

Privacy notice

This document contains information about FlexCom Communications Ltd.'s GPS tracking service and its processing of data in connection with the website <https://gpspositions.net/map/index.php> (hereinafter referred to as the Website).

The Privacy Notice has been prepared in accordance with the provisions of the General Data Protection Regulation 2016/679 (hereinafter: the Regulation).

This notice specifically addresses the cases relating to the GPS tracking service and the related website <https://gpspositions.net/map/index.php>, if you purchase a GPS tracking device or use our website tracking.net, a separate privacy notice applies to these cases.

Please note that we are a data processor for the data collected when you use the service and are subject to the provisions of our general terms and conditions.

Our contact details are:

Headquarters: Hungary, Fot, 2151 Szent Imre u. 94.
E-mail address: info@nyomkovetes.net
Phone number: 36- 1-7691005

1. Definitions

Personal data

Any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, 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.

Processing

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, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Data controller

The controller is the legal or natural person who carries out the processing. The controller determines the scope of the data processed and the purpose of the processing.

Data Processor

A natural or legal person, public authority, agency or any other body that processes personal data on behalf of the data controller (data processor), which for the purposes of this Chapter shall be understood as the Service Provider.

2. The scope of the data processed, the grounds for processing, the purposes of the processing and the duration of the processing

2.1. Processing of subscribers' data in the context of a subscription

Description of the processing scope, purpose of processing

We need to process the personal data of our individual subscribers in order to:

- provide them with access to the GPS positioning service,
- order and manage the service online.

In order to conclude a contract, we process the following data:

- Name
- Email
- Phone
- Address (country, postal code, town, area, number).

For our legal entity subscribers, we process the name, email address and telephone number of the person authorised to contact you.

Data processed to ensure access to the Website:

- username
- password

Legal basis for data processing

Legal basis for data processing:

- for private persons, the establishment and performance of a contract for the provision of a location service pursuant to Article 6(1)(b) of the Regulation,
- in the case of a legal entity contact person, our legitimate interest under Article 6(1)(f) of the Regulation to inform our partners of information concerning them and, in the case of new customers, to establish a business relationship.

Duration of data processing

The data processed for the purpose of concluding a contract will be processed until the limitation period of 5 years after the termination of the legal relationship, the data of the contact person of the legal person will be processed until the contact status is maintained, the data necessary to access the Website will be processed until the termination of the legal relationship.

2.2. Management of location data of service users

Description of the processing scope, purpose of processing

In order to ensure that our subscribers have access to the GPS tracking service, we need to process the location data of our subscribers.

The location data is processed solely for the purpose of the tracking service and solely during the use of the application.

Legal basis for data processing

The legal basis for data processing is the performance of the contract for the provision of the location service pursuant to Article 6(1)(b) of the Regulation.

Duration of data processing

Location data are processed for the duration of the tracking.

2.3. Issuing invoices to individuals

Description of the scope of data processing, purpose of data processing

When issuing an invoice, we issue an invoice with the content in accordance with the law.

Therefore, if we issue an invoice to a private customer, we must indicate the name and address of the customer on the invoice in accordance with the tax legislation.

In the case of a legal person, the invoice does not contain any personal data.

Legal basis for processing

The legal basis for processing pursuant to Article 6(1)(c) of the Regulation is Article 159(1) of Act CXXVII of 2007 on Value Added Tax.

Duration of processing

The data on the invoice must be kept for 8 years in accordance with the Accounting Act.

2.4. Data processed for complaint handling

Description of the scope of processing, purpose of processing and scope of the data processed

When we handle a consumer complaint, we also process personal data in the course of the administration of the case. We will process at least your name, contact details (e.g. e-mail address, telephone number, postal address) and your complaint.

The purpose of the processing is to ensure that the complaint is dealt with in accordance with the law.

If you have contacted us orally and your complaint is dealt with immediately, we do not need to record any further data.

If we cannot deal with your complaint orally immediately, or if you have sent us your complaint in writing, we must keep a record of the complaint. The record of the complaint must include the following:

- the name and address of the consumer,
- the place, time and manner in which the complaint was lodged,
- a detailed description of the consumer's complaint, a list of documents, records and other evidence produced by the consumer,
- a statement by the undertaking of its position on the consumer's complaint, where an immediate investigation of the complaint is possible⁴
- the signature of the person who took the record and, except in the case of an oral complaint made by telephone or other electronic means of communication, the signature of the consumer,
- the place and time of the taking of the record,
- in the case of a verbal complaint made by telephone or other electronic communications service, the unique identification number of the complaint.

Legal basis for data processing

The legal basis for the processing of the data is the fulfilment of the legal obligation to deal with complaints pursuant to Article 6 (1) (c) of the Regulation, in accordance with Article 17/A of Act CLV of 1997 on Consumer Protection.

Duration of data management

Pursuant to Article 17/A (7) of the Consumer Protection Act, the record of the complaint must be kept for 5 years after the complaint has been made and must be presented to the authority upon request.

2.5. Data processed for complaint handling

Description of the processing scope, purpose of processing and scope of the data processed

For quality assurance purposes, we record calls to our customer service telephone numbers and messages left outside of customer handling hours.

These calls and messages are used for the administration of our customer service and may be listened to after recording for the purpose of monitoring the conduct of our employees.

The telephone conversation, the message and the information contained therein are considered personal data for the purposes of data processing and are linked to the customer who initiated or received the call. During the conversation, the identification data of the parties to the conversation are also recorded.

Legal basis for data processing

The legal basis for data processing is our legitimate interest, as set out in Article 6(1)(f) of the Regulation, to ensure the quality of the calls we receive from our customer service.

Duration of processing

Calls and messages are processed for 1 year after recording.

2.6 Cookie management

In order to ensure a tailored and efficient use of the Website and to provide you with the most complete user experience, we may place a small piece of data on your computer, called a cookie. Cookies are identifiers that our Website or our partner server that collects the cookie may send to the computer you use to identify the computer used while on the Website and to store technical data about your use of the Website (such as click-throughs, other navigation data).

Most browsers automatically accept these cookies by default. You can change this in your browser or remove the cookies - but in this case the website operator cannot guarantee the proper functioning of all functions of the website and the full use of the Website. By using the website for the first time, the visitor accepts that cookies may be placed on his/her computer.

3. Your rights in relation to data processing

During the period of processing, you have the following rights under the Regulation:

- access to personal data and information,
- right to rectification
- restriction of processing,
- right to erasure,
- right to object to processing based on legitimate interest,
- right to portability.

If you wish to exercise your rights, this will involve identifying yourself and we will need to communicate with you as necessary. This will therefore require you to provide personal data in order to be identified (but identification will only be based on data that we already process about you) and your complaints about the processing will be available in our email account.

We will respond to complaints about data processing within 30 days at the latest.

3.1. Access to personal data and information

You have the right to receive feedback on whether your personal data is being processed and, if it is, you have the right to:

- access to the personal data processed; and
- be informed of the following information:
 - the purposes of the processing;
 - the categories of personal data processed about you;
 - information about the recipients or categories of recipients to whom or with whom the personal data have been or will be disclosed;
 - the envisaged period for which the personal data will be stored or, where this is not possible, the criteria for determining that period;
 - your right to request the rectification, erasure or restriction of the processing of personal data concerning you and, in the case of processing based on legitimate interests, to object to the processing of such personal data;
 - where the data have not been collected from you, any available information about their source;
 - the fact of automated decision-making (if such a process is used), including profiling, and, at least in these cases, clear information about the logic used and the significance of such processing and its likely consequences for you.

The purpose of exercising this right may be to ascertain and verify the lawfulness of the processing, and we may charge a reasonable fee for providing the information in return for repeated requests.

Access to personal data is provided by sending you the personal data and information processed by email after you have been identified.

Please indicate in your request whether you want access to the personal data or information about the processing.

3.2. Right to rectification

You have the right to have inaccurate personal data relating to you rectified without delay at your request.

3.3. Right to restriction of processing

You have the right to request that we restrict processing if any of the following applies:

- You contest the accuracy of the personal data, in which case the restriction will be for a period of time that allows us to verify the accuracy of the personal data, and if verification is not necessary, no restriction will be applied;
- the processing is unlawful and you oppose the erasure of the data and instead request the restriction of their use;
- we no longer need the personal data for the purposes for which they are being processed but you require them for the establishment, exercise or defence of legal claims; or

- you have objected to the processing, but we may have a legitimate interest in the processing, in which case we will restrict the processing until it is determined whether our legitimate grounds override your legitimate grounds.

If processing is restricted, such personal data, except for storage, may only be processed with your consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for important public interests of the Union or of a Member State.

You will be informed in advance (at least 3 working days before the restriction is lifted) of the lifting of the restriction on processing.

3.4. Right to erasure - right to be forgotten

You have the right to have your personal data deleted without undue delay if one of the following grounds applies:

- the personal data is no longer necessary for the purposes for which it was collected or processed;
- You withdraw your consent and there is no other legal basis for the processing;
- You object to the processing based on legitimate interests and there is no overriding legitimate ground (i.e. legitimate interest) for the processing,
- the personal data have been unlawfully processed and this has been established on the basis of the complaint,
- the personal data must be erased in order to comply with a legal obligation under EU or Member State law applicable to us.

If we have disclosed personal data we hold about you for any lawful reason and we are obliged to delete it for any of the reasons set out above, we will take reasonable steps, including technical measures, taking into account the available technology and the cost of implementation, to inform other controllers that you have requested the deletion of links to or copies of the personal data in question. As a general rule, your Personal Data will not be disclosed.

Erasure does not apply if the processing is necessary:

- for the exercise of the right to freedom of expression and information;
- for compliance with a legal obligation under EU or Member State law that requires the processing of personal data (such as processing in the context of invoicing, where the storage of the invoice is required by law), or for the performance of tasks

carried out in the public interest or in the exercise of official authority vested in the controller;

- for the establishment, exercise or defence of legal claims (e.g. : if you have an outstanding claim on us and have not yet settled it, or if you are the subject of a consumer or data management complaint).

3.5. Right to object

You have the right to object to the processing of your personal data based on legitimate interests at any time on grounds relating to your particular situation. In this case, we may no longer process your personal data unless we can prove that the processing is justified by compelling legitimate grounds which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

3.6. Right to portability

Where the processing is necessary for the performance of a contract, or the processing is based on your voluntary consent, you have the right to request to receive the data you have provided to us in a machine-readable format, which we will make available to you in xml, JSON or csv format, and, if technically feasible, to request that we transfer the data in this format to another controller.

4. Remedies

If you believe that we have violated a legal provision relating to data processing or have not complied with a request, you may initiate an investigation procedure with the National Authority for Data Protection and Freedom of Information (postal address: 1530 Budapest, PO Box 5, e-mail: ugyfelszolgalat@naih.hu).

You are also informed that you may also bring a civil action before a court.

5. Data security

In the operation of our IT systems, we use the necessary access control, internal organisation and technical solutions to ensure that your data cannot be accessed, deleted, deleted from the system or modified by unauthorised persons. We also enforce data protection and data security requirements with our data processors.

We keep records of any data breaches and, where necessary, we will inform you of any incidents that occur.

6. Other provisions

We reserve the right to amend this privacy notice without affecting the purpose and legal basis of the processing.

If, however, we intend to carry out further processing of the data collected for purposes other than those for which they were collected, we will inform you of the purposes of the processing and the information below before carrying out the further processing:

- the period for which the personal data will be stored or, if this is not possible, the criteria for determining that period;
- the right to request access to, rectification, erasure or restriction of processing of personal data concerning you and, in the case of processing based on legitimate interests, to object to the processing of personal data and, in the case of processing based on consent or a contractual relationship, to request the right to data portability;
- in the case of processing based on consent, that you may withdraw your consent at any time,
- the right to lodge a complaint with a supervisory authority;
- whether the provision of the personal data is based on a legal or contractual obligation or is a precondition for the conclusion of a contract and whether you are under an obligation to provide the personal data and the possible consequences of not providing the data;
- the fact of automated decision-making (if such a process is used), including profiling, and, at least in these cases, clear information on the logic used and the significance of such processing and the likely consequences for you.⁹ Processing may only start after this, if the legal basis for the processing is consent, and you must consent to the processing in addition to being informed.

This Privacy Notice is valid from 01.02.2021.