

Exercising legal claims and defence in legal proceedings by a data controller relating to the electromobility service of MOL Nyrt. (“Company”)

1. The data controller’s legitimate interest:

- **Scope of data subjects:** natural person customers using the electromobility (e-charging) service (“Service”).
- **Nature of the data:** the personal data of persons using the Service as identified in the Privacy Notice for the Service (“Notice”): Data purpose entitled *“Data retention pertaining to communication by the Customer Service with Customers and other data subjects for the purpose of exercising legal claims, and successful defence in legal disputes or official proceedings”*.
- **Purpose of data processing:** the exercising of legal claims relating to the Service and defence against legal claims of customers (for example: defence in court or official proceedings initiated by customers).
- **Verification of legitimacy of interest, presentation of legitimate interest:** the processing of the personal data specified in the above sections of the Notice may be absolutely necessary for the exercising of claims by data controllers relating to the Service, and for successful defence in a legal dispute or official proceedings potentially initiated by a customer. The data processing actions related to the exercising of legal claims relating to the Service and defence in proceedings thus represent the legitimate business interest of the data controllers.

2. The necessity of processing

- **Clear and straightforward presentation that processing is strictly necessary, suitable and proportionate to the fulfilment of the interest:** the processing of the personal data specified in the above Section 1 is strictly necessary, undoubtedly suitable for and proportionate to the exercising of legal claims relating to the Service and the defence in proceedings. The exercising of legal claims relating to the Service and the defence in proceedings can only be ensured by the processing of these personal data, which are necessary as a minimum.
- **Examination as to whether the controller’s interest could be fulfilled by any alternative solution which is less restrictive to data subjects. Are there any alternative solutions available that would enable the purpose to be achieved without processing any personal data / by processing less personal data / by processing personal data by other means?** The processing of the above personal data is strictly necessary for the exercising of legal claims relating to the Service and for defence in proceedings, given that the exercising of legal claims relating to the Service and the defence in proceedings cannot be implemented by way of any alternative data processing solutions that would process less personal data or apply different methods. The anonymisation of personal data or the processing of less personal data would make the appropriate exercising of the legal claims of data controllers or the appropriate defence in legal proceedings initiated against data controllers impossible. In accordance with the principle of data minimisation, already during the assessment of the scope of personal data needed for the exercising of legal claims relating to the service and when drawing up

the applicable internal rules of procedure, the data controllers considered that they should only process personal data which are strictly necessary to ensure that the purpose of processing is achieved.

3. Impact assessment of data processing and other security measures

3.1 Impact assessment of data processing

- **Description of impacts of processing beneficial and not beneficial to the data subject. Does the data subject benefit from processing? Does the data processing have a negative impact on the data subject or does it cause any harm or intrusive interference with their rights:** the data processing is not disproportionately restrictive for the data subjects. During the exercising of legal claims relating to the Service and the defence in proceedings, the necessary processing of personal data may have benefits for customers (due to the efficient settlement of legal disputes relating to the Service). Moreover, the processing of personal data does not involve the harassment of data subjects, additional actions to be taken on a regular basis or the invasion of their privacy or their rights.
- **Assessment of the data subject’s position, in particular whether the data subject belongs to a vulnerable/sensitive group (e.g. children, sick persons, etc.):** the scope of data subjects does not include a significant portion of persons from vulnerable/sensitive groups (for instance, children, sick or disabled persons).
- **Broader examination of the data subject’s reasonable expectations at the time of data collection, and of whether they could have reasonably expected data processing arising from the legitimate interest concerned:** data subjects are provided appropriate information on data processing, prior to the use of the Service, both on the website of the Service (<https://www.molplugee.hu>) and at the charging stations of data controllers. The Notice is available both electronically through the above channel and in print form at the charging stations of data controllers. The prevention and investigation of fraud and abuse, which could serve as a basis for legal proceedings, are governed by MOL Group’s Code of Ethics and Business Conduct, Code of Business Partner Ethics and the Rules of Procedure of the Ethics Council (“Code of Ethics”) as also referred to in the Notice, which are publicly available here: <https://mol.hu/hu/molrol/etika-es-megfeleles/etika/>. In view of this, customers and other data subjects can reasonably expect data processing related to the exercising of legal claims relating to the Service and the defence in proceedings.
- **Means of processing (Does it have a broad scope? Does it have predictable impacts?) Including whether data are (may be) made public:** the means of processing is transparent even before the commencement of data processing and data controllers perform the processing in a secure IT environment through employees properly trained in matters of data protection and data security; for details, see „Data security measures” and „Persons authorised to access data at the data controller” in the Notice. The data controllers take all data security measures that may be expected from them in order to ensure that the personal data processed by them as part of the exercising of legal claims relating to the Service and the defence in proceedings are not made public and that no unauthorised third parties gain access to such data in any way. Accordingly, taking the nature of the applicable proceedings

or legal dispute into account, the authority or court with competence and acting in the given proceedings as well as other potentially involved persons (for example: witnesses, experts) may have access to the data.

- **Description of how data controllers provide information to data subjects about data processing and the interest involved. Is the information provided sufficiently clear and straightforward?** Data controllers provide information to data subjects by way of the Notice, which is available online at the link provided above and in print form at the charging stations of data controllers. As described above, the prevention and investigation of fraud and abuse are also subject to MOL Group’s Code of Ethics, available online at the link provided above. In addition, data subjects may use the contact details provided in the Notice to contact the data controllers with their questions or to exercise their data protection rights.
- **Description of whether it is possible for the data subject to control or object to the data processing:** data subjects can control the data processing or exercise their right to object in accordance with this interest balancing test and as set out under “*Your rights concerning data processing*” in the Notice or by exercising their rights referred to therein.

3.2 Data security measures:

- **Data security measures:** Under “*Data security measures*” in the Notice.
- **Processing of data for a limited period:** in accordance with the principle of purpose limitation, data controllers only process the data subject’s personal data as long as it is necessary, during the use of the Service by the customers, and for **5 years** after the use of the Service. This is the period during which either party may exercise civil law claims against data controllers pursuant to Section 6:22 of Act V of 2013 on the Civil Code (“**Civil Code**”).
- **Restriction of access to data:** also in line with the Code of Ethics, accessibility of the personal data concerned is strictly restricted to employees within the organisations of data controllers for whom access to the personal data concerned is absolutely necessary for the exercising of legal claims relating to the Service and the defence in proceedings. This means that the data controllers process such data in a separate database following the use of the Service, access to which is possible only for the purpose of the exercising of claims by one of the parties.

4. Outcome of the interest balancing test and its documentation

Based on the above, it is concluded that the legitimate interest of data controllers imposes a proportionate limitation on the legitimate interest of data subjects. The processing of the personal data concerned is absolutely necessary for the exercising of legal claims relating to the Service and the defence in proceedings, and there are no available alternative data processing solutions that would entail the processing of less personal data or the application of different methods.