

**Privacy Notice**  
**Escala Hotel & Suites**  
with regard to guests and operation of the hotel

The present privacy notice („**Notice**”) provides information to the data subject about the processing of the personal data in connection with the hotel services and preparation thereto in accordance with Articles 13 and 14 of Regulation (EU) 2016/679 of the European Parliament and of the Council (“**GDPR**”).

### **1. The data controller and contact details**

The company name of the data controller **JM Hospitality Hungary Kft.** (hereinafter: „**Data Controller**” or “**Controller**”)

Registered office and postal address: 1082 Budapest, Nagytemplom utca 31. 5. em. 3

Tax number: 14092147-2-42

Company code: 01-09-888523

Authorized representative: Zdenek Kovarik and Jana Krakorova

Hotel: Escala Hotel & Suites

E-mail address: [sales@escalabudapest.com](mailto:sales@escalabudapest.com)

Phone number: +36 1 872 5900

Fax: +36 1 872 5901

Website: <https://escalabudapest.com/>

### **2. Data processing of the data subject**

#### 2.1. Data subjects

During the operation of the hotel, the Data Controller processes the personal data of the persons using the services of the Hotel, namely the guests (hereinafter: the Data Subject).

Minors under the age of 18 may only use the hotel's services under the supervision of an adult legal representative.

#### 2.2. Categories of personal data processed

During the operation of the Hotel, the Data Controller processes the following personal data of the Data Subject:

1. surname and forename,
2. address,
3. nationality,
4. date of birth, place of birth,
5. mother's maiden name,
6. gender,
7. e-mail address,
8. phone number (optional),
9. password for creating an account (optional),
10. arrival date,

11. departure date,
12. number of rooms,
13. number of adults,
14. number of children,
15. codes (promotional, group),
16. passport/ identity card number,
17. visa number / residence permit number (if applicable),
18. date and place of entry into Hungary (if applicable),
19. payment method,
20. food sensitivity data (in case of breakfast or room service),
21. contact person's name, telephone number, email (in case of event),
22. room number,
23. lost & found objects with guest name and room number,
24. invoice details,
25. duration of the guest stay,
26. car license plate (in case of requesting parking service),

The provision of the personal data listed above is necessary for the conclusion and execution of the contract, unless the personal data are accompanied by "optional", "if applicable" or only if necessary for the provision of a specific service. In the latter case, we may provide this particular service upon the requested personal data has been provided. In the absence of personal data, the contract will not be concluded, in which case no service will be provided.

The processed personal data will be provided by the Data Subject

- during booking (by e-mail, telephone, Hotel website, in person or through a third party (travel agency))
- on the check-in form in person
- via a third country guest registration form

to the Data Controller.

The Controller collects the processed personal data from the following sources:

- guest
- offline and online travel agency

2.3. Legal basis, purpose and duration of data processing

*2.3.1. At the request of the data subject, preparation, conclusion and execution of a contract in order to provide hotel services*

The processing of personal data as defined above is necessary for the preparation, conclusion and execution of a contract to provide hotel services (hereinafter referred to as the „**Contract**”) at the request of the data subject, namely for the following purposes:

- fulfillment of contractual obligations related to room reservation, other ordered services (breakfast and room service, parking, wellness and fitness services, and business and event facilities)

- identifies the Data Subject on the basis of personal data during his / her stay due to the fulfillment of the contractual obligation (due to the performance of cleaning, payment and other services listed above).

### 2.3.2. Fulfillment of a legal obligation

The Data Controller processes the personal data of the Data Subject specified below in order to fulfill the following legal obligations, for the following period of time:

<b>Personal data</b>	<b>Purpose of data management</b>	<b>Retention time</b>	<b>Law</b>
contract, account details	fulfill the obligation to issue invoices, correct invoices and keep accounting documents	8 years after the performance of the contract (from the issuance of the invoice)	Section 169 (2) of Act C of 2000 on Accounting
name, address, number of guest nights spent, accommodation fee, amount of tax collected	tourist tax return (as an accounting document)	8 years after declaration	Under the Local Government Decree 57/2010 (XII.30.) of the Board of Representatives of the Józsefváros Local Government of VII district issued pursuant to the Act C of 1990 on Local Taxes
nationality	statistical reporting	until the data has been provided	Under the Governmental Decree No. 388/2017 (XII.13.) on the mandatory data provision of the National Statistical Data Collection Program adopted on the basis of Act CLV of 2016 on official statistics issued pursuant to 692/2011/EU Regulation.
surname and forename(s), birth surname and forename(s), previous surname and forename(s), place and date of birth, sex, mother 's birth surname and forename(s), nationality(ies) or stateless status.	guestbook keeping obligation and data provision	until the data has been provided	Under Section 73 (2) of the Act II of 2007 on the Entry and Residence of Third-Country Nationals Act (hereinafter: Harm.tv.)

Due to a change in legislation that will take effect on September 1, 2020, the following table is added:

<b>Personal data</b>	<b>Purpose of data management</b>	<b>Retention time</b>	<b>Law</b>
surname and forename, surname and forename of birth, place and time of birth, sex, nationality, mother's surname and forename at birth, identity document or travel document, in the case of a third-country national, visa or residence permit number and date and place of entry, the address of the accommodation, the start and expected and actual end date of the use of the accommodation	monitoring compliance with the provisions on the protection of the rights, security and property of the data subject and others, as well as the residence of third-country nationals and persons enjoying the right of free movement and residence	1 year from the recording of the data	Under registration obligation set out in Section 9/H (1) of the Act CLVI of 2016 on the state tasks of the development of tourist areas (hereinafter: Tourism Act).

The Controller does not perform automated decision making, including profiling.

### **3. Recipients of personal data**

The Controller transmits the personal data of the Data Subject to the following persons or organizations (data processors) for the following purposes:

- to Vitalcomp Kft 1037 Budapest Laborc köz 9., for the purpose of operating the Data Management server.
- to Pretax Kft, 1123 Budapest Kék Golyó u. 2a., for the purpose of fulfilling the individual tax returns and data services.
- to National Tourism Data Supply Centre (hereinafter: NTAK) under Section 9/B of the Tourism Act and Section 73 (2) of Harmtv. Data provided hereinabove (required under Section 9/H of the Tourism Act) shall be transferred as well as from September 1, 2020 under this Section.

### **4. Rights of the Data Subject**

#### 4.1. Right of access

The Data Subject has the right to obtain from the Data Controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:

- the purposes of the processing,

- the categories of personal data concerned,
- the categories of recipients to whom the personal data of the data subject have been or will be communicated, including in particular third country recipients, international organizations (in the case of transfers to third country recipients, as well as to international organizations, the Data Subject is entitled to request information on whether the transfer is subject to appropriate guarantees)
- the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period,
- the data subject's rights (right of rectification, erasure or restriction, right to data portability and right to object to the processing of these kind of personal data),
- the right to lodge a complaint with a supervisory authority,
- if the data was not obtained by the Data Controller from the Data Subject, all available information on the source,
- the fact of automated decision-making on the personal data concerned, including profiling; where these processing take place, the information should cover the logic applied and the significance of these types of processing and the expected consequences for the Data Subject;

If the Data Subject has submitted his / her request by electronic means, the requested information shall be provided in a widely used electronic form, unless the Data Subject requests otherwise.

Prior to the fulfillment of the request, the Controller may request the Data Subject to specify its content and to indicate the requested information and data process activities.

If the Data Subject's right of access under this section adversely affects the rights and freedoms of others, in particular the business secrets or intellectual property of others, the Data Controller shall be entitled to refuse the Data Subject's request to the extent necessary and proportionate.

In the event that the Data Subject's request for the above information is excessive or unfounded, the Controller is entitled to charge a reasonable fee or refuse to act on the request.

#### 4.2. Right to rectification

The Data Subject has the right to request the rectification of personal data concerning him/ her. If the personal data concerning the Data Subject are incomplete, the Data Subject is entitled to request for the completion of the personal data.

During the exercise of the right related to the rectification / completion, the Data Subject is obliged to indicate which data are inaccurate or incomplete, and is also obliged to inform the Data Controller about the exact, complete data.

In justified cases, the Data Controller is entitled to request the Data Subject to prove the accuracy and completion of the data, particularly by providing a document for evidence.

The Controller shall rectify and complete the data without undue delay.

The Controller shall immediately inform the persons to whom it has communicated the Data Subject's personal data after fulfilling his / her request, provided that this is not impossible or does not require a

disproportionate effort from the Data Controller. Upon request, the Data Controller shall inform the Data Subject about these recipients.

#### 4.3. Right of cancellation ("right to forget")

The Data Subject has the right to obtain from the Data Controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

- the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed,
- the Controller has processed the personal data (including special data) on the basis of the consent of the Data Subject, the Data Subject has withdrawn his or her consent in writing and there is no other legal basis for the data processing,
- the Data Subject objects to the data processing based on the legitimate interests of the Data Controller and there are no compelling legitimate reasons for the Data Controller which override the interests, rights and freedoms of the Data Controller or which are related to the establishment, exercise or defence of legal claims,
- the Data Controller has unlawfully processed the personal data,
- the data processed by the Data Controller must be erased in order to fulfill the legal obligation provided for in the Union or national law applicable to the Data Controller,
- the Data Subject objects to the data processing and there are overriding legitimate grounds for the processing.

The Data Subject is obliged to submit his / her request related to the erasure in writing and is obliged to indicate which personal data he / she intends to erasure for what reason.

If the Data Controller accepts the Data Subject's proposal related to the erasure, the Data Controller shall erase the processed personal data from the records and inform the Data Subject accordingly.

If it is necessary to erase the Data Subject's personal data, the Data Controller shall immediately inform the persons to whom it has communicated the Data Subject's personal data, provided that this is not impossible or does not require a disproportionate effort from the Data Controller. Upon request, the Data Controller shall inform the Data Subject about these recipients.

The Controller is not obliged to erase personal data in case the data processing is necessary:

- freedom of expression and practice of the right to information
- for compliance with a legal obligation which requires processing by Union or Member State law to which the Data Controller is subject
- for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Data Controller
- to pursue the public interest in the field of public health,
- for archiving purposes in the public interest, for scientific and historical research purposes or for statistical purposes, provided that the exercise of the Data Subject's right to forget would make data processing likely to become impossible or seriously jeopardized
- for the establishment, exercise or defence of legal claims.

#### 4.4. Right to restrict data processing

The Data Subject has the right to obtain from the Data Controller restriction of processing where one of the following applies:

- the Data Subject disputes the accuracy of the personal data (in this case the restriction lasts as long as the Controller checks the accuracy of the data),
- the Data Controller has unlawfully processed the personal data, but instead of erasure the Data Subject requests a restriction,
- the Data Controller no longer needs the personal data for the purposes of the processing, but they are required by the Data Subject for the establishment, exercise or defence of legal claims,
- the Data Subject objects to the data processing based on the legitimate interests of the Data Controller and there is no compelling legitimate reason for the Data Controller to override the interests, rights and freedoms of the Data Subject or related to the establishment, exercise or defence of legal claims; in this case, the restriction lasts until it is determined whether the legitimate reasons of the Data Controller override the legitimate reasons of the Data Subject.

The Data Controller shall immediately inform the persons to whom it has communicated the Data Subject's personal data after fulfilling his / her request to exercise his / her right to restriction, provided that this is not impossible or does not require a disproportionate effort from the Data Controller. Upon request, the Controller shall inform the Data Subject of these recipients.

#### 4.5. Right to object

If the processing of the data of the Data Subject is based on a legitimate interest, it is an important provision of a guarantee nature that the Data Subject must be provided with adequate information and the right to object in connection with the data processing. This right must be explicitly brought to the attention of the Data Subject at the latest at the time of first contact.

According to this, the Data Subject has the right to object to the processing of his / her personal data. In this case the Controller may not further process the Data Subject's 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.

#### 4.6. The right to data portability

The Data Subject is entitled to receive personal data concerning him / her processed by the Controller in a structured, widely used, machine - readable format, and is also entitled to transfer this data to another data controller without hindrance from the controller to which the personal data have been provided.

The right to data portability may be exercised in respect of personal data provided by the Data Subject to the Controller, and

- processing is based on the data subject 's consent or has contractual basis, and
- data processing is carried out by automated means.

If it is technically feasible, the Controller at the request of the Data Subject, shall transfer the personal data directly to another data controller indicated in the Data Subject's request. The right to data portability under this point does not create an obligation for data controllers to implement or maintain technically compatible data management systems.

Within the scope of data portability, the Controller is obliged to make the medium available to the Data Subject free of charge.

In the event that the Data Subject's right to data portability adversely affects the rights and freedoms of others, in particular the business secrets or intellectual property of others, the Controller is entitled to refuse to comply with the Data Subject's request to the extent necessary.

The measure taken within the scope of data portability does not mean the erasure of the data, the Controller shall keep them registered as long as the Controller has an appropriate purpose or legal basis for the processing of the data.

#### 4.8. Right of appeal

##### *4.8.1. Right to complain*

If the Data Subject considers that the processing of his / her personal data by the Controller violates the provisions of the applicable data protection legislation, in particular the GDPR, he / she has the right to lodge a complaint with the Hungarian National Authority for Data Protection and Freedom of Information.

Contact details of the Hungarian National Authority for Data Protection and Freedom of Information:

Website: <http://naih.hu/>

Address: 1125 Budapest, Szilágyi Erzsébet fasor 22/c.

mailing address: 1530 Budapest, Pf.: 5.

Phone number: +36-1-391-1400

Fax: +36-1-391-1410

E-mail: [ugyfelszolgalat@naih.hu](mailto:ugyfelszolgalat@naih.hu)

The Data Subject also has the right to complain to another supervisory authority, in particular the supervisory authority established in the Member State of the European Union where he /she has his or her habitual residence, place of employment or suspected infringement.

##### *4.8.2. Right to go to court (right of action)*

Regardless of the right to complain, the Data Subject may apply to a court if his / her rights under the GDPR have been violated in the processing of his / her personal data.

Considering the Controller is not a public authority practicing public authority powers in a Member State, the Data Subject may also take an action before the competent court of the Member State of habitual residence if the Data Subject is habitually resident in another Member State of the European Union.

##### *4.8.3 Other rights*

The Data Subject has the right to entrust a non-profit organization or association established in accordance with the law of a Member State of the European Union to file the complaint on his / her behalf, to have the decision of the supervisory authority reviewed by a court, to bring an action and to



enforce his / her right to compensation on his / her behalf, whose statutes the protection of the public interest and the protection of the rights and freedoms of data subjects with regard to personal data

## **5. Other provisions**

The Controller reserves the right to amend the Notice at any time.

The Controller shall notify the Data Subject of the change by publishing it on the website at least 8 days before the change enters into force.

Budapest, May 20, 2020.

### **Escala Hotel & Suites**

JM Hospitality Hungary Kft.

represented by: Zdenek Kovarik and Jana Krakorova