

Case number: NAIH / 2020/5552.

History: NAIH / 2019/3248.

Subject: Partial decision granting the application and  
order partially terminating the proceedings

The National Data Protection and Freedom of Information Authority (hereinafter referred to as the Authority) [...] hereinafter referred to as “the Applicant”) by [...] (Applicant 1) and [...] (hereinafter referred to as Applicant 2) (hereinafter together: Applicants) was initiated against the data protection authority make the following decisions in the proceedings.

I.1. In the decision of the Authority, at the request of the Applicant  
partially correct

and finds that the Applicant 2 was treated by the Applicant in breach of the principle of data saving  
telephone number and the “f.a.” of [...] Kft. (hereinafter: the Ltd.), the Requesting Ltd.

from the report drawn up at the time of his personal visit by the

Applicant 2 to delete this personal data of the Applicant, except for those that  
any other legal basis under this Decision.

I.2. The Authority examined of its own motion that the Applicant 2 had infringed the natural  
on the protection of individuals with regard to the processing of personal data and on the protection of such data  
2016/679 on the free movement of persons and repealing Directive 95/46 / EC

Article 6 (1) of the GDPR, since Article 6 (1) (b) of the GDPR  
to the Applicant due to the contract concluded with the Applicant 1  
personal data received during the assignment of the debt incurred.

I.3. The Authority will of its own motion oblige Applicant 2 to make this decision final  
within 15 days

I.3.1. certify to the Applicant if there is a legitimate interest of the Applicant in the I.1.1. for the purpose of handling the personal  
data of the personal data specified in point 1 of this Article, as well as for the processing of the audio material related to the  
non-concluded installment payment agreements and other telephone consultations, and this interest takes precedence over

the fundamental rights of the Applicant,

I.3.2. delete the Applicant 's personal data for which no appropriate legal basis has been established, and does not justify a legitimate interest in I.3.1. as set out in point

I.3.3.a In accordance with Article 14 (2) (b) of the GDPR, inform the Applicant of the nature of the the processing of your personal data necessary for the purpose of claim management due to its legitimate interest, on the basis of which this interest takes precedence over the fundamental rights of the Applicant, and to inform the Applicant about his / her right to protest and how to exercise it!

I.4. The Authority will ex officio oblige Applicant 2 to comply with Annex I.3. point

in the meantime, it restricts the processing of the Applicant's personal data belonging to the above scope for the purpose of claim management.

I.5. The Authority shall process the application in accordance with I.1. point

2  
defined in Annex I.2. on the basis of the telephone consultations referred to in  
affected by the audio material of the agreements, as well as the unclaimed consent of the Applicant  
part of the personal data processed under it  
rejects.

II. 1. In the part of the application which the Authority seeks to establish:

meg:

- Applicant 1 unauthorizedly transferred the Applicant's personal data to Applicant 2,
- Applicant 2 transmitted his data to the [...] Law Firm without authorization,
- order the Authority to pay damages,

the data protection authority procedure

terminates.

II. 2. In view of the fact that the time limit has been exceeded, the Authority shall provide that:

He shall pay HUF 10,000, ie ten thousand forints, to the Applicant, according to his / her choice to be indicated in writing, by bank transfer or postal order.

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I.3. - I.4. the fulfillment of the obligation pursuant to point 1 to the Applicant 2 from the taking of the measure within 30 days of receipt of the supporting evidence.

to the Authority. In the event of non-compliance, the Authority shall order the decision implementation.

There is no administrative remedy against the decision and the order, but a within 30 days of the communication with the action brought before the Metropolitan Court can be challenged in a lawsuit. The application shall be submitted to the Authority, electronically, which shall be forward it to the court together with the case file. Indicate the request for a hearing in the application must. For non-personal tax exemptions, judicial review the fee for the proceedings is HUF 30,000, the lawsuit is subject to the right to record fees. Before the Metropolitan Court legal representation is mandatory in these proceedings.

A II.2. There is no place for an independent appeal against the order under point 1, only on the merits of the case may be challenged in an appeal against a decision taken.

The Authority draws the attention of Applicant 2 to the fact that it is open to challenge the decision until the expiry of the time limit for bringing an action or, in the case of an administrative lawsuit, until a final decision of the court a

data affected by disputed data management cannot be deleted or destroyed!

## EXPLANATORY STATEMENT

### I. Procedure and clarification of the facts

The Applicant turned to the Pest County Prosecutor's Office to investigate his case. A Pest On 29 March 2019, the County Attorney's Office forwarded the Applicant's application to the Authority.

In the application, the Applicant stated that the costs arising from the loan agreement concluded with

3 repaid the debt, so the Applicant 1 unlawfully assigned the debt to the Applicant 2

for. The Applicant complained that he had taken possession of the personal data of the claims manager.

At the request of the Applicant, on the right to self-determination of information and freedom of information

2011 CXII. on 30 March 2019 pursuant to Section 60 (1) of the Information Act (hereinafter: the Information Act)

and NAIH / 2019/3248. proceedings were initiated by a data protection authority.

In order to clarify the facts, the Authority referred to NAIH / 2019/3248/2. In its order No

Applicant to send to the Authority, on the one hand, the specific address of the alleged infringement

a description of the conduct or condition, ie indicate when the alleged infringement took place

ie when the assignment took place and on what day it was concluded, what amount

was the consequence of non - payment of a debt arising from a loan agreement, on the other hand, send a

necessary for the identification of the data controller or data processor implementing the alleged infringement, a

Information available to the applicant, ie indicate against which company it is applying

conducting official data protection proceedings. It was also requested by the Authority to be sent by the Applicant

evidence of the facts supporting the allegations of an alleged infringement, in particular

the loan agreement giving rise to the debt affected by the assignment, the assignment agreement

notification and correspondence with Applicant 1, payment requests sent by the Company

a copy.

In its reply received by the Authority on 12 April 2019, the Applicant was involved in the assignment

in relation to the loan agreement giving rise to the debt, it stated that it was a move

did not make a statement regarding the information on the assignment mixed up during the

The Applicant requested that the Authority prosecute the Applicants

that the Applicant 1 unlawfully transferred his / her data to the Applicant 2 at the time of assignment,

to award him compensation for this, he also requested that the personal data of the 2 Applicants be deleted

and the Authority finds that the data were provided by the Applicant 2 without authorization

to the [...] Law Office.

The Authority has issued NAIH / 2019/3248/4. notified the initiation of the procedure in its order no

He requested 2 and invited him to inform the Authority in order to clarify the facts

about which personal data the Applicant handles for what purpose and on what legal basis

support your response with documents. Also tell me which one is personal

data is the data necessary for the enforcement of the claim, when the Applicant's debt was incurred

and send the assignment agreement as well as the

a copy of the receivables and complaints management documentation, as well as the

a screenshot of the personal data recorded in the claims management record.

In its 2 reply letters, the Applicant stated that it had entered into an assignment on 17 June 2016

contract with Applicant 1 and handles the Applicant's personal data for three purposes:

I.1. Data processed for the purpose of recovery

I.1.1. Data processed: personal identification data of the obligor (name, birth name, mother 's name, birth

place, time, debtor 's address), name of assignor, date of assignment, original

contract number, amount of debt, details of claim (principal, interest, cost, amount of fee, etc.)

amount of debt), title of debt, legal relationship, classification of debtor, number of files, case number of legal proceedings,

details of the payment (date and amount of payment) used to secure the claim

data on assets: area of real estate (interior).

The data listed in the statement of the Applicant 2, according to Article 6 (1) (b) of the GDPR,

between the Applicant and the original claimant (Applicant 1)

to perform the contract.

4

I.1.2. Data handled: Applicant's telephone number.

The Applicant's telephone number is provided by Applicant 2, according to his declaration, in accordance with Article 6 (1) of the GDPR.

with the consent of the Applicant.

I.1.3. Processed data: personal identification data included in the contract, to identify a claim

data, amount receivable, amount of installments, due date.

This information is provided by Applicant 2, according to Article 6 (1) (b) of the GDPR

based on the installment payment made between the Applicant 2 and the Applicant on 4 December 2017

in order to fulfill the agreement.

I.1.4. Data managed: unemployment, total number of persons in the household, household income, in the household number of dependents, per capita income in the household, essential monthly expenses, other data on debts, data on income from employment, other data on high value assets.

The data listed in the statement of the Applicant 2, according to Article 6 (1) (a) of the GDPR, , ie on the basis of the consent of the Applicant, and by ordering them on behalf of the Ltd., a He obtained it from his report prepared during his personal visit by Kérelmező Kft.

I.2. Enforcement, provision of evidence for the resolution of possible disputes, retrospective provability, provision of evidence supporting the possible irrecoverability of a claim, data processed for the purpose of subsequent verification of agreements

Data processed: recorded by the call center employee about the consultation with the Applicant the voice of the data subject and the personal data on the recording.

The information provided was provided by the Applicant 2 in accordance with Article 6 (1) (f) of the GDPR. on the basis of his legitimate interest, to which he attached the balancing test.

In the balancing test, Applicant 2 explained that "without sound recording on the sound recording reconciliations cannot be authentically reconstructed ", " at the beginning of the call is concerned is informed of the recording of the call and the legal basis for this, and where you can get more detailed information about data management ", " data management is concerned it also helps to protect their rights by making and using sound recordings for them, whereas it shall be released by the controller to the data subject upon request ', ' the controller has an interest in to recover the receivables purchased by it or managed on behalf of it, for this purpose take all necessary steps required by law. This is an economic, business interest, operation, survival depends on it, the interest is real and legitimate... ", " the data subject his right to self-determination with his personal data is limited by the processing of data, e However, this right is not an absolute, unrestricted right insofar as it is limited by a data processing

if necessary, it is possible if the processing is necessary and proportionate ", " on the part of the controller strengthens the existing interest in the management of claims by the controller only against the data subject whose debt has been incurred, where applicable to the assignor, at the request of the principal. In this way, the data subject is also involved in that the debt has been transferred to a data controller whose main activity is the collection of claims. The interest underlines the fact that the processing of material data is carried out exclusively by the controller, the two main activities authorized by the supervisory authority, the data controller its revenues come exclusively from these two activities. In addition to the above, it is a public interest, a social interest can also be identified, since there is a general social interest in the recovery of legitimate claims that the different companies, so that the economy can function properly in the end. "

### I.3. Data processed for the purpose of transmission of reference data to the Central Credit Information System

5

Data processed: name, birth name, mother's name, place of birth, date of birth, identity card

(passport) number, other, to prove the identity of citizens' personal data and

Act LXVI of 1992 on the registration of the address of the number of the card valid according to law, a

the type and identifier (number) of the contract, the conclusion, expiration and termination of the contract

date, customer quality (debtor, co-debtor), contract amount and currency, repayment

method and frequency, the amount and currency of the installment of the contract amount.

The information provided is provided by the Applicant 2, according to his declaration, in accordance with Article 6 (1) (c) of the GDPR.

for which it has designated the following statutes: the Central Credit Information

CXXII of 2011 on the system. Section 6 (3) (b) and Section 11 (1) of the Act.

## II. Applicable legal requirements

Pursuant to Article 2 (1) of the GDPR, the GDPR applies to the processing of data in the present case.

According to recital 44 of the GDPR, data processing is lawful if it is subject to

required under a contract or intention to enter into a contract.

Pursuant to Article 6 (1) of the GDPR, the processing of personal data only if and to the extent that lawful if at least one of the following is met:

(a) the data subject has given his or her consent to the processing of his or her personal data for one or more specific purposes

treatment;

(b) processing is necessary for the performance of a contract to which one of the parties is a party; or to take steps at the request of the data subject before concluding the contract required;

(c) processing is necessary for compliance with a legal obligation to which the controller is subject;

[...]

(e) the exercise of a public interest or the exercise of official authority vested in the controller necessary for the performance of its task;

(f) processing for the legitimate interests of the controller or of a third party necessary, unless the interests of the data subject take precedence over those interests or fundamental rights and freedoms which call for the protection of personal data, especially if the child concerned.

Pursuant to Article 17 (1) of the GDPR, the data subject has the right to request the controller delete personal data concerning them without undue delay and the data controller is obliged to delete the personal data of the data subject without undue delay, if one of the following reasons exists:

(a) personal data are no longer required for the purpose for which they were collected or for other purposes treated;

(b) the data subject withdraws the authorization provided for in Article 6 (1) (a) or Article 9 (2) (a); consent to the processing, and there is no other consent to the processing legal basis;

(c) the data subject objects to the processing pursuant to Article 21 (1) and there is no priority



lawful reason for the processing or the data subject objects in accordance with Article 21 (2)

against data management;

(d) personal data have been processed unlawfully;

(e) personal data are required by the law of the Union or Member State applicable to the controller

must be deleted in order to fulfill an obligation;

(f) the collection of personal data through the information society referred to in Article 8 (1)

in connection with the provision of related services.

Pursuant to Article 17 (3) of the GDPR, paragraphs 1 and 2 do not apply if it

6

data management required:

[...]

(b) the Union or Member State law applicable to the controller governing the processing of personal data

or in the public interest or in the exercise of official authority vested in the controller

to perform a task performed in the exercise of a license;

[...]

e) to file, enforce or defend legal claims.

Pursuant to Article 77 (1) of the GDPR, any interested party has the right to lodge a complaint with one supervisory authority if the data subject considers that the processing of personal data concerning him or her violates the GDPR.

Infotv. Pursuant to Section 2 (2), the GDPR is there

shall apply with the additions set out in the provisions set out in

Infotv. Pursuant to Section 38 (2), the Authority is responsible for the protection of personal data, and

the exercise of the right of access to data in the public interest and in the public interest

free movement of personal data within the European Union

promoting. According to paragraph (2a) of the same § in the GDPR for the supervisory authority

established entities and entities under the jurisdiction of Hungary

as defined in the GDPR and this Act.

Infotv. Pursuant to Section 60 (1), the enforcement of the right to the protection of personal data the Authority shall, at the request of the data subject, initiate a data protection authority procedure.

Infotv. Pursuant to Section 60 (2), an application for the initiation of official data protection proceedings a It may be submitted in the case specified in Article 77 (1) GDPR.

Infotv. Pursuant to Section 61 (1) (a), in its decision in the data protection authority proceedings, the Authority In connection with the data processing operations specified in Section 2 (2), it may apply the legal consequences specified in the GDPR. Article 58 (2) of the GDPR

The supervisory authority shall prosecute the controller or processor if its processing activities have infringed the provisions of this Regulation or, acting under the corrective power of the supervisory authority pursuant to point (d) of the same paragraph, shall instruct the controller to time comply with the provisions of this Regulation.

Infotv. Pursuant to Section 61 (6), the time limit for bringing an action is open to challenge the decision or until the final decision of the court in case of initiation of an administrative lawsuit data affected by data processing may not be erased or destroyed.

Unless otherwise provided by the GDPR, the data protection authority proceedings initiated upon request shall be CL of 2016 on general administrative order. Act (hereinafter: Act) shall apply with the exceptions specified in the Infotv.

The Ákr. Under Article 17, the authority has the powers and competencies at all stages of the proceedings ex officio. If you notice any of its deficiencies and it can be established beyond doubt in the case competent authority shall transfer the case, failing which the application shall be rejected or terminate the proceedings.

The Ákr. Pursuant to § 36, the application is a written or personal statement from the customer requesting an official procedure or a decision of the authority in the interests of his right or legitimate interest in order to enforce it.

The Ákr. Section 46 (1) (a) states that the authority shall reject the application if it  
there is no statutory condition for initiating proceedings, and this law is different  
has no legal effect.

The Ákr. Section 47 (1) (a) states that the Authority shall terminate the proceedings if the application  
would have had a place of refusal, but the reason for that was after the initiation of the procedure  
authority.

The Ákr. Pursuant to Section 62 (4), the authority is free to choose the method of proof, and a  
assess the available evidence in its sole discretion.

Infotv. 75 / A. §, the Authority shall comply with Article 83 (2) to (6) of the General Data Protection Regulation  
shall exercise its powers in accordance with the principle of proportionality, in particular by:  
legislation on the processing of personal data or binding European Union law  
for the first time in the event of a breach of the rules laid down in  
in accordance with Article 58 of the General Data Protection Regulation, in particular  
by alerting the controller or processor.

Act CXXII of 2011 on the Central Credit Information System Act (hereinafter: KHR Act) 6.

§ (3) of the Act, the reference data provider shall, within five working days,  
provide the reference data managed by it to the financial undertaking managing the CCIS in writing. THE  
start of the deadline

[...]

b) in Section 11 (1) and Sections 14 and 14 / B. Has expired,

[...]

KHR tv. Pursuant to Section 11 (1), the reference data provider is the financial manager of the CCIS  
in writing to that natural person in accordance with Annex II. Chapter 1.1–  
1.2 of the person who has undertaken in the contract which is the subject of the data provision  
fails to meet its payment obligation in such a way that its overdue and unpaid debt  
amount exceeds the minimum monthly amount in force at the time of the delay

minimum wage and a delay in excess of this minimum wage amount continuously, more than ninety lasted for days.

### III. Decision of the Authority

The Applicant disputes the existence of the claim, in his opinion he has already repaid the loan.

In the present proceedings, the Authority will establish the existence of the claim in relation to the data processing of the Applicants and

did not examine the legality of the Infotv. Not pursuant to § 38 (2) - (2a)

falls within the competence of the Authority. It is for the courts to decide this question.

In the course of the procedure, the Authority did not have any information on the basis of which it was clear the existence of a claim could be ruled out, failing which it would have been considered to be there is a claim underlying data management.

At the request of the Authority, the Applicant sent 2 copies to the Authority with the Applicant audio recordings of telephone conversations which did not contain a request from the subject of discussions related to payment schedule and installment payment.

#### III.1. Legal basis for the data management of the Applicant 2

8

Applicant for the order of the deletion of the personal data of the Applicant by the Applicant 2

In order to assess its application, the Authority first had to examine whether the data whether it is dealt with for an appropriate purpose and on an appropriate legal basis under the GDPR.

It can be stated from the statements of the Applicant 2 and the documents attached to them that the Applicant 2 handles the Applicant's personal data for several data management purposes at the same time.

#### III. 1. 1. Data processed for the purpose of recovery

##### III. 1. 1. 1. Data processed under a contract between the Applicant 1 and the Applicant

The Authority finds that the legal basis under Article 6 (1) (b) of the GDPR - a with the exception of certain pre-contractual steps, is applicable only if it is a contract therefore not possible to extend this legal basis to

which, in order to remedy the situation resulting from the non - performance of the contract by the person concerned, acts beyond the normal duty of cooperation of the Contracting Parties required to do so. The performance of the contract may also include steps when it is data controller who has concluded the contract with the data subject, ie who is the other party to the contract. in the event of a delay in performance, calls on the person concerned to comply. However, Article 6 (1) of the GDPR

The contractual legal basis referred to in paragraph 1 (b) shall no longer apply if:

data controller due to non-performance of a claim against the data subject by debt collection (ie wants the problem outside the contract) to solve). Thus, there is no contractual relationship between the Applicant 2 and the Applicant.

The legal basis for the transfer of data in the context of an assignment is thus only different, typically the assignee may have a legitimate interest in enforcing the claim on its own behalf.

According to the explanatory memorandum to Act V of 2013 on the Civil Code, the claims the transfer follows the same logic as the transfer of ownership, i.e. the assignment in fact, it is nothing more than a transfer of ownership of a claim.

By assignment, the claim is separated from the original legal relationship from which it arises and the concessionaire enters only in respect of the claim and not in respect of the fundamental relationship in place of the transferor. By the assignment, the claim is separated from the basic legal relationship and the assignee becomes the holder of the claim, enforcement of the claim by the assignee, or the related data processing, no longer for the performance of that contract from which the claim originally arose, since in this case the assignee it should be enforced not by itself but by the assignor through assignment acquired claim. By assignment, if it is for consideration, the receivable from the assignor in whole or in part, depending on the purchase price return. The assignee shall act in his own interest and for his own benefit in order to recover the claim, since by assignment he becomes the holder of the claim and the enforcement of the claim, the debtor enforcement and the processing of data for that purpose is in his legitimate interest and not

it serves the performance of the underlying contract, as the claim is independent of the assignment changed from the contract.

According to the response sent by the Applicant 2 to the Authority, the Applicant versus Applicant 1 its outstanding debt was transferred to Applicant 2 on 17 June 2016.

As the Applicant has acquired the claims against the Applicant through 2 assignments, as well as the personal data of the Applicant and thus the holder of the claims the legal basis for its processing may not be contractual under Article 6 (1) (b) GDPR legal basis.

9

In view of the above, Applicant 2 infringed Article 6 (1) (b) of the GDPR by failing to processed the Applicant's personal data with reference to an appropriate legal basis. However, this is not necessarily the case means that there is no legal basis for the processing of the Applicant's personal data, as he has obtained it in the framework of his lawful claim-buying activity for the personal data of the Applicant - natural personal identification data as well as for the claim and to enforce legally acquired claims there was a legitimate interest in the processing of the above data due to the legal regulation in principle.

III. 1. 1. 2. Telephone number data managed with the consent of the Applicant

With regard to the management of the Applicant's telephone number, the Authority found that the GDPR

Pursuant to Article 6 (1) (a), the Applicant 2 has the appropriate legal basis to deal with it

However, the Authority interprets the Applicant's submission as such

requests that its consent to the deletion of its telephone number be withdrawn, and whereas the telephone number is not essential to the recovery of the claim, given that:

in the possession of the Applicant's address data, the contact with him / her can also be maintained by post, thus further would run counter to the principle of data saving.

Under Article 17 (1) of the GDPR, at the request of the data subject, the controller is unduly delayed

shall delete personal data concerning him or her if the data subject withdraws his or her consent and there is no other legal basis for data processing. Article 17 (3) of the GDPR lists them in cases where personal data cannot be deleted even if the consent is withdrawn. These cases none of them can be used to manage telephone number data for receivables management purposes.

III. 1. 1. 3. Managed on the basis of the installment payment contract concluded between the Applicant 2 and the Applicant data

The Authority has established that the legal basis for the processing of data under point 1.1.3 is GDPR 6.

Article 2 (1) (b), since the processing is necessary for the performance of a contract in which the Applicant and the Applicant 2 are the contracting parties.

III. 1. 1. 4. The data managed on the basis of the consent of the Applicant, to which the obtained from the report prepared by the Applicant during his personal visit by the Applicant 2

The Authority found that in addition to the information provided by the Applicant 1 at the time of the assignment

The data included in the data sheet completed by the Ltd. obtained during the further data collection carried out by are indispensable to the achievement of the asset management objective and should therefore be dealt with in accordance with Article 5 of the GDPR.

It infringes the provision of Article 1 (1) (c), namely the principle of data protection, since at the time of assignment, the Claimant 1 shall provide all the information necessary for the recovery of the claim a Handed over to 2 applicants.

III. 1. 2. Enforcement of law, provision of evidence for the settlement of possible disputes, ex post facto evidence, evidence of the possible irrecoverability of a claim data processed for the purpose of subsequent verification of agreements

In 2 cases out of the 12 audio recordings attached by the Applicant 2, the Applicant, 10

In this case, Applicant 2 initiated the telephone call.

The two telephone calls initiated by the Applicant were requests for installment payment, during which the Applicant requested a rescheduling of the installment payment from Applicant 2.

In the case of the three calls initiated by Applicant 2, the telephone was hung up at the beginning of the call

Applicant.

10

During a call initiated by Applicant 2 concerning two cases of the Applicant submitted a request for installment payment, the installment payment deadline and the monthly the amount of the installment was agreed.

During the three telephone calls initiated by the Applicant 2, the installment payment and its schedule agreed with the Applicant.

During a telephone call initiated by Applicant 2, the Applicant will make another installment payment requested a rescheduling.

During a telephone call initiated by Applicant 2, a settlement dispute arose between the parties between.

During a call initiated by Applicant 2, the Applicant was informed that a

Checks used for installment payments may have a bad account number printed on them, so check with before payment.

Based on the above, the Authority found that the Applicant had also submitted by telephone rescheduling requests for installments. "Phone consultations recording and use of sound material "

"What are the purpose (s) of the data processing?" read:

"The purposes of data management are:

- implementation of legal declarations made, ex post facto installment agreements proof, reconstruction;
- providing evidence to resolve any disputes;
- the provision of evidence of the possible irrecoverability of a claim. '

The Authority found that the call center staff was engaged with the Applicant the voice of the data subject and the personal data of the recording

there is an appropriate legal basis for its treatment in that case, ie in that case it can be accepted



Article 6 (1) (f) of the GDPR, which is based on

for the subsequent verification of agreements.

In the case of recordings not made for the purpose of subsequent proof of the above agreements,

that the processing of the data requested to be deleted is not required by law for the Requested 2, and - the

in the absence of a proper balance of interests,

sound recordings may not be processed pursuant to Article 6 (1) (f) of the GDPR.

The Authority does not provide for the ex post facto proof of the above-mentioned agreements

for the purpose of

made

but also

in general

"Telephones

negotiations "

relevant

highlights the following fundamental shortcomings in its balance of interests:

-

The balance of interests is too general, from which it can only be identified that the Applicant 2

has an interest in data processing, but there is no evidence that Applicant 2 has this

interests would take precedence over those of the Applicant.

-

Applicant 2's reference to whether the processing is in the public interest or social

interest, obvious exaggeration.

Based on the above, the Requested 2 was not prepared for the purpose of subsequent verification of the agreements,

but in its personal consideration of 'telephone consultations' in general

none of the arguments put forward in favor of a legitimate interest in the processing of data is admissible,

because they do not prove that the Requested 2's legal interest in data processing takes precedence

enjoys the right of the Applicant, during the contact by telephone, to

11

do not process your personal data with the Applicant 2. In the absence of a proper balance of interests, the Applicant 2 may not invoke Article 6 (1) (f) of the GDPR, ie a legitimate interest as a legal basis, therefore, the processing of this personal data violates Article 6 (1) of the GDPR and is therefore illegal performs data management.

III. 1. 3. For the transmission of reference data to the Central Credit Information System  
processed data

The Authority has found that the appropriate legal basis for the processing of point I.3 data is a GDPR Article 6 (1) (c) because Applicant 2 is the central credit information CXXII of 2011 on the system. Section 6 (3) (b) and Section 11 (1) of the Act mandatory data processing for these data.

III. 2. Applicant's request for data deletion

The Applicant has requested the Authority to order the unduly treated  
deletion of your personal data.

III.2.1.Partial rejection of the request for cancellation

The Applicant 2 is liable to the Applicant under the assignment agreement  
has become the holder of a claim and is treated personally for the purpose of recovering the claim  
data. This data processing purpose alone is considered lawful.

Applicant 2 infringed Article 6 § 1 of the GDPR as not an appropriate legal basis  
referred to in point I.1.1 of the Applicant. personal data listed in The data

However, the appropriate legal basis for the lawful further processing of claims for the purposes of debt management may be  
Article 6 of the GDPR.

Article 1 (1) (f).

Further processing of data for this purpose is conditional on the existence of a legitimate interest of the Applicant  
Support with 2 balance of interest tests.

However, the Authority rejected the part of the Applicant's application to order Applicant 2 to comply with Section I.1.1. to delete the personal data listed in point 2, as the Applicant 2 is the Applicant personal data - natural identity data and data on the claim - and the enforcement of legally acquired claims and the management of claims the existence of a legitimate interest in the processing of the necessary data as a matter of law identifiable.

The Authority also found, on the basis of the annexes attached by the Applicant 2, that the Applicant 2 had submitted an application for an order for payment, which in its absence, became final on 30 October 2018, the enforcement proceedings are currently pending van.

Pursuant to Article 17 (3) (e) of the GDPR, the storage and processing of personal data is concerned notwithstanding its request for erasure, it may be considered lawful if it is necessary for the submission, enforcement or defense of legal claims.

Furthermore, the Authority will not order the data specified in point I. 1 and the deletion of data processed under the installment payment agreement concluded between the Applicant and the Applicant

that the legal basis for the processing of such data is Article 6 (1) (b) GDPR, Applicant handles them with 2 appropriate legal bases and purposes.

12

The Authority shall not order the reference data specified in point I.3 to be central deletion of data processed for the purpose of transfer to a credit information system, as such data Article 6 (1) (c) of the GDPR is the legal basis for CXXII of 2011 on the credit information system Section 6 (3) (b) and § (1), it performs mandatory data processing with regard to these data.

Pursuant to Article 17 (3) (b) of the GDPR, the storage and processing of personal data is concerned notwithstanding your request for erasure, it may be considered lawful if the personal data

obligation under EU or Member State law applicable to the controller

necessary for the fulfillment of [...].

The Authority did not order the deletion of data related to

which are related to payment agreements, as the call center is for this data

The voice of the data subject and the

Article 6 (1) of the GDPR can be considered as the legal basis for the processing of personal data

Paragraph 2 (f), ie the legitimate interest of Applicant 2, as Applicant 2 has attached it

confirmed by a balancing test.

In view of the above, the Authority has therefore decided to reject the request for cancellation.

Furthermore, the Authority did not order it in the context of point I. 2

deletion of data which are not related to payment agreements but which obliged the

You have requested 2 to add in connection with the processing of this personal data

balance of interests by justifying the primacy of the legitimate interests of the Applicant 2

in the absence of such personal data, and instructed Applicant 2 to do so

limit the processing of such personal data for claims management purposes.

### III.2.2. Partial acceptance of the cancellation request

At the request of the Applicant, the Authority ordered the Applicant to do so

I.1. Deletion of the telephone number data included in point 2, given that the Applicant has revoked it

consent to the processing of this personal data.

At the request of the Applicant, the Authority also ordered the issuance of I. 1.

The deletion of the data specified in point 4 - except for the data for which the

has an appropriate legal basis and purpose for the purposes of I.1.1, I.1.3, I.2, I.3. as set out in points

since in addition to the data provided by the Applicant 1 at the time of assignment

The data included in the data sheet completed during the data collection and completed by the Ltd. are not required a

to achieve the purpose of receivables management, so their management also violates the principle of data saving.

### III.3. Request for a declaration of unlawfulness of the transfers

The Authority found from the documents attached by the Applicant that it was infringed by the Applicant the data transfers took place before the entry into force of the GDPR:

- the Applicant 1 assigned the Debt of the Applicant to Applicant 2 on 17 June 2016, and at the same time the personal data of the Applicant necessary for the collection of the claim handed over
- by letter dated 04.10.2017, the Applicant 2 informed the Applicant that his data forwarded it to the [...] Law Office.

13

The Ákr. Pursuant to Section 47 (1) (a), the order of the Authority contains the operative part as the data transfers took place before 25 May 2018, so the request did not comply with Infotv. Section 60 (2), as the injured party

At the time of the data processing, the GDPR was not yet applicable, so the

An application for an official data protection authority procedure may not be submitted either.

#### III.4. Application for damages

The assessment of the claim for damages is based on the Infotv. According to § 38 (2) - (2a), it does not fall within the competence of the Authority, so the Authority Section 17, Section 46 (1) (a) and Section 47 (1) (a) in accordance with the provisions of the operative part of its order.

#### III.5. Legal consequences

In accordance with Article 58 (2) (g) of the GDPR, the Authority ordered ex officio:

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the restriction of the processing of the personal data of the Applicant until the Applicant 2 confirms it

I.1.1. and telephone consultations - I.2. the legitimate interest in the processing of claims for the purposes of data processing for the purposes of claims management

priority over the rights and interests of the Applicant, as during the procedure he did not prove to the Authority that he had

performed the balancing of the above interests,

the deletion of the personal data of the Applicant in respect of which Article 6 (1) (f) of the GDPR can be established as a legal basis, however, the Applicant 2 has not substantiated his legitimate interest in the related data processing by balancing his interests,

to inform the Applicant 2 pursuant to Section 14 (2) (b) of the GDPR about the legitimate interest of the Applicant in the processing of his / her claims for the purpose of claims management, on the basis of which this interest takes precedence over the Applicant's fundamental rights, and to inform the Applicant his right to protest, and how it can be exercised in order for the Applicant to exercise proper control over his data.

In the course of the procedure, the Authority exceeded the Infotv. 60 / A. § (1), therefore the Ákr. Pursuant to Section 51 b), he pays the Applicant ten thousand forints - at the choice of the Applicant to be indicated in writing - by bank transfer or postal voucher

ARC. Other issues

The rules of administrative litigation are laid down in Act I of 2017 on the Procedure of Administrative Litigation (a hereinafter: Kp.). A Kp. Pursuant to Section 12 (1) by decision of the Authority

The administrative lawsuit against the court falls within the jurisdiction of the court Section 13 (3) a)

Pursuant to point (aa) of the Act, the Metropolitan Court has exclusive jurisdiction.

A Kp. Pursuant to Section 27 (1) (b), in proceedings falling within the jurisdiction of the General Court, the representation is mandatory. A Kp. Pursuant to Section 39 (6), the filing of an application is administrative shall not have suspensory effect. "

A Kp. Section 29 (1) and with this regard Pp. Applicable in accordance with § 604, electronic

CCXXII of 2015 on the general rules of public administration and trust services. Section 9 of the Act

Under paragraph 1 (b), the client's legal representative is required to communicate electronically.

The time and place of the submission of the application is Section 39 (1). The

Information on the simplified lawsuit and the possibility to request a hearing can be found in the CC.

based on. The amount of the fee for an administrative lawsuit shall be determined in accordance with Act XCIII of 1990 on Fees. law

(hereinafter: Itv.) 45 / A. § (1). From the advance payment of the fee is

Itv. Section 59 (1) and Section 62 (1) (h) shall release the party instituting the proceedings.

If the fulfillment of the required obligation is not duly substantiated by the Applicant 2, the Authority

it considers that it has failed to fulfill its obligations within the prescribed period. The Ákr. According to § 132, if a

the obligor has not complied with the obligation contained in the final decision of the authority, it shall be enforceable. THE

Authority's decision on the Ákr. Pursuant to Section 82 (1), it becomes final with the communication. The Ákr. The

Ákr. Section 133 of the Enforcement - unless otherwise provided by law or government decree

ordered by the decision-making authority. The Ákr. Under section 134 of the enforcement - if

a law, a government decree or, in the case of a municipal authority, a decree of a local government

unless otherwise provided - by the state tax authority. Infotv. Section 60 (7)

to carry out a specific act contained in a decision of the Authority

the decision as to the obligation to conduct, tolerate or stop

shall be carried out by the Authority.

In the light of the application, the Authority will inform the Applicant in accordance with Article 57 (1) of the GDPR.

in the context of its general dissemination task under paragraph 1 (b), shall inform the

about the following.

If the Applicant's application is required by law, the activities of the Applicants are required by law

object to its compliance with consumer protection requirements, Magyar has the option

To contact the Financial Consumer Protection Center of the National Bank (1534 Budapest, BKKP

777.)

Act V of 2013 on the Civil Code 1: 6. § to determine the damages

enforcement of claims is a matter for the courts.

Budapest, July 16, 2020

Dr. Attila Péterfalvi

President

c. professor