

Data protection information

This Data Protection Information (hereinafter: “**Data Protection Information**” or “**Information**”) is provided by Rail Cargo Hungaria Zrt. (Registered office: 1133 Budapest, Váci út 92., company registration number: 01-10-045318, hereinafter: “**Company**” or “**Controller**”).”) and presents the characteristics of Data Protection related to the conclusion and performance of contracts, in particular the collection, storage and use of data.

The Data Protection Information is prepared on the basis of Regulation (EU) 2016/679 of the European Parliament and of the Council on the Protection of personal data of natural persons and on the free movement of data (hereinafter: “**GDPR**” or “**Regulation**”), subject to the right to information self-determination and Act CXII of 2011 on Freedom of Information. (hereinafter: “**Information Act**”).

The Controller is entitled to prepare an extract from the content of this prospectus in connection with this Data Protection, and may ensure that the data subjects declare by signing this document that they have read and acknowledged the contents of the extract in connection with prior information related to the processing of personal data.

1. Name and contact data of the Controller:

Name of the Controller:	Rail Cargo Hungaria Zrt.
Registered office:	1133 Budapest, Váci út 92.
Tax number	13594567-2-44
Company registration number:	01-10-045318
E-mail address:	<u>adatvedelem.rch.hu@railcargo.com</u>
Telephone number:	+36 20 591 7949
Data protection officer	dr. Nagy Dóra Adriána
Email address of data protection officer:	<u>adatvedelem.rch.hu@railcargo.com</u>

2. Definitions in connection with Data Protection

The conceptual system of this Data Protection Information is the same as the interpretative explanations defined in Article 4 of the GDPR, and in certain interpretative provisions of § 3 of the Information Act.

Based on these:

- **Personal data** means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;
- **Consent** of the data subject means any freely given, specific, informed and unambiguous indication of the data subject’s wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;
- **Controller** means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member

State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law;

- **Processing** means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;
- **Processor** means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;
- **Recipient** means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not;
- **Third party** means a natural or legal person other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data;
- **Profiling** means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;
- **Personal data breach** means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

3. Principles of Data Protection

When providing Services, the Controller pays increased attention to the protection of personal data, compliance with mandatory legal provisions, and secure and fair Data Protection.

The Controller shall treat the personal data confidentially in accordance with the provisions of Section 4 of this Data Protection Information and shall take all security, technical and organizational measures that guarantee the security of the data and the enforcement of data protection and data security regulations.

During the handling, registration, processing and transmission of the personal data of the data subject the Controller shall comply with the provisions of the GDPR and the Information Act in accordance and in compliance with the provisions of the relevant legal regulations.

The Controller declares that he / she/it handles the personal data in accordance with the provisions of this Data Protection Information and complies with the provisions of the relevant legal regulations, in particular with regard to the following:

- Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency');

- Controller shall collect personal data for specified, explicit and legitimate purposes that will be further processed in a manner that is in compliance with these purposes; („purpose limitation” „data minimisation”);
- Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes. (‘storage limitation’);

Since data shall be accurate and kept up to date, Controller has to take every reasonable step to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (‘accuracy’); – if it has a credible information about its inaccuracy

Personal data shall be processed by controller in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures (‘integrity and confidentiality’)

4. Method and security of Data Protection

The Controller ensures the security of the data and takes the technical and organizational measures and establishes the procedural rules necessary to enforce the data protection and confidentiality rules prescribed by the GDPR and the Information Act, as well as other legal regulations. The Controller protects personal data against unauthorized access, change, transmission, disclosure, or accidental deletion, destruction, injury and becoming inaccessible due to changes in the technology used.

The Controller pays special attention to the protection of data files processed electronically in the various registers in order to ensure that, the data stored in the various registers cannot be directly linked or assigned to the data subject, unless permitted by law.

5. Data Protection related to the conclusion and fulfilment of contracts

Contracts concluded by RCH will include the workplace email addresses, telephone numbers, and mailing addresses of Partners’ employees who, based on their job will be listed as professional contacts. The Company concludes typically service contracts, sales and lease contracts with customers.

Purpose of Data Protection	The purpose of Data Protection is to prepare, conclude and fulfil contracts.
Scope of managed data	Name, e-mail address, telephone number, postal address, fax
Stakeholders	Employees of the Company's contractual partners
Legal basis for Data Protection	Relating to the contracting party, Article 6 (1) (b) of the GDPR with regard to the conclusion or performance of the contract.

Data storage period	For 5 years after the performance of the contract.
Method of Data Protection	paper format and / or electronically.
Data source	Data recorded from a data subject.
Possible consequences of non – proving data	Provision of personal data is necessary for the performance of the contract. If the data subject does not provide the data to the Company, the Company will not be able to fulfil the contract.
Automated decision making and profiling	The Company does not use automated decision making and profiling.
Who has access to personal information?	The information related to the contract is available to the employees of the Company.
Transfer of data to a third country or to an international organization	No data will be transferred to a third country or any international organization.

6. Data processors

Processors do not make an independent decision, they are only contracted by the Controller and are entitled to act in accordance with the instructions received. The processors shall record, register and process the personal data transmitted to them by the Controller and /or processed by it in accordance with the provisions prescribed by the GDPR.

Processors shall perform Data Protection operations for the personal data provided by the data subjects within the time frame indicated in this Data Protection Information, in accordance with the Data Protection purpose.

Controller shall not use a data processor in connection with Data Protection.

7. Enforcing the rights of data subjects

The data subject may request information on the processing of his or her personal data and request the correction of his or her personal data, restrictions on Data Protection, deletion of his/her data by sending an email to the e-mail address adatvedelem@railcargo.com or in writing, sending a written request in a letter to the registered office of the Controller, or is

entitled to exercise his or her right to data portability and to have his or her consent to withdraw.

In the event of a complaint from a data subject, he or she may turn to the National Data Protection and Freedom of Information Authority or, at his or her choice, to a court in Hungary. In court proceedings, the tribunal court has jurisdiction.

Controller shall inform all recipients to whom or with whom the personal data have been communicated of any rectification, erasure or restriction of data processing, unless this is impossible or requires a disproportionate effort. Upon request, the controller shall inform the data subject of these recipients.

a) Right to information and access to personal data

In accordance with the obligation prescribed in Article 13 of the GDPR, the Controller shall, if the personal data originates from the data subject at the time of obtaining the personal data, provide the data subject with the following information on data processing:

- a) the identity and the contact details of the controller and, where applicable, of the controller's representative;
- b) the contact details of the data protection officer, where applicable;
- c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;
- d) the recipients or categories of recipients of the personal data, if any;
- e) the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period;
- f) The existence of the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject or to object to processing as well as the right to data portability;
- g) In case data processing is based on consent the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal
- h) the right to lodge a complaint with a supervisory authority
- i) whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the data subject is obliged to provide the personal data and of the possible consequences of failure to provide such data.

If the personal data have not been obtained from the data subject, the Controller shall provide the data subject with the above information and, in addition, the following information in accordance with Article 14 of the GDPR:

- a) the categories of personal data concerned;
- b) the recipients or categories of recipients of the personal data, if any;
- c) the source of the personal data and, where applicable, whether the data come from publicly available sources.

If the personal data has not been obtained from the data subject, the Controller shall inform

- a) within a reasonable time after receipt of the personal data, but no later than one month;

- b) if the personal data are used for the purpose of contacting the data subject, at least at the time of the first contact with the data subject; or
- (c) if the data are expected to be communicated to another recipient, at the latest when the personal data are first communicated.

It does not need to be complied with the information obligation, described above, if

- the data subject already has the information contained in these points,
- the provision of the information in question is impossible or would require a disproportionate effort,
- the acquisition or disclosure of the data is expressly required by the applicable EU or applicable Hungarian law, which also provides for appropriate measures to protect the legitimate interests of the data subject, or
- personal data must be kept confidential on the basis of an obligation of professional secrecy required by EU or current Hungarian law.

The data subject's right of access shall include, in accordance with Article 15 of the GDPR, the provision of the following information:

- purposes of Data Protection;
- the categories of personal data concerned;
- the recipients to whom the personal data are or will be communicated;
- the planned duration of the storage of personal data;
- the rights of the data subject in relation to the processing of personal data;
- the source of the data, if they were not collected from the data subject;
- information for automated decision making.

In all cases, Controller strives to ensure that the information is provided to the data subject in a concise, transparent, comprehensible, easily accessible, clear and comprehensible manner as far as possible, even in compliance with the rules prescribed by the GDPR.

The Controller is responsible to provide information and take measures.

The Controller shall provide all information provided to the data subject in writing, including by electronic means.

Subject to the data security rules described by Article 15 and Article 32 of the GDPR, the Controller shall only provide information to the data subject, if the Controller has checked the identity of the data subject.

If the identity is not verified, the Controller shall reject the data subject's request for exercise of rights and shall at the same time inform the data subject of the manner of exercising his or her rights.

The Controller shall inform the data subject within one month from the receipt of the request in case of a request related to his / her rights, which is included in the duly communicated statement. Taking into account the complexity of the request and the number of requests, this one-month period may be extended by a further two months by reasoned information sent to the data subject by the Controller within one month of the submission to / receipt of the request by the Controller.

It is considered a proper communication or receipt, if the data subject sends the written request and it arrives to the official address of the Controller or to the e-mail address provided for this purpose.

A request not communicated in accordance with the above will not be taken into account by the Controller.

Information and communication relating to the processing of personal data must be easily accessible and comprehensive and must be drafted in clear and simple language. This principle applies in particular to informing data subjects about the identity of the controller and the purpose of the processing, as well as further information to ensure fair and transparent processing of the data subject's personal data, and to informing them that they have the right to be confirmed and informed. about the data processed about them.

Controller shall provide the information and measures provided for in this section free of charge and shall charge a fee only in the case specified in Article 12, section (5) of the GDPR.

b) Right to rectification

The data subject shall have the right to obtain from the Controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

c) Right to erasure ('right to be forgotten')

The data subject shall have the right to obtain from the 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:

- a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- b) the data subject withdraws consent on which the processing is based there is no other legal ground for the processing;
- c) the personal data have been unlawfully processed;

- d) 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;
- OR
- e) the personal data have been collected in relation to the offer of information society services.

The data subject's right of cancellation can only be limited, if the following exceptions are set out in the GDPR, i.e. if the above reasons are met, further retention of personal data can be considered lawful,

- a) for exercising the right of freedom of expression and information;
- b) for compliance with a given legal obligation (i.e. in the case of an activity captured in the Data Management Registry on the legal basis of a legal obligation during a duration in correspondence with the aim of data controlling), or
- c) for the execution of tasks of public interest; or
- d) for the purpose of exercising the right of a public authority vested to the controller
- e) for the purpose of public interest in the area of public health
- f) for archiving purposes in the public interest, or
- g) scientific or historical research purposes or statistical purposes; or
- h) for the establishment, exercise or defence of legal claims.

d) Right to data portability

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, that

- the legal basis of processing is based on consent or to fulfil a contract, in which one of the parties is concerned, or it is necessary to do it before concluding the contract on behalf of the person concerned. [See in this respect Paragraph (1) b of Article 6 or (b), and paragraph (2) a) of the Article 9. of GDPR]

AND

- data processing is carried out by automated means.

That right shall not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Controller, or if this right referred to adversely affect the rights and freedoms of others.

If the Controller has to disclose personal data to a person other than the data subject due to the data subject's right to data portability, the Controller shall inform and call the attention of this recipient third party not to use the personal data transferred by the Controller in relation to the data subject for its own purposes and may process such personal data only in accordance with the provisions of the applicable data protection legislation. The Controller shall not be liable for the use by third parties of personal data duly transferred to a third party at the request of the data subject.

e) Right to withdraw consent

If the legal basis for the processing of the data subject's personal data by the Controller is the data subject's consent, the data subject's consent to the data processing may be revoked at any time by the data subject. In this connection, the Controller informs the data subjects that the Controller may process the data subject's personal data for the purpose of fulfilling his / her legal obligation or enforcing his / her legitimate interests, even if the exercise of the interest is proportionate to the restriction of personal data protection.

f) Right to object

The data subject may object to the processing of his or her personal data by submitting a statement to the Controller if the legal basis for the data processing

- Article 6 of the GDPR. The public interest referred to in paragraph 1 (e), or
- a legitimate interest within the meaning of Article 6 (1) (f) of the GDPR.

In case of exercising the right to object, the Controller may no longer process personal data unless the Controller proves that, the processing is justified by compelling legitimate reasons which take precedence over the interests, rights and freedoms of the data subject or for the submission, enforcement or the protection of. the legal claims. In connection with the determination that the data processing is justified by compelling legitimate reasons, the management of the Controller shall decide. The management shall inform the person concerned of its position in this regard in an opinion. Personal data will be restricted for the period until the determination.

g) Right to restriction of processing

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

- the accuracy of the personal data is contested by the data subject, for a period enabling the Controller to verify the accuracy of the personal data;
- the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
- the controller no longer needs the personal data for the purposes of processing, but they are required by the data subject for the establishment, exercise or defense of legal claims;

- the data subject has objected to processing pursuant to Article 21 of the GDPR pending the verification whether the legitimate grounds of the controller override those of the data subject.

For the duration of the examination of the data subject's objection to the processing of his / her personal data - but for a maximum of 5 days - the data processing shall be suspended by the Controller, the validity of the objection shall be examined and a decision shall be made, on which decision the data subject shall be informed.

If the objection is justified, the data will be restricted by the Controller, ie only storage as Data Protection can take place until:

- the data subject consents to the processing;
- the processing of personal data is necessary for the enforcement of legal claims;

- the processing of personal data becomes necessary in order to protect the rights of another natural or legal person; or
- legislation orders Data Protection in the public interest.

If the data processing restriction is lifted by the Controller, prior to the lifting of the restriction, the data subject shall be informed in writing of the fact of the lifting of the restriction, unless the restriction proves impossible or requires a disproportionate effort.

If the data subject has requested a restriction on data processing, the Controller shall inform the data subject in advance of the lifting of the restriction.

8. Remedies

The Controller shall also reimburse the damage caused to others by the unlawful processing of the data of the data subject or the violation of the data security requirements, as well as the damages caused by violation of personal data caused by data processor used by him. The controller shall be released from liability to pay damages caused and from the obligation to pay compensation, if it proves that it is not liable in any way for the occurrence of damages.

The data subject has the right to contact the Controller's Data Protection Officer directly at the following e-mail address: Krisztian.Peto@railcargo.com in order to rectify the violation against him or her or with any other complaint.

The person concerned may submit a claim for remedy or a complaint directly to the Controller or to the contacts of National Data Protection and Freedom of Information Authority indicated below.

Name: Nemzeti Adatvédelmi és Információszabadság Hatóság

Address: 1055 Budapest, Falk Miksa utca 9-11.

Postal address: 1374 Budapest, Pf. 603.

E-mail: ugyfelszolgalat@naih.hu

Telephon: +36 (1) 391-1400

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

The data subject can turn to a court, that is acting out of turn, in order to protect his or her data. In this case, he/she are free to decide whether to bring an action before the court of his / her place of residence (permanent address) or his / her place of residence (temporary address) (<http://birosag.hu/torvenyszekerek>). The court of place of residence or stay can be found at <http://birosag.hu/ugyfelkonnectati-portal/birosag-kereso>.

9. Other provisions, entry into force

The validity of this Data Protection Information lasts from the entry into force of the contract until revoked.

The Controller reserves the right to amend this Data Protection Information. If the change affects the use of personal data provided by the data subject, it shall inform the data subject of the changes in an appropriate form, such as an e-mail information letter. If the details of the

Data Protection also change due to the amendment of the Data Protection Information, the Controller will separately request the consent of the data subject.

In any matters not specified in this Data Protection Information, the GDPR and, in the cases permitted by it, the provisions of Information Act shall apply.