Article 6(1)(c) of the GDPR) <p>The referenced legal provisions are included in the attached table.</p> <ul style="list-style-type: none"> Legitimate interest of the controller (Article 6(1)(f) of the GDPR) <p>The balancing test is available in the section entitled "<i>Balancing test concerning the exercise of legal claims</i>".</p>	<ul style="list-style-type: none"> Personal data being part of the exit documents that are required to be provided to employees, trainees, as provided for in the legislation governing the termination of employment. <p>Source of data: obtained directly from the employee, trainee.</p>	<p>For accurate information on the data retention period for the data processed, see the attached table.</p>	<p>The Hungarian Tax and Customs Administration (NAV), the National Health Insurance Fund Manager (NEAK) or the Hungarian Statistical Office (KSH) may be recipients of the data processed for these purposes, and such data may be accessed by the competent bank clerks in the context of bank transfers. In the event of legal proceedings, the data may be transferred to the competent court or authorities.</p>
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Data processor	Data processing activities
Mol Magyarország HR Szolgáltatások Kft.	Performing payroll accounting tasks and transferring salaries/wages to the data subjects' bank accounts.
MOL Magyarország Pénzügyi Szolgáltató Kft.	Accounting for and settling travel costs.
MOL Magyarország Informatikai Szolgáltató Kft.	Under a services agreement entered into with MOL Nyrt., providing data subjects with the IT assets (laptop, mobile phone and Internet) necessary for the performance of their contract of employment.
SAP Hungary Kft.	Providing performance appraisal, hiring, training and payroll accounting software as a service (SaaS) as well as application support.
Invitech Megoldások Zrt.	Resolving any IT issues that may arise in the use of the IT assets provided in order to enable the performance of employment contracts, as reported by the users and recorded in the ticketing system.
Invitel Távközlési Zrt.	Cooperating in the provision of IT assets required for the performance of employment contracts.

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MOL Magyarország Társasági Szolgáltatások Kft.	Retaining documents in archives. Supplying information and documents.
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Name, registered office, telephone number, website (where the privacy notices are available) and e-mail address of the controller(s):

In any case, MOL Nyrt. is considered to be a controller as it performs integrated HR functions within MOL Group.

The controllers are considered to be joint controllers, and in this context, they determine the purposes and framework of the data processing jointly, and have joint responsibility for the processing. Each controller has its own Privacy Notice.

Controllers in respect of their own employees:

Company name:	Business premises:	E-mail address:	Telephone number:
MOL Magyar Olaj- és Gázipari Nyrt.	HU-1117 Budapest, Október huszonharmadika utca 18.	humanugyfelszolgalat@mol.hu	+36 70 373 4040
MOL-LUB Kft.	HU-2931 Almásfüzitő, Fő út 21.	humanugyfelszolgalat@mol.hu	+36 70 373 4040
Geoinform Kft.	HU-5000 Szolnok, Kőrösi út 43.	humanugyfelszolgalat@mol.hu	+36 70 373 4040
Moltrans Kft.	HU-1211 Budapest, Petróleumkikötő utca 5-7.	humanugyfelszolgalat@mol.hu	+36 70 373 4040
Petrolszolg Kft.	HU-2443 Százhalombatta, Olajmunkás utca 2.	humanugyfelszolgalat@mol.hu	+36 70 373 4040
FER Tűzoltóság és Szolgáltató Kft.	HU-2443 Százhalombatta, Olajmunkás utca 2.	humanugyfelszolgalat@mol.hu	+36 70 373 4040
MOL Magyarország HR Szolgáltató Kft.	HU-3580 Tiszaújváros TVK Ipartelep, Gyári út	humanugyfelszolgalat@mol.hu	+36 70 373 4040
MOL Magyarország Társasági Szolgáltatások Kft.	HU-1117 Budapest, Október huszonharmadika utca 18.	taszus@mol.hu	+36 70 373 4040
MOL Csopsz. Pénzügyi Szolgáltató Kft.	HU-1117 Budapest, Október huszonharmadika utca 18.	humanugyfelszolgalat@mol.hu	+36 70 373 4040
MOL Magyarország Pénzügyi Szolgáltató Kft.	HU-1039 Budapest, Szent István utca 14.	humanugyfelszolgalat@mol.hu	+36 70 373 4040
MOL Hungary. Informatikai Szolgáltató Kft.	HU-1117 Budapest, Budafoki út 79.	itu@mol.hu	+36 70 373 2005
MOL Petrolkémia Zrt.	HU-3580 Tiszaújváros TVK Ipartelep, Gyári út	humanugyfelszolgalat@mol.hu	+36 70 373 4040
MOL Magyarország Szolgáltató Központ Kft.	HU-1039 Budapest, Szent István utca 14.	humanugyfelszolgalat@mol.hu	+36 70 373 4040
MOL Limitless Mobility Kft.	1117 Budapest, Október huszonharmadika u. 18.	humanugyfelszolgalat@mol.hu	+36 70 373 2005
MOL Fleet Solutions Kft.	1117 Budapest, Október huszonharmadika u. 18.	humanugyfelszolgalat@mol.hu	+36 70 373 4040
Hexán Kft.	2443 Százhalombatta, Ipartelep hrsz. 2704/1.	humanugyfelszolgalat@mol.hu	+36 70 373 4040

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Contact person(s) of the controller(s):

For all member companies of MOL Group uniformly: MOL Group HR Customer Service and MOL Group IT Customer Service:

E-mail address:	Telephone number:
humanugyfelszolgalat@mol.hu	+36 70 373 4040
itu@mol.hu	+36 70 373 2005

Name and contact information of controller's Data Protection Officer(s): –

- For all member companies of MOL Group uniformly: dpo@mol.hu.

The controllers' personnel who are authorised to access personal data:

At MOL Nyrt.:

- **HR Administration:** Administering the creation or termination of employment relationships or any changes thereto
- **HR Partners:** Supporting managers with HR processes and administering organisational changes
- **Compensation and HR processes:** Supporting labour and compensation processes
- **HR Skills Development:** Supporting internal talent management processes

For the controllers uniformly:

- **MOL Nyrt.'s integrated HR organisation**
- **MHRS staff**
- **Managers of the organisation, trainee coordinators in relation to data required to fulfil their job duties**

Name, registered office, telephone number, website (where the privacy notices are available) and e-mail address of the processor(s) and other controller recipient(s):

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- **Mol Magyarország HR Szolgáltató Kft.:**

Registered office:	E-mail address:	Telephone number:	Website:
HU-3580 Tiszaújváros, TVK-Ipartelep	humanugyfelszolgalat@mol.hu	+36 70 373 4040	https://mol.hu/hu/molrol/mol-magyarorszag-szolgaltato-kozpont-kft

- **MOL Magyarország Pénzügyi Szolgáltató Kft.:**

Registered office:	E-mail address:	Telephone number:	Website:
HU-1039 Budapest, Szent István utca 14.	humanugyfelszolgalat@mol.hu	+36 70 373 4040	https://mol.hu/hu/molrol/mol-magyarorszag-szolgaltato-kozpont-kft

- **MOL Magyarország Informatikai Szolgáltató Kft.:**

Registered office:	E-mail address:	Telephone number:	Website:
HU-1117 Budapest, Budafoki út 79.	itu@mol.hu	+36 70 373 2005	https://mol.hu/hu/molrol/mol-magyarorszag-szolgaltato-kozpont-kft

- **SAP Hungary Kft.:**

Registered office:	E-mail address:	Telephone number:	Website:
HU-1031 Budapest Záhony utca 7, Graphisoft park	https://www.sap.com/hungary/registration/contact.html	+36 1 803 8359	www.sap.hu

- **Invitech Megoldások Zrt:**

Registered office:	E-mail address:	Telephone number:	Website:
HU-2040 Budapest, Edison utca 4.	vip@invitech.hu	1444	www.invitech.hu

- **Invitel Távközlési Zrt.:**

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Registered office:	E-mail address:	Telephone number:	Website:
HU-2040 Budapest, Edison utca 4.	info@invitel.co.hu	www.invitel.co.hu	www.invitel.co.hu

- **MOL Magyarország Társasági Szolgáltatások Kft.:**

Registered office:	E-mail address:	Telephone number:	Website:
HU-1117 Budapest, Október huszonharmadika utca 18.	taszusz@mol.hu	+36 1 464 0464	https://mol.hu/hu/molrol/mol-magyarorszag-szolgaltato-kozpont-kft

Persons at the processor who are authorised to access personal data:

MOL Magyarország HR Szolgáltató Kft.:

- Compensation Specialist staff of the Compensation department
- Social Security Specialist staff of the Social Security Administration department
- HR Customer Service Representative of the HR Customer Service department

MOL Magyarország Társasági Szolgáltatások Kft.:

- Archives Administrator

MOL Magyarország Informatikai Szolgáltató Kft.:

- IS Customer Service staff at the Customer Service Representative

SAP Hungary Kft.:

- SAP's support staff

Invitel Távközlési Zrt. and Invitech Megoldások Zrt.:

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- IT staff working at the MIS IS Customer Service

MOL Magyarország Pénzügyi Szolgáltató Kft.:

- Staff of the departments in charge of settlements with employees, taxes, general ledgers and reporting

Processing of sensitive personal data for the purposes specified in this Privacy Notice:

Sensitive data are processed solely based on a statutory obligation for health conservation or occupational health purposes as well as for the purpose of allowing employees, trainees to use any available tax allowances, benefits, annual leave entitlements and wage supplements. Information on the processing of other sensitive personal data related to employment relationships is provided in the Privacy Notice concerning that particular data processing activity.

Description of the processing activity:

In most cases, the processing begins when an employment (student employment) relationship is created, or sometimes when a given position is applied for. The controller's processing of the data specified in this notice is necessary for several purposes. The employer must provide the trainee and dual student with the personal data contained in this brochure for the conclusion of the student contract, for the performance of the contract (eg wage), for the fulfillment of the legal obligations arising therefrom (NAV) or to handle contact with a trainee or dual participant.

For certain personal data, the applicable legislation requires the processing, including the processing of data specified in the Labour Code as compulsory elements of an employment/trainee contract; or the processing of data required for filing tax returns and paying taxes; and well as the processing of data contained in the exit documents issued by the previous employer, which must be submitted by newly hired employees for the purposes of tax and social security contribution calculations. Furthermore, data contained in documents to be issued by law when the employment relationship is terminated and personal data constituting the content of agreements or declarations that are absolutely necessary for the lawful termination of an employment relationship, as well as the personal data that are being processed for the purpose of reporting the termination of employment to the Hungarian Tax and Customs Administration (NAV).

There are data that need to be processed for the purpose of the entry into or performance of an employment contract, student agreement, cooperation agreement, as the contract could not be concluded in the absence of these data. These include data the processing of which is required to pay wages/salaries,

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fringe benefits, rewards/bonuses and financial assistance. The processing of certain data is indispensable for the proper termination of the employment contract. Such data include the data needed to calculate and pay the last salary/wage, or those processed in connection with returning to the employer any company assets used for business purposes. These data processing activities are necessary for the performance of the employment contract, since in the absence of these data, it would be impossible to properly terminate the employment contract.

Some of the data are processed based on the employer's legitimate interest. In such cases, the controller's interest in the processing has been proven to override the interest of the employee, trainee concerned that his or her personal data should not be the subject of data processing. This includes the data needed for keeping contact with employees, trainees and internal communication, those promoting the efficient operation of the employer's organisation, as well as those that may be necessary for any form of outbound contacts or to enter into contracts. This category also includes data that have been processed to fulfil a legal obligation or perform a contract during the existence of the employment relationship, but their processing continues to be necessary even after the termination of the statutory obligation or of the contract on the basis of a legitimate interest to enforce legal claims.

The controller uses processors to carry out certain tasks arising out of the establishment, maintenance and termination of employment relationships, whose contact information and activities are specified in this notice.

The processing shall be stopped once the appropriate purpose or legal basis is no longer present, which may occur at the end of the employment relationship, student agreement, cooperation agreement or when the statutory obligation or the exercise of legal claims, as a legitimate interest, ceases to exist.

For each of the listed purposes of processing, data are stored in compliance with the statutory retention times and limitation periods as specified by law. In principle, statutory limitation periods for labour law claims are 3 years, or in some cases 5 years, and for civil law claims 5 years; after the expiry of this period, the controller generally continues to process data for an additional 1-year period. The retention period for data related to taxation is 5 years, while for accounting data is 8 years, in accordance with the relevant laws.

It should be noted that employers are required to retain without any time limits any personal data that may be relevant to the determination of an individual's old-age pension.

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Data security measures:

The controller stores your personal data in an encrypted and/or password protected database in order to ensure the secrecy, integrity and availability of your personal data in accordance with the IT security norms and standards. Within the framework of risk-proportionate protection and measuring the classification of personal and business data, the data controller ensures the protection of data on a network, an infrastructural and an application level (with firewalls, antivirus programs, encryption mechanisms for storage and communication; in this case the encrypted data flow is not retrievable without knowing the decryption code due to the asymmetric coding, in addition with content filtering and other technical and process solutions). The data security incidents are constantly monitored.

Your data protection rights:

The GDPR contains in detail your data protection rights, your possibilities of seeking a legal remedy and the restrictions thereof (especially sections 15, 16, 17, 18, 19, 20, 21, 22, 77, 78, 79 and 82 of the GDPR). You can request at any time information about your personal data processed, you can request the rectification and erasure of your personal data or the restriction of their processing, furthermore you can object to the data processing based on a legitimate interest and to the sending of direct marketing messages, and you have the right to data portability. We summarize the most important provisions below.

Right to information:

If the data controller processes your personal data it must provide you information concerning the data relating to you – even without your special request thereof – including the main characteristics of the data processing just as the purpose, grounds and duration of control, the name and address of the data controller and its representative, the recipients of the personal data (in case of data transfer to third countries indicating also the adequate and appropriate guarantees), the legitimate interests of the data controller and/or third parties in case of a data processing based on a legitimate interest, furthermore your data protection rights and your possibilities of seeking a legal remedy (including the right of lodging a complaint with the supervisory authority), in the case if you have not had yet all this information. In case of automated decision-making or profiling the data subject must be informed in an understandable way about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject. Data controller provides you the abovementioned information by making this privacy notice available to you.

Processing of employee's and trainee's personal data for the purpose of creating, maintaining and terminating employment relationships

Right of access:

You have the right to obtain from the controller confirmation as to whether or not personal data concerning you are being processed, and, where that is the case, access to the personal data and certain information related to the data processing such as the purpose of the data processing, the categories of the personal data processed, the recipients of the personal data, the (scheduled) duration of the data processing, the data subject's data protection rights and possibilities of seeking a legal remedy (including the right of lodging a complaint with the supervisory authority), furthermore information on the source of the data where they are collected from the data subject. Upon your request the controller shall provide a copy of your personal data undergoing processing. For any further copies requested by you, the controller may charge a reasonable fee based on administrative costs. The right to obtain a copy shall not adversely affect the rights and freedoms of others. The data controller gives you information on the possibility, the procedure, the potential costs and other details of providing the copy after receiving your request.

In case of automated decision-making and profiling the data subject has access to the following information: the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

Right to rectification:

You have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning you. Taking into account the purposes of the processing, you have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

Right to restriction of processing:

You have the right to obtain from the controller restriction of processing where one of the following applies:

- (a) the accuracy of the personal data is contested by you, for a period enabling the controller to verify the accuracy of the personal data;
- (b) the processing is unlawful and you oppose the erasure of the personal data and request the restriction of their use instead;

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- (c) the controller no longer needs the personal data for the purposes of the processing, but they are required by you for the establishment, exercise or defence of legal claims;
- (d) you have objected to processing, pending the verification whether the legitimate grounds of the controller override your legitimate grounds .

Where processing has been restricted according to the abovementioned reasons, such personal data shall, with the exception of storage, only be processed with your consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.

You shall be informed by the controller before the restriction of processing is lifted.

Right to data portability:

You have the right to receive the personal data concerning you, which you provided to the 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, where:

- (a) the processing is based on your consent or on the performance of a contract (to which you are a party); and
- (b) the processing is carried out by automated means.

In exercising your right to data portability, you have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

Right to data portability shall be without prejudice to the provisions governing the right to erasure, furthermore it shall not adversely affect the rights and freedoms of others.

Right to object:

You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you which is based on the legitimate interests of the data controller. The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

Processing of employee's and trainee's personal data for the purpose of creating, maintaining and terminating employment relationships

How to exercise your rights:

The controller shall provide information on action taken on a request based on your abovementioned rights without undue delay and in any event **within one 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 you of any such extension within one month of receipt of the request, together with the reasons for the delay. If the controller does not take action on your request, the controller shall inform you without delay and at the latest within one month of receipt of the request of the reasons for not taking action and on the possibility of lodging a complaint with the competent data protection supervisory authority (In Hungary the Nemzeti Adatvédelmi és Információszabadság Hatóság (National Authority for Data Protection and Freedom of Information) briefly 'NAIH') and seeking a judicial remedy. Address, telephone number, fax number, e-mail address and website of the NAIH: 1125 Budapest Szilágyi Erzsébet fasor 22/C., Tel: +36 1 391 1400, Fax: +36-1-391-1410, e-mail: ugyfelszolgalat@naih.hu, website: <http://naih.hu/>

In the event of any infringement of your rights you may file for court action. The action falls within the jurisdiction of the Törvényszék (General Court). Upon the data subject's request the action can be brought before the Court which is competent based on the domicile or the place of residence of the data subject. The court may order the data controller to provide the information, to rectify, block or erase the data in question, to annul the decision adopted by means of automated data-processing systems, to honor the data subject's objection. The court may order publication of its decision, indicating the identification of the data controller or any other data controllers and the committed infringement.

The data controller concerned shall be liable for any damage caused to a data subject as a result of unlawful processing or by any breach of data security requirements. Where any data controller violates the rights of the data subject relating to personality as a result of unlawful processing or by any breach of data security requirements, the data subject shall be entitled to demand restitution from the data controller concerned. Data controller may be exempted from liability for damages or for payment of restitution if he proves that the damage was caused by or the violation of the rights of the data subject relating to personality is attributable to inevitable reasons beyond his control.

No compensation shall be paid and no restitution may be demanded where the damage was caused by or the violation of rights relating to personality is attributable to intentional or negligent conduct on the part of the data subject.

Processing of employee's and trainee's personal data for the purpose of creating, maintaining and terminating employment relationships

Balancing test concerning the exercise of legal claims

1. Legitimate interest of the controller or of a third party:

- **Interest of the controller:**

Ability to furnish evidence in the event that any dispute arises in connection with the termination of an employment relationship or the expiry of the effect/validity of a contract linked to an employment relationship, or in connection with an employment relationship or with the relevant contracts after the relevant statutory obligation ceases to exist, as well as ability to provide evidence in the course of any labour inspection.

- **Demonstration of the legitimacy of the interest:**

In the case of any dispute or issue arising from or in connection with an employment relationship or the relevant contract(s), or in the course of a labour inspection, it is vital to have evidence, and therefore retain any data and contracts relating to the employment relationship, regardless of whether they are needed in judicial or extrajudicial proceedings. Given that the rules governing civil procedures explicitly provide for the obligation to provide evidence [Section 4(2) of the Code of Civil Procedure], ensuring the possibility of providing evidence is not contrary to any legislation, rather a conduct expressly required by law, where this is necessary to clarify a contractual dispute or issue. This is further strengthened by the fact that Act LXXV of 1996 on Labour Inspection states expressly that employers are required to provide the bodies carrying out inspections with the necessary documents and information in the course of labour inspections.

- **The legitimate interest is sufficiently specific:**

The legitimate interest is sufficiently specific as it is defined precisely that the controller only intends to process personal data on grounds of its legitimate interest in the context of disputes or issues relating to employment relationships and/or the relevant contracts, as well as in the course of labour inspections in order to provide the necessary evidence, and thereby avoids the approach of "general enforcement of interests". Theoretically, there is only one possible further clarification as regards disputes and issues: the types of possible disputes could be precisely defined, but given the unpredictability and diversity of the legal disputes that may arise, this is not feasible in practice. Based on the foregoing, it is not possible to further narrow down the legitimate interest defined above.

- **The legitimate interest is real and present:**

Processing of employee's and trainee's personal data for the purpose of creating, maintaining and terminating employment relationships

The legitimate interest is real, as actual rights and obligations arise from the establishment of employment relationships and the conclusion of the relevant contracts, or from violations of the applicable rules and regulations; the need to provide relevant evidence of or enforce these rights and obligations is also real. The law establishes a limitation period for the enforceability of legal claims, and therefore, in any way, the above-mentioned interest exists as long as there is a realistic chance of enforcing a legal claim in court. That is why establishing a limitation period for the duration of data processing ensures that the processing is relevant.

- **Interest of third parties and of society in relation to data processing:**

In general, no third parties or a part of society has interest in the processing.

Based on the foregoing, a legitimate interest exists, and now therefore the question of necessity can be assessed.

2. Necessity of data processing

Processing of employee's and trainee's personal data for the purpose of creating, maintaining and terminating employment relationships

- **An explicit and clear demonstration of why the data processing is absolutely necessary and adequate to achieve the interest:**

In the case of any dispute or issue arising from or in connection with an employment relationship and/or the relevant contracts, or in the course of a labour inspection, it is vital to have evidence, and therefore retain data and contracts relating to the employment relationship, since in the absence of such data and contracts, the controller would not be able to furnish evidence.

It is necessary to process personal data related to an employment relationship even after the termination of the employment relationship and of the relevant contract(s), or after the relevant statutory obligation ceases to exist, because such personal data determine the characteristics of the given legal relationship and prove the lawfulness of the controller's actions. It is therefore clear that the personal data processed are not only suitable but also necessary for enforcing legal claims related to employment relationships or for resolving disputes.

- **An assessment of whether alternative and, from the viewpoint of the individuals, less restrictive means are available to achieve the same interest:**

Given that the scope of the data processed in connection with an employment relationship and the personal data contained in the relevant contract(s) is limited to the data absolutely necessary for the establishment, maintenance and termination of that specific employment relationship and the conclusion and performance of the relevant contract(s), the controller does not have alternative and less restrictive means other than the retention of the contract and processing of personal data. Anonymisation of data relating to an employment relationship and the relevant contract(s) would make it impossible to determine the rights and obligations of the parties involved. Reducing the scope of personal data, i.e. erasing some of them, would either make it impossible to identify the parties, as mentioned above, or render the enforcement of legal claims meaningless by preventing the initiation of the proceedings.

Based on the foregoing, the necessity of the interest exists, and now therefore the aspects of proportionality can be assessed.

3. Proportionality assessment

3.1. Assessment of the nature of interests

- **The nature of the controller's legitimate interest:**

Processing of employee's and trainee's personal data for the purpose of creating, maintaining and terminating employment relationships

The controller's interest is to be able to furnish the necessary evidence in the event of disputes or issues relating to employment relationships and the relevant contracts, as well as in the course of any labour inspection. Although the law does not explicitly provide for this specific data processing activity, it is vital both in judicial proceedings and out-of-court settlements. Consequently, the processing is justified, as it enables the adoption of a conduct required by the law, and therefore is considered to be "other legitimate interest".

- **Type of the controller's legitimate interest:**

The controller's legitimate interest is of a dual nature. On the one hand, it is uncertain whether or not any claims to be enforced or any issues or disputes will arise in connection with a specific employment relationship and the relevant contract(s); on the other hand, the interest is overriding and compelling because, if any claim, issue or dispute arises, in the absence of this data processing, the controller would not be able to enforce one of its fundamental rights, namely the right to seek judicial remedy, nor would it be capable of fulfilling its obligation to furnish evidence in contentious proceedings.

- **Interest of the data subjects:**

The data processing impacts the data subjects' right of informational self-determination, which is derived from the fundamental right of right to human dignity. The right to human dignity, together with the right to life, enjoys absolute, i.e. unlimited, protection. Furthermore, based on the settled case-law of the Constitutional Court, certain rights derived from the right to human dignity, such as the right to self-determination in this case – and within that, the right to exercise control over one's own personal data – may be limited to the necessary extent and in a proportionate manner.

- **Nature of the data:**

The data processed do not include any personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, genetic or biometric data, data concerning health, or data concerning a natural person's sex life or sexual orientation. In certain cases, however, the processing of data concerning health may take place, which are considered to be sensitive data. Such cases include, but are not limited to, data processing activities related to sick leaves and the retention of the results of medical fitness examinations. Furthermore, personal data concerning union membership may also be processed.

Other sensitive data, e.g. data of a financial nature, may be processed as well.

3.2. Data Processing Impact Assessment

- **Favourable and unfavourable impacts of data processing on the data subjects:**

Data subjects do not explicitly benefit from the data processing; however, it is possible that, as a result of the occurrence of certain events, the processing of the personal data and contracts concerned becomes favourable for the data subject. For example, if a data subject loses his or her copy of a contract or it gets destroyed, and for some reason, he or she needs to have access to the data concerning his or her previous employment

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relationship. In principle, the processing does not have any effects on the data subjects; such effects, however, may occur. For example, if the processing is implemented against the will of the data subject. Nevertheless, based on the above, the processing does not seriously interfere with the privacy of data subjects.

- **Situation of the data subjects:**

Data subjects are current or former employees who may belong to a vulnerable group due to their unequal legal relationship with the controller.

- **Situation of the controller:**

MOL Nyrt. is a member of the Budapest-based MOL Group, which was 25,000 employees in 30 countries. MOL Group is one of the major corporate groups in Central and Eastern Europe. In the light of the foregoing, it can be concluded that the controller has a significant economic power.

- **Relationship between the data subjects and the controller:**

In certain cases, there is an employment relationship between the controller and the data subjects under respective employment contracts, which results in a relationship of subordination between the parties.

In some cases, this legal relationship no longer exists due to the previous termination of the employment relationship; in such cases, the controller is not in a dominant position.

- **The impact of processing on the data subjects in the light of their relationship with the controller:**

In view of the fact that the legal relationship created between the data subject and the controller under a contract of employment, or any other contractual relationship between the parties, no longer exists, the data subject may resent the processing; nevertheless, it does not seriously interfere with his or her rights.

- **Reasonable expectations of the data subjects:**

As regards the data subjects' reasonable expectations, at the time and in the context of the establishment of the employment relationship and/or conclusion of the relevant contract, every data subject should and must expect that after the termination of the employment relationship/contract his or her personal data will be stored and used, and thereby his or her personal data will be processed for the purpose of enforcing legal claims or furnishing evidence. This is particularly true in the case of this specific data processing activity, as the controller informs the data subjects thereof upon the establishment of the employment relationship and/or conclusion of the relevant contract(s).

- **Means of data processing:**

Implementing the principles of data minimisation and purpose limitation, processing is limited to the scope of data absolutely necessary for the establishment, maintenance and termination of an employment relationship, and the conclusion of the relevant contract(s), and thus for furnishing

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relevant evidence. Furthermore, the processing of personal data does not include any additional processing activities, other than storage and use of the data as evidence, and thus the controller does not couple the personal data of data subjects with information obtained from other sources.

Moreover, the controller does not disclose such data, and makes them accessible only to those employees who need to know such personal data to be able to perform their job duties. (For example, the legal representative where legal steps are required.) Therefore, the impacts of data processing are fully foreseeable and predictable.

- **Informing data subjects about the processing:**

Upon the establishment of an employment relationship and/or the conclusion of an employment contract, the controller provides full, clear and comprehensible information to the data subjects about the scope of the personal data processed after the termination of the employment relationship/contract, the legal basis for processing, the means and duration of the processing, as well as the rights of the data subjects related to the processing.

3.3. Other safeguards

- **Storage of personal data for a limited period of time:**

Implementing the principle of purpose limitation, the controller only processes the personal data of data subjects as long as this is necessary to enforce legal claims. Therefore, the controller will stop processing the personal data after the expiry of the 5 year plus 1 year limitation period, which is to be calculated from the termination of the employment relationship/contract.

- **Restricting access to data:**

The personal data concerned are made accessible strictly to those employees who need to know such data to be able to perform their job duties. (For example, the legal representative where legal steps are required.)

Processing of employee's and trainee's personal data for the purpose of creating, maintaining and terminating employment relationships

4. Outcome and documentation of the balancing test

A legitimate interest exists

In the case of any dispute or issue arising from or in connection with an employment relationship or the relevant contract(s) or in the course of a labour inspection, it is vital to have evidence, and therefore retain personal data and contracts, regardless of whether they are needed in judicial or extrajudicial proceedings. In litigation, providing evidence of the facts of the case is a conduct expressly required by law, and thus the controller's interest is legitimate. Based on the foregoing, it can be stated that a sufficiently specific, real and present legitimate interest exists, and it is correct therefore now to assess the necessity of the processing.

Data processing is necessary

In the case of any dispute or issue arising from or in connection with an employment relationship and/or the relevant contracts, or in the course of a labour inspection, it is vital to have evidence, and therefore retain data and contracts relating to the employment relationship, since in the absence of such data and contracts, the controller would not be able to furnish evidence.

Having regard to the fact that the personal data created in connection with an employment relationship determine the characteristics of the given legal relationship and justify the lawfulness of the controller's actions, it can be established that the personal data processed are not only suitable but also necessary for enforcing legal claims related to an employment relationship or for resolving disputes.

Furthermore, no alternative and less restrictive means are available to the controller to achieve its legitimate interest, as an anonymisation of contracts and of the personal data processed would make it impossible to determine the rights and obligations of the parties involved, the characteristics of legal relationship and the lawfulness of the procedure. Reducing the scope of personal data, i.e. erasing some of them, would either make it impossible to identify the parties, as mentioned above, or render the enforcement of legal claims meaningless by preventing the initiation of the proceedings. Based on the foregoing, the data processing is necessary, and it is correct therefore now to assess proportionality.

Data processing imposes a proportionate limitation to the data subjects' rights

An assessment the nature of the interests

With regard to the nature of the interests, it can be stated that, although data processing may limit the data subjects' right to informational self-determination in relation to their personal data, it is not an absolute and unlimited right, and therefore the processing of personal data is permissible when such processing is necessary and proportional. Given that it can be established, based on the foregoing, that the data processing is necessary, now proportionality must be assessed.

Processing of employee's and trainee's personal data for the purpose of creating, maintaining and terminating employment relationships

As regards the nature of the interest, on the side of the controller, "other legitimate interest" exists which, when assessing proportionality, is considered to be weaker than the enforcement of fundamental rights or public interest, but stronger than a culturally or socially recognised interest. Considering the nature of the interest, the balance of proportionality leans in favour of permissibility, in view of the fact that the processing is necessary to provide evidence. It cannot be stated with absolute certainty that the personal data concerned will be needed in the future, but it is likely. Based on the foregoing, the balance of proportionality does not particularly shift in either direction. However, the permissibility of data processing is confirmed by the fact that, even though the processing may affect special categories of data, their processing is always started on grounds of a statutory obligation or based on the consent of the data subject and, once this obligation has ceased to exist or the consent has expired or been withdrawn, the controller may only process such data for the purpose of enforcing legal claims in the event of disputes.

Assessment of the impacts of data processing

The positive and negative impacts of data processing on the data subjects do not affect the assessment of whether or not the processing complies with the requirement of proportionality, as both positive and negative impacts are incidental. However, as the processing does not result in a severe interference with the data subjects' rights, the processing is permissible. The situation of the parties may affect the assessment of proportionality as data subjects belong to a vulnerable and sensitive group, which is further reinforced by the fact that the controller has a significant economic power. Data subjects may still have an employment / working relationship with the controller; in this case, there is a relationship of subordination between them at the time of the processing.

Considering, however, that data subjects can expect such processing as early as when the data are collected, and furthermore that, due to the means of data processing, the impacts of these specific data processing activities are completely predictable, the balance of proportionality is shifted towards the permissibility of the data processing. The proportionality of the limitation to the data subjects' rights is also proven by the fact that the controller provides full, clear and comprehensible information to the data subjects about the scope of the personal data processed after the termination of the respective employment relationship/contract or after the relevant statutory obligation ceases to exist, the legal basis for processing, the means and duration of the processing, as well as the rights of the data subjects related to the processing.

Other safeguards

Furthermore, proportionality is promoted by two safeguards in place, namely the storage of personal data for a limited period of time and the limitation of access to data.

On the basis of the above, it can be concluded that the rights of data subjects do not override the legitimate interest of the controller and that the data processing constitutes a necessary and proportionate limitation to the data subjects' rights.

Processing of employee's and trainee's personal data for the purpose of creating, maintaining and terminating employment relationships

Balancing test concerning the processing of employees' personal data relating to their employment relationship for the purposes of administration and keeping contacts

1. Legitimate interest of the controller or of a third party:

- **Interest of the controller:**

The controller has a legitimate interest in ensuring the administrative operation of the controller's organisation, and for this reason, in the effective implementation of internal and external communication, contract conclusions and various forms of administration.

- **Demonstration of the legitimacy of the interest:**

It can be established that the controller's interest does not conflict with any laws.

- **The legitimate interest is sufficiently specific:**

The legitimate interest is sufficiently specific, because it is clearly defined that the data processing is necessary to ensure the administrative operation of the controller's organisation. Given the diverse nature of employment relationships, a more precise definition of the legitimate interest is not possible.

- **The legitimate interest is real and present:**

The legitimate interest is real and present, as there is an actual employment relationship between the data subjects and the controller, and they continuously engage in both internal and external communication with one another and with clients, as required by their work; furthermore, employees are continuously involved in the performance of contracts as contact persons.

As the processing of daily work related data takes place continuously, the above legitimate interest of the controller exists permanently, at the time of establishment, maintenance and termination of employment relationships alike.

- **Interest of third parties and of society in relation to data processing:**

The individual elements of this processing activity, which promotes the improvement of the efficiency of administrative processes, ensure that users can be properly identified in systems, and thereby personal data can be accessed only by individuals who absolutely need to know such data to perform their job duties. Consequently, by ensuring the appropriate protection of personal data, the processing ultimately protects employees as a whole and also serves their interests.

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Based on the foregoing, a legitimate interest exists, and now therefore the question of necessity can be assessed.

2. Necessity of data processing

- **An explicit and clear demonstration of why data processing is absolutely necessary and adequate to achieve the interest:**

Without processing the employees' contact information and using internal notifications, the controller could not keep contacts and realise internal or external communication properly.

The processing of employees' signatures is vital for the conclusion of valid contracts, while the processing of their business contact details facilitates the effective performance of contracts.

The processing of administrative data is absolutely necessary for ensuring the efficiency of administrative activities.

As a result of the processing of personal data related to ongoing internal and external communication, contract conclusions and the various forms of administration, the legitimate interest can be achieved immediately and efficiently.

Consequently, the processing is not only necessary, but also absolutely suitable for achieving the interest.

- **An assessment of whether alternative and, from the viewpoint of the individuals, less restrictive means are available to achieve the same interest:**

In cases where the processing consists in appointing a specific employee as a contact person in contracts and providing his or her business contact details, from the viewpoint of the individual, a less restrictive means to achieve the interest would be to provide the central contact details of the contracting party concerned, i.e. of the data subject's employer, rather than the details of the individual employee. However, this would involve disproportionate effort from both contracting parties during the performance of the contract, which is unjustified and not proportionate to the benefits gained by avoiding the processing.

With regard to the other data processing activities mentioned above, it can also be concluded that no alternative and less restrictive means are available to the controller to achieve the same interest.

Based on the foregoing, the processing is necessary, and now therefore the aspects of proportionality can be assessed.

Processing of employee's and trainee's personal data for the purpose of creating, maintaining and terminating employment relationships

3. Proportionality assessment

3.1. Assessment of the nature of interests

- **The nature of the controller's legitimate interest:**

Ensuring the administrative operation of its organisation is a legitimate interest of the controller; considering the nature of this interest, it is considered to be "other legitimate interest". The reason for this is that, although the processing is closely related to the conclusion, performance and termination of employment contracts, it is not essential to the performance of these contracts.

- **Type of the controller's legitimate interest:**

The legitimate interest of the controller is overriding and compelling, as in the absence of the data processing, the controller would be deprived of the possibility to use techniques and methods that support the operation of its core organisation as well as continuously and efficiently contribute to the proper implementation of internal and external communication, contract conclusions and various administrative activities, and therefore ultimately to the core operation of the controller's organisation.

- **Interest of the data subjects:**

The data processing impacts the data subjects' right of informational self-determination, which is derived from the fundamental right of right to human dignity. The right to human dignity, together with the right to life, enjoys absolute, i.e. unlimited, protection. Furthermore, based on the settled case-law of the Constitutional Court, certain rights derived from the right to human dignity, such as the right to self-determination in this case – and within that, the right to exercise control over one's own personal data – may be limited to the necessary extent and in a proportionate manner.

- **Nature of the data:**

The data processed do not include personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, genetic or biometric data, data concerning health, or data concerning a natural person's sex life or sexual orientation, i.e. any of the special categories of personal data as defined in Article 9 of the GDPR.

3.2. Data Processing Impact Assessment

- **Favourable and unfavourable impacts of data processing on the data subjects:**

In spite of the fact that the processing affects the right to self-determination of the data subjects with regard to their personal data and that it is carried out on grounds of the controller's economic interest, the processing promotes the efficient operation of the controller's organisation, and, in a certain sense, has a favourable impact on the situation of employees (i.e. of the data subjects).

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The organisational measures that necessitate the data processing may also assist employees in their work. This includes the processing activities that facilitate effective communication between the employees and the controller. The facts that the controller communicates with employees in the language that is the most appropriate for them and appoints a contact person for them can be assessed as favourable for the employees.

In addition, the data processing activities that support the organisation's administrative activities ensure a better organised and more efficient work environment, the positive impacts of which ultimately affect all members of the controller's organisation.

Based on the foregoing, it can be concluded that there is no serious interference with the rights of the data subjects.

- **Situation of the data subjects:**

Data subjects are current or former employees who may belong to a vulnerable group due to their unequal legal relationship with the controller.

- **Situation of the controller:**

MOL Nyrt. is a member of the Budapest-based MOL Group, which was 25,000 employees in 30 countries. MOL Group is one of the major corporate groups in Central and Eastern Europe. In the light of the foregoing, it can be concluded that the controller has a significant economic power.

- **Relationship between the data subjects and the controller:**

In certain cases, there is an employment relationship between the controller and the data subjects under respective employment contracts, which results in a relationship of subordination between the parties.

In some cases, this legal relationship no longer exists due to the previous termination of the employment relationship; in such cases, the controller is not directly in a dominant position.

- **The impact of processing on the data subjects in the light of their relationship with the controller:**

In view of the fact that there is an employment relationship between the data subjects and the controller, the processing is justified having regard to this relationship; the personal data of data subjects are only used in connection with their employment relationship, and therefore the processing does not constitute a disproportionate injury to the data subjects.

- **Reasonable expectations of the data subjects:**

In the context of the data subjects' reasonable expectations, upon the establishment of the employment relationship, every data subject should and must expect that during the employment relationship, and even after the termination thereof, his or her personal data will be processed in connection with the establishment, maintenance and termination of the employment relationship. This is particularly true in the case of this specific data processing activity, as the controller informs the data subjects thereof upon the establishment of the employment relationship.

- **Means of data processing:**

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Implementing the principles of data minimisation and purpose limitation, processing is limited to the scope of data that is absolutely necessary to achieve the legitimate interest. The data processed will be used solely to achieve legitimate and specific purposes. Moreover, the controller does not couple the personal data of data subjects with information obtained from other sources, nor does it disclose personal data, and makes them accessible only to those employees who need to know such personal data to be able to perform their job duties. This way, the impacts of data processing are foreseeable and predictable to the greatest possible extent.

- **Informing data subjects about the processing:**

Upon the establishment of an employment relationship and/or the conclusion of an employment contract, the controller provides full, clear and comprehensible information to the data subjects about the scope of the personal data processed after the termination of the employment relationship/contract, the legal basis for processing, the means and duration of the processing, as well as the rights of the data subjects related to the processing.

3.3. Other safeguards

- **Storage of personal data for a limited period of time:**

Implementing the principle of purpose limitation, the controller only processes the personal data of data subjects as long as this is necessary to achieve the legitimate interest in the context of a specific employment relationship.

- **Restricting access to data:**

The personal data concerned are made accessible strictly to those employees who need to know such data to be able to perform their job duties.

4. Outcome and documentation of the balancing test

A legitimate interest exists

The legitimate interest of the controller is to ensure the administrative operation of the controller's organisation, which does not conflict with any laws. Based on the foregoing, it can be stated that a sufficiently specific, real and present legitimate interest exists, and it is correct therefore now to assess the necessity of the processing.

Data processing is necessary

Ensuring the implementation of ongoing internal and external communication, contract conclusions and various forms of administration is vital for the appropriate and efficient administrative operation of an organisation.

Processing of employee's and trainee's personal data for the purpose of creating, maintaining and terminating employment relationships

Given that, as a result of the processing of personal data related to ongoing internal and external communication, contract conclusions and various forms of administration, the legitimate interest can be achieved immediately and efficiently, the processing is not only necessary, but also absolutely suitable for achieving the interest.

It should be further noted that no alternative and less restrictive means are available to the controller to achieve the same interest.

Based on the foregoing, the data processing is necessary, and it is correct therefore now to assess proportionality.

Data processing imposes a proportionate limitation to the data subjects' rights

An assessment the nature of the interests

With regard to the nature of the interests, it can be stated that, although data processing may limit the data subjects' right to informational self-determination in relation to their personal data, it is not an absolute and unlimited right, and therefore the processing of personal data is permissible when such processing is necessary and proportional. Given that it can be established, based on the foregoing, that the data processing is necessary, now proportionality must be assessed.

As regards the nature of the interest, on the side of the controller, "other legitimate interest" exists which, when assessing proportionality, is considered to be weaker than the enforcement of fundamental rights or public interest, but stronger than a culturally or socially recognised interest. Considering the nature of the interest, the balance of proportionality leans in favour of permissibility, in view of the fact that the processing is necessary to ensure the core operation of the controller's organisation.

The fact that the processing does not involve any special categories of personal data, as defined in Article 9 of the GDPR, also substantiates the permissibility of the processing.

Assessment of the impacts of data processing

In spite of the fact that the processing affects the right to self-determination of the data subjects with regard to their personal data, in certain a sense, it has a favourable effect on the situation of employees (i.e. of the data subjects). The data processing activities that support the organisation's administrative operation ensure a better organised and more efficient work environment, the positive impacts of which ultimately affect all members of the controller's organisation. Moreover, based on the foregoing, it can be concluded that there is no serious interference with the rights of the data subjects.

Consequently, taking into account both the negative and positive impacts on the data subjects, the balance of proportionality is shifted towards the permissibility of the processing.

The situation of the parties may affect the assessment of proportionality as data subjects, being employees, belong to a vulnerable and sensitive group, and the controller has a significant economic power, thereby there is an unequal legal relationship between the controller and the data subjects.

Considering, however, that data subjects get information about the processing of personal data concerning them at the time of the data collection, and furthermore that, due to the means of data processing, the impacts of these specific data processing activities are completely predictable, the balance of proportionality is again shifted towards the permissibility of the data processing.

Processing of employee's and trainee's personal data for the purpose of creating, maintaining and terminating employment relationships

The proportionality of the limitation to data subjects' rights is also substantiated by the fact that the controller provides full, clear and comprehensible information to the data subjects about the scope of the personal data processed, the legal basis for processing, the means and duration of the processing, as well as the rights of the data subjects related to the processing at the time of the data collection.

On the basis of the above, it can be concluded that the rights of data subjects do not override the legitimate interest of the controller and that the data processing constitutes a necessary and proportionate limitation to the data subjects' rights.