

Privacy Statement
**PROFFORMANCE project “Assessment Tool and Incentive Systems for Developing
Higher Education Teachers’ Performance”**

1. Purpose of present statement

The purpose of present Statement is to provide information about the principles of data protection and data management applied by the European Commission and Education (EC), Audiovisual and Culture Executive Agency (EACEA) and Tempus Public Foundation (TPF) regarding the PROFFORMANCE project (hereinafter referred as: Project.).

1. The Tempus Public Foundation appointed by the Ministry for Innovation and Technology in present Project as the linked third party (hereinafter referred as: TPF) will manage all personal data as a data processor on behalf of European Commission and Education, Audiovisual and Culture Executive Agency (hereinafter referred as: EACEA).
2. Present statement contains the data processed by TPF to fulfil project activities with the authorization of European Commission and EACEA.

Data management based on the following legalizations:

- EU 2018/1725 regulation on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data,
- 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: GDPR).

2. Purpose of the data management

The purpose of the data management is communication with the purpose of preparing and implementing the project, preparation of contracts and agreements, dissemination of project results, compiling and submitting reports to the European Commission, respectively its Education, Audiovisual and Culture Executive Agency.

The aim of the project is to develop an evaluation/assessment tool and incentive systems to improve the performance of higher education teachers.

3. Name of the data controller and data processor

Data controller: European Commission and Education, and Audiovisual and Culture Executive Agency

Contact: information on data processing can be obtained from the contact points indicated in the Commission's privacy statements and from the European Data Protection Supervisor.

Data processor: Tempus Public Foundation (TPF) will manage all personal data as a data processor on behalf of European Commission and Education, Audiovisual and Culture Executive Agency (EACEA)

Headquarters: 1077 Kéthly Anna tér 1. Budapest/ Hungary

Phone number: + 36-1-237-1300

Represented by: Károly Czibere, president

Data protection officer: dr. Eszter Margit Szabó

E-mail address: adatvedelem@tpf.hu

You are entitled to request information any time about your personal data managed by the Data Controller or Data Processor.

4. Scope of the personal data management

TPF will manage the following personal data for the purpose of implementing the project:

- the personal data of the contact person by the contracting partner,
- the personal data for preparation of signing the contract,
- the personal data of the persons filling in the online benchmarking survey that is part of the project
- the personal data of persons interviewed during the institutional visits
- the personal data of teachers and project coordinators applying for the "Good Practice" award,
- the personal data in report of the project.

During the Project TPF as linked third party manage the following data on behalf of European Commission and EACEA:

Contracting

-contact person data's in the contracts: name, position, telephone number, e-mail address,

- the personal data for preparation of signing a contract: personal data which is necessary on the base of a legal obligation and for the payments (tax legislation in Hungarian laws and bilateral agreements), and also (name of employer, CV, profile, professional background, previous experiences) for application and reporting.

Good practice award

- applying for the "Good Practice" award applicants data will be published in an open online database: applicant's institution's name, name of contact person, e-mail address, description of methodology,

TPF will publish the methodology with the applicant's name and contact email address on TPF's website with the applicant's consent.

Experts involved in project implementation

The following data will be published on the project's website with the consent of the experts: name, organization, country, e-mail address, photo, short career introduction.

The personal data of the experts, who are directly involved in the project by the partner organizations or the coordinator needs to be collected (for documentation supporting the use of

the grant, for travel arrangement: CV, contributing author's name, contact details, professional experience (previous job position, publication)

Benchmarking questionnaire and institutional visits

Details of persons completing the online survey, data of persons assessed and interviewed during institutional visits: name, institution, position, email address, telephone number, profile

In the online surveys, personal information comes from a publicly available database.

In the online research questionnaire, as well as data collected during institutional visits will be used for scientific and statistical purposes, the person of the respondent will be used anonymously, cannot be identified after processing data.

5. The legal basis, objective and method of data management

5.1. The data processing of contact persons' data is based on the data processor's and its contractual partner's legitimate interest: Article 6 (1) (f) of Regulation (EU) 2016/679 (General Data Protection Regulation) as the processing is necessary for their contractual obligations.

The purpose of data management is contact, dissemination and report preparation necessary for the preparation and fulfillment of the contract concluded for the implementation of the Project. The interest protection test is the present statement's Annex 1.

5.2. The legal basis for data processing during the preparation and conclusion of a contract concluded with a natural person contractor is the processing of personal data necessary for the preparation and performance of the contract pursuant to Article 6 (1) (b) of Regulation (EU) 2016/679 (General Data Protection Regulation).

5.3. The legal basis of data processing by the "Good practice" task, by the benchmarking and also by the institutional visits based on Article 6 (1) (a) of GDPR: person has given consent. The purpose of data management is to share the good experience with interested public.

5.4. The legal basis of data processing and managing experts data is based on the data processor's and its contractual partner's legitimate interest (see GDPR Art. 6 1/f) as the processing is necessary for their contractual obligations. The purpose of data management is to involve the partner's expertise to the project. The interest protection tested according to Annex 1 of the present statement.

5.5. TPF may not use the provided personal data for other purposes than those set out in these points.

6. Scope of persons with access to the data

It is primarily the TPF and its internal staff who are entitled to have access to the data in order to accomplish their employment duties: professional staff, legal staff, financial staff,

communication staff, Board of trustees, directorate, Ministry of Innovation and Technology, auditor on behalf of European Commission, TPF's entitled supervisory body.

TPF transfers and make the data accessible to the European Commission with legal base on Article 5. (1) a) and (b) of Regulation EU 2018/1725.

7. Duration of the data processing

The duration of the data processing is 10 years counted from finishing the Project. Reason of 10 years: the TPF's entitled supervisory body may control the data for 10 years.

8. Data transfer to the third country (outside the EU or the EEA)

TPF may transfer the data to third country. The data will be transferred -to Georgia and Serbia- to countries outside the European Union or EEA Member States if necessary for the implementation of the Project. The legal basis for the transfer is laid down in Article 46 (1) and (2) (b) of the GDPR: the controller or processor may transfer data to a third country if it has provided adequate guarantees to the data owner. The application of the general data protection clauses adopted by the Commission in accordance with the examination procedure is an appropriate guarantee.

9. The rights and recourse to law available to the persons concerned

9.1. Data subjects are entitled to request information any time about the personal data managed by the Data Controller or Data Processor and may modify such data at any time by sending an e-mail request.

9.2. At your request, the Data Controller and Data Processor must provide you with information regarding your personal data it manages,:

- the data processed by the data processor entrusted by it,
- the source of such data,
- the purpose, legal basis and duration of the data management,
- the data processor's name, address and activities in connection with the handling of the data,
- the circumstances and effects of the data protection incident, the measures taken to remedy the incident, and – in the case of transmission of the personal data – the legal basis and the recipient of the data transfer.

9.3. The data subject shall have the right to

- request the correction of any incorrectly recorded data
- 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 when GDPR doesn't apply.

The Data Controller - through its data protection officer – and the Data Processor keep a record to supervise and keep you informed of any measures taken in connection with the data protection incident including the scope of personal data concerned, the scope and number of persons affected by the data protection incident, the date, circumstances and effects of the data

protection incident and the measures implemented in order to remedy the incident, as well as any other data specified in the laws governing the management of data.

9.4. You are entitled at any time to address to data protection officer of Data Processor or Controller with any questions or concerns.

9.5. The data subject has the right at its request to delete personal data concerning him or her without undue delay, and the data controller is obliged to delete personal data concerning him or her without undue delay if one of the reasons under the GDPR exists.

9.6. You can make a complaint:

- to the data protection officer of the data processor (adatvedelem@tpf.hu) and
- the European Data Protection Supervisor.

9.7. If you have provided the data of a third party in order to use the service, the Data Controller is entitled to enforce compensation against you. In such a case, the controller shall provide all possible assistance to the competent authorities in order to establish the identity of the infringer.

10. Other provisions

10.1. In all cases where the Data Controller intends to use the data provided for purposes other than the purpose of the original data collection, it will notify and obtain from you your prior expressed consent, and will provide you the opportunity to prohibit such use.

10.2. The Data Controller and the Data Processor undertake to ensure the security of the data, to implement technical measures to ensure the protection of the recorded, stored or managed data, and to do everything in its power to prevent the destruction, unauthorized use and unauthorized alteration of the data. The Data Controller and the Data Processor also undertakes to call on any third party to whom the data may be transferred or handed over to comply with these obligations.

10.3. The Data Controller reserves the right to unilaterally modify the rules and information on its website regarding the management of data.

Annex:

Annex 1: Interest Protection test on personal data processing in connection with the experts and the contact persons involved in the PROFFORMANCE project

INTEREST PROTECTION TEST
on personal data processing in connection with the experts and the contact persons
involved in the PROFFORMANCE project

1. Reason of the interest protection test

The reason of the present interest protection test is to determine whether the linked third party, the Tempus Public Foundation (hereinafter: TPF) handles the expert's and contact person's personal data (hereinafter: data subject) in PROFFORMANCE project is in compliance with the law in cases (GDPR¹ and Info tv.²) when using them in preparation and performance of contract and agreements, dissemination of project result, compiling and submitting reports where personal data have not been obtained from the data subject. In the test TPF identify the legitimate interests of TPF, and balance these against the data subject's and participant's interests, as well as the relevant fundamental rights. Ultimately, because of the balancing, TPF can determine that such data can be handled in compliance with the law in cases (GDPR and Info law.)

2. Subject of the interest protection test

TPF manages the subject's personal data under the legal base of GDPR in point f) paragraph 1 Article 6. TPF will examine in present test its own and its contractual Partner legitimate interest in data management.

3. Relevance of data management

TPF examines whether personal data are absolutely necessary to achieve its purpose: are there any alternative solutions that can be used to achieve the intended purpose without the need for personal data management?

TPF handles the following personal data of the data subject:

contact person's data: contact person's name and email address, contact person's employer;
expert's data: expert's name and availability, place of birth, date of birth, personal identification numbers (e.g.: tax ID number, social security number, ID numbers), bank account number, full time employer, professional experience, (e.g.: CV, publication, positions at former employer).

These personal data are necessary to implement project activities and to fulfil the contract and keep in touch with the contact person. The contract concluded between TPF and the Organization (hereinafter: Partner, collectively referred to as Parties) who is in legal connection with the data subject (btw. employment contract or other type of agreements).

Parties manage the personal data of data subject to perform the contractual tasks in PROFFORMANCE project, (contracting, to disseminate result, for reporting, keeping contact),.

¹ GDPR: 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

² Info tv.: Act CXII of 2011 on the right to informational self-determination and on the freedom of information

TPF cannot perform the contractual tasks without managing the subject's personal data in other alternative way.

4. Defining TPF's legitimate interest as precisely as possible

TPF has a real and legitimate interest for managing the personal data. Both Parties -TPF and Partner - have common goals in connection with their contractual obligations to implement the activities of PROFFORMANCE project.

The personal data are necessary for the aim of data processing, for the fulfilment the PROFFORMANCE project activities determined in the contract between the Parties (TPF and Partner).

5. Duration of the handling of the personal data dictated by the legitimate interest.

The retention period of the Affected Personal Data stipulated in the contract is 10 years after the closure of the PROFFORMANCE project. Reason for the retention period (keeping personal data): the bodies authorized to audit the TPF may audit the PROFFORMANCE project for 10 years after the closure of the program.

6. Guarantees of the data management and source of personal data

Guarantees for data management: TPF assures the Data Subject that the data management principles set out in Article 5 of the GDPR Regulation will apply during the period of data processing. The purpose, legal basis, duration of the data processing are and rights and right of appeal of Data Subjects are detailed in the Privacy Statement.

Source of the personal data:

The personal data of the Data Subject shall be made available to TPF by the Contracting Partner, who shall transfer them to TPF for the purpose of data management.

The Personal Data of the Data Subject is taken over and processed by TPF for the legitimate interests of itself and the Contracting Partner.

7. To determine why the legitimate interest of TPF - and the data management carried out on such basis - constitutes a proportionate restriction.

In the course of data management, TPF takes into account the following principles: While handling personal data, TPF applies the least restrictive method of privacy rights.

TPF during its data management ensures that the Data Subject exercises the rights to which he or she is entitled.

The data management of TPF does not cause a significant degree of interest violation to the data subject.

8. Result

TPF has carried out a so called interest balancing test, in which it has determined that the TPF's interest is legitimate, real and clear. Therefore a legitimate interest under Article 6 (1) (f) of the GDPR Regulation could serve as a basis for data processing.