

Case number: NAIH / 2019/2466/12.

Subject: Partially successful application

tax decision

The National Authority for Data Protection and Freedom of Information (hereinafter referred to as the Authority) [...]

hereinafter referred to as the "Applicant" on [...], [hereinafter referred to as the "Required")

initiated in the data protection authority proceedings concerning the processing of data related to the monitoring system

makes the following decisions:

I. The Authority shall maintain a t

1) The Applicant grants the request in part and establishes that the Debtor is obliged to

data management and camera recordings in connection with the Applicant's breach of the rules

with regard to the processing of data relating to the use of personal data by natural persons

protection of individuals with regard to the processing of personal data and on the free movement of such data,

and Regulation (EU) 2016/679 repealing Directive 95/46 / EC (a

hereinafter referred to as the General Data Protection Regulation) is fair and purposeful

the principle of data processing, the data processing was carried out in the absence of an appropriate legal basis or that it was

not provided

adequate information to the Applicant on the circumstances of the data processing,

(2) The Authority shall reject the part of the applicant's application

(a) according to which the Authority is temporarily or permanently restricted by the Debtor

data processing related to surveillance with an illegally operated camera,

including the prohibition of data processing,

(b) according to which the Authority shall temporarily or permanently restrict the applicant

the handling of camera recordings kept by the Debtor,

and

(c) that the Authority should alert the Debtor to its data processing activities

likely to infringe the provisions of the General Data Protection Regulation and that

instruct the data controller to inform the data subject of the data protection incident.

3) The Authority shall ex officio prohibit the Debtor from using the staff of the Observatory

data processing related to camera surveillance and order its termination.

4) The Authority shall prohibit the Debtor ex officio in connection with the breach of the Applicant's rules

store stored camera recordings and order their deletion.

5) The Authority shall terminate the Debtor ex officio due to the unlawful data processing carried out by it

HUF 1,500,000, ie one million to five hundred thousand forints

data protection fine

obliges to pay.

II. In view of the fact that the administrative time limit has been exceeded, the Authority shall, by order,

the payment of HUF 10,000, ie ten thousand forints, to the Applicant - at his / her choice -

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by bank transfer or postal order.

The taking of the measure provided for in points I. 3) and 4) shall be performed by the Debtor from the taking of the measure

within 15 days of receipt of the supporting evidence.

to the Authority.

The Authority shall impose a data protection fine within 30 days of the final adoption of this Decision

centralized revenue collection target settlement forint account (10032000-01040425-00000000)

Centralized direct debit IBAN: HU83 1003 2000 0104 0425 0000 0000)

to pay. When transferring the amount, the NAIH / 2019/2466 JUDGE. number should be referred to.

If the Debtor fails to meet its obligation to pay the fine within the time limit, the above

is required to pay a late payment surcharge on the account number. The amount of the late payment allowance is the statutory

interest,

which corresponds to the central bank base rate in force on the first day of the calendar half-year affected by the delay

me.

The obligation provided for in point I 3) or 4) and the data protection fine and late payment allowance

in the event of non-payment, the Authority shall order enforcement of the decision.

There is no administrative remedy against the decision under point I above, 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. 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.

EXPLANATORY STATEMENT

I. Procedure and clarification of the facts

I. 1. The Applicant has lodged a request with the Authority that, at his previous place of employment,

[...] At the headquarters of its public space surveillance, one of the electronic monitoring system operated by it

He observed his work with his camera on [...] day. The application is recorded by this camera

based on the recordings, the Applicant [...] searched for images on the office dispatcher's computer, they were

he printed it out, [...] labeled it, and then hung it in the shared locker room. The clerk

as an exercise of his employer's authority, the Applicant was found to be unworthy to perform his duties

therefore terminated his civil service on [...]. The civil service

according to the statement of the Applicant, there is a civil service dispute due to the termination of the legal relationship

pending between the parties.

In the opinion of the Applicant, the Debtor observed it unlawfully, he did not receive any information about the observation

advance information, as well as operate a camera - a men's locker room - where the human

his right to dignity has been violated.

The Applicant requested the Authority to establish the infringement; warn the Debtor that your data management activities are likely to violate the General Data Protection Regulation provisions; condemn the data controller or data processor if data management its activities violated the provisions of the General Data Protection Regulation; instruct the controller or processor to bring its data processing operations into line with this Regulation exercise the data subject's rights under this Regulation; instruct the controller to inform the data subject of the data protection incident; you are temporarily permanently restrict data processing, including the prohibition of data processing. The Applicant further would like an answer as to exactly who could have viewed and viewed what was made of him the recordings, the places, the purpose and the legal basis of the camera surveillance, how long these recordings have been processed and, finally, the reason why the Debtor did not prior information on the fact of camera surveillance.

I. 2. In its order to initiate the data protection authority procedure, the Authority notified a Debtor and summoned him to make a statement to clarify the facts.

According to the Debtor's statement, it is not suitable for making sound recordings in a space surveillance system currently [...] outdoor cameras are in operation and integrated as part of this system [...] a piece of internal camera, which is the image of the public cameras of the Obligatory [...] public area surveillance located in the space surveillance center and the persons supervising the space surveillance system there (operators / dispatchers). Since [...] days of [...] public area supervision operates at its current headquarters and has since operated a surveillance center camera. Operators a they monitor the recordings made by outdoor cameras, their task is to ensure that if the cameras detect an offense, report it to the dispatcher, who will take action to direct the public area inspectors to the scene. In view of the common, interdependent performance of tasks, the

The dispatcher's workplace was also set up as part of the space monitoring center, so the monitoring was carried out also covers. A device capable of recording images or sound may not be brought into the space monitoring center, and a monitors must not be recorded. The operator - and related

These rules apply to the camera surveillance of dispatchers

compliance is also aimed at monitoring compliance.

According to the Debtor's further statement, the camera surveillance system is operated by the Debtor under the supervision of the public area, without the involvement of a data processor. The legal basis for data processing is

Article 6 (1) (e) of the General Data Protection Regulation, the purpose of the space surveillance system ensuring the lawful handling of recorded images. For public space supervision a

Act LXIII of 1999 on the supervision of public areas Act (hereinafter: Ltd.) 7 / A. § (1)

it provides for the necessary organizational and other measures to be taken in order to:

personal data recorded in the framework of the space surveillance system may not be disclosed to an unauthorized person
jussón.

According to the Debtor's statement, the internal camera is provided by Kft. Section 7 (3) and (7) (b)

saves the image for 8 days, then automatically overwrites it. For recording

aims to ensure the protection of personal data recorded in the space surveillance system and to

checking the legality of the performance of operator and dispatcher tasks. Recordings from this camera

regularly inspected by the Head of the Space Surveillance Department of the Compulsory Public Area Supervision, a
Head of the Department of Public Area Supervision and Deputy Head of Department. No other person has access to it

for the camera image or recordings. Inspection on a weekly basis, sampling

method and is intended to verify compliance with the rules governing work. THE

In the case of the Applicant performing dispatching duties during his / her legal relationship, the [...] pictures

the day of the discovery of the placement in the locker room - [...] day - the previous

During the period from [...], the recordings were reviewed on [...],

subject to the suspicion that the images during service, the Debtor

using the work equipment (computer, printer), the dispatcher of the space control center

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workstation. According to the Debtor's statement, it is not the Applicant's work,

the Internet and the computer equipment used by it were inspected, but

following an infringement of public service law

the irregular activity of the Applicant can be observed. According to the Debtor 's statement, the
was made on the basis of the legislation on the employment of employees, a separate internal one
no rules have been drawn up. The Applicant was informed of the inspection on [...]. Out of line
inspection was ordered at the discovery of the placement of the images on [...] day, which

As a result, on the basis of the full recording of the [...] daily shift, it was established that the

The applicant committed the conduct complained of as a breach of public service law. The one in question

According to the Debtor's statement, the recording is currently stored in the Personnel Department by the Applicant
as part of his personal material, and of the camera recordings of the surveillance system above
deleted in the order described.

According to the Debtor 's statement - and the document sent by him - about the internal camera a

The following text alert was placed on the entrance door of the space surveillance center: "Closed-circuit

area monitored by a security camera system! Space Monitoring Center. Login only for service

for performing staff! " In addition, the statement said the location and purpose of this camera

the head of the department shall orally inform the employees working in the space observatory a

when establishing a legal relationship, usually already during the recruitment procedure. According to the Debtor 's statement a

Applicant received this information on January 4, 2017, which included extensive data processing

purpose, legal basis and its other circumstances. In addition, the Debtor as such

stated that it had prepared a new data management prospectus, which was published on 28 May 2019 by the

at the front door of the space surveillance center and to the Authority. Defendant sent

and an "created by the cameras of the space surveillance system, created on September 16, 2018

impact assessment on the processing of personal data recorded on video recordings

documentation ", to which no further explanation was provided.

According to the Debtor's further statement, there is not and never will be in the men's locker room of the Public Area
Inspectorate

also had a camera equipped.

II. Applicable legal provisions

Pursuant to Article 2 (1) of the General Data Protection Regulation, for the processing of data in the present case the general data protection regulation applies.

Act CXII of 2011 on the right to information self-determination and freedom of information. Act (a

hereinafter: Infotv.) pursuant to Section 2 (2) of the General Data Protection Decree

shall apply with the additions provided for in

Infotv. Enforcement of the right to the protection of personal data pursuant to Section 60 (1)

the Authority shall, upon request, initiate an official data protection procedure and of its own motion

initiate proceedings against the data protection authority. The data protection authority procedure is the general administrative

CL of 2016 on Public Order. (hereinafter: Ákr.) shall apply with the additions specified in the Infotv. and with the exceptions

according to the general data protection decree.

According to Article 4 (12) of the General Data Protection Regulation: ““ data protection incident ”means security

damage to personal data transmitted, stored or otherwise handled accidentally or

unlawful destruction, loss, alteration, unauthorized disclosure or

unauthorized access to it. ”

Under Article 5 (1) (a), (b), (c) and (f) of the General Data Protection Regulation:

data:

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(a) be processed lawfully and fairly and in a manner which is transparent to the data subject

("legality, fairness and transparency");

(b) collected for specified, explicit and legitimate purposes and not processed

in a way incompatible with those objectives; not in accordance with Article 89 (1)

considered incompatible with the original purpose for the purpose of archiving in the public interest, scientific

and further processing for historical research or statistical purposes ("purpose limitation")

(c) be appropriate and relevant to the purposes for which the data are processed; and

they should be limited to what is necessary ("data saving");

[...]

(f) be handled in such a way that appropriate technical or organizational measures are taken ensure the adequate security of personal data, the data is unauthorized or unlawful handling, accidental loss, destruction, or damage protection against privacy ("integrity and confidentiality"). "

Under Article 5 (2) of the General Data Protection Regulation: "The controller shall be responsible for shall be able to demonstrate such compliance ("Accountability"). "

According to Article 6 (1) (e) of the General Data Protection Regulation: "Personal data is lawful only if and to the extent that at least one of the following is met: the exercise of public authority or the exercise of public authority over the controller necessary for the performance of its task. "

According to Article 6 (2) of the General Data Protection Regulation: "The provisions of this In order to adjust the application of the rules on data processing, Member States shall may be maintained or introduced in order to comply with points (c) and (e) of paragraph 1 provisions specifying the specific rules on data processing requirements and in which further measures are taken to ensure the lawfulness of data processing and fairness, including in Annex IX. other specific as defined in Chapter data management situations. "

Under Article 6 (4) of the General Data Protection Regulation: "If the purpose of the data collection processing for other purposes is not with the consent of the data subject or of an EU or based on the law of a Member State, which is a necessary and proportionate measure for a democratic society in order to achieve the objectives set out in Article 23 (1) whether the different purposes of data processing are compatible with the purpose for which the personal data were obtained originally collected, the controller shall take into account, inter alia:

(a) between the purposes for which the personal data are collected and the purposes for which they are intended to be further

processed

relationships;

(b) the conditions for the collection of personal data, in particular the data subjects and the controller

relations between

(c) the nature of the personal data, in particular that they are personal data within the meaning of Article 9

whether it is a matter of dealing with special categories of

and the processing of criminal data in accordance with Article 10;

(d) the possible consequences for data subjects of the intended data

further treatment;

(e) the existence of appropriate safeguards, which may include encryption or pseudonymisation. "

Under Article 13 (1) to (3) of the General Data Protection Regulation: '(1) If the data subject is

personal data is collected from the data subject, the data controller shall obtain the personal data

provide the data subject with all of the following information at the time:

(a) the identity and contact details of the controller and, if any, of the controller 's representative;

(b) the contact details of the Data Protection Officer, if any;

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(c) the purpose of the intended processing of the personal data and the legal basis for the processing;

(d) in the case of processing based on Article 6 (1) (f), the controller or a third party

legitimate interests of a party;

(e) where applicable, the recipients or categories of recipients of the personal data, if any;

(f) where applicable, the fact that the controller is a third country or international organization

personal data and the Commission's decision on adequacy

existence or absence thereof, or in Article 46, Article 47 or the second subparagraph of Article 49 (1)

in the case of the transfer referred to in the first subparagraph, an indication of the appropriate and suitable guarantees,

and the means by which copies may be obtained or made available

reference.

2. In addition to the information referred to in paragraph 1, the controller shall process personal data

at the time of acquisition, in order to ensure fair and transparent data management

provide the data subject with the following additional information:

(a) the period for which the personal data will be stored or, if that is not possible, that period

aspects of its definition;

(b) the data subject's right to request from the controller personal data concerning him or her

access, rectification, erasure or restriction of their processing and may object to such

against the processing of personal data and the right of the data subject to data portability;

(c) information based on Article 6 (1) (a) or Article 9 (2) (a);

in the case of data processing, the right to withdraw the consent at any time, which

does not affect the lawfulness of the processing carried out on the basis of the consent prior to the withdrawal;

(d) the right to lodge a complaint with the supervisory authority;

(e) that the provision of personal data is required by law or by a contractual obligation

is a basis or a precondition for concluding a contract and whether the person concerned has a personal obligation

data and the possible consequences of providing the data

failure;

(f) the fact of automated decision-making referred to in Article 22 (1) and (4), including:

profiling and, at least in these cases, the logic used

understandable information on the significance of such processing and on the data subject

its expected consequences.

(3) If the data controller further processes the personal data for purposes other than the purpose for which they were collected

shall inform the data subject of this different purpose before further processing

and any relevant additional information referred to in paragraph 2. "

Under Article 18 (1) of the General Data Protection Regulation: 'The data subject shall have the right to:

upon request, the controller shall restrict the processing if one of the following is met:

(a) the data subject disputes the accuracy of the personal data, in which case the limitation shall be limited to that period

which allows the controller to verify the accuracy of personal data;

(b) the processing is unlawful and the data subject objects to the deletion and requests it instead

restrictions on the use of

(c) the controller no longer needs the personal data for the purpose of processing the data, but is concerned

requires them to bring, assert or defend legal claims; obsession

(d) the data subject has objected to the processing in accordance with Article 21 (1); in this case the restriction

it shall apply for as long as it is established that the controller has a legitimate reason

take precedence over the legitimate grounds of the person concerned. "

According to Article 23 (1) of the General Data Protection Regulation: "The data controller or

Union or Member State law applicable to the processor may restrict the

12-22. Articles 12 and 34 and Articles 12 to 22. with the rights set out in Article

the rights and obligations set out in Article 5 in

obligations if the restriction respects fundamental rights and freedoms

necessary and proportionate measure to protect the following

in a democratic society:

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(a) national security;

b) national defense;

(c) public security;

(d) the prevention, investigation, detection or prosecution of criminal offenses; or

enforcement of criminal sanctions, including against threats to public security

protection and prevention of these dangers;

(e) other important general interest objectives of general interest of the Union or of a Member State, in particular:

Important economic or financial interests of the Union or of a Member State, including monetary,

budgetary and fiscal issues, public health and social security;

(f) protection of judicial independence and judicial proceedings;

- g) in the case of regulated professions, the prevention, investigation and detection of ethical violations and conducting related procedures;
- (h) in the cases referred to in points (a) to (e) and (g), even occasionally, control, inspection or regulatory activity related to the provision of
- (i) the protection of the data subject or the protection of the rights and freedoms of others;
- (j) enforcement of civil claims. "

According to Article 58 (2) of the General Data Protection Regulation: "The supervisory authority shall be corrective acting under the authority of:

- (a) warn the controller or processor that certain data processing operations are planned its activities are likely to infringe the provisions of this Regulation;
- (b) condemn the controller or the processor if he or she has breached his or her data processing activities the provisions of this Regulation;
- (c) instruct the controller or processor to comply with the conditions laid down in this Regulation request for the exercise of his rights;
- (d) instruct the controller or processor to carry out its data processing operations, where applicable in a specified manner and within a specified period, in accordance with the provisions of this Regulation;
- (e) instruct the controller to inform the data subject of the data protection incident;
- (f) temporarily or permanently restrict the processing, including the prohibition of the processing;
- (g) order personal data in accordance with Articles 16, 17 and 18 respectively rectification or erasure of data and restrictions on data processing, as well as Article 17 (2) shall notify the addressees with whom it is addressed in accordance with paragraph 1 and Article 19 or with whom personal data have been communicated;
- (h) withdraw a certificate or instruct a certification body in accordance with Articles 42 and 43 revoke a certificate issued by the. or instruct the certification body not to issue the a certificate if the conditions for certification are not or are no longer met;
- (i) impose an administrative fine in accordance with Article 83, depending on the circumstances of the case

in addition to or instead of the measures referred to in this paragraph; and

(j) order the flow of data to a recipient in a third country or to an international organization

suspension. "

Under Article 83 (2), (5) and (7) of the General Data Protection Regulation:

2. Administrative fines shall be imposed in accordance with Article 58 (2), depending on the circumstances of the case

It shall be imposed in addition to or instead of the measures referred to in points (a) to (h) and (j). When deciding

whether it is necessary to impose an administrative fine or the amount of the administrative fine

In each case, due account shall be taken of the following:

(a) the nature, gravity and duration of the breach, taking into account the processing in question

the nature, scope or purpose of the infringement and the number of persons affected by and affected by the infringement

the extent of the damage suffered;

(b) the intentional or negligent nature of the infringement;

(c) the mitigation of damage caused to the data subject by the controller or the processor

any measures taken to

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(d) the extent of the responsibility of the controller or processor, taking into account the

and the technical and organizational measures taken pursuant to Article 32;

(e) relevant infringements previously committed by the controller or processor;

(f) the supervisory authority to remedy the breach and the possible negative effects of the breach

the degree of cooperation to alleviate

(g) the categories of personal data concerned by the breach;

(h) the manner in which the supervisory authority became aware of the infringement, in particular that:

whether the breach was reported by the controller or processor and, if so, what

in detail;

(i) if previously against the controller or processor concerned, on the same subject matter

- has ordered one of the measures referred to in Article 58 (2), the person in question

compliance with measures;

(j) whether the controller or processor has kept itself approved in accordance with Article 40

codes of conduct or approved certification mechanisms in accordance with Article 42;

and

(k) other aggravating or mitigating factors relevant to the circumstances of the case, such as:

financial gain or avoidance as a direct or indirect consequence of the infringement

loss.

[...]

5. Infringements of the following provisions in accordance with paragraph 2 shall not exceed 20 000 000

With an administrative fine of EUR 1 million or, in the case of undertakings, the previous financial year in full

up to 4% of its annual worldwide turnover,

the higher amount shall be charged:

(a) the principles of data processing, including the conditions for consent, in accordance with Articles 5, 6, 7 and 9;

(b) the rights of data subjects under Articles 12 to 22. in accordance with Article

(c) the transfer of personal data to a recipient in a third country or to an international organization

transmission in accordance with Articles 44 to 49. in accordance with Article

d) the IX. obligations under the law of the Member States adopted pursuant to this Chapter;

(e) the instructions of the supervisory authority pursuant to Article 58 (2) or the temporary processing of data

or a request to permanently restrict or suspend the flow of data

failure to provide access in breach of Article 58 (1).

[...]

7. Without prejudice to the corrective powers of the supervisory authorities under Article 58 (2),

each Member State may lay down rules on the

whether an administrative or other body performing a public function may be imposed

fine and, if so, the amount. "

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

alert the controller or processor. "

Infotv. Pursuant to Section 61 (2) (b), the Authority may order its decision - the data controller,

or the disclosure of the identity of the processor, if

it was brought in the context of the activities of a public body.

Infotv. According to Section 61 (4) (b): "The amount of the fine is from one hundred thousand to twenty million forints

may apply if the payment of a fine imposed in a decision in an official data protection procedure

budgetary body, a fine imposed pursuant to Article 83 of the General Data Protection Regulation

in case of."

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The Ltd. 7 / A. § (1): "During the handling of the recording, the supervisor is obliged to do so

necessary organizational, technical and other data security measures to ensure that the data subject

personal data of a person, in particular his or her private secrets and the circumstances of his or her privacy

protects the person from becoming aware of it. Supervision should also ensure that admission

until the date on which the recording is deleted. "

Act CXCV of 2011 on Civil Service Officials Section 11 (2) of the Act (hereinafter: the Act)

"The right to privacy of a civil servant may be restricted if a

the restriction is strictly necessary for a reason directly related to the purpose of the public service and

proportionate to the achievement of the objective. About the manner, conditions and expected restriction of the right to privacy

the civil servant shall be informed in advance. "

The Kttv. Pursuant to Section 12 (2) - (3): "(2) The employer shall employ the civil servant only

in the context of its public service behavior. Employer control and

the means and methods used in the process must not violate human dignity.

The privacy of a civil servant cannot be verified.

(3) The employer shall inform the civil servant in advance of their technical
the use of the means to control the civil servant. "

The Kttv. Pursuant to Section 76 (1) (a): "A government official shall perform his duties in the public interest
in accordance with the law, professional ethics and managerial decisions, in general
with the required expertise and diligence, impartially and fairly, to promote a cultured administration
in accordance with the rules of the

The Ákr. § 51 (b), "if the authority exceeds the administrative time limit - and
there was no place to make a decision - it pays ten thousand forints to the applicant client, who
shall also be exempt from payment of procedural costs. "

III. Decision

III. 1. General remarks

According to the definitions of the General Data Protection Regulation, a person's face is an image
personal data, the taking of pictures and any operations performed on the data
considered as data management.

In the present case, the Authority shall contact the Applicant and the
monitoring and carrying out the work of other civil servants on an ongoing basis
internal camera and related data management, as well as the Applicant
examined the data processing involving the use of camera recordings in connection with the infringement.

III. 2. Camera surveillance of the staff working in the space observatory

III. 2. 1. Purpose of data processing and suitability for this purpose

Based on the statements and the documents available to the Authority, the Debtor shall install the internal camera a
Applicant and other civil servants for the performance of their duties
used to verify the legality of the
whether they comply with data security requirements in the performance of their duties.

The Kttv. a government official or a civil servant, inter alia,
its responsibilities in the public interest to legislation, professional ethics and managerial decisions
with the expertise and diligence normally required, impartially and fairly,
according to the rules of cultured administration. Closely related to this is data security

Article 5 (1) (f) of the General Data Protection Regulation.

resulting from the principle of integrity and confidentiality in accordance with
obligation on his staff.

In order to maintain these obligations, the legislator provides an opportunity to:
employer of a civil servant in the context of his conduct in the public service
check. This right may involve the processing of personal data.

The Authority is marked in connection with the recordings made by the internal camera operated by the Debtor
it recognizes this purpose of data processing as a potentially legitimate purpose of data processing, but it is general
following the principle of data protection under Article 5 (1) (c) of the Data Protection Regulation
it must be examined whether the lawful purpose of the processing is reasonable or proportionate in any other way
whether it can be achieved. The same recital also states that it is personal
data must be suitable and relevant for the purpose for which they are processed.

According to the Debtor, it is the responsibility of civil servants to monitor
recordings made by outdoor cameras and, if the cameras detect an infringement,
this shall be indicated to the dispatcher, who shall take steps to direct the public space inspectors to the site.

However, in the Authority's view, it is necessary to monitor these tasks of civil servants
the internal camera is not suitable in its present form, as only that can be determined from the recordings
whether the civil servant is looking at the monitor, but does not

what you are actually watching on the monitor and what activity you are doing on your computer. The Authority
takes the view that, in this case, the inspection could take place, for example, more frequently, in person
under the control of the leader or the appointment of a so-called team leader to whom
would be responsible for monitoring the performance of staff.

In connection with the observance of the data security requirements, the Authority is of the opinion that the space surveillance system protection can also be implemented more effectively without other methods, without cameras. So for example, with appropriate computer security enhancements to prevent save data from workstations, such as preventing data loss new generation firewalls and integrated threat management systems, and various security applications and measures, such as Internet restrictions, bans, by disabling the connection of external media (such as a flash drive) or the image or video drive by effectively filtering out the input of a device capable of recording sound.

To prevent civil servants from entering the space surveillance room their devices suitable for video and audio recording, in the opinion of the Authority to the Debtor also has at its disposal other methods, such as more frequent, personal inspection of the driver or a team leader may be appointed for this case, who would be responsible for: checking staff also to prevent recording.

On the basis of the video footage sent to the Authority, the civil service officials are also monitored by the camera observes that it is not necessarily possible to establish in all cases on the basis of the recording that whether the civil servant in question uses a device capable of recording video or audio, or whether you are recording your work tool or its monitor with it camera is not necessarily suitable for this purpose.

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Consequently, the Authority therefore, although the purpose of data processing as a legitimate purpose of data processing Recognizes, however, the need for data processing to achieve this goal, proportionality or cost-effectiveness of the Debtor has not been substantiated. The Debtor does not it also demonstrated that other methods, which less infringed on the data subjects' right to privacy they would not have been suitable for the purpose for which it was intended. Consequently, the Authority finds that the Debtor has infringed Article 5 (1) of the General Data Protection Regulation

(c).

III. 2. 2. Legal basis for data processing

The Obligated as a public body with an internal camera located in the space monitoring center

Article 6 (1) (e) of the General Data Protection Regulation as the legal basis for the

and the Ltd. 7 / A. §, also in view of the fact that, according to his statement, this camera a

as part of a space surveillance system.

In this respect, it should be noted that Article 6 (3) of the General Data Protection Regulation

Where reference is made to a legal basis pursuant to Article 6 (1) (e)

the legal basis for the processing must be determined by Union law or the law of a Member State.

In the Authority's view, however, it should be taken into account that the space observatory

the internal camera is separate and has all the features relevant to data protection,

Thus, for example, in terms of the legal basis and purpose of data processing, the range of data subjects should be distinguished

Cameras operated in a public area for public security or crime prevention purposes, so as not to

the Debtor's approach that the camera in question and the pursuit with it is acceptable

surveillance would also be part of the camera system monitoring the public space.

In this way, the Ltd. referred to by the Debtor. 7 / A. § may not directly substantiate the matter in question

data management. Not more than indirectly in the public area for the camera surveillance under investigation

for the protection and security of recordings and personal data recorded by operating cameras

may be relevant but not, as explained above, so Article 6 (1)

The requirement for the need for data processing set out in paragraph 1 (e) does not apply

therefore cannot be effectively used as a legal basis for data processing

to refer to.

With regard to the Debtor, Article 6 (1) (e) of the General Data Protection Regulation

In principle, the Kttv. Section 12 (2)

However, the application of this plea in the present case does not prove that it is relevant

data management would be necessary or proportionate.

The Authority therefore concludes that the Debtor as a legal basis for data processing

The provisions of the cited Ltd. are related to surveillance with an internal camera

in the case of data processing, the controls of the Applicant and civil servants are not applicable

therefore, in the absence of a proper legal basis, the Debtor has breached the general rule

Article 6 (1) of the Data Protection Regulation.

III. 2. 3. Requirement of adequate prior information

An essential requirement for the processing of data related to camera surveillance at work,

that the Applicant, as a data subject, is appropriate, transparent and easy to understand

receive information. Both the Act and the General Data Protection Decree stipulate that the

data subjects must be informed of the circumstances surrounding the processing. The Kttv. Section 12 (3)

the general obligation to provide information on personal data set out in

the provisions of the General Data Protection Regulation,

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that is, it is filled with content, as defined by the general data protection regulation

circumstances in which the employer must inform the public service

officials. The information shall be concise, transparent, comprehensible and easily accessible to the controller

in a clear and comprehensible form, in writing or otherwise,

including, where appropriate, the electronic route. However, the Authority shall in all cases be in writing

for the reason that - in accordance with Article 5 (2) of the General Data Protection Regulation

also follows from the principle of accountability, the controller, the employer, must prove that

certify that adequate prior information has been given, which is the responsibility of the controller

although it is not impossible to provide oral information by appropriate means,

but in the present case it did not happen.

According to the Debtor's statement, the internal camera was placed on the front door of the space surveillance center

a text leaflet drawing attention to the monitoring by technical means,

or that only those authorized to be present in the room. According to the prospectus:

"Area monitored by a closed-circuit security camera system! Space Monitoring Center. Access only to for staff on duty! "

In addition, the Debtor is attached to the heads of departments, not confirmed from other sources a statement that on January 4, 2017 at the current headquarters of the space surveillance system The Applicant orally informed the Applicant about the operation of the camera during the commissioning purpose and legal basis.

Against this background, the Authority's position on information management is that that the brief written information placed on the door of the space surveillance center does not contain any information does not contain the information required by the General Data Protection Regulation. By the Debtor none of the documents sent, internal regulations contain information on data management, and no other written information was provided. All this is in line with the Applicant's stating that he had not been informed. The Authority notes that the reference is short the content of the warning text contradicts the purpose of the data processing by the Debtor where the text refers to a "security" camera system.

Any oral information provided by the Debtor on January 4, 2017 before the date of application of the General Data Protection Regulation means and its content has not been proven. However, as of May 25, 2018, the data management is the rules of the General Data Protection Regulation shall apply and to the provisions of Article 99 of this Regulation having regard to, as confirmed in recital 171 of the Regulation, the controllers' their data processing before the date of application of this Regulation within two years from 24 May 2016

Regulation. Given that, according to the information available to the Authority, this was not the case line in connection with the prospectus and the Applicant has never received the General Data Protection Regulation information relating to the electronic monitoring system data processing, the Authority finds that the Debtor has violated the general data protection Article 13 (1) to (2) of that Regulation. The circumstance that the Debtor is a data protection authority

amended its data management information during the proceedings, the legal consequences of the breach may be taken into account in determining

The Authority notes that the Debtor was attached during the proceedings in September 2018

made for the whole surveillance system, not specifically for the staff surveillance camera

The document referred to as the impact assessment dossier also refers only to those concerned

subsequent oral information, the occurrence of which by the Debtor in no way

and the written information on the [...] website referred to therein does not contain any

relevant information.

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III. 2. 4. Fair data management

The fairness of data management is closely linked to the protection of human dignity, a

unfair data processing practices not only protect data subjects but also protect personal data,

but it can also seriously violate its right to human dignity. Because of this, the camera

observation is an absolute limit to respect for human dignity, and therefore not cameras

may be operated by civil servants and the activities they perform are of a permanent nature

to observe. Electronic is considered illegal and unfair

the application of a monitoring system aimed at civil servants at work

influencing the behavior of civil servants with cameras on an ongoing basis

observation, control. The Constitutional Court ruled in 36/2005. In its decision no

"Electronic surveillance is therefore suitable for intrusion into the private sector,

record intimate (sensitive) life situations even in such a way that the data subject does not even know about the recording,

or are not in a position to consider the permissibility of such recordings and their

consequences. The observation thus made, in addition to the infringement of the right to privacy, is broader and

in a deeper sense, the right to human dignity in general. The private sector

its essential conceptual element is precisely to prevent others from invading against the will of the data subject,

or inspect them. If unwanted insight does happen, it's not just that

the right to privacy in itself, but other rights inherent in human dignity

items such as freedom of self-determination or the right to bodily integrity

may be injured. "

In the present case, by contrast, the Debtor operated the camera under investigation in the public service

officials and the Applicant under continuous control and total surveillance - and

Decision III. 2. According to point 3, without adequate prior information - observes and has observed throughout

their day-to-day activities. This observation, as explained above, is contrary to fairness

therefore, the Authority finds that the Debtor has breached the general principle

the principle of fair data processing in accordance with Article 5 (1) (a) of the Data Protection Regulation.

III. 2. 5. Rejection of a request to restrict or prohibit data processing

The Authority shall be the part of the application in which the Applicant has requested the Authority to be temporarily

permanently restrict the processing of data, including the prohibition of data processing, with regard to the processing of data

related to the camera surveillance of the staff of the Space Observatory

rejected it because no circumstance had arisen in the course of the clarification of the facts which suggested that

after the termination of the Applicant's legal relationship, the Debtor would manage the camera recordings a

For the applicant. This finding is without prejudice to the posting of [...] images

camera recordings treated in connection with an infringement, as set out in Annex III below. Explains in part 3

the Authority's position.

III. 3. Investigate the violation related to the posting of [...] images

III. 3. 1. Purpose and lawfulness of data processing

According to the Debtor's statement, the ad hoc proceedings initiated following the detected violation of public service law

the recordings were viewed during the inspection.

In the present case, therefore, the Debtor is responsible for the purpose of data processing on which the collection of personal

data is based

clearly different - and different legal requirements from a data protection point of view

also used the recordings made by the internal camera for the purpose of

reveals which civil servant placed the [...] pictures in the locker room, which employee

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committed the offense. Defined by the Debtor as a result of viewing the recordings

that the pictures were probably printed and placed in the locker room by the Applicant,

which was then partially acknowledged by the Applicant.

This different purpose of use - the so-called further processing - is the general data protection

under Article 5 (1) (b) and Article 6 (4) of

for the purpose of archiving in the public interest, for scientific and historical research purposes or for statistical purposes

with the consent of the data subject, Article 23 (1) of the Regulation

under Union or Member State law pursuing a legitimate public interest objective under

otherwise compatible with the original purpose for which the personal data were collected. The present

in such a case, the personal data are in breach of the rules

the data subject's consent has not been given for the use of the data subject, and

processing in accordance with the purpose of Article 23 (1) of the General Data Protection Regulation

Neither the EU nor the Hungarian legal provision establishing the legality of the

establishing the ineligibility of the civil servant and the dismissal of the civil servant on that basis;

The rules in the Act cited by the Debtor cannot be considered as such in themselves). The Authority

In its view, this additional data processing cannot be considered compatible with data processing

for the operation of surveillance cameras designated by the Debtor as its original purpose

for the purpose of monitoring compliance with legal obligations. In this regard, the

In particular, the Authority points out that the data subject, even if this was lawfully done

for their observation — they could not reasonably have foreseen the fact that such recordings were completely different — in

fact

their use outside their work, on the one hand, and the data subject, on the other

possible legal consequences and the procedures leading to their application

the different nature of the guarantees in force (disciplinary liability and proceedings and unfairness

).

In view of the above, the Authority considered that the camera recordings were affected

Article 5 of the General Data Protection Ordinance

It infringes paragraph 1 (b), the principle of purpose, and is, as such, unlawful. Finally

in connection with this data processing, the Debtor has also violated the general data protection

Article 13 (4) of the Regulation, as it did not inform about this new processing

in advance to the Applicant.

Finally, the Authority notes that it considers the above to be the case even if the original

data processing is otherwise perfectly lawful. If, however, the original data management itself

is also illegal, it is even more obvious that a general data protection regulation is not possible

on the basis of which a fundamentally unlawful data processing

personal data collected for that purpose should be lawful at a later date, for any legitimate purpose

can be used if it is legitimate in a democratic society as referred to in the general regulation

there is no basis for a specific legal rule that can be assessed as a necessary and proportionate restriction.

III. 3. 2. Rejection of a request to restrict or prohibit data processing

Based on the above, the Authority is subject to the original data processing itself and from it

The use of personal data from

part of which was aimed at the Authority temporarily or permanently restricting the Applicant

the handling of camera recordings held by the Debtor,

that the Authority has ordered the deletion of the records kept in connection with the Applicant's violation,

the restriction on data management has become obsolete.

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III. 4. Requests to apply an alert or to report an incident

rejection

The Authority rejected the part of the application in which the Applicant requested the Authority to:

warn the Debtor that its data management activities are likely to infringe the

provisions of the General Data Protection Regulation, as this, Article 58 of the General Data Protection Regulation

The legal sanction pursuant to paragraph 2 (a) shall not apply to the Debtor, only

However, in the case of planned data processing, the Authority is ongoing

examined data management.

The Authority also rejected the part of the application in which the Applicant requested the Authority to:

to instruct the controller to inform the data subject of the data protection incident, as

the conceptual elements of a data protection incident under Article 4 (12) of the General Data Protection Regulation do not

have been met. In the present case, there was no breach of security which was transmitted or stored

accidental or unlawful destruction, loss,

unauthorized disclosure or access to them

would have resulted.

III. 5. It is related to the camera surveillance of the staff working in the space observatory

prohibition of data processing

Although the Authority rejected the part of the application in which the Applicant requested the Authority to:

temporarily or permanently restrict the processing of data relating to camera recordings ex officio

examined whether it was justified for the Debtor to work in the space observatory

Prohibition of data processing related to camera surveillance of employees. In this context, the Authority

considered all the circumstances of the case and found that it was different from the Applicant

persons are also affected by the Authority's findings of unlawful data processing, and that the above

III. As explained in point 2, data management related to the internal camera is not necessary and is not

also does not comply with the principle of proportionality under Article 5 of the General Data Protection Regulation requirements.

In the opinion of the Authority, therefore, the data processing of the Debtor in violation of the basic requirements

unsuitable for the purposes it sets out, therefore Article 58 (2) of the General Data Protection Regulation

Pursuant to paragraph 1 (f), the Authority shall prohibit any unlawful operation of the Debtor

camera-related data management and order its abolition for the future.

III. 6. Fines

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

imposition. In this context, the Authority referred to Article 83 (2) of the General Data Protection Regulation, Infotv.

Section 61 (4) (b) and Infotv. 75 / A. § considered all the circumstances of the case,

and found that no warning had been given in respect of the infringement found in the present proceedings

is a proportionate and non-dissuasive sanction and a fine should therefore be imposed. In this circle

above all, it considered it necessary to impose a fine for unfair data processing

despite the fact that it has not previously been imposed on the controller

to establish a data breach.

In determining the amount of the fine, the Authority took into account that the Debtor

Infringements under Article 83 (5) (b) of the General Data Protection Regulation a

constitute a higher category of fines.

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In imposing the fine, the Authority considered that the following factors also had an impact on the imposition of the fine relevant and taken into account as follows:

-

data processing in violation of the principles of unfairness, necessity and data saving is the Applicant

his private sector was significantly affected;

-

the long period of illegal data processing, from the commissioning of the system, [...] days;

-

as an aggravating factor, the use of the recordings by the Debtor for the Applicant

- caused damage by losing his job;

-

due to data processing without proper information, the data subjects and thus the Applicant did not

had no information about the processing of your personal data.

However, the Authority assessed the fact that the Data Protection Officer was a mitigating circumstance amended its data management information during an official procedure, which - in accordance with the content of the information without the assessment of the co-operative lawfulness of the Debtor by the Authority assessed as a sign.

The Authority also assessed as an attenuating circumstance that the breach committed by the Debtor did not is the result of an incorrect data management practice resulting from an intentional misinterpretation, as erroneously by the Ltd. operates a camera in the surveillance center based on its rules.

Furthermore, the Authority did not see the application of a warning instead of a data protection fine the fact that neither the Infotv. nor the general data protection has not yet taken place as a result of an infringement of the Regulation.

In this regard, however, it should be noted that since the lawful conduct pursuit is a fundamental expectation of all law enforcers, in itself the fact that the Authority has not yet established the commission of any illegal activity against anyone, it does not provide grounds for mitigating circumstances.

In view of the above, and in view of the fact that the Debtor complies with the consolidated financial statements for 2018 the amount of its own revenues was in the order of HUF [...]. The privacy fine imposed is low and does not exceed the maximum fine that may be imposed.

III. 7. Exceeding the administrative deadline

During the procedure, the authority exceeded the Infotv. One hundred and twenty days in accordance with Section 60 / A (1) administrative deadline, therefore Ákr. Pursuant to Section 51 b), it pays ten thousand forints to the Applicant.

ARC. Other issues:

The powers of the Authority shall be exercised in accordance with Infotv. Section 38 (2) and (2a) determine the jurisdiction of the country covers the whole territory.

The decision is based on Ákr. 80-81. § and Infotv. It is based on Section 61 (1). The decision is based on Ákr. § 82

Shall become final upon its communication pursuant to paragraph 1. The Ákr. § 112 and § 116 (1), or pursuant to Section 114 (1), there is an administrative action against the decision redress.

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The Ákr. Pursuant to Section 135 (1) (a), the debtor is entitled to the statutory interest rate is obliged to pay a late payment allowance if it fails to meet its payment obligation on time.

The Civil Code. 6:48. § (1), in the case of a debt owed, the debtor is in arrears valid on the first day of the calendar half-year affected by the delay shall pay default interest at the same rate as the basic interest.

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 a case falling within the jurisdiction of the Tribunal. A Kp. Section 39 (6)

unless otherwise provided by law, the date of filing of the application has no suspensory effect on the entry into force of an administrative 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 referred to as the Customer's legal representative pursuant to Section 9 (1) (b) of the E-Administration Act obliged to communicate electronically.

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

Information on the possibility of requesting the maintenance of the It is based on § 77 (1) - (2). THE

the amount of the fee for an administrative lawsuit in accordance with Act XCIII of 1990 on Fees. Act (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 initiating the proceedings.

If the Debtor fails to duly prove the fulfillment of the prescribed obligation, the Authority shall considers that it has failed to fulfill its obligations within the prescribed period. The Ákr. According to § 132, if the Debtor has not complied with an obligation contained in the final decision of the authority, it shall be enforceable. The Authority decision of the Ákr. Pursuant to Section 82 (1), the communication becomes final. The Ákr. Section 133 implementation, unless otherwise provided by law or government decree ordering authority. The Ákr. Section 134 of the Enforcement - if law, government decree or in the case of a municipal authority, the decree of the local government does not provide otherwise - the carried out by a state tax authority. Infotv. Pursuant to Section 61 (7) in the decision of the Authority to perform a specific act, conduct or tolerate a specific act the Authority shall enforce the decision in respect of the standstill obligation implements.

Budapest, August 2, 2019

Dr. Attila Péterfalvi

President

c. professor