

Case number: NAIH / 2019/3114/8

Subject: Decision granting the application

Before the National Data Protection and Freedom of Information Authority (hereinafter: the Authority)

[...] Applicant (hereinafter: the Applicant) to the Mayor's Office of the Municipality of Etyek

(address: 2019 Etyek, Körpince köz 4;; hereinafter: the Applicant)

On the website of the municipality (www.webetyek.hu; hereinafter: the Website), [...] and [...] dated, closed the Applicant shall report to the mayor on the decisions taken at the meetings of the Board of Representatives disclosure of personal data without disclosure and containing the personal data of the Applicant refusing to request the removal of accounts from the Website

in the data protection authority proceedings initiated at the request of the

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The Authority shall grant the application and

1. Notes that the Applicant, by providing the Applicant's personal data to [...], or [...] as part of decisions taken in closed meetings of the Board of Representatives on its website published - engages in illegal data processing;

2. condemns the Applicant and at the same time orders that the disputed documents

(Decisions of [...] and [...] in camera)

mayoral reports) within 8 days of receipt of this decision

remove them from the Website and only disclose the Applicant's personal information

republish afterwards. The Applicant shall inform the Applicant of the action taken

Applicant.

II. Ex officio

1. Notes that the Applicant - by failing to comply with the Applicant's cancellation

of the application for the exercise of the data subject's right to

within the one-month deadline provided for in the General Data Protection Regulation

the Applicant - violated the Applicant's right to delete personal data;

2. a II. Due to the violation established in point 1, the Applicant - with a new one

when determining the legal consequences of a data breach

will take this infringement into account as a precedent with increased weight,

gives a warning.

The applicant shall take the measures provided for in point I.2 from the time the measure is taken

in writing within 8 days of receipt, together with the

must prove to the Authority.

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In the event of non-compliance with the obligation set out in I. 2 above, the Authority shall order the decision

implementation.

There is no administrative remedy against this decision, but from the date of notification

within 30 days of the action brought before the Metropolitan Court in an administrative action

can be challenged. The application must be submitted to the Authority, electronically, which is the case

forward it to the court together with his documents. The request for a hearing must be indicated in the application.

For those who do not benefit from full personal exemption, the judicial review process

its fee is HUF 30,000, it is subject to the right to record the material fee of the lawsuit. Before the Metropolitan Court

legal representation is mandatory in these proceedings.

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## EXPLANATORY STATEMENT

### I. Facts, antecedents

The Applicant dated 20 March 2019 and received the Authority on 26 March 2019

submitted in his petition that the Mayor's Office of the Municipality of Etyek

available at closed meetings of the Board of Representatives [...] and [...] available on its website ([www.webetyek.hu](http://www.webetyek.hu))

published the mayor's reports on the decisions without obscuring the Applicant's name.

It appears from the published reports that the termination of the Applicant's civil service

The statement of the Applicant was in an employment lawsuit with the Municipality of Etyek

However, according to the lawsuit has been finally concluded and it has been established that the civil service termination of the legal relationship was illegal. Path to infringing reports:

- [...]

- [...]

The Applicant is dated 12 December 2018, to the Mayor's Office of the Municipality of Etyek requested the removal of the compromised reports from the Website. Etyek

In his reply dated 8 February 2019, the Registrar of the Municipality informed the Applicant that the CLXXXIX of 2011 on the local governments of Hungary. Act (hereinafter: the Act)

Pursuant to Section 52 (3), the decision of the Board of Representatives made in closed session is public, so a the mayor lawfully provided objective information in closed session as a mandatory agenda item decision.

Unlawful disclosure of personal data or request for deletion of personal data

Due to the rejection of the

Authority obliges the Mayor's Office of the Municipality of Etyek to report the injured reports to have the offender banned by the Authority with a penalty data controller from further infringement.

Before the Authority, at the request of the Applicant, the right to information self - determination and the CXII of 2011 on freedom of information Section 60 (1) of the Information Act (hereinafter: the Information Act) NAIH / 2019/3114 initiated data protection official proceedings.

Given that the application did not contain the Applicant's identification all data, the Authority in its order NAIH / 2019/3114/2 of 29 March 2019

CXL of 2016 on general administrative order. (hereinafter: the Act) called on the Applicant to remedy the deficiencies.

In its response to the call for rectification, the Applicant provided the Applicant data necessary to identify

NAIH / 2019/3114/4, 2019, on the initiation of the data protection authority proceedings.

in an order dated 18 April and the Ákr. With reference to § 63 of the facts

invited the Applicant to make a statement in order to clarify

In its reply dated 2 May 2019, received by the Authority on 8 May 2019, the Applicant

commented on the questions raised by the Authority and informed the Authority of:

- The Mötv. Pursuant to Section 52 (3), the decision of the Board of Representatives made in closed session is also made public, so the mayor is the organizational and operational rules of the representative body

(SZMSZ) as a mandatory agenda item

information on decisions taken in camera, subject to civil servants

CXCIX of 2011 (hereinafter: Kttv.).

- The name of the Applicant with the legal status of a civil servant or its termination

in the context of

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The Applicant will provide information to the Applicant after the deadline

justified by his workload.

## II. Applicable legal provisions

On the protection of individuals with regard to the processing of personal data and

on the free movement of such data and repealing Directive 95/46 / EC

Article 2 (1) of Regulation (EU) 2016/679 (hereinafter referred to as the General Data Protection Regulation)

the General Data Protection Regulation applies to personal data in part or

fully automated processing of personal data

which are part of a registration system,

or which are intended to be part of a registration system.

According to Article 4 (1) of the General Data Protection Regulation, "personal data" means identified or

any information relating to an identifiable natural person ("data subject"); identifiable by a

a natural person who, directly or indirectly, in particular by an identifier, e.g.

name, number, location data, online identifier or physical, physiological, genetic, intellectual, economic, cultural or social identity identifiable by a factor.

According to Article 4 (2) of the General Data Protection Regulation, "data processing" means the processing of personal data or any operation on automated or non - automated data files, or a set of operations such as collecting, recording, organizing, segmenting, storing, or transforming change, query, view, use, transmit, distribute or otherwise harmonization or interconnection, restriction, deletion, or destruction.

According to Article 4 (7) of the General Data Protection Regulation: "controller" means the natural or legal person, public authority, agency or any other body that provides personal data determine the purposes and means of its management, alone or in association with others; if the data management purposes and means are determined by Union or Member State law, the controller or the controller EU or Member State law may also lay down specific criteria for the designation of Personal data only under Article 5 (1) (b) of the General Data Protection Regulation may be collected for, and not combined with, specific, clear and legitimate purposes cannot be handled in a compatible way ('purpose-based').

Pursuant to Article 6 (1) of the General Data Protection Regulation, personal data may only be used if: and can be lawfully managed 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 taking steps at the request of the data subject prior to the conclusion of the contract necessary to do so;

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

(d) processing is in the vital interests of the data subject or of another natural person

necessary for its protection;

(e) the processing is in the public interest or a public authority vested in the controller

necessary for the performance of the task

(f) processing for the legitimate interests of the controller or of a third party

necessary, unless those interests take precedence over such interests

interests or fundamental rights and freedoms that protect personal data

especially if the child concerned.

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Pursuant to Article 17 (1) of the General Data Protection Regulation, the data subject is entitled to:

at the request of the controller, delete the personal data concerning him without undue delay,

and the data controller is obliged to make the personal data concerning the data subject unjustified

delete without delay if one of the following reasons exists:

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

treated differently;

(b) the data subject withdraws the authorization referred to in Article 6 (1) (a) or Article 9 (2)

(a) the consent which is the basis for the processing and the processing

there is no other legal basis;

(c) the data subject objects to the processing pursuant to Article 21 (1) and is not

priority legitimate reason for the processing, or Article 21 (2) is concerned

protests against data processing on the basis of

(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 referred to in Article 8 (1)

in connection with the provision of social services.

Pursuant to Article 17 (2) of the General Data Protection Regulation, if the controller has disclosed personal data and is required to delete them pursuant to paragraph 1, taking into account the technology available and the cost of implementation expected steps, including technical measures, to inform data controllers that the data subject has requested them to provide the personal data in question deleting links or copies or duplicates of such personal data.

Pursuant to Article 17 (3) of the General Data Protection Regulation, paragraphs 1 and 2 do not applicable if data processing is required:

- (a) for the purpose of exercising the right to freedom of expression and information;
- (b) the Union or Member State rules governing the processing of personal data applicable to the controller fulfillment of a legal obligation or in the public interest or entrusted to the controller for the performance of a task performed in the exercise of a public authority;
- (c) in accordance with Article 9 (2) (h) and (i) and Article 9 (3) on grounds of public interest in the field of public health;
- (d) for the purposes of archiving in the public interest in accordance with Article 89 (1), scientific and for historical research or statistical purposes as referred to in paragraph 1 law would be likely to make it impossible or seriously jeopardize that data management; obsession
- e) to file, enforce or defend legal claims.

The data controller obligations related to the deletion of personal data are general Article 12 of the Data Protection Regulation.

Pursuant to Article 12 (3) of the General Data Protection Regulation, the controller is unjustified without delay, but in any case within one month of receipt of the request

inform the data subject in accordance with Articles 15 to 22. on the action taken in response to a request under Article. Need In view of the complexity of the application and the number of applications, this time limit shall be extended by two additional periods

may be extended by one month. The extension of the deadline by the data controller shall be the reasons for the delay within one month of receipt of the request. If the person has submitted the application electronically, the information shall be made possible, if possible, electronically unless otherwise requested by the data subject.

Pursuant to Article 12 (4) of the General Data Protection Regulation, if the controller does not do so measures at the request of the data subject without delay, but at the latest at the time of the request within one month of receipt of the measure and that the person concerned may lodge a complaint with a supervisory authority and may reside with the right to judicial redress.

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According to Article 12 (5) of the General Data Protection Regulation, it concerns the rights of data subjects requests, such as the action taken on the request for cancellation and information on it should be provided essentially free of charge. If the data subject's request is clearly unfounded - due in particular to its repetitive nature - excessive, the data controller, depending on the information requested or the administrative costs of providing the information or taking the action requested, may charge a reasonable fee or refuse to act on the request. The application the burden of proving that it is manifestly unfounded or excessive is on the controller.

The Infotv. Section 2 (2) according to the general data protection regulation in the provisions indicated therein shall apply *mutatis mutandis*.

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, or may initiate *ex officio* data protection proceedings.

Unless otherwise provided in the General Data Protection Regulation, data protection was initiated upon request for official proceedings under Ákr. shall apply with the exceptions specified in the Information Act.

The Ákr. Pursuant to Section 103 (1), the Ákr. Initiated *ex officio* proceedings upon request



provisions of the Act on It shall apply with the exceptions set out in Sections 103 and 104.

Infotv. Pursuant to Section 61 (1) (a), it was taken in a data protection official proceeding

In its decision, the Authority With the data management operations specified in Section 2 (2)

in accordance with Article 58 (2) of the General Data Protection Regulation

may apply legal consequences.

Pursuant to Article 58 (2) (b), (c) and (d) of the General Data Protection Regulation

the data controller or the processor, acting in accordance with the corrective powers of the competent authority, if

its data processing activities have infringed the provisions of this Regulation; instructs the data controller or the

to exercise the data subject's rights under this Regulation

application; instructs the controller or processor to perform its data processing operations

bring this Regulation into line with the provisions of this Regulation

provisions.

Infotv. 75 / A. § pursuant to Article 83 (2) - (6) of the General Data Protection Regulation

shall exercise the powers set out in paragraph 1, taking into account the principle of proportionality, in particular:

by the law on the processing of personal data or by the European Union

in the event of a first breach of the requirements laid down in a mandatory act of the

in accordance with Article 58 of the General Data Protection Regulation

it takes action by alerting the controller or processor.

Infotv. Under Section 3 (5): "data of public interest" means a state or local government task,

and in the management of another body or person performing a statutory public task

incurred in connection with the performance of its activities or the performance of its public tasks, a

information recorded in any form or by any means not covered by the concept of personal data, or

knowledge, regardless of how it is handled, whether independent or collective, in particular a

jurisdiction,

jurisdiction,

organizational

structure,

professional

activity,

its

the types of data held and the rules governing its operation

data on legislation, management and contracts.

Infotv. According to Section 3 (6): "public data in the public interest" does not fall within the definition of data of public interest

any information relating to which the disclosure, disclosure or

making it available in the public interest.

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Infotv. Section 26 (1) states that the task of the state or local government,

and to any other body or person performing a public task as defined by law (a

hereinafter together referred to as the "public body") must allow the

public interest data and public data in the public interest, with the exceptions specified in this Act,

anyone can find out about it on demand.

Infotv. Pursuant to Section 26 (2), a body performing a public task is a public data in the public interest

the name, scope of work, position of the person acting within the scope of his or her duties and responsibilities, a

other personal data related to the performance of a public task, as well as personal data

the disclosure of which is required by law. Public personal data in the public interest for the purpose

may be disseminated in accordance with the principle of data protection.

Infotv. Section 33 (1) and Annex 1 II. 8 of the board of directors

the procedure for preparing its decisions, the way in which citizens are involved (giving opinions), the

the place and time of the meetings of the body, as well as the publicity, decisions of the meeting

minutes or summaries; details of the voting of the collegial body, if this is not required by law

restricts, immediately after the changes, by keeping the previous status in the archive for 1 year,

website, in digital form, for anyone, without identification, without restriction

free of charge, printable and reproducible in detail, without loss of data or distortion,

also for viewing, downloading, printing, copying and network data transmission

should be made available free of charge.

The Mötv. Pursuant to Section 46 (1), the meeting of the Board of Representatives is public. The same § (2)

the representative body in accordance with

a) holds a closed meeting on matters of municipal authority, conflicts of interest, unworthiness, awards

the imposition of disciplinary sanctions and the declaration of assets

procedure;

b) holds a closed meeting at the request of the data subject for election, appointment, dismissal, appointment of a manager,

its revocation, the initiation of disciplinary proceedings and a personal matter requiring a resolution

when negotiating;

(c) may order a closed meeting in the event of the disposal of his property, as well as a tender issued by him

when determining the conditions of the tender, if the public hearing is

would harm the business interests of the municipality or other stakeholders.

The Mötv. Pursuant to Section 52 (3), voters may inspect, except in closed session

in the submission and minutes of the meeting of the representative body. Data of public interest and

the possibility of accessing public data in the public interest should also be ensured in the event of a closed meeting.

The decision of the Board of Representatives made in closed session is also public.

The Kttv. Pursuant to Section 179, the name of a government official is considered to be public information in the public

interest, a

citizenship of a government official, name of the public administration body employing the government official, a

the beginning of the employment of a government official in the body employing a government official, a

current classification of a government official, date of his classification, a government official

the title of the post and the term of office, the appointment of the head of the government official

and date of termination, details of title donation, salary of government official.

Article 86 of the General Data Protection Regulation states that the performance of a task in the public interest

public authorities or other bodies with a public-service mission  
personal data contained in official documents held by that body or  
organization under Union law or the law of a Member State applicable to the body or organization  
may be disclosed in accordance with  
reconcile public access to the protection of personal data under this Regulation  
rightly.

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### III. Decision of the Authority

Infotv. § 26 (2) and Kttv. Interpretation of Section 179 is a recurring problem for both  
in the practice of both the Authority and the courts. Previous resolutions of the Authority (eg  
NAIH / 2016/2444 / V) and the judgments of the Mansion and the Metropolitan Judgment Board  
unanimously - as well as from the points of view established by the Constitutional Court  
the conclusion can be drawn - that the Kttv. Section 179 does not exclusively include the civil service  
the scope of public data of officials in the public interest.

Infotv. Section 26 (2) lists it by way of example in the public interest  
data, but also in the public interest  
with the range of data listed in each law. However, the same paragraph states  
also that, in the public interest, personal data must also apply to  
the principle of purposeful data processing for the processing of personal data.

Infotv. Section 1 lays down the purpose of access to public data in the public interest  
transparency of public affairs. Because of the inability to list everything that is individual  
related to the task of persons performing public duties and by the public authorities  
essential data for checking, the list is opened by Infotv. Section 26 (2) and others

In addition to the information required by law, civil servants are all personal  
extends to the data of the body the tasks and competences of the given body  
directly related to the performance of a public task during the procedure.

The Kttv. 179, other than public data, is a public task in the public interest

other personal data relating to the performance of his duties, such as the qualifications of the civil servant, detailed job, decisions, statements - in the public interest, the Infotv.

Pursuant to Section 26 (2). They belong to the group of "personal data related to the task"

specifically a person performing a public function

- statements made in the course of his work in order to perform his duties;
- documents produced and / or issued by him;
- the measures taken by him, whether lawful or not;
- data relating to his legal relationship and kept by a body performing a public function,

which are suitable for the performance of their duties, the conditions of employment compliance and the quality of their work.

The Mansion Pfv.IV.21.428 / 2014/3. In its judgment no. § 26 (2)

In that context, it stated that "[t] he person is a public task in the public interest

other personal data relating to the provision of personal data and personal data which

knowledge is required by law. Infotv. it follows from this rule that in the latter circle they are

data on which the Kttv. Section 179 states that it is in the public interest

public data. But in addition, Infotv. other related to the performance of a public task

personal data is also considered to be public data in the public interest. In judging this, you need it

to examine whether the data requested to be released is related to the activity and operation of the data controller,

whether or not it affects the operation of the defendant by reason of its object. THE

The definition of "related to his / her duties" refers to personal data which:

closely linked to the performance of a public task. " The Mansion in this case, for example, is the school

states that the education is not listed in the Kttv. Section 179: "If someone is entrusted with the performance of a public task, the activity of a manager,

independent of his education, it is directly related to his duties, during which the public

acts in the interests of the

The above-mentioned judgment of the Curia is referred to in the Metropolitan Judgment Panel Pf.21.048 / 2015/3. Judgment No.

in which the Arbitration Panel ruled that the heads of mission and foreign economic attachés curriculum vitae on the names, nationalities, qualifications and qualifications of government officials and your language skills are public. The Judgment Board in the grounds of the judgment stated that “the Kttv. It does not follow from the enumeration of § 179 that the Infotv. Section 26 (2)

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other data could not be considered public data in the public interest. Infotv. Section 26 (2) on the basis of a correct interpretation of Section 26 (2), in the public interest.

personal data specified in paragraph 1, such as the name of the person concerned, duties, responsibilities, managerial assignments - they are public and in the public interest other personal data related to the performance of a public task shall be considered as data, and personal data the disclosure of which is required by law. They belong to the latter circle the data about which the Kttv. Section 179 states that it is in the public interest data. In addition, however, Infotv. other related to the performance of a public task personal data may also be considered public data in the public interest, and this legal change is not a Kttv. § 179. ”

Constitutional Court 408 / B / 2008. However, its decision no. the personal Act LXIII of 1992 on Data Protection and Freedom of Information Section 19 (4) of the Act (Avtv.) but is almost identical to Infotv. Section 26 (2) of the “public task other personal data relating to the In the case, according to the petitioner, the basic civil service register may not be made public. The Constitutional Court pointed out that the the data in the basic registers cannot be generally said to be non - public or are public, careful consideration is required: “The information contained in these records the extent to which the data recorded are specifically related to and to what extent they relate, for example, to rights arising solely from a legal relationship and

obligations or belong to the private sector to be protected, it must in all cases consider

the law enforcer and must exercise particular care in this regard. " So it is

The Constitutional Court also rules on personal data that their publicity should be considered,

the publicity of which is governed by Article XXIII of 1992 on the status of civil servants in force at the time.

Act (Act) did not provide.

The Constitutional Court's decision 443 / D / 2006 must provide a basis for the assessment. number

also in which the Constitutional Court ruled in favor of Avtv. referred to above and Infotv. Section 26 (2)

almost identical to the above-mentioned provision in paragraph 1 of the

to the extent necessary to ensure the transparency of the activities of public authorities

access to personal data. [...] Is necessary only to achieve the goal

disclosure of large amounts of data is mandatory, ie only for the public service

personal data relating to the duties of the person acting within the remit and powers of the bodies

made public. "

According to the legislation in force, and which are managed by public bodies

all data relating to its activities, other than personal data, is in the public interest,

regardless of whether their publicity is limited. Not all data of public interest is public

However. There can be many different types of data within a document,

consequently, for each document, it is not the document but the data principle

prevails. This means that the document itself is not considered closed, inaccessible,

but some of the data in it.

Based on the above, therefore, the personal data of civil servants in the Kttv

in addition to those specified, they may be public, that is to say, public data in the public interest, which

directly related to the performance of their public duties and the publicity of which is specific

transparency of public affairs in the context of a public body. However, it is

freedom of information and the right to information self-determination must be

other personal data related to the performance of a public task

in determining whether their disclosure does not disproportionately infringe

the right to privacy. Purposeful dissemination of public personal data in the public interest

violation of the rights of the individual may result in a violation of the rights of the individual and may raise damages by a court also.

Everything in the provision of the right to self-determination of information to the local government bodies

they must do so in order to prevent the unauthorized persons from entering the minutes of the closed session

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and that - with regard to personal data, the general data protection

In accordance with this Regulation, personal data may not be infringed by local authorities themselves

or other protected interests.

In the present case, the termination of the employment of a civil servant had to be considered

whether the lawsuit initiated by the Mayor of Etyek is related to the

whether or not it affects the operation of the Office by reason of its activities.

Based on the above, it can be concluded that in itself the fact that the Office as a public task

labor lawsuit with a former civil servant in the public interest

is a data, ie the fact of a labor lawsuit is a former civil servant facing the Office

may be disclosed to the public in the absence of any information enabling the person to be identified

can be brought. Although decisions taken in closed body meetings are always public,

It should be emphasized that the data related to the Applicant's labor lawsuit are disclosed

shall not be considered unlawful unless the information is withheld

(non-public interest public data) are obscured, rendered unrecognizable

that the parts of the document containing such information - law express, in the public interest

in the absence of a provision declaring it public, shall not be considered public.

The personal data is processed by Infotv. and making it available to the public in accordance with a separate law,

and its disclosure is for the purpose of data management that establishes the creation and collection of the data

In this case, it is considered as separate data management for separate data management purposes, for which the general



According to the Data Protection Regulation, together with other conditions, this can only take place if it is controller with a legal basis in accordance with Article 6 (1) of the General Data Protection Regulation has. Because the decisions made at closed municipal board meetings require disclosure rule is essentially an exception to the public interest exception rule (closed session), the the disclosure of public interest data is subject to additional rules regarding the decision made exception rule, in order to decide the present case it is necessary to examine whether the public whether your requirement also applies to personal data. As the personal data of the Infotv. "It is in the public interest According to the definition of "data", there can be no data of public interest, only then it is possible and obligatory to make it available to anyone on request or - a legal requirement if it is required by law to make such data publicly available in the public interest qualifies. In other cases, personal data shall not, as a general rule, be treated as public; general rules on the protection of personal data apply.

Given that the Applicant's personal data related to a civil service dispute (labor lawsuit) as such in the Infotv. Section 26 (2) does not declare the public interest to be public the rules on the publication of public data in the public interest do not therefore in Article 6 (1) of the General Data Protection Regulation

In the absence of any other possible legal basis indicated in Pursuant to Section 52 (3) may not be published as part of a decision. In this respect, it is also important to take into account that Mötv. It is also excellent from the first sentence of Rule 52 (3) for the minutes of the in camera session data in the public interest or in the public interest are those to which access is closed shall also be provided in the case of a protocol.

So that the mayor of the decisions made in closed council meetings the reports were published without making the Applicant 's name unrecognizable, a Applicant violated the general data protection regulation by saying that the general data protection published the personal data of the applicant without a legal basis in accordance with the Regulation as part of a decision.

The Authority noted that the Applicant's request for cancellation, which had been

- rejected as unfounded - the Applicant did not comply with Article 12 (3) of the General Data Protection Regulation within the time limit set out in paragraph 1. In this regard, the Applicant's delay

the justification given as an excuse is not acceptable: it is great in dealing with official and other matters

It would have been expected that the data subject of the personal data

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establish and maintain appropriate procedures for dealing with claims relating to the exercise of their rights to ensure that the required one-month deadline is met.

The Authority examined of its own motion whether a data protection fine against the Applicant was justified

imposition. In this context, the Authority shall act in accordance with Article 83 (2) of the General Data Protection Regulation considered all the circumstances of the case and took into account that the Applicant

not yet convicted of violating the rules on the processing of personal data

took place. For this reason, the Authority will refrain from imposing a data protection fine, as it is a

considers it neither effective nor proportionate in the present case. In the Authority 's view,

to fulfill the obligation to take measures or provide information related to the exercise of the rights of the data subject breach of the relevant deadline cannot be considered serious in itself. The Authority also

took into account that the Mötv. Section 52 (3) in conjunction with the General Data Protection Decree

so far there has been no practice in the application of the law on the interpretation of In view of this, the

in addition to the finding of an infringement, the application of the warning is also appropriate and has sufficient deterrent effect compliance with the General Data Protection Regulation

instructions for taking, implementing and enforcing measures. With the warning a

Expresses its disapproval of the administrative irregularity which it has identified,

however, the legal consequences in the event of a further data breach

will take the present infringement into account as a precedent in determining it

Based on the above, the Authority has decided in accordance with the operative part. The Authority shall:

The applicant's request is granted and Article 58 (2) (b) of the General Data Protection Regulation

condemns the Applicant for violating his data management activities

Articles 6 (1), 12 (3) and 17 of the General Data Protection Regulation

Paragraph 1. In addition, the Authority shall, in accordance with Article 58 (2) of the General Data Protection Regulation,

instructs the Applicant, pursuant to paragraph 1 (c) and (d), to file the contested documents

remove them from the Website, making them unrecognizable only to the Applicant's personal data

republish it and proceed in accordance with the provisions of the operative part in the future

el. The Applicant shall inform the Applicant about the measures taken, the measures

it shall also certify to the Authority.

The Authority shall inform Infotv. Pursuant to Section 61 (2) (b), the data controller shall order the decision,

that is, the disclosure of the Applicant's identification data.

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The powers of the Authority shall be exercised in accordance with Infotv. Section 38 (2) and (2a), its jurisdiction is

covers the whole country.

The Ákr. Pursuant to § 112 and § 116 (1) and § 114 (1)

there is an administrative remedy against him.

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 (2) (a) by decision of the Authority

The administrative lawsuit against the court falls within the jurisdiction of the court Section 13 (11)

the Metropolitan Court has exclusive jurisdiction. 2016 on Civil Procedure

CXXX. Act (hereinafter: Pp.) - the Kp. Applicable pursuant to Section 26 (1) - Section 72 provides for legal representation in

litigation falling within the jurisdiction of the Tribunal. Kp. Section 39 (6)

according to - unless otherwise provided by law - the filing of the application by the administrative

has no suspensory effect on the entry into force of the act.

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. Act (a

hereinafter: the e-administration Act), the client's legal representative pursuant to Section 9 (1) (b)

obliged to communicate electronically.

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

Information on the possibility of requesting a hearing is provided in the CM. Section 77 (1) - (2)

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, the Itv.

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

If the required compliance is not duly demonstrated by the applicants, the

The Authority considers that the obligation has not been fulfilled in time. The Ákr. Pursuant to § 132,

if the debtor has not complied with an obligation contained in a final decision of the Authority, the

executable. The decision of the Authority Pursuant to Section 82 (1), the communication shall become final

becomes. 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, government decree, or local government decree in a municipal authority matter

unless otherwise provided - by the state tax authority. Infotv. Section 61 (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.

Budapest, July 19, 2019

Dr. Attila Péterfalvi

President

c. professor