

CONDITIONS OF USE AND PRIVACY POLICY

HUNGARIAN NATIONAL MUSEUM ARCHAEOLOGY DATABASE

11 May 2016

CONDITIONS OF USE

INTRODUCTION

The purpose of the Archaeology Database of the Hungarian National Museum is to support research, teaching and learning. The documentations found in the Database represent several years of work by many archaeologists, archaeology technicians, researchers, analysts, restorers, drawers, photographers, etc. The goal of the Hungarian National Museum is to acknowledge and protect the intellectual property and copyright of the authors of the documentations. It is the user's responsibility to accept and read the Conditions of Use and Privacy Policy of the Archaeology Database of the Hungarian National Museum. If you do not agree with the contents of the Conditions of Use and Privacy Policy, please **DO NOT USE** the Database.

The Database was created as part of the ARIADNE (**A**dvanced **R**esearch **I**nfrastructure for **A**rchaeological **D**ataset **N**etworking in Europe) programme, which was supported by the European Commission's 7th Framework Programme. ARIADNE unifies 24 archaeological and heritage protection institutions in 16 countries and the ARIADNE is intended to integrate the existing archaeological data infrastructures (particularly grey literature) so that those interested can access the otherwise scattered archaeological data through a uniform system, with the involvement of new technologies. An enormous amount of archaeological data is available throughout Europe and this amount constantly increases with the further development of information technologies. Due to the inaccessibility of the data, the opportunities lying in these documents cannot be exploited. ARIADNE is intended to integrate these archaeological data and provide access to them on the Internet along with guidance so as to make it possible to access and research the databases on an international level through a uniform platform.

COMMON ACCESS

With the exception of browsing in the Database, using the full functionality of the Database requires registration (see also the Privacy Policy). The user receives a non-exclusive and non-transferable right to legally use a part or all of the information and documentations found in the Database for the purposes of non-profit learning, teaching or research activities with the condition of indicating the Database as the source of origin. The research activity can be supported by state or international grant or by a business organisation or it can be unsupported; however, the data of the Database can only be used on the condition that the newly generated results also become accessible free of charge, according to the moral and research aspects of archaeology. In case you wish to use a part or all of the downloaded documentation for research and/or publication purposes, please contact the person(s) who prepared the documentation.

It is not permitted to use the documentations in the Database in part or in full for commercial or any other business purposes; the downloaded documentations must not be transferred to third parties for any purpose. The downloaded documentation must not be transferred to persons not registered in the Database. The Database is free to use but its use requires registration. In case you wish to use the contents of the Database for commercial purposes, please contact the Hungarian National Museum.

The goal of the Hungarian National Museum is to provide free-of-charge access to the data and documentations of the archaeological sites found in the Database. This is only possible if the rights of the creators of documentations are not infringed. In accordance with the Common Access Agreement, we ask you to act correctly and considerately when you use the data

downloaded from the Database. Please kindly help our reliable, accurate and free service by meeting the following requirements:

- In the publications (printed, electronic or broadcast by radio or television) in which you used data from the Database in part or in full, please make reference to the Database and the people who created the documentations.
- In the publications (printed, electronic or broadcast by radio or television) in which you used data from the Database in part or in full, please include a statement declaring that the person(s) who originally created the documentation is (are) not responsible for the repeated publication and interpretation of the data (unless you involved them and they are also taking part in this publication).
- Please send the Hungarian National Museum a paper-based and/or digital copy of the publications in which you used data from the Database in part or in full. In case this is not feasible, please send the bibliography data of the publication to archeodatabase@hnm.hu.
- Please notify the Hungarian National Museum at archeodatabase@hnm.hu about any errors in the Database.

REFERENCING THE DATABASE

If you use the Database, the documentations or parts thereof, you must make exact references to them. The documentations stored in the Database are considered publications so act considerably when referring to them in order to avoid infringement of copyright or any other rights related to copyright. A permanent URL must be used for referencing that can be found on the datasheet of each archaeological site. If you are unsure how to make reference to the downloaded documentations or documentation elements, you can request assistance at archeodatabase@hnm.hu. Please **DO NOT USE** information from the Database or documentations downloaded from the Database without referencing.

Example of referencing: For example, you used the summary report included in the excavation documentation of Site Daruszentmiklós – Fehérvári-úti dűlő II in your local history research and you also inserted some of the excavation photos in your work.

Make reference to the documentation as follows:

Róbert Herbály 2009. Excavation documentation for Daruszentmiklós – Fehérvári-úti dűlő II., RM 03 archaeological site. Budapest: Field Service for Cultural Heritage. [the URL displayed at the bottom of the datasheet of the given site]

In case you only use one element from a certain documentation package (e.g. only the summary report from the excavation documentation) you still have to make reference to the whole documentation as the documentation elements within the documentation belong together.

STATEMENT OF OBLIGATION

The goal of the Hungarian National Museum is to ensure that the information included in the Database is as accurate as possible. If you notify us about any possible errors, we do our best to correct them. Nevertheless, the Hungarian National Museum does not guarantee the accuracy of the data, completeness of the documents or assume responsibility for any possible errors. The majority of the documentations included in the Database are digitalised versions of field documentations, which are parts of the primary processing of the archaeological sites. The information included in these documentations may later be modified during the scientific processing of the sites, which must be considered when the documentations are used.

SUSPENSION OF THE USER

In the event the Conditions of Use are breached, the Hungarian National Museum may at its discretion partially or fully suspend the user's right of use. In case a user is partially or fully suspended from using the Database, they can continue browsing in the Database but their downloading and uploading right is cancelled for the period of the suspension. The period of the partial or full suspension may extend to 3 (three) months for the first time.

The right to use the Database may particularly (but not exclusively) be suspended in the following cases:

- A registered user transfers their login details to a non-registered user.
- A registered user transfers the downloaded documentation to a third (non-registered) party.
- A registered user uses the contents of the Database and/or the downloaded documentations for a profit-oriented activity.
- A user submits false details for his/her registration either intentionally or through gross negligence.
- A registered user has used the data obtained from the Database for purposes other than learning, teaching or research without requesting prior written permission from the Hungarian National Museum.
- In publications (printed, electronic or broadcast by radio or television), a registered user failed to make reference to the Database and the persons creating the documentations, or misused the information found in the documentations.
- A registered user tries to influence or prevent the operation of the Database in an illegal way (hacking).
- A registered user breaches the conditions of use in any other way contrary to the purpose of the Database and its principles of operation.

In case of any behaviour or actions giving rise to repeated suspension, the registration of the registered user shall be deleted permanently.

Please note Act V of 2013 of the Civil Code, Act LXXVI of 1999 of the Act of Copyright and Act C of 2012 of the Act of Criminal Code about intellectual property rights and copyright protection in Hungary and the legal consequences of intellectual property and copyright infringement. The responsibility and consequences of infringing copyrights and any other rights related to copyrights shall lie with the user.

PRIVACY POLICY

INTRODUCTION

In relation to its activities of the digital Archaeology Database, the Hungarian National Museum (hereinafter referred to as the "Data Controller") manages the personal data of the registered users exclusively in order to track the activities of the users and for statistical purposes, in order to ensure the best possible operation of the Database and protect the rights of the creators of the documentations and institutions making the documentations available. The Data Controller only manages such personal data that are essential to fulfil the purpose of data processing and are suitable to achieve this purpose. The personal data may only be managed to the extent and until the purpose is achieved.

The Data Controller reserves the right to modify this document at any time, notifying its users of the possible changes 15 (fifteen) days before the changes take effect.

The Data Controller is committed to maintain the quality of the services but assumes no responsibility for any damages arising from the use of the system. In order to protect the personal data of its partners and users, the Data Controller considers it especially important to respect the informational self-determination of its users. The Data Controller shall treat the personal data confidentially and take all security, technical and organisational steps needed to guarantee the safety of the data.

The Data Controller explains its data processing principles below, presenting the requirements it has set towards itself and observes as Data Controller. The Data Controller commits to ensure that its data processing related to its service complies with the requirements laid down in the legislation in force.

DETAILS AND CONTACT DATA OF THE DATA CONTROLLER

Name: Hungarian National Museum

Headquarters: 1088 Budapest, Múzeum krt. 14-16.

Tax ID: 15321226-2-42

Statistical code: 153-21226-9102-312-01

Email: archeodatabase@hnm.hu

PRINCIPLES OF DATA PROCESSING

- The legal base of data processing: Act CXII on informational self-determination and the freedom of information (Infotv.): Paragraph (1), Section 5, **a) Consent of the data subject.**

Within the services, processing all personal data related to the data subject is based on voluntary consent or legal authorisation. In case the person supplying the data does not submit their own personal data, it is the obligation of the person supplying the data to obtain the consent of the data subject.

- Consent to data processing: At the time of registration, the user gives their express consent to the management of their personal data voluntarily supplied by them.

Based on Paragraph (3), Section 6 of the Infotv, the legal statement containing the consent of a minor over the age of 16 shall be considered valid without the consent or subsequent approval of their legal representative. The consent of the legal representative is not needed for the consent of an otherwise incapacitated or partially incapacitated minor either as the statement is related to the act of registration occurring in large numbers in everyday life and requires no special consideration (Civil Code, Paragraph (2), Section 12/C).

- Concerned group: registered users

The managed personal data must meet the following requirements:

- *They are obtained and managed in a fair and legal way.*
- *They are accurate, complete and, if necessary, timely.*
- *The method of their storage is suitable to ensure that the data subject can only be identified for as long as it is necessary for the purposes of storage.*
- *It is forbidden to use general and standardised identification signs with unrestricted use.*
- *The personal data may be forwarded and the different instances of data processing may be connected if the data subject has given their consent to it and if the conditions of data processing are met regarding all the personal data.*
- *Personal data (including sensitive data) may be forwarded to a data controller or data processor in a third country, regardless of the media or the method of data transfer, if the data subject has given their express consent to this or the law makes it possible and if the proper level of protecting personal data is ensured while managing or processing the transferred data. Data transfer to member states of the European Economic Area must be considered as if the data was transferred within the territory of Hungary.*

Managed data: all details are compulsory during registration; if they are not supplied, the registration cannot continue:

- **Email** (this also serves as the user ID)
- **Password**
- **First name**

- **Surname**
- **Institution:** name, city, country, street, number, postcode
- **What is your relationship with archaeology? Tick all that apply.**
 - museum curator, archaeologist (employed)
 - archaeologist in a research institution
 - archaeologist (freelancer)
 - archaeological contractor
 - archaeologist working for a national heritage management body or ministry
 - archaeological scientist
 - conservator
 - secondary school teacher
 - college/university archaeology staff
 - member of related discipline (history, geography)
 - undergraduate student
 - university/college student
 - university/college archaeology student
 - postgraduate archaeology student
 - local historian
 - developer, contractor, investor
 - other, but I'm interested in archaeology
- **What are your main fields of archaeological interest (e.g. dating, anthropology, burials)?** free text field, please provide at least one field of interest
- **What is your primary use of information and resources held by the Hungarian National Museum Archaeology Database?**
 - private or local history research
 - heritage protection/management
 - commercial research for development, contract, investment
 - teaching and learning
 - academic archaeological research

We may make some information available in an aggregated and processed form to the partner institutions that joined the Database so that our partners can develop their services in accordance with the interests of the users. We may send some information in an aggregated and statistical form available to the ministry operating the Hungarian National Museum or disclose in order to inform the public about the quality of our services.

The independent measurement of the visitor and other statistical data of the Database is assisted by an external provider (Google Analytics). The Data Controller can provide detailed information about the management of the measurement data, which can be accessed at: <https://www.google.hu/intl/hu/analytics/>

The Database may also contain links to external sites; due to the users directly connecting to their servers, the providers of the linked sites can collect user data and these providers as data controllers can provide detailed information on the related data processing.

The user can delete the cookies installed in the user's browser and can also set the browser to prohibit the application of cookies. In addition to this, users can also ban the use of cookies

inserted by Google Inc. if they open the settings interface of Google ads and follow the instructions there.

Purpose of data collection: Performance of downloads and internal use for statistical purposes.

- **User registration**

Services of the provider are only available for use after registration. The purpose of data processing is to provide the services of the Database, communicate with the users, exercise rights and, if it requested by the user in writing, send newsletters and information letters. The following personal data are requested at the time of registration: email address, password, full name and institution (name, city, country, street, number and postcode). During the registration the user gives voluntary consent to data processing. After deletion the provider archives the data in separate records for the period of 5 (five) years. The provider may use these data if the user withdraws his/her deletion request in case of the user's voluntary consent. The user can request deletion of the archived data using the access details of the data controller.

- **Newsletter**

The purpose of data processing is to send email-based newsletters for the interested users about current information and services. The legal basis of data processing is the concerned user's voluntary consent and Paragraph (5), Section 6 in Act XLVIII of 2008 on the basic conditions and certain restrictions of business advertising activities. The processed data include: name and email address. The duration of data processing lasts until the declaration of consent is withdrawn. The concerned user can initiate the withdrawal of the declaration of consent by clicking on the link include in the newsletter sent or in a letter sent to the headquarters of the Data Controller by post.

- **Customer service**

The provider provides customer service for its clients. The provider records the incoming letters and emails, as well as all the voluntarily supplied data for a maximum of 5 years and uses them in connection with the provision of the service.

- **Logbooks**

An electronic logbook is maintained about the user's activities online. The logbook includes records of: the user's IP address and email address; the language the user requests the download in; the URL of the page the user arrived from; the time and date of the download request; the time and date of the download; the names and types of the downloaded documentations; these data are deleted after 5 (five) years. The provider uses the data in its system to find errors, clear debated issues and prove abuses.

- **Other data processing**

We provide information about data processing not listed in this information document when the data is received. The Data Controller may be approached by the court, prosecutor, authority dealing with offences, administrative authority, data protection authority or, if authorised by the data protection law, other bodies may contact the Data Controller in order to request the provision of information and the disclosure or transfer of documents. Satisfying the lawful requests of the authorities, the Data Controller may only disclose personal data to the extent that it is essential to realise the purpose of the request.

The data are only accessible to the employees of the Data Controller; the Data Controller must not disclose the personal data to third parties in a way that allows identification.

DURATION OF DATA PROCESSING

We store the electronically stored personal data for the duration of the registration. We retain the data related to the User's activities in the Database for a period of 5 (five) years.

The user may request from the Data Controller:

- information about the processing of their personal data,
- to correct their personal data,
- to delete or close their personal data.

The user may request termination of his/her registration. In this case some of the information he/she provided during registration will be deleted within 14 (fourteen) days. These are: password, his/her relationship with archaeology, main fields of archaeological interest, primary use of information and resources of the Database. However, in order to protect copyright or any other rights related to copyright and to be able to clear debated issues or prove abuses the user's online activities are retained for a period of 5 (five) years. These are:

- user's name given during registration;
- user's email address given during registration;
- user's IP address;
- the language the user requested the download in;
- URL of the page the user arrived from;
- the time and date of the download request;
- the time and date of the download;
- the names and types of the downloaded documentations.

Using the username and password set at the time of registration, users can view and modify their own data entering the page www.archeodatabase.hnm.hu. They can request information on their personal data related to downloading and the modification or deletion of these data in email at archeodatabase@hnm.hu.

METHOD OF STORING PERSONAL DATA AND THE SAFETY OF DATA PROCESSING

The Data Controller shall select and operate the IT equipment to process the personal data and provide the services so that:

- the data processed will stay accessible for those authorised (availability);
- the genuineness and validation of the data processed will be ensured (genuineness of data processing);
- its unchanged nature can be proved (data integrity);
- it is provided against unauthorised access (data confidentiality).

The Data Controller ensures the protection of data processing safety with such technical, organisational and arrangement measures that guarantees the safety level necessitated by the risks occurring in relation to the data processing.

During the period of data processing, the Data Controller maintains

- confidentiality: it protects the information so that only those authorised can access it;
- integrity: it protects the accuracy and completeness of the information and the method of processing;
- availability: it ensures that the user can access the required information when they need it and that they have the needed equipment.

The IT system and network of the Data Controller are equally protected against fraud, espionage, sabotage, vandalism, fire and flood, as well as computer viruses, hacking and attacks leading to denial of service. The operator ensures safety by applying server and application level protection procedures.

We hereby inform users that electronic messages, regardless of the protocol used (email, Web, FTP, etc.) are vulnerable to such network threats that may lead to fraudulent activities, debates over the contract or the disclosure or modification of information. The provider takes all expectable preventive measures to ensure protection against such threats. It monitors the

systems in order to record all security derogations and provide evidence in case of all security incidents. In addition, the system monitoring also makes it possible to control the efficiency of the applied preventive measures.

LEGAL REMEDIES

The data subjects may request personal information about the processing of their personal data and they can request the correction of their personal data or, with the exception of the statutory cases of data processing, they can request the deletion of their personal data as described at the time of registration or through the customer service.

If requested by the data subject, the Data Controller provides information about the data subject's data processed by the Data Controller and/or the third party Data Controller it employs about the purpose, legal basis and duration of data processing, the name and address (headquarters) of the Data Controller, its activities related to data processing and explains who receive or have received the data and for what purposes. The Data Controller shall provide the above information in an easily understandable form within the shortest time possible but no later than 25 (twenty-five) days after the submission of the request.

The Data Controller deletes the personal data if its processing is unlawful; if it is requested by the data subject; if the purpose of data processing no longer exists; if the statutory time limit of data storage has expired; or the deletion of the data has been ordered by the court or the data protection authority.

The Data Controller provides information about the fact of correction or deletion to the data subject and all those who were previously transferred the data for the purposes of data processing. The provision of information may be omitted if this does not prejudice the legitimate interests of the data subject regarding the purpose of data processing.

Data subjects may object to the processing of their personal data if

- processing (transferring) the personal data is exclusively needed to exercise the right or legitimate interest of the Data Controller or data receiver, except if the data processing is ordered by the law;
- the personal data is used or transferred for the purposes of directly obtaining business, performing opinion research or scientific research;
- the law otherwise facilitates exercising the right to object.

While suspending the data processing at the same time, the Data Controller shall examine the data subject's objection within the shortest time possible but no later than 15 (fifteen) days after the submission of the request and notifies the requestor about the result of this examination in writing. In case the objection is justified, the Data Controller shall terminate data processing, including further data collection and data transfer, and blocks the data; in addition, it shall give notification about the measures taken based on the objection to all those parties that it previously transferred the personal data concerned by the objection and that are obliged to take action in order to exercise the right to object.

In case the data subject disagrees with the decision made by the Data Controller, they have the right to appeal against it in court within 30 (thirty) days after the issue of the decision.

The Data Controller must not delete the data of the data subject if data processing was ordered by the law. However, the data must not be transferred to the data receiver if the Data Controller agreed with the objection or if the court established that the objection was justified.

If their rights are infringed, data subjects may turn to the court against the Data Controller. The court shall proceed out of turn in the issue.

The Data Controller shall compensate any damages it caused by unlawfully processing the data subject's data or breaching the requirements of technical data protection. The Data Controller shall be exempt from the responsibility if the damage arose from any reason beyond reasonable control. The damage does not have to be compensated if it was caused intentionally or through grave negligence by the claimant.

In case the user supplied the data of a third person at registration in order to use the service or caused any damages while using the Database, the Data Controller is entitled to claim damages against the user. In such cases, the Data Controller shall provide all expectable assistance to the determining authority in order to establish the identity of the infringer.

Complaints about data processing may be filed at the court or the National Authority of Data Protection and Information Freedom:

Headquarters: 1125 Budapest, Szilágyi Erzsébet fasor 22/c

Postal address: 1534 Budapest, Pf.: 834

Tel.: +36-1/391-1400

Fax: +36-1/391-1410

Email: ugyfelszolgalat@naih.hu

Act no. CXII of 2011 on informational self-determination and information freedom can be read here: *Nemzeti Jogszabálytár* (www.njt.hu)