

Annex 1

Privacy policy on the processing of certain personal data generated in the course of using car sharing services

THE PURPOSE OF PROCESSING PERSONAL DATA:

a) Electronic contracting, use of services, provision of services, *invoicing and keeping contact*

Processing of the data technically indispensable for the safe use of the car sharing service provided by MOL Limitless Mobility Kft – in the framework of which the Service Provider makes available passenger cars to Users under a rental agreement – via a mobile application and in this framework, for electronic registration, the electronic conclusion of the contract for car sharing services, for using the service and for providing the service. ***The MOL Limitless Mobility Kft. handles the location (geolocation, GPS) data of the passenger car for the purpose of the performance of the contract. The geolocation data may be linked to the information which User uses the car, therefore the geolocation data are considered as personal data.***

After downloading and signing in to the App, the App requires the User in a pop-up window to allow the App to use Location Services. The App may be used and the User may use the Service only if the use of Location Services is allowed for the App. The App – in the absence of other user given settings – uses the Location Services only if the App or any of its functions are visible on the screen. (Please see: Settings of Locations Services on the phone) The User has the option to cancel the use of Location Services regarding the App at any time on his/her device, but in this case he/she will not be able to use the Service.

Purposes of data handling regarding the performance of contract:

- i. The User may rent the passenger car. The User will be able to see this way the location of the available passenger cars in the LIMO Zone, which is determined by the so called “geofencing”. The User sees the exact borders of the LIMO Zone as well.***

- ii. Notification about leaving the LIMO Zone. The User is notified about leaving the LIMO Zone, since out of the LIMO Zone the conditions of using the Service are different.*
- iii. Service Provider is able to locate the position of the passenger car after the rental is finished. The next User may rent the passenger car from this location.*
- iv. In case the user only suspended his/her trip, meaning that he/she is only parking the car (“stopover”), but does not finish the rental, then Service Provider can pay the parking fee applicable for the relevant territory based on locating the position of the passenger car. If the User is parking the passenger car out of the LIMO Zone, then the User shall pay the parking fee applicable for the relevant territory. If the User is parking within the LIMO Zone, the parking fee is paid by Service Provider.*
- v. Should the User have complaints regarding the Service, the Service provider can process it in a more effective way if it has the Location data.*

If the Service provider knows the exact position of the User, most probably it will be able to help the user more effectively in case of a problem. E.g.: If the user complains about not being able to lock the car, and calls the Call Centre and the administrator does not see the GPS data of the car in the system, then he/she may advise it to the User to park the passenger car at another place, where the GPS signal is audible, since the present parking position is not appropriate.

b) Complaints handling

c) Direct marketing

d) Verification of the existence of a valid driving licence

Compliance with the provisions of Section 5 Subsections (2)-(3) of Act I of 1988 on Public Road Transport, and in order to do so, verification of whether the User has a valid driving licence.

The data controller as the passenger car’s operator may not allow the car to be driven by a person who does not have the licence required for driving vehicles according to the provision cited above.

e) Processing of legal claim

Should there be any debate, question regarding the contract, it is of crucial importance to preserve the data referred to in point a)-b) for evidence, may it be needed in court proceedings or out of court. Considering that the rules of civil procedure explicitly state the obligation to prove [Pp. 4. § (2) bek.], when having a debate or question to be cleared regarding a contract the possibility to prove is not in contradiction with any rule of law, but especially, it is a lawful act required by law.

- i. The Service Provider shall be able to process legal claims against the User. When any fee, additional fee, cost or other fine is imposed because the User parked the car not respecting the rules and/or the User did not pay the relevant parking fee when parking, or the User was driving without respecting the traffic rules, or in case of misdemeanour procedure or criminal procedure, or in case of causing other damages.***
- ii. Should the User have complaints regarding the Service, the Service provider can process it in a more effective way if it has the Location data.***

If the Service provider knows the exact position of the User, most probably it will be able to help the user more effectively in case of a problem. E.g.: If the user complains about not being able to lock the car, and calls the Call Centre and the administrator does not see the GPS data of the car in the system, then he/she may advise it to the User to park the passenger car at another place, where the GPS signal is audible, since the present parking position is not appropriate.

Or in case the User has questions regarding the fee imposed – e.g. in case of a parking fine because of parking without respecting the rules – the Service provider will be able to better examine its basis.

Regarding those claims which concern an insurance event, the insurance company as data controller handles the personal data based on 135.§ of the Act LXXXVIII of 2014 on the Business of Insurance.

When processing legal claim the lawyer or law office acting as data controller handles the personal data based on 2.§ (1) a) of the Act LXXVIII of 2017 on Legal Practice, on 64.§ (1) and 65.§ a) of the Act CXXX. of 2016 on Civil Procedure (Pp.), and rules referencing the rules of the Pp. in 1.§ (1) of the Act

L of 2009 on the Order for Payment Procedure and in 9.§ of the Act LIII of 1994 on Judicial Enforcement.

Furthermore, the data controller informs Users that it prepares anonymised statistics and statements out of the data entered in the system in order to improve the quality of car sharing services. ***These data are not suitable for personal identification.***

Your personal details will be used by the data controllers indicated in this Policy solely for the above purposes.

Data protection registration numbers of data processing by MOL Limitless Mobility Kft.: NAIH-137162/2018, NAIH-136788/2018, NAIH-137161/2018, NAIH-137163/2018, ***NAIH-136787/2018***

THE LEGAL BASIS FOR DATA PROCESSING:

a) In the case of electronic contracting, use of services, provision of services, invoicing and keeping contact:

Performance of the contract

Data processing according to the Act on Certain Issues of Electronic Commerce Services and Information Society Services.

b) In the case of complaints handling

Based on 17/A. § (4)-(5) of the Act CLV on Consumer Protection

Please be advised that we have to process certain data concerning the complaint based on law.

Complaints may be received by MOL Limitless Mobility Kft.'s customer service in writing, by e-mail or by phone. Complaints handling has several levels.

If a complaint is made by phone, by initiating the call, Users voluntarily consent to the Service Provider recording the phone conversation with its customer service after being advised of the complete information set out in this document if they contact the Service Provider via its call centre in any type of matter (complaint, request for information, etc.).

Before talking with the User or other affected person initiating the call, the Service Provider shall inform the caller that it will record the conversation. By providing

brief information over the phone, the Service Provider enables Users to decide whether they consent to having their conversation with the customer service recorded. If a User does not wish to have the conversation to be recorded, he has the option of terminating the call and contacting the Service Provider in writing.

Other provisions concerning complaint handling are set out in the “Complaints handling, customer service” section of the General Terms and Conditions for the Use of Car Sharing Services and Privacy Policy (hereinafter: GTC).

c) Direct marketing

Consent of the data subject.

Your consent to data processing shall be voluntary, shall include a firm and unambiguous consent, and shall be based on appropriate information.

d) Verification of the existence of a valid driving licence

The data controller’s legitimate interest.

Test for balance of interests: Under Section 5 Subsections (2)-(3) of Act I of 1988, the data controller as the passenger car’s operator has the following obligation:

“(2) Vehicles may only be driven on public roads by persons who are in a condition fit for safe driving and have the licence required for driving the vehicle.

(3) The operator may not allow persons to drive the vehicle and drivers may not surrender driving the vehicle to persons who do not satisfy the conditions mentioned in Subsection (2).”

Based on the above, it is the data controller’s legitimate interest to verify the data provided by the data subject about the driving licence by having the data subject upload the image of the driving licence into the car sharing system. The data controller shall process the driving licence’s image to the extent of verification, for a period of 24 hours following registration. The data subject is interested in protecting his personal details. A comparison of the two interests allows for finding that verification of the driving licence details provided by the data subject and the validity of the driving licence by the data controller by means of uploading the driving licence in order to ensure that the requirements set out in Section 5 Subsections (2)-(3) of Act I of 1988 on Public Road Transport are complied with does not disproportionately infringe the interests of the data subject.

The balancing assessment is available under the following link:

<https://www.mollimo.hu/hu/legal>

e) Processing of legal claim

The data controller's legitimate interest.

The balancing assessment is available under the following link:

<https://www.mollimo.hu/hu/legal>

SCOPE OF PERSONAL DATA PROCESSED:

a) As regards electronic contracting, use of services, provision of services:

1. First name
2. Last name
3. Date of birth
4. Gender (optional)
- 5. E-mail address (*keeping contact*)**
6. Password (stored anonymously after identification)
7. Address
8. Invoicing address
- 9. Mobile phone number (*keeping contact*)**
10. Number of driving licence
11. Date of issue and validity of driving licence
12. Country issuing the driving licence
13. Debit/credit card details
 - a) Card number
 - b) Card expiry date (month/year)
 - c) Name displayed on card
 - d) CVC (for Visa cards) or CVV (for MasterCard cards) security code, shown on the reverse side of the card

The Service Provider informs Users that the debit/credit card details provided by them will be processed under and in accordance with the technological conditions governing Adyen B.V.'s PCI DSS certificate.

14. Location data of the passenger car (GPS)

GPS coordinates (geolocation data) generated during the User's Individual Rental Agreement due to the movements of the passenger car.

b) Personal details processed for the purpose of complaints handling:

1. User ID
2. First name
3. Last name
4. Address
5. Invoicing address
6. E-mail address
7. Mobile phone number
8. Service platform: Android, IOS, web
9. ***Location data of the passenger car (GPS)***
10. ***Based on 17/A. § (5) of the Act on Consumer Protection the content of the minutes takes regarding the complaint***

c) Direct marketing

Distribution of electronic newsletters, advertising, promotions, direct marketing or other marketing contents addressed to Users, provided that Users have expressly consented to this in the course of registration.

1. first name,
2. last name,
3. date of birth
4. gender
5. address
6. mobile phone number
7. e-mail address

d) Verification of the existence of a valid driving licence

1. photo of the driving licence of the data subject using the service

(Verification of the details set out in items 10 to 12 under paragraph (a) by uploading a copy of the driving licence)

e) Processing of legal claim

All data as listed in point a)-b), except for a)/6., a)/8., b)/5. and a)/13.

NAME AND REGISTERED OFFICE OF THE DATA CONTROLLERS:

- Data controller I: **MOL Limitless Mobility Kft.** (H-1117 Budapest, Október huszonharmadika u. 18.)
- Data controller II: **MOL Nyrt.** (H-1117 Budapest, Október huszonharmadika u. 18.)

Data controller I and Data controller II are deemed to be joint data controllers with joint and several liability. **Contact data of the data controller's Data Protection Officer(s):**
dpo@mol.hu

- **Data Controller III. : DR.SZILÁGYI GÁBOR GYÖRGY ÜGYVÉDI IRODA, 1122 Budapest Maros u. 48. I/1.**

The lawyer based on its mandate represents its client in the course of the legal/judicial enforcement phase of the processing of the claim, debt management at court, in the procedure at the public notary or in judicial enforcement procedure, and while representing its client it uses personal data. The lawyer, based on legal act, may lawfully get the personal data of the debtor, the consent of the debtor in this case is not needed.

- **Data Controller IV.: UNIQA Biztosító Zrt.**
Seat: 1054 Budapest, Szabadság tér 9.;
Customer Support: 1013 Budapest, Krisztina krt. 39.;
Further details on the insurance are available here:
http://biztositasifeltetelek.hu/Uniqa/uniqua_0326.pdf

Your personal details may be processed by persons in the following positions:

- MOL Limitless Mobility Kft.: managing directors, manager of operations, car owner, customer service staff, sales and marketing managers

- MOL Nyrt.: project manager, product coordinator, technical expert, legal counsel, sales manager, business development and project management expert, IT manager, application development expert, IT experts, assistants, purchaser, purchasing manager, customer service staff, accounting expert, tax expert, accounting and tax manager, finance expert, back office staff, innovation expert
- MOL Magyarország Informatikai Szolgáltató Kft. (MOL Hungary Information Services Ltd.): Infrastructure operation expert, call centre staff, IT expert
- MOL Magyarország Társasági Szolgáltatások Kft. (MOL Hungary Corporate Services Ltd.): customer service staff
- MOL Magyarország Pénzügyi Szolgáltató Kft. (MOL Hungary Financial Solutions Ltd.): accounting expert, taxation expert
- VULOG: project manager, technical expert, legal counsel, sales manager, business development and project management expert, IT manager, application development expert, IT experts, assistants, purchaser, purchasing manager, customer service staff
- ADYEN: accounting expert, tax expert, accounting and tax manager, finance expert, back office staff, innovation expert, IT expert, customer service staff
- MOL Fleet Solution Kft.: manager of operations, managing director, technical expert, damage claim expert
- **CREDITREFORM Szolgáltató és Tanácsadó Korlátolt Felelősségű Társaság: employees**
- **DR.SZILÁGYI GÁBOR GYÖRGY ÜGYVÉDI IRODA: lawyers, junior lawyers, other employees**
- **UNIQA Biztosító Zrt. employees, experts**

NAME AND REGISTERED OFFICE OF THE DATA PROCESSOR:

- **VULOG S.A.**, The Crown, 21, Avenue Simone Veil, 06200 Nice, France – provision of auxiliary services integrally linked to data processing, server services
 - Business entity contracted by VULOG S.A. for providing server services:
SAS OVH, 2 rue Kellermann – 59100 Roubaix – France
- **ADYEN B.V.** Simon Carmiggeltstraat 6-50 1011 DJ Amsterdam The Netherlands – operation of the online payment system, provision of auxiliary services integrally linked to data processing, server services

- **MOL Magyarország Társasági Szolgáltatások Kft.** (H-1117 Budapest, Október huszonharmadika u. 18.) Mailing tasks.
- **MOL Magyarország Informatikai Szolgáltató Kft.** (H-1117 Budapest, Budafoki út 79.) - provision of auxiliary services integrally linked to data processing
- **MOL Magyarország Pénzügyi Szolgáltató Kft.** (H-1039 Budapest, Szent István utca 14.) - provision of auxiliary services integrally linked to data processing
- **MOL Fleet Solution Kft.** (H-1117 Budapest, Október huszonharmadika u. 18.) - provision of auxiliary services integrally linked to data processing
- ***Debt management based on the rules as set by the contract with MOL Limitless Mobility Kft-vel, and the internal rules and procedures of MOL Limitless Mobility Kft.:***
CREDITREFORM Szolgáltató és Tanácsadó Korlátolt Felelősségű Társaság
1087 Budapest, Könyves Kálmán körút 76.

DURATION OF DATA PROCESSING:

- a) *In the case of handling of data based on electronic contracting, use of services, provision of services, the data is kept in active database for 7 days following the request by the User for the deletion of his/her data. The location data (GPS) of the passenger car is stored in active database for 7 days following the termination date of the relevant Individual rental Agreement.***

Accounting data:

The data controller must safeguard electronic invoices issued in connection with the service in line with the provisions of and for the period specified in Sections 165 to 169 of Act C of 2000 on Accounting, and in accordance with Sections 77-78 and 202 of Act CL of 2017 on the Rules of Taxation.

Data for keeping contact:

The data is kept for 30 days following the request by the User for the deletion of his/her data.

- b) *In the case of complaints handling, five years from the date the complaint is submitted. According to Section 17/A(7) of Act CLV of 1997 on Consumer Protection, the business must safeguard the minutes recorded of the complaint and a copy of***

the answer to the complaint for five years, and present them if requested by the authorities auditing such items.

c) In case of direct marketing the data is deleted in 15 days following that the relevant consent is revoked.

d) The data controller shall store the copy of the data subject’s driving licence uploaded in the system only for the period absolutely necessary for data verification, for 24 hours after registration, after which it shall permanently delete the copy of the driving licence from its system.

e) Processing of legal claim

In case of processing of legal claim for 5 years following the termination of the contract or from the breach of contract. The data in point a) are archived within 7 days following the request of the User for the deletion of his/her User Account and the location (GPS) data of the passenger car are archived within 7 days following the termination date of the relevant Individual Rental Agreement, which may only be used in case of handling of complaint or processing of legal claim. Should the competent authorities initiate a procedure regarding the Individual Rental Agreement or the MOL Limitless Mobility Kft. initiates a procedure, the data are stored until the end of the procedure.

TRANSFER OF PERSONAL DATA:

***From MOL Fleet Solution Kft. to UNIQA Biztosító Zrt.
From MOL Limitless Mobility Kft. to DR. SZILÁGYI GÁBOR GYÖRGY
ÜGYVÉDI IRODA.***

Transfer of personal data to a third country:

No data transfer from the MOL-group companies, VULOG S.A., SAS OVH, ADYEN B.V., DR.SZILÁGYI GÁBOR GYÖRGY ÜGYVÉDI IRODA and CREDITREFORM Szolgáltató és Tanácsadó Korlátolt Felelősségű Társaság.

Regarding UNIQA Biztosító Zrt. please see:

http://biztositasifeltetelek.hu/Uniqa/uniqa_0326.pdf

THE EXISTENCE OF AUTOMATED DECISION-MAKING, INCLUDING PROFILING: -

DATA SECURITY MEASURES:

The data controller shall design and implement data processing operations in a manner so as to ensure protection of the privacy of the data subjects in the course of implementing the Info Act and other rules applicable to data processing.

The data controller shall ensure security of data in proportion with risks, and shall take the technical and organisational measures and develop the procedural rules required for enforcing the Info Act as well as other data privacy and secret protection rules.

It shall protect the data by measures proportional with risks in particular against unauthorised access, alteration, forwarding, disclosure, deletion or destruction, as well as accidental destruction and damage, and inaccessibility arising out of a change in the technology used. In the framework of this, the data controller will store your personal details in a password-protected and/or encrypted data base. In the framework of protection proportional with risk, the data controller shall protect data with firewalls, anti-virus software, encryption mechanisms, content filtering and other technological and process solutions. It shall continuously monitor data protection incidents.

The data controller shall ensure security of the personal details provided, and shall make every effort in order to prevent and explore any alteration of, unauthorised access to, disclosure, deletion of, damage to and destruction of such data.

Data registration shall take place in the information technology background system of the party providing the service via the data provided by user interfaces. The operator of the information technology background system is authorised to extract such data. Data stored in the background system are accessible after logging in in line with user authorisations.

YOUR RIGHTS CONCERNING DATA PROCESSING:

You may enforce these rights concerning data processing in a request submitted to the e-mail address below.

MOL Limitless Mobility Kft.: info@mollimo.hu

Your rights concerning data processing:

The GDPR contains in detail your data protection rights, your possibilities of seeking a legal remedy and the restrictions thereof (especially sections 15, 16, 17, 18, 19, 20, 21, 22, 77, 78, 79 and 82 of the GDPR). You can request at any time information about your personal data processed, you can request the rectification and erasure of your personal data or the restriction of their processing, furthermore you can object to the data processing based on a legitimate interest and to the sending of direct marketing messages, and you have the right to data portability. We summarize the most important provisions below.

Right to information:

If the data controller processes your personal data it must provide you information concerning the data relating to you – even without your special request thereof – including the main characteristics of the data processing just as the purpose, grounds and duration of control, the name and address of the data controller and its representative, the recipients of the personal data (in case of data transfer to third countries indicating also the adequate and appropriate guarantees), the legitimate interests of the data controller and/or third parties in case of a data processing based on a legitimate interest, furthermore your data protection rights and your possibilities of seeking a legal remedy (including the right of lodging a complaint with the supervisory authority), in the case if you have not had yet all this information. In case of automated decision-making or profiling the data subject must be informed in an understandable way about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject. Data controller provides you the abovementioned information by making this privacy notice available to you.

Right of access:

You have the right to obtain from the controller confirmation as to whether or not personal data concerning you are being processed, and, where that is the case, access to the personal data and certain information related to the data processing such as the purpose of the data processing, the categories of the personal data processed, the recipients of the personal data, the (scheduled) duration of the data processing, the data subject’s data protection rights and possibilities of seeking a legal remedy (including the right of lodging a complaint with the supervisory authority), furthermore information on the source of the data where they are collected from the data subject. Upon your request the controller shall provide a copy of your personal data undergoing processing. For any further copies requested by you, the controller may charge a reasonable fee based on administrative costs. The right to obtain a copy shall not adversely affect the rights and freedoms of others. The data controller gives you information on the possibility, the procedure, the potential costs and other details of providing the copy after receiving your request.

In case of automated decision-making and profiling the data subject has access to the following information: the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

Right to rectification:

You have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning you. Taking into account the purposes of the processing, you have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

Right to erasure:

You have the right to obtain from the controller the erasure of personal data concerning you without undue delay and the controller has the obligation to erase personal data without undue delay where certain grounds or conditions are given. Among other grounds the data controller is obliged to erase your personal data upon your request for example if the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; if you withdraw your consent on which the processing is based, and where there is no other legal ground for the processing; if the personal data have been unlawfully processed; or if you object to the processing and there are no overriding legitimate grounds for the processing; if the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject; or if the personal data have been collected in relation to the offer of information society services.

If the data processing is based on your consent the consequence of the withdrawal of the consent:

In case of withdrawing of the consent the User will not be able to use the Service.

In case of withdrawing the consent for direct marketing the User will further on not receive direct marketing notices from Service Provider.

We inform you that the withdrawal of your consent does not affect the legality of the data processing carried out before the withdrawal, based on your consent.

Right to restriction of processing:

You have the right to obtain from the controller restriction of processing where one of the following applies:

- (a) the accuracy of the personal data is contested by you, for a period enabling the controller to verify the accuracy of the personal data;***
- (b) the processing is unlawful and you oppose the erasure of the personal data and request the restriction of their use instead;***
- (c) the controller no longer needs the personal data for the purposes of the processing, but they are required by you for the establishment, exercise or defence of legal claims;***

(d) you have objected to processing, pending the verification whether the legitimate grounds of the controller override your legitimate grounds .

Where processing has been restricted according to the abovementioned reasons, such personal data shall, with the exception of storage, 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 reasons of important public interest of the Union or of a Member State.

You shall be informed by the controller before the restriction of processing is lifted.

Right to data portability:

You have the right to receive the personal data concerning you, which you provided to the controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where:

(a) the processing is based on your consent or on the performance of a contract (to which you are a party); and

(b) the processing is carried out by automated means.

In exercising your right to data portability, you have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

Right to data portability shall be without prejudice to the provisions governing the right to erasure, furthermore it shall not adversely affect the rights and freedoms of others.

Right to object:

You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you which is based on the legitimate interests of the data controller. The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

Where personal data are processed for direct marketing purposes, you have the right to object at any time to processing of personal data concerning you for such marketing purposes, including profiling to the extent that it is related to such direct marketing. Where you object to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.

How to exercise your rights:

The controller shall provide information on action taken on a request based on your abovementioned rights without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where

necessary, taking into account the complexity and number of the requests. The controller shall inform you of any such extension within one month of receipt of the request, together with the reasons for the delay. If the controller does not take action on your request, the controller shall inform you without delay and at the latest within one month of receipt of the request of the reasons for not taking action and on the possibility of lodging a complaint with the competent data protection supervisory authority (In Hungary the Nemzeti Adatvédelmi és Információszabadság Hatóság (National Authority for Data Protection and Freedom of Information) briefly ‘NAIH’) and seeking a judicial remedy. Address, telephone number, fax number, e-mail address and website of the NAIH: 1125 Budapest Szilágyi Erzsébet fasor 22/C., Tel: +36 1 391 1400, Fax: +36-1-391-1410, e-mail: ugyfelszolgalat@naih.hu, website: <http://naih.hu/>

In the event of any infringement of your rights you may file for court action. The action falls within the jurisdiction of the Törvényszék (General Court). Upon the data subject’s request the action can be brought before the Court which is competent based on the domicile or the place of residence of the data subject. The court may order the data controller to provide the information, to rectify, block or erase the data in question, to annul the decision adopted by means of automated data-processing systems, to honour the data subject’s objection. The court may order publication of its decision, indicating the identification of the data controller or any other data controllers and the committed infringement.

The data controller concerned shall be liable for any damage caused to a data subject as a result of unlawful processing or by any breach of data security requirements. Where any data controller violates the rights of the data subject relating to personality as a result of unlawful processing or by any breach of data security requirements, the data subject shall be entitled to demand restitution from the data controller concerned. Data controller may be exempted from liability for damages or for payment of restitution if he proves that the damage was caused by or the violation of the rights of the data subject relating to personality is attributable to inevitable reasons beyond his control.

No compensation shall be paid and no restitution may be demanded where the damage was caused by or the violation of rights relating to personality is attributable to intentional or negligent conduct on the part of the data subject.