

## GENERAL PRIVACY NOTICE<sup>1</sup>

### 1. Introduction

Based on the principles of legality, fairness and transparency, the **Hungarian State Opera House** (hereinafter referred to as the **OPERA**)<sup>2</sup> informs its visitors about the purposes and legal basis and the principles and rules under which it processes their personal data.

**This Privacy Policy applies to those who:**

- **visit the websites maintained and operated by** the OPERA ([opera.hu](http://opera.hu) and its subpages, [mubi.hu](http://mubi.hu), etc.; hereinafter collectively referred to as "**website**"), unless OPERA provides separate privacy notices on data processing (e.g. information for job applicants, separate information for certain competitions, etc.),
- **take part in the Loyalty Program** of the OPERA,
- **sign up for the newsletter** of the OPERA,
- **enter OPERA's theatrical venues and public areas**, unless OPERA provides separate privacy notices about data processing (e.g. information for employees, information about the electronic surveillance system [security camera system], access control system, etc.).
- **contact OPERA via its telephone system** (telephone centre)

### 2. Name and contact details of the data controller

**Name:** Hungarian State Opera

**Headquarters:** 1066 Budapest, Andrásy út 22.

**Contact details of the Data Protection Officer**

**Phone number:** +36 30 681 0061

**Email address:** [dpo@opera.hu](mailto:dpo@opera.hu)

### 3. Data processing by Opera

Personal data	Purpose of data processing	Legal basis for data processing	Duration of data processing
e-mail address, name, postal code	newsletter service	Consent of the data subject [GDPR.Article 6(1)(a)]. Consent can be withdrawn at any time by clicking on the unsubscribe link at the bottom of the newsletters.	until the withdrawal of consent
name, telephone number, e-mail address, address	online ticket sales	Performance of a contract [GDPR Article 6 (1) (b)]	8 years from the date of purchase (as required by accounting legislation)
name, e-mail address	marketing inquiries to carry out core business	Legitimate interest of the controller [GDPR Article	As long as the legitimate interest exists

<sup>1</sup> Effective from the date of publication. The previous versions will expire at the same time.

<sup>2</sup> 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 (from now on: **GDPR**) Article 5 (1) (a).

Personal data	Purpose of data processing	Legal basis for data processing	Duration of data processing
	as defined in the Deed of Foundation of the OPERA	6 (1) (f).	or the data subject does not object to the processing.
video and or audio recording	In OPERA'S theatrical venues, public areas, or at an event organized by the OPERA or held with the participation of THE OPERA, at an external venue, video and audio recordings of those concerned may be made in its capacity as a visitor and may be used by OPERA as follows.	Legitimate interest of the controller [GDPR Article 6 (1) (f)].	As long as the legitimate interest exists or the data subject does not object to the processing.
Name, email address, phone number, country, postal code	<b>data to be provided when registering for the Loyalty Program:</b> direct contact and provision of benefits related to the Loyalty Program	Consent of the data subject [GDPR Article 6 (1) (a)]. The consent can be withdrawn at any time by leaving the Loyalty Program	until consent is withdrawn
age group, number of children, preferred theatrical venue, highest level of education, occupation, means of travel used for going to the theatre, preferred theatre genre, most used social media channel, preferred method of purchase, frequency of ticket purchase, intention to buy in an Opera Shop	<b>data optionally provided within the Loyalty Program:</b> to provide benefits related to the Loyalty Program, use for marketing purposes	Consent of the data subject [GDPR Article 6 (1) (a)]. The consent can be withdrawn at any time by leaving the Loyalty Program	until consent is withdrawn
date of birth, additional information contained in ID	adhering to Article 5/A of Act CCXI of 2011 on the Protection of Families, verification of the age of the visitors to the performances	Processing is necessary for compliance with a legal obligation to which the controller is subject [GDPR Article 6 (1) (c)]	no further processing takes place after the entry
audio recording, personal data disclosed during the telephone call, telephone number, call date and time, call	provision of telephone-based customer service, quality assurance of customer service, complaint	legitimate interest of the controller [GDPR Article 6(1)(f)]	12 months from the date of recording

Personal data	Purpose of data processing	Legal basis for data processing	Duration of data processing
duration, call direction	handling, establishment, exercise and defence of legal claims		

#### 4. Data processors

**A)** OPERA has entrusted the operation of the website to **eSolution Computing and Service Limited Liability Company**, with whom it has concluded a data processing contract. eSolution Kft. has access to the database of the newsletter sending service operated on the website.

Contact details of the data processor:

- **company name:** eSolution Computing and Service Ltd.
- **headquarters:** 1119 Budapest, Fehérvári út 131. 3.
- **Company registration number:** 01 09 694209
- **tax number:** 12596535-2-43
- **represented by:** Ármin Polecsák, managing director

**B)** During the development of the newsletter service, OPERA entrusted **DAX Consulting Korlátolt Felelősségű Társaság**, with whom it concluded a data processing contract. DAX Consulting Kft. has been commissioned to transfer the personal data processed by OPERA in connection with the newsletter service to **Microsoft Dynamics 365**. In view of this, DAX Consulting Kft. will be given temporary access to the database of the newsletter sending service operated on the website, to the extent of the execution of the order.

Contact details of the data processor:

- **Company name:** DAX Consulting Limited Liability Company
- **headquarters:** 1087 Budapest, Könyves Kálmán körút 48-52.
- **Company registration number:** 01-09-899321
- **tax number:** 14335130-2-42
- **represented by:** Márk Czere, managing director

**C)** OPERA uses the software and service package "White Label Ticketing System" when selling tickets and season tickets online made available by InterTicket Kft., who qualifies as a data processor with regard to the data provided above. The parties have concluded a data processing contract. InterTicket Ltd. provides a separate data management notice about the ticketing system, which can be accessed through the ticket purchase interface.

Contact details of the data processor:

- **company name:** InterTicket Kft.
- **headquarters:** 1138 Budapest, Váci út 99. 6.floor
- **Company registration number:** 01 09 736766
- **tax number:** 10384709-2-42
- **represented by:** Ervin Jobbágy, managing director

**D)** OPERA uses the services of **Microsoft Corporation** (Dynamics 365 CRM) to operate the Loyalty Program. Microsoft Corporation therefore necessarily has access to the CRM database and to the personal data contained therein.

Contact details of the data processor:

- **company name:** Microsoft Corporation
- **headquarters:** One Microsoft Way, Redmond, Washington, 98052-6399, USA

Further information is available on Microsoft's website: <https://privacy.microsoft.com/hu-hu/privacystatement>

**E)** Opera uses the services of **One Magyarország Zrt.** for the provision of its telephone centre (virtual PBX) service. In connection with the recording and storage of telephone calls, One Magyarország Zrt. acts as a data processor



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and processes personal data exclusively on the basis of Opera's instructions and in accordance with the data processing agreement.

Contact details of the data processor:

- company name: One Magyarország Zrt.
- registered office: 1112 Budapest, Boldizsár utca 2.
- company registration number: 01-10-044159
- tax number: 11895927-2-44
- e-mail address: dpo@one.hu
- website: <https://www.one.hu>

## 5. Cookies and web analytics

Due to the way the internet works, the data that is automatically recorded is automatically logged by the system without any declaration or action by the user, using the internet. The Internet does not work without these automatic server-client communications. These data cannot be linked to other personal data of the user. The data can only be accessed by OPERA and the data processor operating the website. The log files, which are automatically and technically recorded during the operation of the system, are stored in the system for a period of time justified for the purpose of ensuring the operation of the system.

Google Analytics, as an external service provider, performs independent measurement of website traffic and other web analytics data. Detailed information on the management of the measurement data can be found at the following link: <http://www.google.com/analytics>. Google Analytics data is used by OPERA for statistical purposes only, in order to optimise the operation of the site.

## 6. Making and using video and audio recordings

At OPERA's venues, public areas, or at an event organised by or with the participation of OPERA, or at an external venue, OPERA may make audio and video recordings of the persons concerned as visitors and may use them as follows.

In the case of individual recordings (individual portraits) of the data subject, OPERA shall obtain the consent of the data subject in accordance with Section 2:48 of Act V of 2013.

In the case of a crowd shot (where the data subject is not visible as an individual but as part of the crowd) and public appearances, consent is not required under Section 2:48 of Act V of 2013.

## 7. Rights of data subjects

### 7.1 Right to information

Data subjects have the right to obtain from OPERA, through the contact details provided under point 2, information as to whether or not their personal data are being processed and, if such processing is taking place, the right to be informed that OPERA

- which personal data is being processed;
- on what legal basis;
- for what purpose;
- for how long
- to whom, when, under what law, to which personal data, to which personal data, has OPERA granted access or to whom has OPERA transferred your personal data;
- from what source your personal data originates;
- whether OPERA uses automated decision-making and its logic, including profiling.

OPERA will provide a copy of the personal data subject to the processing free of charge upon request by the data subject.

### 7.2 Right to rectification

The data subject may request, via the contact details provided, that OPERA rectify any of his or her personal data, where possible. If the data subject can credibly demonstrate the accuracy of the corrected data, OPERA shall comply with the request within a maximum of one month and shall notify the data subject thereof using the contact details provided by the data subject.

### 7.3 Right to blocking (restriction of processing)

If

- the data subject contests the accuracy of his or her personal data (in which case OPERA will limit the processing for the period of time it takes to verify the accuracy of the personal data);
- the processing is unlawful and the data subject opposes the erasure of the data and instead requests the restriction of their use;
- the controller no longer needs the personal data for the purposes of the processing but the data subject requires them for the establishment, exercise or defence of legal claims; or
- the data subject has objected to the processing (in which case the restriction applies for a period of time until it is established whether the legitimate grounds of the controller override the legitimate grounds of the data subject),

the data subject may request, through the contact details provided in point 2, that OPERA restricts the processing of his or her personal data (by clearly indicating the limited nature of the processing and ensuring that it is kept separate from other data).

### 7.4 Right to object

If the data subject considers that OPERA is processing his or her personal data in a way that is incompatible with the purposes of this privacy notice, the data subject may object to the processing at any time on grounds relating to his or her particular situation, using the contact details provided in point 2. In such a case, OPERA must demonstrate compelling legitimate grounds for the processing of the personal data which override the interests, rights and freedoms of the data subject, or for the establishment, exercise or defence of legal claims.

### 7.5 Right to erasure

In relation to the processing described in the information notice, the data subject may exercise the right to erasure only if the data are no longer necessary for the performance of his or her obligations under the OPERA Act.

### 7.6 Complaints and judicial remedies

If there is a breach or imminent threat of a breach of rights in relation to the processing of their personal data, the data subject may lodge a complaint directly with the controller at [dpo@opera.hu](mailto:dpo@opera.hu).

Data subjects are entitled to take legal action against OPERA in the event of a breach of their rights. The court shall decide on the case out of turn. It is the data controller's responsibility to prove that the processing is in compliance with the law.

In addition to the above, data subjects have the right to lodge a complaint with the National Authority for Data Protection and Freedom of Information in the event of a breach of rights or an imminent threat of such a breach in relation to the processing of their personal data.<sup>3</sup>

**Hungarian State Opera**

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<sup>3</sup> Contact details of the NAIH: 1055 Budapest, Falk Miksa u. 9-11., mailing address: 1363 Budapest, Pf. 9., tel: +36 1 391 1400, email: [ugyfelszolgalat@naih.hu](mailto:ugyfelszolgalat@naih.hu), website: [www.naih.hu](http://www.naih.hu)

**A) Data processing for marketing purposes**

**What is the interest of the data controller?**

It is in the interest of the data controller to be able to continuously strengthen its public relations in accordance with its core business, as set out in its Articles of Association, and this data processing takes place exclusively for these purposes.

**What are the interests, rights and freedoms of the data subject?**

It is in the interest of the data subject that either the data controller or a third party should not be able to contact him unsolicitedly or abusively at the contact details provided earlier.

The data subject has all the rights related to data processing that are also mentioned in this privacy policy.

**Comparison of the interests of the controller with those of the data subject**

*Why does the legitimate interest of the controller proportionately restrict the rights and freedoms of the data subject?*

The scope of the personal data processed has been established to the minimum extent necessary for the channels for sending marketing materials. In view of the above, the processing of personal data serves the legitimate interests of the data controller, as indicated in the Articles of Association, as well as the interests of its audience, as this way they can obtain adequate information about opera's new productions, services and various promotions in a timely manner.

*Is it absolutely necessary to record personal data? Are there not other solutions available that can be used to achieve the intended purpose without processing personal data or by processing less personal data?*

In order to send general marketing messages and offers, the processing of the above personal data is absolutely necessary, given that this purpose of data processing cannot be achieved by alternative or solutions involving the processing of less personal data or the processing of personal data in other ways. The anonymisation of personal data or the processing of less personal data would make it impossible to send general marketing messages, offers and to communicate with the public and meet the needs of the data subject in this regard.

**Result of the balancing test**

The legal basis for data processing set out in Art. 6 para. 1 point. f) GDPR exists in relation to the processing of the relevant personal data.

**B) Production and use of video and sound recordings**

**What is the interest of the data controller?**

It is in the interest of OPERA to be able to make recordings of its audience at events related to it, in order to publish it on its website and social media pages, and to use them for branding and marketing purposes. The core activities of the Opera, as set out in its Founding Act, include: "the continuous strengthening of the public relations of the Hungarian State Opera, with special attention to those living in the countryside, Hungarians beyond the border, foreign visitors, the education of new audiences of the genre, general public opinion, the image of the institution, and the retention and growth of the regular audience; including the organisation of educational and cultural programmes and further training for teachers necessary to achieve this objective.' In order to carry out this activity, effective and personalized promotion is necessary, which can be realized through recordings of the audience.

**What are the interests, rights and freedoms of the data subject?**

It is in the interest of the data subject that no third party should be able to know his or her likeness and/or sound recording.

The primary concern of data processing concerns the right to the protection of personal data referred to as a personal right in Act V of 2013 on the Civil Code, as well as the data subject's right to informational self-determination, which is ultimately a right derived from the fundamental human right to human dignity. On the basis

of the settled practice of the Constitutional Court, certain rights derived from human dignity, such as in this case the right to informational self-determination, may be restricted in a necessary and proportionate manner in the aspect of its disposal of personal data.

The data subject has all the rights related to data processing that are also mentioned in this privacy policy.

### **Comparison of the interests of the controller with those of the data subject**

*Why does the legitimate interest of the controller proportionately restrict the rights and freedoms of the data subject?*

The data controller considers that by allowing the data subject to appear on opera's public media platforms as part of the audience or visitors at OPERA events, the personality rights of the data subject are not significantly limited, the data processing itself does not have a negative impact on the data subject.

*Is it absolutely necessary to record personal data? Are there not other solutions available that can be used to achieve the intended purpose without processing personal data or by processing less personal data?*

ACCORDING TO OPERA'S assessment, if it does not use image impersonation in its marketing and branding activities, the desired goal cannot be achieved effectively. Making facial images unrecognizable afterwards is also contrary to the goal.

### **Result of the balancing test**

The legal basis for processing set out in Art. 6 para. 1 point. f) GDPR exists in relation to the processing of the personal data in question.

## **C) Telephone call recordings**

### **What is the interest of the data controller?**

The interest of OPERA is to ensure lawful, verifiable and traceable telephone-based customer service, the investigation of customer complaints and the establishment, exercise and defence of legal claims.

### **What are the interests, rights and freedoms of the data subject?**

It is in the interest of the data subject that personal data disclosed during the telephone call are not accessed by unauthorised persons and that the audio recording is stored only for a justified and limited period.

### **Comparison of the interests of the controller and the data subject**

*Why does the legitimate interest of the controller proportionately restrict the rights and freedoms of the data subject?*

The processing is carried out following prior information, is limited in time (12 months), is restricted to clearly defined purposes, and alternative customer service channels without call recording are available to the data subject.

*Is the recording of personal data strictly necessary?*

Due to the nature of telephone-based customer service, the purpose cannot be achieved without processing personal data, as the lack of recording would undermine verifiability and legal certainty.

### **Result of the balancing test**

The legal basis for the processing pursuant to Article 6(1)(f) GDPR exists.