

## DATA PROCESSING POLICY

### - Modul Business Championship -

**Modul University Vienna GmbH** (hereinafter referred to as the “Modul University” or “Controller”) is an educational and talent nurturing institution whose priority is to maintain the Modul University Vienna to ensure its operating conditions and institutional development goals.

MCC and Modul University Vienna organizes the Modul Business Championship (hereinafter referred to as the “Championship”) where personal data of the participants shall be processed in line with REGULATION (EU) 2016/679 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 as hereinafter set forth:

Act and regulation and their abbreviations used and considered in relation to the Policy

**DSG** Federal Act on the Protection of Natural Persons with regard to the Processing of Personal Data (Data Protection Act - DSG) (hereinafter referred to as ‘**DSG**’)

**GDPR** Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 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 (General Data Protection Regulation) (hereinafter referred to as ‘**GDPR**’)

### Definitions

Definitions in this Policy meet definitions of Article 4 of GDPR.

Where definitions of GDPR in force are different from the definitions of this Policy, definitions of GDPR in force shall prevail.

### I. Data controller, data processor and contact details

<b>Data Controller</b> (hereinafter referred to as „Controller”)	
name:	<b>Modul University Vienna GmbH</b>
seat:	<b>Am Kahlenberg 1, 1190 Vienna, Austria</b>
postal address:	<b>Am Kahlenberg 1, 1190 Vienna, Austria</b>
phone:	<b>+43 1 9280742</b>
registration number:	<b>FN 277162t</b>
represented by:	<b>Managing Director: András Viskievicz</b>
e-mail:	<a href="mailto:privacy@modul.ac.at">privacy@modul.ac.at</a>

<b>Data processor</b> (hereinafter referred to as „Data processor”)	
The personal data may be transferred for procession to	
- website operator	<b>Data is stored securely in-house, at authorised data centers and with cloud providers in line with the EU-GDPR 2016/679.</b>

### II. Data subject, personal data, purpose of processing, legal basis for processing, period of processing

**Data subject: person registering for the Championship (team members and advisor)**

Personal data	Purpose	Legal basis	Period
name, university/college, major, name of the team, name and e-mail of the representative of the team, name, position and e-mail of the advisor, other personal data provided in the presentation and video submitted in the first (online) round	Registration for the Championship, identification of the team, contact purposes and evaluation and assessment of the submitted presentation and video.	Point a) section (1) of Article 6. of the GDPR (consent)	until consent is withdrawn, but no later than a.) if the team is evaluated for the Finals: see the period for data management of the personal data of the participants (below) b.) if the team is not evaluated for the Finals: 15 days after the notification of the results

**Data subject: participants (finalists) of the Championship (team members and advisor)**

Personal data	Purpose	Legal basis	Period
personal data provided during registration, ID or passport number, nationality, city of residence, date and place of birth, other personal data provided (and not listed in this Policy) during Finals	Participation in the Finals, identification of the team and the team members by the organizers, evaluation and assessment of the work of the team.	Point a) section (1) of Article 6. of the GDPR (consent)	until withdrawn, but no longer than until 15 <sup>th</sup> day after the Championship
food intolerances, allergies,	Ensuring appropriate catering.	Point a) section (1) of Article 6. of the GDPR (consent)	until withdrawn, but no longer than until 15 <sup>th</sup> day after the Championship
phone number	Contact purposes.	Point a) section (1) of Article 6. of the GDPR (consent)	until withdrawn, but no longer than until 15 <sup>th</sup> day after the Championship
email	Sending newsletter, providing information on activities and events of Modul University Vienna.	Point a) section (1) of Article 6. of the GDPR (consent)	until withdrawn
photos, audio, and video recordings	Promotion and presentation of the professional activity of MCC, Modul University Vienna and the Championship, and placing, displaying and playing of the photos, audio and video recordings on the media managed, operated by and reserved for the Controller (especially: Facebook, Youtube, Instagram, website of Mathias Corvinus Collegium) for such a purpose.	Point a) section (1) of Article 6. of the GDPR (consent); Point f) section (1) of Article 6. of the GDPR (legitimate interest);	until withdrawn and legitimate interests of the controller are overridden by the interests or fundamental rights and freedoms of the data subject

Information on transfer of personal data to a third country or international organisation (point f) section (1) of Article 13. of the GDPR):

personal data is not transferred to third country or international organisation

The recipients or categories of recipients of the personal data:

personal data will not be disclosed to other than the Controller's employees, Data processor and organizers of the Championship

Means of processing:

electronic

Information related to point e) section (2) of Article 13. of the GDPR:

the provision of personal data is not a statutory or contractual requirement, it is not a requirement necessary to enter into a contract, and the data subject is not obliged to provide the personal data, however without the personal data the participation can not be evaluated

Information related to point f) section (2) of Article 13. of the GDPR:

there is no automated decision-making

Information on the data management of the social media interface operator and the objection against the data management can be found in the following data protection policies of the service providers.

Facebook: <https://www.facebook.com/privacy/explanation>

YouTube: <https://policies.google.com/privacy?hl=hu>

Instagram: <https://help.instagram.com/519522125107875>

### **III. Principles**

1. The Controller processes personal data in accordance with principles of good faith and fair dealing and transparency and subject to law in force and provisions of this Policy.
2. The Controller processes personal data only on the basis of this Policy and for a specific purpose(s) and does not go beyond them.
3. If the Controller intends to use personal data for purpose(s) other than the original purpose(s), the Controller informs the data subject of such a purpose and use and obtain the previous and express consent of the data subject (where there is no other legal basis determined by GDPR) and the Controller allows the data subject opportunity to defy the use of personal data.
4. The Controller does not control personal data provided, person who provided the personal data, shall be liable for adequacy.
5. The Controller does not transfer personal data, except that the Controller is entitled and obliged to transfer or forward personal data available to and properly stored by the Controller to competent authority where transfer and forward of personal data is determined by law or legally binding order of authority. Controller shall not be liable for such a transfer or its consequences.
6. The Controller ensures the security of personal data, takes all technical and organizational measures and establishes rules of procedure that guarantee protection of recorded, stored and processed personal data, and prevent accidental losses, destruction, unauthorised access, unauthorised use, unauthorised alteration and unauthorised dissemination.

### **IV. Rights of the data subject**

1. The data subject may exercise right in the following ways:
  - e-mail
  - by post
  - in person

#### **2. Rights of the data subject**

##### **2.1. *Right of information and access to personal data***

The data subject may at any time request the Controller to provide information on data processed by the Controller or the data processor involved by or according to the order of the Company, purpose of the processing, legal basis for the processing, period of processing, name and address of data processor, activity of data processor related to data processing, the circumstances, effect of a personal data breach, measures taken for averting personal data breach, furthermore, where personal data is transferred the legal basis for and recipient of transfer of personal data.

In relation to the above, the data subject may request a copy of his/her processed data. In case of an electronic request the Controller executes the request first electronically (PDF format), except where the data subject requests expressly otherwise.

The Controller already draws attention to the fact that if the above right of access affects adversely the rights or freedoms of others, including in particular trade secrets or intellectual property, the Controller may refuse the execution of the request, to the extent it is necessary and proportionate.

##### **2.2. *Right to rectification and modification***

The data subject may request the rectification, modification and completion of personal data processed by the Company.

##### **2.3. *Right to data portability***

The data subject has the right to receive the personal data concerning him or her, which he or she has provided to the Company, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the Company.

Furthermore, the data subject has the right to have the personal data transmitted directly from one controller to another, where technically feasible.

##### **2.4. *Right to erasure ('right to be forgotten')***

The data subject may request the erasure of one or all personal data concerning him or her.

In this case, the Controller erases the personal data 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 data subject withdraws consent on which the processing is based and where there is no other legal ground for the processing;
- data processing is based on legitimate interest of the Controller or third person but the data subject objects to the processing and (except objection to processing related to direct marketing) there are no overriding legitimate grounds for the processing;
- the personal data have been unlawfully processed;
- the personal data have to be erased for compliance with a legal obligation.

The Controller informs the data subject of the refusal to the request of erasure in any event (e.g. data processing is required for the establishment, exercise or defence of legal claims), indicating the reason of the refusal. Erasure of personal data is executed that after fulfilment of request of erasure personal data (erased) cannot be restored.

In addition to the exercise of right to erasure, the Controller erases personal data if the data processing is unlawfully, the purpose of data processing is no longer exists, data storage period determined by law is already expired, it is ordered by court or authority.

#### 2.5. *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 the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;
- the data subject has objected to processing pending the verification whether the legitimate grounds of the Controller override those of the data subject

Where processing has been restricted, such personal data won't be processed or will, 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. A data subject will be informed by the Controller before the restriction of processing is lifted.

#### 2.6. *Right to object*

Where the legal basis for processing is legitimate interest of the Controller or third person (except compulsory data processing) or data is processed for direct marketing, scientific or historical research purposes or statistical purposes, the data subject, has the right to object to processing of personal data concerning him or her. Objection may be rejected if the Controller demonstrates

- compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or
- that data processing is related to the establishment, exercise or defence of legal claims of the Company.

The Controller examines the lawfulness of the objection of the data subject and where the objection is grounded, the Controller stops data processing.

#### 2.7. *Right to legal remedy*

See Section VII.

#### 2.8. *Right to withdraw the consent*

The data subject shall have the right to withdraw his or her consent to the processing at any time, provided that the withdrawal of the consent does not affect the lawfulness of the data processing prior to the withdrawal based on the consent.

3. The Modul University Vienna shall immediately examine the request submitted as above, take a decision on the fulfilment or refusal of the request, take the necessary measures and inform the data subject. If the request is rejected, the information shall include the legal basis for the refusal, the reasons and the legal remedies for data subject are available.
4. The Modul University Vienna shall inform any recipient to whom or with whom the personal data have been communicated of the rectification, erasure or restriction of data processing, unless this proves impossible or requires a disproportionate effort.

#### **V. Personal data breach**

1. The Modul University Vienna shall immediately report a personal data breach to the Austrian Data Protection Authority, unless the personal data breach is unlikely to result in a risk to the rights and freedoms of data subjects.
2. The Controller registers personal data breach and the measures related thereto.
3. If the personal data breach is serious (i.e. presumably involving a high risk to the rights and freedoms of the data subject), the Controller shall inform the data subject without undue delay.

#### **VI. Modification of the Policy**

1. The Controller reserves the right to modify this Policy through an unilateral decision at any time.
2. If the data subject does not agree with the modification, he/she may request the erasure of his/her personal data as determined above.

#### **VII. Legal remedies and enforcement**

1. The Controller may be contacted for the purpose of any question or comments related to data processing using contact details above.
2. In case of any violation related to data processing, the data subject may make a complaint to the competent data protection supervisory authority of the Member State of residence, workplace or the place of the alleged violation.

In Austria, complaint shall be submitted to the Austrian Data Protection Authority („Datenschutzbehörde – DSB”, address: Barichgasse 40-42, 1030 Vienna phone: +43 1 52 152-0; e-mail: [dsb@dsb.gv.at](mailto:dsb@dsb.gv.at) ; website: [www.dsb.gv.at](http://www.dsb.gv.at)).

The data subject may bring the following cases before court:

- violation of rights
- against the legally binding decision of the supervisory authority
- if the supervisory authority does not deal with the filed complaint or does not inform the data subject of aspects or result of the procedure related to the filed complaint within 3 months

The Regional Court for Civil Matters – [Landesgericht](#) (in Vienna [Landesgericht](#) für Zivilrechtssachen Wien) has jurisdiction in the lawsuit.

By the choice of the data subject, the suit may be filed in the court of the residence of the data subject.