

Data protection and data processing guide for the educational activities performed at the University of Miskolc

In accordance with the Regulation 2016/679/EU (henceforth GDPR) of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, the Act CXII of 2011 on Informational Self-Determination and Freedom of Information (henceforth "Privacy Act"), the Act CCIV of 2011 on National Higher Education (henceforth National Higher Education Act), the Government decree 87/2015. (IV. 9.) on the implementation of certain regulation of National Higher Education Act, (henceforth Implementation Decree), as well as other relevant legislation, the Regulation on data protection, data processing as well as access to and publication of data of public interest of the University of Miskolc (henceforth Data Processing Regulation), the University of Miskolc (henceforth University) provides the following information on data management by the University and any of its organizational units in the conduct of higher education training activities as a task of public interest and for that purpose.

I. The purpose of the guide

The purpose of the present data protection and data processing guide (henceforth guide) is to provide complete and transparent information with respect to the following natural persons (henceforth data subjects)

- a) a person applying to the University (henceforth applicant),
- b) a student who has been admitted to and enrolled into a programme at the University (establishing student status) (henceforth student), and
- c) a former student (henceforth former student)

on personal data processing carried out by the University, legal basis for and purpose of personal data processing, duration of data processing, identity and contact details of the controller, identity and contact details of the data protection officer, the rights, how to enforce thereof, and remedies available to the data subject.

II. The identity of the data controller and data protection officer

The data controller and the data controller's representative: University of Miskolc (H-3515 Miskolc-Egyetemváros, Institution identification number FI87515, Telephone: (+36) 46 565-111, Website: www.uni-miskolc.hu), Represented by Prof. Dr. Zita Horváth Rector, E-mail: rektor@uni-miskolc.hu, Room 145 Building A4, Telephone: (+36) 46 565-111/10-32

Contact data protection officer: dr. Mário Certicky, Data protection officer, Legal and Procurement Department, H-3515 Miskolc-Egyetemváros, Room 128 Building A4; (+36) 46 565-111/14-20, adatvedelem@uni-miskolc.hu.

III. Data processing - Legal basis, purpose, range of data and duration

I. Data processing concerning applicants, students and former students

Legal basis for data processing: Processing the personal data of the natural persons (henceforth students) having student status with the University (including the doctoral students) is data processing necessary for the performance of a task carried out in the exercise of official authority vested in the controller pursuant to Article 6(1)(e) of the GDPR as well as for the performance of the controller's tasks as provided for by an Act pursuant to Article 6(1)(c) of the GDPR and Section 5(1) of the Privacy Act, which processing is laid down by Point I(B) of Annex 3 of National Higher Education Act. Any processing beyond the mandatory data processing, or for purposes other than the purpose of data processing, shall be subject to the consent of the data subject.

The purpose of data processing is pursuant to Section 18(1) of the National Higher Education Act. The higher education institution may manage the personal and special data exclusively with respect to student status, the establishment and fulfilment of benefits, allowances, and commitments, for reasons of national security, and for the purpose of managing records specified in National Higher Education Act, in a manner proportionate to such purposes and strictly for such purposes.

Duration of data processing is eighty years from the notification of the termination of student status.

Range of personal data: The personal data processed are data specified in Annex 1.

II. Processing special data concerning students and former students

Legal basis for data processing: Handling students' special data is processing based on consent pursuant to Article 9(2)(a) of the GDPR, which consent the University is required to obtain prior starting processing, as well as processing necessary for the exercise of legal claims lodged by the data subject pursuant to Article 9(2)(f) of the GDPR.

The purpose of data processing is pursuant to Section 18(1) of the National Higher Education Act. The higher education institution may manage the personal and special data exclusively with respect to student status, the establishment and fulfilment of benefits, allowances, and commitments, for reasons of national security, and for the purpose of managing records specified in National Higher Education Act, in a manner proportionate to such purposes and strictly for such purposes.

Duration of data processing in case of processing specified in Point II(1) of Annex 2 is eighty years from the notification of the termination of student status. In case of processing specified in Point II(2) of Annex 2, it is the same period as the data storage obligation laid down by the provisions of the law in force, or failing that five years from the provision of data.

Range of personal data: The personal data processed are data specified in Annex 2.

IV. Place of data processing

IV.1. The place of data processing with regard to data processing pursuant to Point III.1.: University of Miskolc, H-3515 Miskolc-Egyetemváros. All the organisational units of the University. The University carries out data processing electronically in the student records of the Neptun database, while in case of data processing in hard copies

- a) students' personal records are stored by the Student Centre.
- b) other hard copies of documents relating to the students' studies are stored by the relevant organisational units.

With regard to the doctoral students, the doctoral schools of the University of Miskolc carry out processing, the name and contact details of which are available on the following website: http://www.uni-miskolc.hu/uni/res/PhD/doktori_iskolak.html.

IV.2. The place of data processing with regard to data processing pursuant to Point III.2.: University of Miskolc, H-3515 Miskolc-Egyetemváros. Automated (electronic) and non-automated (hard copies) data processing is carried out by the following organisational units:

- a) Secretariat of the Vice-rector for Educational Development and Quality Assurance;
- b) Student Centre
- c) the Dean's Offices of the relevant academic units (Faculties) and their organisational units;
- d) the Student Union of the University of Miskolc and its sub-committees as well as the Faculty Student Unions and their sub-committees.

V. Entrusting a data processor

V.1. In order to process data pursuant to Point III.1., the University shall entrust a processor pursuant to Article 28 of the GDPR to act on behalf of the University to operate the Neptun system necessary for data processing. The University entered into a data processing contract with the Processor, in which the processor provided guarantees to comply with the data protection and data security provisions. Data processing refers to the data specified in Annex 1.

Data processor: *SDA Informatika Zrt.* (Seat: H-2030 Érd, Retyezáti u. 46., Company Registration Number: 13-10-011083).

With the consent of the controller, the processor engages the following processors in data processing: *Rufusz Computer Informatika Zrt.* (to provide the IT environment), *SDA Stúdió Kft.* és *SDA DMS Zrt.* (to provide human resources) and *ELMS Informatikai Zrt.* (to provide security for e-learning services). The processor drew a processing contract with the other processors.

V.2. The University shall entrust a processor pursuant to Article 28 of the GDPR to act on behalf of the University in the development of the electronic grant administration system (integration of the previous SZÖBSYS electronic grant system into the present UNISYS system), the transfer of the usage rights as well as the continuous support of the UNISYS

system (support and training of use) with regard to data processing pursuant to Point III.2. The University entered into a data processing contract with the Processor, in which the processor provided guarantees to comply with data protection and data security provisions. Data processing refers to the data specified in Annex 2.

Data processor: *PHTML Kft.* (Seat: 3524 Miskolc, Jósika u. 33. 4/1., Company Registration Number: 05-09-016525). The processor does not engage other processors.

VI. Rights of data subjects

In its data processing, the University provides the data subjects unconditionally with the following rights to exercise:

– Right to transparent information [Articles 12 to 14 of the GDPR]: the data subject shall have the right to be informed of the processing of his or her personal data and any related information before the processing begins. By publishing this guide electronically, the data controller provides the possibility for the data subject to get acquainted with its content at any time, as well as to request and obtain a printed copy of the guide from the data controller's representative over the course of the adult education. The data protection and data processing guide is also continuously available from the Neptun system, and it must be read by the data subject when entering the Neptun system for the first time.

– Right of access by the data subject [Article 15 of the GDPR]: the data subject may submit a written request – including by electronic means – and consult information on the processing of his or her personal data. At the request of the data subject, the data controller shall at any time provide information on the data relating to him or her, their source, the purpose of the data processing, its legal basis, duration, the circumstances of the possible personal data breach, its effects and the measures taken to manage it, and - in case of transfer of the personal data of the data subject - on the legal basis and recipient of the transfer. The data controller facilitates the exercise and enforcement of this right of the data subject by making the form "Request for information on the processing of personal data" available on the website of the Data Controller under the tab "Information of Public Interest / Data Management / Documents related to Data Management (<http://www.uni-miskolc.hu/adatkezeles-kapcsolatos-dokumentumok>) in order to allow the data subject to submit a request with the appropriate content when exercising this right. In addition, the data controller accepts all requests whose content identifies the data subject's request to exercise this right and identifies the data subject beyond a reasonable doubt.

– Right of rectification [Article 16 of the GDPR]: The data subject may request that his or her personal data be rectified without undue delay, if it contains inaccurate data and taking into account the purpose of data processing may request to have incomplete personal data completed.

– Right to erasure [Article 17 of the GDPR]: The data subject may request the erasure of personal data concerning him or her without undue delay, with the exception of compulsory data processing, where any of the conditions set out in Article 17(1) of the GDPR applies. Where the controller has made the personal data public and is obliged pursuant to paragraph 1 to erase the personal data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, those personal data. The controller has the right to restrict the right to erasure and to refuse to delete the data or not to implement it where any of the conditions set out in Article 17(3) of the GDPR applies, such as the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; the data subject objects to the processing pursuant to Article 21(1) and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2); the personal data have been unlawfully processed; 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;

– Right to restriction of processing [Article 18 of the GDPR]: The data subject may request the restriction of his or her personal data if

(a) the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data;

(b) the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data;

(c) the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;

or

(d) the data subject has objected to processing; in which case restriction applies to the period of pending verification whether the legitimate grounds of the controller override those of the data subject.

Where processing has been restricted under paragraph 1, such personal data shall, with the exception of storage, only be processed with the data subject's 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.

– Right to object [Article 21 of the GDPR]: The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her. In this case 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.

– Right to lodge a complaint with a supervisory authority, right to an effective judicial remedy and right of complaint [Article 77 of the GDPR]: If a data subject has any comments or feels that the processing of his or her personal data is unlawful, he or she is invited to primarily contact the data protection officer. In case of infringement, the data subject may engage in legal proceedings (the data subject may bring the infringement before the competent court of the place of residence or stay at his or her choice), as well as may contact the Hungarian National Authority for Data Protection and Freedom of Information (residence: 1055 Budapest, Falk Miksa utca 9-11., mailing-address: 1363 Budapest, Pf. 9., tel.: 06-1-391-1400, website: <http://naih.hu>; email address: ugyfelszolgalat@naih.hu).

Requests to enforce the rights of the data subject must be submitted to the address of the data controller or to the email address adatvedelem@uni-miskolc.hu. The controller shall provide written information in the shortest possible time, but no later than 25 days (within 15 days in case of objection).

VII. Data transfer and statutory data reporting

VII.1. The data defined in Chapter I/B of Annex 3 of the National Higher Education Act and in Annex 1 of the present Guide can be transferred pursuant to Point 4 of Chapter I/B of Annex 3 of the National Higher Education Act.

- a) all data as necessitated by the exercise of maintainer's rights to the maintainer;
- b) the data required for judging the specific case to the court, the police, the public prosecutor's office, the bailiff, the public administration body;
- c) all data necessary for the exercise of the task defined in the Act CXXV of 1995 on the National Security Services (henceforth National Security Services Act) to the national security service;
- d) all data to the body in charge of the operation of the information system;
- e) data pertaining to the persons applying for student loans to the Student Loan Centre;
 - ea) data pertaining to Points 1(b)(ba) and (bb) - with the exception of the grounds for staying in Hungary, the name and number of the document certifying the right of residence as well as the assessment of student's studies, exam data, duration of support received in case of a non-Hungarian national;
 - eb) from the data pertaining to Point 1(f) the amount of tuition fee actually payable by the student to the institution, for the purposes of examining the eligibility for a student loan or the termination of that eligibility, as well as determining the repayment obligation or its suspension;
 - ec) data pertaining to Points 1(b)(ba) and (bk) with the exception of the social security number for the purposes of liaising with and managing clients in order to exercise their rights and obligations under the loan agreement,

ed) data pertaining to Points 1(b)(ba) and (bb) with the exception of the assessment of the student's studies, exam data, duration of support received,

ee) from data pertaining to Point 1(b)(bl) those pertaining to the pre-degree certificate, final examination (doctoral defence) for risk analysis and customer risk management of expected repayment of student loans;

f) to the authority responsible for the registration of the state grants as for programme and student status.

VII.2. The University shall transfer the data necessary for processing pursuant to Chapter V to the processors designated therein. The University and the processor entered into a processing contract for ensuring the security of the processing pursuant to Article 28 of the GDPR.

VIII. Other provisions

The Guide is understood in accordance with the Data Processing and Data Protection Regulation in force.

All employees of the University of Miskolc acting as data controller are under a duty of confidentiality with regard to the personal data obtained in the course of their employment. Persons acting in this way may act only in accordance with the instructions of the University unless they are required to depart from this instruction by Union or Member State law.

Miskolc, 28 October 2020

Prof. Dr Zita Horváth
Rector

Data protection and data processing guide for the educational activities
performed at the University of Miskolc

Annex 1

The University of Miskolc shall process the following data pursuant to Point I(B) of Annex 3 of the National Higher Education Act:

Student data recorded and processed in the Neptun system

a) data pertaining to admission:

aa) applicant's name, gender, name at birth, mother's name, place and date of birth, nationality, permanent address, residence and phone number, in the case of non-Hungarian nationals the legal grounds for stay in the territory of the Republic of Hungary and the designation and number of the document entitling the holder thereto and, in the case of persons entitled to the right to free movement and residence as set forth in a separate act, the designation and number of the document proving the right of residence, Hungarian Identity Card, Hungarian Descendent Card, international insurance document details,

ab) data pertaining to the secondary school leaving examination,

ac) data pertaining to the secondary school,

ad) data necessary for assessment of the application for admission,

ae) data pertaining to the admission procedure, admission ID,

af) ID number of the declaration regarding (partial) state grants pursuant to Section 48/D(2) of the National Higher Education Act.

b) data pertaining to student status:

baa) applicant's name, gender, name at birth, mother's name, place and date of birth, nationality, permanent address, residence and phone number, email address, in the case of non-Hungarian nationals the legal grounds for stay in the territory of the Republic of Hungary and the designation and number of the document entitling the holder thereto and, in the case of persons entitled to the right to free movement and residence as set forth in a separate act, the designation and number of the document proving the right of residence,

bb) type of student status (visiting student), date and manner of the establishment and cessation of student status, name of course attended by the student indicating if it is state-funded, its training schedule, expected ending date of the programme, evaluation of the studies of the student, data pertaining to examinations, semesters the student enrolled for, state-funded period used, time of temporary termination of student status,

bc) time and place of studies abroad,

bd) credits accrued and validated, validated studies,

be) data pertaining to student bursaries, data necessary for establishing eligibility for bursaries (social situation, data pertaining to parents, data pertaining to maintenance),

bf) data pertaining to the student's employment,

bg) data pertaining to disciplinary and compensation issues,

bh) data necessary for assessment of applications for special treatment of disabled students,

bi) data pertaining to student accidents,

bj) serial number of the student card, identification number of the master file,

bk) educational identification number, personal ID number, photo, social security number of the student,

b) data pertaining to the completion of professional practice, pre-degree certificate, final examination (doctoral defence), language certificate, and data pertaining to the diploma, diploma supplement,

bm) data necessary for the exercising of rights and fulfilment of obligations deriving from student status;

c) data related to student career monitoring;

d) the student tax identification code;

e) identification data pertaining to the documents supplied in evidence of data;

f) data pertaining to the fees paid by the student, such as instalments, deferred payments and exemptions;

g) data pertaining to grants and accommodation allowance for those receiving infant care allowance, child care allowance, child raising support, child care fee, regular child-protection allowance;

h) data pertaining to grants for study support with regard to student status;

f) data pertaining to student's competency test and its results;

g) data pertaining to the type of outstanding loans granted by Diákhitel Központ (Student Loan Centre);

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Annex 2

II.1 In order to facilitate the enforcement of the rights of students with disabilities as defined in Section 43(1) of the National Higher Education Act, in accordance with the purposes of Section 18(1) of the National Higher Education Act, in accordance with the internal rules of procedure*, the University of Miskolc shall handle the following special (health) data pertaining to the student's disability:

- a) special data pertaining to disabilities;
- b) special data pertaining to hearing impairment (deaf, hard of hearing);
- c) special data pertaining to visual impairment;
- d) special data pertaining to speech disorders (dysphasia, dyslalia, dysphonia, stuttering, jabbering, aphasia, nasal speech, dysarthria, mutism, severe speech perception and speech comprehension disorder, central lispings, delayed speech development)
- e) special data pertaining to mental development disorders (dyslexia, dysgraphia, dysortography, hyperactivity, attention deficit disorder, behavioural control)
- f) special data pertaining to autism.

II.2 In order to comply with the enforcement of the rights defined in the Government decree of 51/2007. (III. 26.) on grants available for higher education students and fees paid by them, the University of Miskolc shall handle the following personal and special data in the UNISYS system:

II.2.1 Personal and special data treated uniformly in the application process for dormitory places, grants based on social needs, and exceptional grants based on social needs which must be provided at the time of application:

- a) data necessary to identify the applicant student, such as the applicant's name and Neptun code;
- b) the applicant student's nationality, date of birth and permanent address;
- c) the name of the faculty, type of programme, specialisation and year of the applicant student;
- d) data pertaining to academic results such as the applicant student's GPA and financial status;

II.2.2 Personal and special data treated uniformly in the application process for dormitory places, grants based on social needs, and exceptional grants based on social needs which may be provided at the time of application with the student's consent to be processed:

- a) the name, family relationship of relatives of the applicant and persons living in the same household with the applicant, their occupation and income derived therefrom, their additional jobs and income derived therefrom, data pertaining to the relative's disabilities;
- (b) the student is considered disabled or has a longstanding illness;
- c) the student is multiply disadvantaged;
- (d) the student is a parent or breadwinner;
- e) the student has a large family;
- (f) the student is an orphan;

*The internal rules are available at http://web.uni-miskolc.hu/files/1094/EI%C5%91nyben%20r%C3%A9szes%C3%ADt%C3%A9si%20szab%C3%A1lyzat%2065_2018.pdf

- g) the student is disadvantaged;
- h) the student is a half-orphan;
- (i) guardianship has ceased to exist because the student reaches the age of majority;
- (j) data on living status;
- (k) data on the marital status of the parents;
- (l) data on housing conditions;
- (m) the reasons for the data provided by the applicant student under points (b) to (l)

Documents required for the verification of the data provided in accordance with Sections I and II with the consent of the student and his/her relative in order to claim the rights of the student:

- Certificate issued by the Employment Centre
- Certificate of participation, being an opponent in the National Conference of Scientific Students' Associations (OTDK), Scientific Students' Association (TDK)
- Certificate of OTDK, TDK prizes
- Certificate of participation in moot court competitions, other competitions
- Certificate of prizes obtained in moot court competitions, other competitions
- Certified statement of household members
- Business operator's licence
- Declaration on business activities
- Medical report on disability
- Pensioner/disability pensioner (master file)
- Certified statement of unemployment issued by the Employment Centre
- Certified statement of care issued by the municipality
- Decision on nursing fee granted
- Certified statement of participation in the editorial staff of a faculty or university publication
- Scientific publications
- Language certificate
- Certificate of giving a presentation at an international or national conference
- Certificate of membership in a special college of law
- Certificate of final examination in legal translation
- Certificate of training in legal translation
- Certificate of participation in legal clinics
- Certification of professional activities, such as working as a teaching assistant
- Grant certificate
- Home inspection
- Decision on maternity allowances (TGYÁS/GYES/GYED/GYET) granted
- Temporary employment contracts
- Decision of guardianship offices and certificate of foster parent's fee
- Certification of school attendance/student status
- Birth Certificate
- Certification of payment of nursing fee
- Disability documents
- Records of long-term illness
- Regular medical/drug treatment
- Grade point average
- Foster parent fee
- Other certifications
- Certification of child protection support
- Certification of entitlement to child protection allowance
- Certification of long-term foster care

- Certification of the parent's educational attainment being only 8 classes or less
- Certification of the student being in state care
- Certification of the notary taking the student under protection
- Certification of termination of guardianship
- Income certificate for large families
- Decision of guardianship office for large families
- Certification of the parent being a homemaker
- Form certifying community service
- Court order on the divorce of parents
- Documents certifying the amount of child maintenance
- Documents certifying separation and the amount of child maintenance
- Death certificates of deceased parents
- Certification of orphan's allowance
- Certification of widow(er)'s pension
- Parental declaration
- Marriage certificate
- NAV (APEH) income certificate
- Income certificate issued by the employer
- Declaration of primary producer/private entrepreneur on his/her occupation
- Primary producer's licence

II.2.3 Non-predetermined information regarding the application for extraordinary social support specified solely in the student's application, so personal or special data marked with the student's claim is processed with the student's consent:

The extraordinary social support may be applied for on a monthly basis and as such the student may provide, on a case-by-case basis, non-predeterminable personal or special data (e.g. health data) which are essential for application and which the claim is based on.

II.2.4 Notifying the applicant student:

In all cases, the applicant student is notified of the status of his/her application via UNISYS.

II.2.5 Place of data processing H-3515 Miskolc-Egyetemváros, central server of the Student Union of the University of Miskolc

II.2.5 Persons entitled to access the data (authorization levels):

- *Administrator* - only developers (highest level of authorization);
- *President of Student Council, President of the Hostel Committee, President of the Social Support Committee* - those at this level of authorization have access to any application information and have the opportunity to modify the application within their competence.
- *Assessor* - his/her authorization is limited to reviewing and accepting applications, including sending out a call for remedying deficiencies and invalidating applications without certification.
- *Viewing User* - required level of authority to view applications, especially when reviewing appeals against decisions on submitted applications.