

Appendix 14. GDPR form, Permission to data processing

Privacy Notice

Pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation; hereinafter 'GDPR') Section 12 Subsection (1), the Eötvös Loránd University (hereinafter 'ELTE') hereby informs those whom it may concern about the processing of personal data in connection with the research called "Neuromodulation of Executive Functions Using Frontal Theta tACS: Effects on Working Memory and Inhibitory Control Across BMI Groups."

Who will have the right to controll/process your data?

Data controller:

Eötvös Loránd University

HU 1053 Budapest, Egyetem tér 1–3.

Responsible department: Faculty of Education and Psychology of ELTE

Address: 1075 Budapest Kazinczy utca 23–27.

Representative: Anikó Ravaszné Zsolnai, PhD

Alexander Logemann, PhD. +36304454686. Alexander.logemann@ppk.elte.hu

Data processor:

We are using the following software to collect and store personal data:

Microsoft: concerning the registration/research

Address: Microsoft EU Data Protection Officer

One Microsoft Place

South County Business Park

Leopardstown

Dublin 18

D18 P521

Republic of Ireland

What are your data used for?

The purpose of the data processing is that you take part in the research called "Neuromodulation of Executive Functions Using Frontal Theta tACS: Effects on Working Memory and Inhibitory Control Across BMI Groups." done by the data controller, this includes forwarding the data after anonymisation, statistical analysis, publicising the results and dissemination.

What data is used?

The following personal data is processed:

- Name
- E-mail address

What is the legal foundation for processing your data?

The legal basis is your consent according to GDPR Section 6 Subsection (1) Point a) and Section 9 Subsection (2) Point a). You can withdraw your consent at any time. The withdrawal however does not affect the lawfulness of the data processing done pursuant to the given consent before the withdrawal. You can withdraw your consent via e-mail to this address: alexander.logemann@ppk.elte.hu

If data transmission takes place, the receivers³ of the data and categories of the receivers: Data transmission does not take place.

Data transmission to third countries⁴/international organisations: Data transmission does not take place.

³ The receiver is a natural person or legal entity, institution with public power, agency or any other organisation with whom personal data is shared. Those institutions that get access to personal data via individual proceedings pursuant to Union or Member State law, do not count as receivers.

How long will the process of your data take?

Personal data will be stored for no longer than 1 year after the study is completed.

Your rights concerning the process (the details are contained in the Appendix of this document):

1. **Right of transparent information** – with this information sheet, the controller provides information concerning the circumstances of the processing, especially information about who, why, on what ground and for how long controls your personal data, and also about what rights do you have relating to the process and whom you may ask for details or to whom you may make a complaint;
2. **Right of access by the data subject** – you have the right to obtain information from the controller whether or not your personal data is being processed, you may ask for a throughout note concerning the process and you may ask for a copy of your personal data;
3. **Right to rectification** – you have the right to ask the controller for rectification of inaccurate personal data;
4. **Right to erasure** – you have the right to ask the controller to erase your personal data;
5. **Right to restriction of processing** – you shall have the right to ask the controller to only store and not process your personal data (for reasons such as protection or enforcement of your rights and claims);
6. **Notification obligation regarding rectification or erasure of personal data or restriction of processing** – the controller shall inform the data subject about the recipients of the mentioned processes if the subject requests it;
7. **Right to data portability** – you shall have the right to receive your personal data which you have provided to the controller, in a structured, commonly used, and machine-readable format and have the right to transmit those data to another controller from the controller to which the personal data have been provided if it is technically feasible. This right only applies to you if the processing is based on consent or on a contract and on condition that the processing is carried out by automated means;
8. **Right to object** – you shall have the right to object at any time to processing of your personal data, on condition that the basis of the process is a legitimate interest, or the process is of public interest or the process is necessary for the execution of tasks assigned to the controller by law;
9. **Right to object to automated decision-making** – you have the right to not be a subject to automated decision-making. Please, give a notification if such thing occurs! If this sheet does not contain information in automated decision-making, then the right to object to it is obviously not relevant;
10. **Right to remedy** – in case your rights are infringed, you may seek redress from the data protection officer of ELTE or from National Authority for Data Protection and Freedom of Information.

Whom shall you ask if you have questions or if you wish to seek legal remedy?**Data protection officer of ELTE**

Office of Data Protection and Strategic Processing
1053 Budapest, Ferenciek tere 6. III. emelet
Tel.: +36-1-411-6500 / 2855
Email: adatvedelem@rk.elte.hu

Other options for legal remedy:**National Authority for Data Protection and Freedom of Information (hereinafter: 'NAIH')**

1363 Budapest, Pf. 9.
page: www.naih.hu
Tel.: +36-1-391-1400

Court

In Hungary the lawsuit shall be filed at a Regional Court which is geographically adequate to the data subject's permanent or temporary residence, chosen by the data subject.

Dated: _____ (place) _____ (year) _____ (month) ____ (day)

signature

Name:

Address:

Chosen identification (e.g., date of birth, mother's name, ID number):

Annex**Details concerning the rights of data subjects**

The person whose personal data is used in the process (hereinafter 'data subject') shall receive information

⁴ Every country is a third country that is not a member of the European Economic Area (EEA). You may find the list of the member states of the EEA here: <http://konzulizsolgalat.kormany.hu/egt-tagallamok>

on his or her rights concerning the process and legal remedies, hence the controller manages personal data. **Personal data**⁵ means any information based on what the data subject can be identified. Therefore, personal data is e.g., name, identification number, factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

To enforce his rights, the data subject can ask the controller, whom without undue delay, but **not later than month from receiving the request**, is obliged to inform the subject about the actions made pursuant to the request. If needed, taking into account the complexity and quantity of the requests, this deadline can be extended by another 2 months. The controller informs the data subject about the extension and its reasons in one month time from receiving the request. If the request was filed through electronic devices, the information shall be given via electronic devices as well if it is possible, on condition that the data subject does not wish otherwise.

Below you can read the detailed explanation of the data subject's rights.

1. Right of transparent information (Article 12-14 of GDPR)
With this information sheet, the controller provides the information it is obliged to provide relating to processing the data, the purposes and legal basis of the processing, the envisaged period for which the personal data will be stored, the controller and data protection officer, the relevant rights, legal remedies, and where the personal data are not collected from the data subject, any available information as to their source. If the data subject asks, further detailed oral information can be given, if the data subject proves his or her identity.
2. Right of access by the data subject (Article 15 of GDPR)
The data subject may request access to his or her personal data from the controller, as well as requesting copies of his or her personal data that is part of the process. The data subject has the right to obtain from the controller confirmation as to whether personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:
 - (a) the purposes of the processing;
 - (b) the categories of personal data concerned;
 - (c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
 - (d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
 - (e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
 - (f) the right to lodge a complaint with a supervisory authority;
 - (g) where the personal data are not collected from the data subject, any available information as to their source;
 - (h) the existence of automated decision-making, including profiling, and at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
3. Right to rectification (Article 16 of GDPR)
The data subject shall have the right that the controller is obliged without undue delay to the rectification of inaccurate personal data concerning him or her by the subject's request. 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. Right to erasure ('right to be forgotten') (Article 17 of GDPR)
The controller shall have the obligation to erase personal data where one of the following grounds applies: (a) the purpose for which the personal data were collected or otherwise processed, no longer exists; (b) the data subject withdraws consent on which the processing is based, and where there is no other legal ground for the processing; (c) the data subject objects to the processing and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing; (d) the personal data have been unlawfully processed; (e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject; (f) the personal data have been collected in relation to the offer of information society directly to a child.
5. Right to restriction of processing (Article 18 of GDPR)

⁵ **Personal data** pursuant to Article 4 Point is any information concerning an identified or identifiable natural person (data subject); a natural person is identifiable if directly or indirectly, especially by a specific identification (like name, number, geographical data, online identification or natural physical, physiological, genetic, mental, economic, cultural or social factors can lead to the person's identity).

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

1. the accuracy of the personal data is contested by the data subject;
2. the processing is unlawful and the data subject opposes the erasure of the personal data;
3. 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;
4. the data subject has objected to processing pending the verification whether the legitimate grounds of the controller override those of the data subject.

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 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.

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, 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, where the processing is based on consent or on a contract and the processing is carried out by automated means.

In exercising his or her right to data portability, the data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

The exercise of this right shall be without prejudice to the right to be forgotten.

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 which is based on legal interests, or if the processing is necessary for the controller to execute its lawful obligations, including profiling⁶ based on those provisions. 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.

9. Automated individual decision-making, including profiling (Article 22 of GDPR)

The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her. This provision shall not apply if the decision:

- a) is necessary for entering into, or performance of a contract between the data subject and a data controller;
- b) is authorised by Union or Member State law to which the controller is subject, and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or
- c) is based on the data subject's explicit consent.

In this case, the data controller shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.

10. Legal remedy – alternative possibilities

10.1. Data protection officer (Article 38-39 of GDPR)

The data protection officer has to monitor compliance with GDPR, in relation to the protection of personal rights provided by GDPR, therefore if these rights are infringed, the subjects can seek help from the data protection officer (Article 38 [4] of GDPR).

If the controller does not take actions pursuant to the data subject's request without delay, but not later than 1 month from receiving the request, the controller informs the data subject about the reasons no action took place and about the data subject's right to file a complaint with a supervisory authority and can seek legal remedy at Court (Article 12 [4] of GDPR).

⁶ Profiling under Article 4 of GDPR includes any form of anonymous processing of personal data, which leads to accessing information on the natural person, especially his or her work performance, economic situation, health conditions, private preferences, interests, behaviour, residence or makes it possible to analyse and predict such characteristics.

10.2. Investigation of the National Authority for Data Protection and Freedom of Information (Section 51/A (1), 52-54, 55 [1]-[2], 56-58, 60-60 of InfoAct⁷, and Article 57-58, 77 of GDPR)

Any person (meaning not just the data subject) shall have the right to notify NAIH and request an investigation alleging an infringement relating to personal data or if there is imminent danger of such infringement. The Authority may refuse the notification without examination thereof as to merits if the infringement alleged in the notification is considered minor, or the notification is anonymous. You can find further reasons for rejection in Section 53. of the InfoAct.

The procedure executed by NAIH is free, its costs are paid by the authority. The details of the procedure are contained in Section 54, 55 (1)-(2), 56-58 of InfoAct.

To enforce the right for protection of personal data NAIH initiates proceedings pursuant to the data subject's request based on Section 60-61 of InfoAct.

10.3. Right to an effective judicial remedy (Section 23. of InfoAct, Article 79 of GDPR)

Each data subject has the right to an effective judicial remedy where he or she considers that his or her rights under GDPR have been infringed as a result of the processing of his or her personal data in noncompliance with GDPR (as mentioned above).

Proceedings against a controller or a processor shall be brought before the courts of the Member State where the controller or processor has an establishment. Alternatively, such proceedings may be brought before the courts of the Member State where the data subject has his or her habitual residence, unless the controller or processor is a public authority of a Member State acting in the exercise of its public powers.

In Hungary the lawsuit shall be filed at a Regional Court which is geographically adequate to the data subject's permanent or temporary residence, chosen by the data subject.

The data subject may initiate the lawsuit in order to receive damages or other legal compensations from the controller:

- if the controller causes damage to a person by unlawful processing of the data subject's personal data or the infringement of its data protection obligations, the controller must pay damages;
- if the unlawful processing of the data subject's personal data or the infringement of the controller's data protection obligations involves infringement of the data subject's personal rights (e.g., personal data being shared with unauthorised persons or the public), the data subject has the right to claim damages and public accountability from the controller.

⁷ Privacy Act: Act CXII of 2011 on Informational Self-Determination and Freedom of Information