



Derogations from certain data protection provisions during the period of state of danger

KPMG Legal Tóásó Law Firm

5 May 2020

Processing of personal data covered by the Government Decree



The exercise of the data subject's rights laid down by the GDPR and the Hungarian Privacy Act **shall be restricted** in relation to data processing conducted with the aim of preventing, better understanding, detecting, and avoiding the further spread of coronavirus cases (including the organization of the coordinated performance of the tasks of state organs), pursuant to Government Decree No. 179/2020. (V.4.) **as of 5 May until the end of the period of state of danger.**

The Government Decree has established a restriction on the rights of data subjects specifically with regard to data processing concluded for the purposes defined above (e.g. prevention of the spread of coronavirus cases). Consequently, it appears that the rights of data subjects should continue to be ensured in the manner laid down by the GDPR and the Privacy Act with regard to data processing conducted for other purposes.



The rules shall also apply to data processing already in progress upon the entry into force of the Government Decree, as well as to related requests, notifications and procedures.

The most important measures introduced by the Government Decree



Suspension of measures to be taken upon an incoming request from a data subject

- With regard to the processing of data for the aforementioned purposes, all measures to be taken on the basis of the data subject's request shall be suspended until the end of the period of state of danger.
- The starting date of the time limits set for these measures shall be the day following the end of the period of state of danger.
- The data subject shall be informed immediately after the end of the period of state of danger, but not later than 90 days after receipt of the request.



Providing the right to prior notice by electronic means

The information to be provided in connection with the right to prior notice in the case of processing data for such purposes shall be deemed to have been fulfilled if:

general information **published electronically** on

- the purposes,
- the legal basis, and
- the scope of the processing

is available to the data subjects in clear and plain language.



The starting date of the time limit for procedures initiated upon complaints and the right to remedy

The starting date of the time limit set for proceedings initiated on the basis of a notification, request or statement of claim submitted in connection with the right to lodge a complaint with the Data Protection Authority or the right to an effective judicial remedy against a controller/processor or the Data Protection Authority shall be the day following the end of the period of state of danger.

Contacts



dr. Bálint Tóásó MSc LL.M (Vienna)
Head of Legal Services
T: +36 30 663-6245
E: balint.toaso@kpmg.hu



dr. Ildikó Csák
Attorney-at-Law
T: +36 70 978 934
E: ildiko.csak@kpmg.hu



dr. Boglárka Kricskovics-Béli
Attorney-at-Law
T: +36 70 520 4507
E: boglarka.kricskovics-beli@kpmg.hu



dr. Nóra Takács LL.M
Attorney-at-Law
T: +36 70 978 9709
E: nora.takacs@kpmg.hu **Nóra**



dr. Fanni Márkus
Associate
T: +36 70 333 1502
E: fanni.markus@kpmg.hu



dr. Anna Hollós
Associate
T: +36 70 3701817
E: anna.hollos@kpmg.hu



kpmg.com/socialmedia



kpmg.com/app

The information contained herein are only for information purposes and shall not apply to any circumstances of any specific legal or natural persons or other entities without legal personality. Though KPMG intends to provide accurate and timely information, however, shall not undertake any responsibility for the present or future effectiveness of any information set out herein. KPMG does not undertake responsibility for damages arising from such activities which were based on the usage of the information set out herein and which lacks full analysis and advisory activity of KPMG.

KPMG name, KPMG logo is the registered trademark of KPMG International Cooperative (“KPMG International”).

© 2019 KPMG Legal Tóásó Law Firm, a Hungarian law firm registered in the Budapest Bar Association and a member firm of the KPMG network of independent member firms affiliated with KPMG International Cooperative (“KPMG International”), a Swiss entity. All rights reserved.