

## **PRIVACY STATEMENT - FUSIONVITAL.HU**

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**Effective from/updated on: 24.05.2018.**

**Name of Service Provider: Fusion Ball Kft.**

**Registered Address: 1188 Budapest, Ady Endre u. 123/b.**

**Account-Keeping Financial Institution: Unicredit Bank**

**Bank Account Number: 10918001-00000055-03500004**

**Invoicing Address: 1188 Budapest, Ady Endre u. 123/b.**

**Tax Number: 23687332-2-43**

**Company Registration Number: 01-09-973518**

**Represented by: Gergely Vada, managing director**

**Phone: +36-70/674-1700**

**E-mail: [kapsolat@fusionvital.hu](mailto:kapsolat@fusionvital.hu)**

**Website: [www.fusionvital.hu](http://www.fusionvital.hu)**

**Server Hosted by: DotRoll Kft.**

**Server Hosted at: 1101 Budapest, Expo tér 5-7. (Albertirsai út 3-11.)**

## **FUSION VITAL**

### **PRIVACY STATEMENT**

#### **1. Introduction**

Fusion Ball Kft. (1188 Budapest, Ady Endre u. 123.) being the owner of the brands “Fusion Vital” and “Fusion Vital Sport” (hereinafter referred to as “Fusion Vital”, Data Controller) – as Data Controller committed to respecting the privacy of natural persons undertakes to be bound by the legal contents of this privacy statement.

Fusion Vital assumes the obligation to ensure that all data processing associated with its activity will be made in compliance with the requirements set forth in the data processing policy and the effective legal regulations. The data protection principles relating to Fusion Vital’s data processing activity is at all times available at [www.fusionvital.hu/adatvedelem](http://www.fusionvital.hu/adatvedelem). Fusion Vital reserves the right to alter, amend or modify this privacy statement and to promptly notify its customers of any such change.

Should you have any additional questions about this privacy statement, please, contact us and you will receive a response from our colleague.

Contact details: Fusion Ball Kft. Mailing Address: 1428 Budapest Pf. 49. E-mail: [kapsolat@fusionvital.hu](mailto:kapsolat@fusionvital.hu)

Fusion Vital respects and safeguards the personal data of all persons who get in touch with Fusion Vital through this website or otherwise. Fusion Vital is committed to safeguarding the personal data of those who use its services, with special regard to respecting its customers’ right of informational self-determination as specified in the respective laws.

Fusion Vital treats all personal data confidential and will make all security, technical and organizational measures required to guarantee the safety of data.

Below are presented Fusion Vital's general data processing principles and data processing requirements set forth to abide by as Data Controller. Fusion Vital's general data processing principles are in conformity with the effective provisions on personal data protection, with special regard to Regulation (EU) 2016/679 by the EUROPEAN PARLIAMENT AND OF THE COUNCIL.

## **2. Definitions:**

**Personal Data:** any information relating to an identified or identifiable natural person ("Data Subject"), an identifiable person is a person who can be identified, directly or indirectly, in particular by reference to an identifier, such as a name, identification number, location data, an online identifier, to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

**Data Processing:** is an operation or a set of operations which is performed on personal data or on sets of personal data, whether by manual or automated means, such as the collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transfer, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

**Restriction of Data Processing:** marking of stored personal data with the aim of limiting their processing in the future;

**Data Controller:** any natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such data processing are stipulated by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law;

**Data Processor:** any natural or legal person, public authority, agency or other body which is processing personal data on behalf of the Data Controller;

**Third Party:** any natural or legal person, public authority, agency or other body other than the data subject, the Data Controller, the data processor or persons authorized to process personal data under the direct control of the Data Controller or the data processor;

**Consent of the Data Subject:** any freely given, specific, informed and unambiguous indication of the data subject's will, by which the data subject – through statement or by a clear affirmative action - signifies agreement to the processing of personal data relating to him or her;

**Data Protection Incident:** any breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of or access to personal data transmitted, stored or otherwise processed;

**Health Data:** any personal data related to the physical and physiological health condition of a natural person, including data relating to healthcare services provided to the natural person, which carry information about the health condition of the natural person;

**Representative:** any natural or legal person having its place of activity or residence within the European Union designated by the Data Controller or the data processor to represent the Data Controller or the data processor in respect of obligations under the provisions of the respective law;

**Data Transfer:** making data available to a specific third party;

**Data Erasure:** making data unrecognizable in such a manner that the data cannot in any way be recovered;

**Cookie:** an information (generally a simple document) file reaching the user's winchester through the web browser, which clearly identifies the user on its next visit;

**IP Address:** in any computer network that use TCP/IP protocol for communication, the devices are assigned with an IP address, i.e. a numerical label that enable identification of the specific device through the network. It is a known fact, that all network connected computers have an IP address, by which they can be identified.

### **3. Personal data processing principles at Fusion Vital**

#### **3.1 Principles for the processing of personal data**

Only such personal data, which is indispensable to achieving the purpose of data processing may be processed. Data may only be stored to the extent and time required for achieving such purpose. Our data processing activity is carried out in compliance with these principles.

Personal data may only be processed with the informed consent of the data subject. Prior to beginning the processing of personal data, the data subject must be informed about whether the data processing is compulsory or based on consent.

The **data subject must be informed** – in a clear, readily understandable and detailed manner – about all facts relating to the processing of its data, with special regard to the purpose and legal ground, the person entitled to control and process the data, the duration of processing, about whether the Data Controller is processing the data subject's personal data with consent of the data subject, and whether the purpose is for performing Data Controller's legal obligations or for pursuing the legitimate interest of a third party, as well as the persons who may get to know the data. The information shall also include the data subject's rights and judicial remedies relating to the data processing.

In the course of the data processing, **the accuracy, completeness, up-to-dateness of data must be ensured, moreover, that the data subject is identifiable only for as long as it is required for the purpose of the data processing.**

Personal data may only be transferred to a Data Controller carrying out the data processing activity in a third country or to a data processor carrying out the data processing activity in a third country upon express consent of the data subject or if the aforementioned requirements of data processing have been met and due level of safety is being given in the course of processing and management of the furnished personal data. Data transfer to EEA countries is to be considered the same as domestic data transfer, within Hungary.

### **3.2 Personal data may only be processed if:**

- **consent** has been given by the data subject
- required for **performing an agreement** to which the data subject is a contractual party
- required for compliance with a **legal obligation** pertaining to the Data Controller
- required for the protection of the **vital interest** of the data subject or of another natural person
- **required for the performance of a task carried out in public interest or in the exercise of public body authority vested in the Data Controller**
- required for the purposes of **legitimate interests** pursued by the Data Controller or a third party.

Fusion Vital's data processing activities are based on voluntary consent. The Data Controller must be able to verify that consent has been obtained from data subject. Such consent may be withdrawn by the data subject (please see the relevant "Rights relating to the processing of personal data" section).

In some cases, however, the processing, storage, transfer of certain scope of the given data is required by law.

Below are presented the types of data processing, indicating the legal ground for each type of data processing.

### **3.2.1 Data processing based on consent**

Consent is given on a voluntary basis.

Data Controller must be able to verify that data subject's consent has been granted.

Such consent may be withdrawn by the data subject (please see the relevant "Rights relating to the processing of personal data" section).

### **3.2.2 Accuracy of data, choice of e-mail address**

#### **Important!**

Data Controller will not check any of the personal data provided to him. Accuracy of the furnished data is the sole responsibility of the data provider. If a person participating in the lifestyle assessment, provides personal data other than his/hers, than he/she shall be obliged to obtain consent from the data subject.

#### **E-mail address recommendations**

By providing an e-mail address, the person participating in the assessment shall assume liability for being the sole recipient of the service through that specific e-mail address. In view of this undertaking of liability, the lifestyle assessment participant, who registered a specific e-mail address, shall bear the full and complete responsibility associated with each and every login with the given e-mail address.

### **3.3 Data processing relating to incapacitated or minor persons**

Any declaration by an incapacitated or a minor with restricted active legal capacity under the age of 16 requires consent of the legal representative of such person, therefore, we will request such consent, in all cases.

### **3.4 Special categories of personal data**

Within a lifestyle assessment, Fusion Ball Kft. processes health data relating to the data subject, which is considered special category of personal data. In order to ensure safe processing of the special data, Fusion Vital has broken down and documented the various steps of the process, identified potential data processing incidents and implemented all necessary safety measures.

## **4. Purpose, legal ground of the data processing, scope of processed data and duration of data processing**

### **4.1 Participation in Fusion Vital's lifestyle assessment program**

**The purpose of data processing:** when applying to participate in Fusion Vital's lifestyle assessment, your personal data will be processed for the following purposes:

- Communication
- Data Required for Starting the Lifestyle Assessment Program
- Personal Data Processed During the Lifestyle Assessment Program
- Data Required for Invoicing
- Analysis of Customer Habits

Application for the program is possible either via our contact e-mail address or through the online application form on our website.

To order our service, you will need to sign the "Declaration of Participation in the Lifestyle Assessment Program". You will also be prompted to provide "Data Required for Starting the Lifestyle Assessment Program". In the course of the lifestyle

assessment, additional data will be acquired, partly provided by the participant and partly generated by the device. These personal data are included in the relevant “Personal Data Processed During the Lifestyle Assessment Program” section.

**Legal grounds of data processing:** voluntary consent of the data subject, Par.(2) of Art. 169. of the Accounting Law, Par.(5) of Art. 6 of Act XLVIII of 2008 on the **essential conditions and certain limitations of business advertising activity** considered special data category.

**Scope of processed data:**

- Communication: name, email address, phone number
- Data Required for Starting the Lifestyle Assessment Program: name, date of birth, e-mail address (this e-mail address will be used to send information about the start of the assessment program, and to log in to Fusion Vital application to enable editing personal data and journal log)
- Personal Data Processed During the Lifestyle Assessment Program:
  - provided data: date of birth, weight, sex, journal log (recording daily activities)
  - measured and generated data: heart-rate, heart-rate variability, respiration rate, completed lifestyle assessment report
- Data Required for Invoicing: name, name of bank, bank account number, invoicing address, name of lifestyle assessment program
- Analysis of Customer Habits: date of birth, sex, type of service, application (email, website), private/business customer, type of service (lifestyle or sport), date of order and assessment, duration of assessment (3-5-7 days).

**Right to anonymous data processing:**

Applicants to the lifestyle assessment program can request anonymous processing of their personal data required for the program and generated in the course of the program. In this case, data stored in Fusion Vital system will not be linked to the data subject (customers will not be identifiable based on name, email address). Request for anonymisation can be given in the “Declaration of participation in the Lifestyle Assessment Program” or later at any time via either communication channel.

**Duration of data processing:**

- if for the purposes of communication, lifestyle assessment and customer habit analyses: until withdrawal by the user
- in case of invoicing data: 8 years in accordance with Par (2) of Art. 169 of the Accounting Law.

**4.2 Website – [www.fusionvital.hu](http://www.fusionvital.hu) - visitor data:**

**Purpose of data processing:** service provider records all visitor data during website visits in order to

- check operation of its services,

- provide personalized services and
- prevent misuse (e.g. spam).

**Legal ground of data processing:** consent of the data subject, Par (3) of Art 13/A of Act CVIII of 2001 on certain issues of electronic commerce services and information society services.

**Scope of processed data:** visitor IP address, date, time, visited website address, previously visited website address, visitor's operating system and web browser, user computer IP address (without last section).

**Duration of data processing:** user computer's partial IP address will be erased when leaving the website.

#### **4.3 Newsletter**

**Purpose of data processing:** email newsletter is sent to those interested, it may include business advertisement, latest information and promotions, direct marketing (with prior consent of data subject), personalized promotions, communication.

**Legal grounds for data processing:** voluntary consent of data subject, Art 13/A of Act CVIII of 2001 on certain issues of electronic commerce services and information society services and Par (5) of Art 6 of Act XLVIII of 2008 on the essential conditions and certain limitations of business advertising activity.

**Scope of processed data:** name, email address

**Duration of data processing:**

- until consent is withdrawn by the user, but no later than
- 24 months from the date of the last update made by the user.

#### **4.4 Contacting Fusion Vital, Customer Correspondence**

In case of any question during the service, Data Controller can be contacted via the contact details indicated herebelow or via the contact details indicated on the homepage or through the contact form in the contact menu of our website fusionvital.hu.

**Purpose of data processing:** handle and respond to questions regarding the service.

**Legal grounds of data processing:** consent of the data subject.

**Scope of processed data:** email address, other personal data provided by the user (name, address, phone number), date and time of first contact.

**Deadline of data erasure:** 5 years

#### **4.5 Additional data processing:**

All information about data processing not included in this document shall be given when such data are collected.

At the same time, it should be noted that Data Controller may be contacted for providing information, disclosure and transfer of data and documents by any court, prosecutor, investigating authority, public authority, the National Data Protection and Information Authority or other bodies by virtue of legislative authorization.



If the exact purpose and scope of required data is specified, Fusion Vital will disclose personal data to authorities, not listed conclusively in the above, to the extent only that is reasonably required to fulfill the purpose of such request.

#### **5. Storage of personal data, safety of data processing**

Fusion Vital's computer systems and other personal data storage locations are hosted at the server room of Dot Roll Kft. located at its registered office, 1101 Budapest, Expo tér 5-7 (Albertirsai út 3-11).

#### **Fusion Vital will choose and operate all infocommunication devices used for the processing of personal data while providing its services in a manner ensuring that:**

- a) the processed data are accessible to those with authorization (**availability**);
- b) authenticity and authentication of the processed data is ensured (**authenticity of data processing**);
- c) integrity of the processed data can be verified (**data integration**);
- d) the processed data are safe against unauthorized access (**confidentiality of data**).

Fusion Vital will apply due information protection measures to protect the data especially against unauthorized access, alteration, data transfer, publication, erasure or destruction as well as accidental destruction, damage, moreover, against inaccessibility due to change of used technology.

Taking into account the state of the art, Fusion Vital will implement appropriate IT, technical, IT-organisational and organisational measures to safeguard the security of data processing, such that the provided level of security is consistent with the risks associated with the data processing.

During the processing of personal data, Fusion Vital will ensure:

- a) **secrecy**: by safeguarding the information, such that it is only accessible by those authorized to access it,
- b) **integration**: by protecting the accuracy, completeness and integrity of the data and the manner of processing,
- c) **availability**: by continuously ensuring eligible lifestyle assessment participants to access any requested data and to make all associated devices available, whenever required.

All infocommunication systems and networks of Fusion Vital and its partners are protected against hacking, misuse, spying, intrusion, sabotage, vandalism, fire and flood, computer viruses, other cyberthreats and against attacks resulting in refusal of operation. Operator shall ensure security by applying appropriate level of safeguarding procedures.

Lifestyle assessment program participants should note that regardless of the used protocol (email, web, ftp, etc), electronic messages transmitted over the internet are vulnerable to

network threats that lead to dishonest activities, challenging a contract or the disclosure or modification of information. In order to ensure protection against such threats, Data Controller will take all reasonably necessary precautionary measures. All systems will be monitored to record security anomalies and to provide evidence for security incidents.

System monitoring will also provide an opportunity to investigate the efficiency of applied precautionary measures.

## **6. Rights relating to the processing of personal data**

### **6.1 Accessibility of personal data**

Data subject is entitled to request information from Data Controller, at any time, about whether any of its personal data is subject to ongoing data processing, and if so, to request access to such data.

Upon request by the data subject, Fusion Vital, as Data Controller, shall:

- provide information:
  - about the data processed by it or by a data processor assigned by it, the origin of such data, the purpose, legal ground, duration of data processing, name, address and contact details of the data protection officer and its activity connected to the data processing, and in case of data transfer, the legal ground and addressee of such data transfer.
  - about the fact that data subject may:
    - request rectification or – except in cases of compulsory data processing – erasure or restriction of its personal data,
    - object to the data processing and
    - exercise its right to data portability.
  - about the fact that the data subject has the right to file a complaint to any supervisory authority.
- hand over to the data subject a copy of its personal data.

### **6.2 Rectification**

Fusion Vital will rectify and amend any personal data if it is incorrect and if accurate personal information is available to it.

### **6.3 Restriction**

Fusion Vital shall restrict personal data if data subject so requires, or if - based on available information - it can be assumed that erasure would violate the legal interests of the data subject.

Restricted personal data may only be processed as long as the data processing purpose which prevented their erasure is in existence.

Fusion Vital will mark any personal data processed thereby if the correctness or accuracy of such data is disputed by the data subject, but inaccuracy or incorrectness thereof cannot be clearly established.

### **6.4 Anonymisation**

You may request anonymised processing of your personal data stored in the database associated with the lifestyle assessment. In this case, the result of the lifestyle assessment (report) will be accessible in Fusion Vital app, but it will not be attributed to any lifestyle assessment participant without the code only known by you.

## **6.5 Erasure**

Fusion Vital shall erase personal identification data, if:

- the personal data are no longer necessary in relation to the purposes for which they were collected (deadline for erasure expired),
- processing of such data is unlawful,
- the data subject withdraws consent and if there is no other legal ground for the processing of the data,
- it is to be erased for compliance with a legal obligation in EU or Member State law to which the Data Controller is subject.

## **When is data not erased?**

The personal data of the data subject may not be erased by Fusion Vital if the relevant data processing has been required by law. Nevertheless, the data cannot be transferred to the data receiver, if the Data Controller agrees with the objection or the court ruled the objection to be valid.

## **6.6 Notification obligation regarding rectification or erasure of personal data or restriction of processing**

Fusion Vital shall notify the data subject and each recipient to whom the personal data have been earlier disclosed for the purpose of data processing about any rectification or erasure of personal data or restriction of processing (and marking thereof).

Fusion Vital shall omit notification if it is not in violation of the legal interest of the data subject in view the purpose of the data processing.

## **6.7 Data Portability**

Data subject may request to receive its personal data or direct transfer thereof to another Data Controller.

## **6.8 Objection**

Data subject has the right to object to the processing of personal data concerning him or her, where:

- the data processing is in the public interest or if it is required for performing any task undertaken in the exercise of public power authority vested in the Data Controller,
- the data processing is required for the legitimate interest pursued by the Data Controller or a third party, unless such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require the safeguarding of personal data, in particular where the data subject is a child.
- the data subject objects to the processing of data for direct marketing purposes.

If the data subject objects to the processing of its personal data, then the personal data shall no longer be processed for such purpose.

## **6.9 Compensation**

If any of the rights of the data subject are violated, the data subject may file a complaint against the Data Controller at court and receive priority treatment of the case.

Fusion Vital shall be liable to compensate any damages caused by the unlawful processing of data of the data subject or by violating the data safety requirements. If the data subject's right of personality is violated, the data subject may claim grievance fee (Art 2:52 of the new Civil Code). The Data Controller shall be liable towards the data subject for damages caused by the data processor.

Data Controller shall be exempt from the liability if the damage was brought about by virtue of an unavoidable cause outside the scope of data processing. Data Controller shall not reimburse any damages and no grievance fee may be claimed if the loss or damage was caused by intention or gross negligence attributable to the data subject.

## **7. Submission and manner of requests relating to the processing of personal data**

### **7.1 Submission of requests**

Any request for information, rectification, erasure, restriction, data portability as well as objection to the use of personal data may be submitted at the following contact details:

- website: fusionvital.hu, see Contact menu,
- email: [info@fusionvital.hu](mailto:info@fusionvital.hu)
- post: Fusion Ball Kft. 1428 Budapest Pf. 49.

### **7.2 Deadline for the provision of information**

Data Controller shall provide the information about the measures taken within the shortest time, but no later than within 1 month, from submission of the request – in writing, upon request by the data subject – in readily understandable language.

If necessary, taking into account the complexity and number of requests, this deadline may be extended by an additional two months. The Data Controller shall notify the data subject about any extension of the deadline by specifying the causes of such delay no later than within one month from receipt of the request.

### **7.3 The free-of-charge nature of information**

Information is free of charge, except in cases where the data subject's request is clearly unfounded or excessive. In this case the data processor may charge a fee, or may reject taking measures based on such request.

### **7.4 Comments related to data processing**

If you have any comments or problems in connection with the data processing activity of Fusion Vital, please, do not hesitate to contact our data protection coordinator by email: [kapsolat@fusionvital.hu](mailto:kapsolat@fusionvital.hu).

## **8. Data Controller, Data Processor, Judicial Remedy**

### **8.1. Data Controller:**

**Name of Service Provider:** Fusion Ball Kft.

**Registered address:**

1188 Budapest, Ady Endre u. 123/b.

**Account-holding financial institution:** Unicredit Bank

**Bank account number:** 10918001-00000055-03500004

**Invoicing address:** 1188 Budapest, Ady Endre u. 123/b.

**Tax Number:** 23687332-2-43

**Company Registration number:** 01-09-973518

**Represented by:**

Gergely Vada, managing director

**Phone number:** +36-20-921-38-25

**E-mail:** [kapcsolat@fusionvital.hu](mailto:kapcsolat@fusionvital.hu)

**Mailing address:** 1428 Budapest, pf. 49

**Website:** [www.fusionvital.hu](http://www.fusionvital.hu)

**Server hosted by:** DotRoll Kft.

**Server hosted at:** 1101 Budapest, Expo tér 5-7. (Albertirsai út 3-11.)

**8.2. Data Processor:**

Fusion Ball Kft. is using the services of the following data processor in regard to the personal data of Fusion Vital lifestyle assessment program participants:

**Name:** Firstbeat Technologies Ltd.

**Registered address:** Yliopistonkatu 28A, 2nd floor, FI-40100 Jyväskylä, Finland

**8.3. Data Protection Officer:**

**Name:** Réka Kovács

**Phone:** +36209278220

**E-mail:** [kapcsolat@fusionvital.hu](mailto:kapcsolat@fusionvital.hu)

**8.4. Judicial Remedy:**

**Name:** Nemzeti Adatvédelmi és Információszabadság Hatóság (National Authority for Data Protection and Freedom of Information)

**Registered address:** 1125 Budapest, Szilágyi Erzsébet fasor 22/C

**Mailing address:** 1530 Budapest, Pf.: 5.

**Phone number:** +36-1-391-1400

**Fax:** +36-1-391-1410

**E-mail:** [ugyfelszolgalat@naih.hu](mailto:ugyfelszolgalat@naih.hu)

**Website:** <http://www.naih.hu>