

Registration number: NAIH / 2020/974/4.

Subject: Ex officio decision

in an official data protection procedure

## DECISION

The National Authority for Data Protection and Freedom of Information (hereinafter: the Authority) dr.

Ákos Ányos Hadházy Member of Parliament ([...]; hereinafter referred to as the Data Controller)

It was done in connection with his collection of signatures for joining the prosecutor's office

to examine the lawfulness of data processing, data protection was initiated ex officio on 10 February 2020

take the following decisions in official proceedings:

1. Notes that the Data Controller, by "Join the European

To the prosecution!" 19 July 2018 and 2019 in the context of the

May 30, collected without legal basis for contact purposes of the persons concerned personal

infringed Article 6 (1) and Article 9 (1) of the General Data Protection Regulation.

paragraph.

2. Notes that the Data Controller, by failing to provide adequate information to

all relevant circumstances of the data processing, violated the general data protection

Article 5 (1) (a), Article 5 (2) and Article 13 of that Regulation.

3. Instructs the Data Controller to do so within 30 days of this decision becoming final

delete "Join the European Public Prosecutor's Office!" initiative

in this context, from 19 July 2018 to 30 May 2019

collected all personal data for that purpose.

4. The Authority shall notify the Data Controller

HUF 1,000,000, ie one million forints

data protection fine

obliges to pay.

The fine referred to in point 4 shall be imposed within a period of 30 days from the date on which this Decision becomes final a

Authority's centralized revenue collection special purpose forint settlement account (10032000-0104042500000000)

Centralized collection account IBAN: HU83 1003 2000 0104 0425 0000 0000)

must be paid for. When transferring the amount, NAIH / 2020/974. JUDGE. number should be referred to. If that

The data controller fails to comply with the obligation to pay the fine within the time limit

is obliged to pay. The amount of the late payment allowance is the statutory interest affected by the delay

equal to the central bank base rate valid on the first day of the calendar half-year.

The fulfillment of the obligation provided for in point 3 shall be finalized by the Data Controller

in writing within 30 days of its entry into force, with supporting evidence

together - to the Authority.

Failure to pay the fine and the late payment allowance and the obligation under point 3 above shall not

the Authority shall order the enforcement of the decision.

No procedural costs were incurred in the proceedings.

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

within 30 days of the application to the Metropolitan Court in an administrative lawsuit

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. 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

The Authority shall issue this decision on the website of the Authority with the identification data of the Data Controller (name).

publish.

## EXPLANATORY STATEMENT

### I. Facts

I.1. The Authority received a notification in which the petitioner provided the Data Controller with a European

Related to collecting signatures to enforce joining a prosecutor's office

objected to his data processing.

Following the notification, the Authority referred to Article 57 (1) (f) of the General Data Protection Regulation<sup>1</sup>, and Act CXII of 2011 on the right to information self-determination and freedom of information.

NAIH / 2019/5062 pursuant to Section 38 (3) (a) of the Act (hereinafter: the Information Act).

initiated an investigation ex officio on the case number, during which the Data Controller collected signatures examined its general data management practices in relation to

The Authority examined both the support for the initiative in the context of signature collection for both communication and contact purposes. The Authority also examined the arches the processing of personal data in connection with the online upload.

In order to clarify the facts, the Authority shall, on 3 July 2019, set a deadline of 15 days.

contacted the Data Controller. In the response letter of the Data Controller dated 17 July 2019 a

At the request of the Authority, it informed the Authority that in connection with the collection of signatures it manages the full names, addresses and, optionally, e-mail addresses and telephone numbers of those concerned. On this the consent of the data subjects was indicated by the Data Controller as the legal basis for personal data.

The data collection page of the sheet contained the following information: "Data Management prospectus - I accept the prospectus with my signature ", while the Privacy Statement on the back of the sheet According to the text of the prospectus "The legal basis for data processing is to read this prospectus express consent after that date. ".

According to the statement of the Data Controller, the data provided in the event that the data subject is provided e-mail and / or telephone contact, with the consent of the data subject

If you have not provided any contact information, the information will be processed by for 3 months after completion of collection (May 30, 2019).

The Data Controller shall provide the personal data provided by the data subjects to the European Public Prosecutor's Office telephone and / or e-mail availability intended to use the authorization for political contacts.

Regulation (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the processing of personal data by natural persons

free movement of such data and repealing Directive 95/46 / EC (hereinafter referred to as Regulation or GDPR)

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The data may be disclosed to the employees or to the natural and legal persons to whom it relates

Data controller for political communication or IT tasks in the form of a contract

trustee.

Storage of data in physical form (paper, handwriting) before deletion, 24-hour security service,

under the supervision of a fire alarm system and a camera system in a multiple enclosure.

After processing, the data was stored in a spreadsheet (.csv) format in Mailchimp

Sync.com backed up data and also in .csv format

website. Paper sheets shall be stored in a closed area under the supervision of a 24-hour security service, a fire alarm system and a camera system until they are destroyed.

According to the privacy statement of the signature collection form, "the data controller shall, no later than 31 May 2019, handed over in this way to the personalities supported by the signatures on the signature collection forms

information to the notary public containing the names, addresses and signatures of the sponsors

attach the signature sheets in a closed manner to the text of the petition. " To the Authority's question

which personal data of the data subject is known to the notary during the authentication of the data,

and how the Data Controller ensures that the e-mail address and telephone number provided by the data subjects in the signature collection form do not become known to the notary, the Data Controller stated,

that notarization would have taken place when the 1 million signatures were reached. THE

authentication of contact information based on the information provided for the contact

during personal contact with proof of identity. To keep in touch

the data of those who did not give their consent were randomly checked. It didn't happen to a notary

therefore no data processing by a notary public took place.

To the Authority's question as to which personal data of the data subjects as "contact details"

collects and stores, and the question of why the range of data requested is necessary and how it responds to the principle of data protection, the Data Controller stated that the 'Contact Data' should be stores the address, telephone number, e-mail address and full name of the data subject. The contact name and the address is for the provision of personal, territorially relevant information, the e-mail address is to deliver written documents and messages to the general public at the same time, a telephone number for personal, urgent or imminent events, and for citizens who do not have a computer. The Data Controller according to the statement, they all meet the purpose of data management, communication, and they help to meet the requirement of accuracy and up-to-dateness, as if one is data If it turns out to be unreadable or incorrect, you can request another contact method correction, or the ability to enter multiple types of contact information for custom modes allow the controller to adapt to his preferences.

In its request, the Authority also requested information from the Data Controller on how complies with the data security requirements of Article 32 of the GDPR access database (s) and log access?

In its reply, the Data Controller informed the Authority that only the having a data processing contract that uses it or is essential for its maintenance experts and a small number of staff have access to it with multi-factor identification, so it is not currently available log access. Personal data provided by data subjects through encrypted channels, a are protected by the SSL web protocol for secure data transfer to the Data Controller and forwarded to the Data Controller's newsletter or cloud service provider. Special security programs are used and regular security checks are performed. In addition, the The data controller states that it uses a trusted server provider where outbound connections are logged to track any intrusions. The most fresh technologies are used and regular backups are performed. in Hungary only with a secure and adequate level of data protection and certification mechanism

GDPR compliant services in the United States (US: EU-US Privacy

Shield, Canada). The use of data overwriting and backup peripherals is severely restricted, as such

protects your data with encryption. Data and media no longer needed by 2 witnesses

destroyed under supervision.

The

Data controller

statement

according to

the

filled out

signature collector

arches

Legal basis for the management of the email address or telephone number that must be provided when uploading to

<https://europaiugyesszegert.hu/feltoltes/> - in the data management information

consent of the data subject. The purpose of data management is to maintain contact,

including the clarification and correction of data resulting from erroneous or illegible uploads

requests. This data is processed by the Data Controller until the withdrawal of the data subject's consent.

The Data Controller also stated that the duration of data processing in the data management information

Part 2 has been clarified: for the sake of clarity, all of the Internet data management

according to the content of the text, which contains a link to the prospectus

Insert a check box in the data management information by selecting the check box a

consent to the processing of the data provided until the withdrawal of consent.

These fields have previously pointed to this prospectus and did so until consent was withdrawn

allow for data processing, but have been renamed for more accurate and clear information,

which was not immediately followed by the wording in the data management information.

According to the Data Controller, the data collection will take place from 19 July 2018 and from pre-registration to 2019. lasted until May 30, after which the registration and upload interfaces were closed.

I.2. In the course of the investigation, the Authority found that the data subjects had access to data processing its consent lacks the most important conceptual elements - that is, the will of the data subject voluntary, specific and well - informed and clear statement - which is necessary for the legal basis of the data processing indicated by the Data Controller, ie consent must be valid. In view of this, the Authority has established that the Data Controller handles the data collected from data subjects in connection with the collection of signatures without a valid legal basis all personal data, the processing thus infringes Article 6 of the General Data Protection Regulation.

Article. Because these data fall into and are special categories of personal data the controller may, inter alia, have the right to deal with it if it is concerned express consent, the processing infringes Article 9 (1) of the General Data Protection Regulation. paragraph. The Data Controller also infringed Article 13 of the General Data Protection Regulation by failing to provide data subjects with information on all aspects of data processing material circumstance.

Infotv. Pursuant to Section 56 (1) and (2), the Authority in its letter dated 11 October 2019 a and warned the Data Controller to warn of the legal consequences immediately delete the "Join the European Public Prosecutor's Office!" called

from 19 July 2018 to 30 May 2019 in the context of this initiative collected all personal data and, upon receipt, upon receipt of the request to the Authority within 30 days of

In a letter received by the Data Protection Authority on 19 November 2019, the Data Controller informed the Authority of the on the measures taken following a request for the annulment of the the information contained therein, outside the scope of the contact details, upon receipt of the request have been deleted prior to 31 August 2019 in accordance with the prior information provided to those concerned; data stored

in the Mailchimp mailing system 2019.

were deleted on 14 November and the account used by the Data Controller was also terminated;  
and the data stored on the sync.com cloud storage was deleted on or after November 14, 2019

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The account used by the data manager has also been terminated.

He also informed the Authority that the contact details affected by the request were external

on a medium in .csv format - they are still available to them, as in its view

the Authority's request in these respects is unfounded and disputes the Authority's claim that

that the consent does not meet the definition in Article 4 (1) of the GDPR

certain conceptual elements.

Subsequently, in its letter of 18 December 2019, the Authority provided further reasons for the

and reiterated its call on the Data Controller to delete the 'Join the European

To the prosecution! " in the context of the initiative

collected all personal data for that purpose.

In view of the fact that the request for redress within the prescribed period,

despite repeated requests - did not take place, the Authority closed the investigation and Infotv. Section 58 (1)

and § 58 (2) a) on 10 February 2020 by the data protection authority

initiated proceedings.

I.3. In the context of the data protection authority procedure, the Authority will clarify the facts

contacted the Data Controller.

The Data Controller asked the Authority who had access to the online interface

to fill in the signature collection form, he suggested that anyone could upload the signature collection

volt. Those who actually did so supported the Privacy Campaign, in that

participated as a volunteer / activist.

Distinguish between volunteers / activists and those who only support the initiative

It is based on the fact that the signatory supporting the initiative is any person who signs it



supported the initiative, while volunteers / activists are those who

actively participated in the campaign (for example, by downloading, printing,

by collecting signatures and submitting them or uploading them online).

Someone could also become a volunteer / activist by uploading sheets to the site, thus supporting the signature collection.

Volunteering is, in the opinion of the Data Controller, for the submissions made during the investigation procedure, and with regard to alternative ways of delivering the sheets (personal delivery, postage) in this

In this case, too, it cannot be questioned. Online uploading was just a convenience option, not that the only way to go.

In support of his earlier claim that “by the Authority in uploading the sheets online

in connection with the processing of personal data which must be provided for contact purposes

objections are raised only in relation to the data of the volunteers responsible for the signature collection sheets,

that is, not at all with regard to the contact details provided by the signatories ”

The Data Controller submitted that the Authority had previously objected to the voluntary nature of the natural persons uploading online forms have also subscribed to the newsletter during the upload, and

there was no way to ignore this during upload. The Data Controller stated that all

in his reply he calls the persons filling in the sheets a volunteer / activist. On the uploaded sheets

with regard to the personal data of the data subjects, this argument would not be

since the signatories were not present at the time of the upload, so in connection with it

they must not be affected by the characteristics of the contribution obtained. Volunteers / activists and signatories

- the people who signed the initiative in support of the initiative,

and at the same time they collected signatures and uploaded sheets - and they could be people who

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or they only supported the initiative with their signatures, or they only collected and arched

uploaded. However, the issue of volunteering has so far been about filling in the sheets

related to the processing of data on volunteers / activists.

## 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 and the processing of personal data

which are part of a registration system

which are intended to be part of a registration system. The general

Infotv. Pursuant to Section 2 (2), the

The General Data Protection Regulation shall apply with the additions indicated therein.

Pursuant to Article 2 (2) of the General Data Protection Regulation, the Regulation does not apply

processing of personal data if it:

(a) carried out in the course of activities outside the scope of Union law;

(b) by Member States in the activities covered by Chapter 2 of Title V of the TEU

performed;

(c) by natural persons exclusively in the course of their personal or domestic activities;

(d) the prevention, investigation, detection and prosecution of criminal offenses by the competent authorities

carried out for the purpose of conducting criminal proceedings or enforcing criminal sanctions, including:

protection against and prevention of threats to public security.

According to Article 4 (1) of the General Data Protection Regulation, "personal data: the 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 that factor. "

According to point 2 of the same article, "data processing: on personal data or data files

any operation or set of operations carried out in an automated or non-automated manner,  
thus collecting, recording, organizing, segmenting, storing, transforming or altering, querying,  
available for inspection, use, communication, transmission or other means  
harmonization or interconnection, restriction, deletion or destruction. "

According to Article 4 (7) of the General Data Protection Regulation, "controller" means the natural person  
or a legal person, public authority, agency or any other body that is personal  
determine the purposes and means of data processing, either individually or in association with others; if that  
the purposes and means of the processing are determined by Union or Member State law, the controller or  
specific aspects of the designation of the controller are also governed by Union or Member State law  
may determine. "

According to Article 4 (11) of the General Data Protection Regulation, "consent of the data subject" means the data subject  
voluntary, specific and well-informed and unambiguous declaration of will,  
by which the statement concerned or the act of confirmation is unequivocally expressed,  
to give his or her consent to the processing of personal data concerning him or her.

According to Article 5 (1) of the General Data Protection Regulation, personal 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 ('for purposes  
constraint ");

(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");

(d) be accurate and, where necessary, kept up to date; all reasonable measures must be taken

in order to ensure that personal data are inaccurate for the purposes of data processing

deleted or corrected immediately ("accuracy");

(e) stored in a form which permits identification of data subjects for personal purposes only

allows the time necessary to achieve the purposes of data processing; personal information than this

longer storage can only take place if personal data

for archiving in the public interest in accordance with Article 89 (1)

and will be carried out for historical research or statistical purposes, those covered by this Regulation

appropriate technical and organizational arrangements to protect their rights and freedoms

subject to the implementation of measures ("limited storage");

(f) be handled in such a way that appropriate technical or organizational measures are taken

ensure the adequate security of personal data

unauthorized or unlawful handling, accidental loss, destruction or

including protection against damage ("integrity and confidentiality").

Subject to paragraph 2, the controller shall be responsible for complying with paragraph 1, and

must be able to demonstrate this compliance ('accountability').

Pursuant to Article 6 of the General Data Protection Regulation, the processing of personal data is limited to

is lawful if and to the extent that at least one of the following is met:

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

treatment;

(b) processing is necessary for the performance of a contract to which one of the parties is a party;

or to take action at the request of the data subject prior to the conclusion of the contract

required;

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

necessary for the performance of its task;

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

necessary, unless the interests of the data subject take precedence over those interests

or fundamental rights and freedoms which call for the protection of personal data,

especially if the child concerned.

Point (f) of the first subparagraph shall not apply to the performance of their duties by public authorities

data management.

According to Article 9 (1) of the General Data Protection Regulation, "racial or ethnic origin,

political opinion, religious or philosophical beliefs, or trade union membership

personal data and genetic and biological data for the unique identification of natural persons

biometric data, health data and the sexual life of natural persons or

the processing of personal data concerning his or her sexual orientation is prohibited. "

According to paragraph (2) (a) of the same section, paragraph (1) does not apply to

where the data subject has given his or her express consent to one or more of the said personal data

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for a specific purpose, unless Union or Member State law provides that

the prohibition referred to in paragraph 1 may not be lifted with the consent of the data subject.

Article 13 (1) and (2) of the General Data Protection Regulation sets out the

information which the data subject has obtained at the time the personal data are obtained

should be made available to them if personal data are collected from the data subject. In accordance with paragraph 1

the controller shall provide the data subject with all of the following information:

(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;

(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 Compliance Office

the existence or absence of a decision in accordance with Article 46, Article 47 or Article 49 (1)

in the case of the transmission referred to in the second subparagraph of

the means of obtaining the guarantees and the means of obtaining a copy thereof, or

reference to their availability.

Pursuant to paragraph 2, the controller shall provide the following additional information to the

data subject at the time of obtaining the personal data:

(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 the personal data concerning him or her

access to, rectification, erasure or restriction of the processing of data, and

may object to the processing of such personal data and to the portability of the data concerned

the right to

(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

based on or a precondition for concluding a contract and whether the person concerned is obliged to be personal

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.

Infotv. Pursuant to Section 60 (1), the enforcement of the right to the protection of personal data

In order to do so, the Authority may initiate ex officio data protection proceedings.

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

In its decision, the Authority Data management specified in Section 2 (2)

defined in the General Data Protection Regulation in the context of  
may apply legal consequences.

Infotv. Pursuant to Section 61 (2), the Authority may order its decision - the data controller or  
disclosure of the identity of the processor, if the

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This Decision affects a wide range of persons through the activities of a body performing public tasks  
or the gravity of the infringement justifies disclosure.

Pursuant to Article 58 (2) (b) of the General Data Protection Regulation, the supervisory authority  
condemn the data controller or the data processor if its data processing activities have violated this  
provisions of this Regulation.

Pursuant to Article 58 (2) (i) of the General Data Protection Regulation, the Authority shall apply Article 83  
impose an administrative fine accordingly, depending on the circumstances of the case  
in addition to or instead of the measures referred to in

Pursuant to Article 83 (1) of the General Data Protection Regulation, the Authority shall ensure that a  
imposed pursuant to this Article for infringements of this Regulation referred to in paragraphs 4, 5 and 6  
administrative fines shall be effective, proportionate and dissuasive in each case  
be.

Infotv. 75 / A. Pursuant to Article 83 (2) to (6) of the General Data Protection Regulation, the Authority  
exercise the powers set out in paragraph 1 in accordance with the principle of proportionality,  
in particular by providing for the law or regulation on the processing of personal data

Requirements laid down in a binding act of the European Union

Article 58 of the General Data Protection Regulation

in particular by alerting the controller or processor.

Pursuant to Article 83 (2) of the General Data Protection Regulation, administrative fines are imposed by

referred to in Article 58 (2) (a) to (h) and (j), as the case may be

should be imposed in addition to or instead of measures. When deciding if it is necessary

to impose an administrative fine or to determine 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 the infringement; and

the extent of the damage they have 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

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

Technical and organizational measures taken pursuant to Articles 25 and 32;

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

(f) with the supervisory authority, remedy the breach and the breach may be negative

the degree of cooperation to mitigate its effects;

(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

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

in detail;

(i) if previously against the controller or processor concerned, in the same

have ordered one of the measures referred to in Article 58 (2),

compliance with the measures in question;



(j) whether the controller or processor has complied with Article 40

approved codes of conduct or an approved certification in accordance with Article 42

mechanisms; and

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

for example, the financial gain obtained as a direct or indirect consequence of the infringement

or avoided loss.

### III. Decision

#### III.1. Validity of the legal basis for the collection of data in the signature collection form

##### (a) Lack of express consent

The Data Controller is entitled "Join the European Public Prosecutor's Office!" initiative called

the name and address (postcode, city, address) and e-mail of the stakeholders

contact information, phone number and signature, which is the data of general privacy

personal data in accordance with the definitions in this Regulation

an operation such as collecting, recording and storing data is considered data management.

Under the provisions of the General Data Protection Regulation, there are a number of reasons for the lawfulness of data

processing

requirement must be met. Of these, the General Data Protection Regulation 5 has a key role to play.

Legality, due process and transparency referred to in Article 1 (1) (a) and (b)

and the principle of purpose. In addition, the data controller is subject to general data protection

shall have a legal basis in accordance with Article 6 (1) of

for data management.

In addition to facilitating the connection to the European Public Prosecutor's Office, the Data Controller shall provide all

personal data provided by the data subject by telephone and / or e-mail.

also for the purpose of political contact, according to the Privacy Statement of the sheet, in order to

The data controller shall provide information in connection with the activities of members of parliament.

Therefore, if the parties concerned have also provided their contact details by telephone and / or e-mail,

The data controller wanted to handle it for political communication. As a result, it is political

personal data processed for the purpose of communication, as well as the political views of the data subjects

and, as such, Article 9 (1) of the General Data Protection Regulation

also constitute a special category of personal data within the meaning of So one in itself

Name and contact details collected from stakeholders to support the initiative

may be considered as special personal data, however, if they are also collected by the controller for the purpose of

that, in addition to the original purpose of the initiative, the data provided by those concerned

to liaise with a political organization, in this case

to provide information at a later stage in connection with the activities of members of parliament

Article 9 (1) of the General Data Protection Regulation.

shall be deemed to be special personal data referring to a political opinion in accordance with paragraph 1.

The processing of special categories of personal data is generally prohibited or strictly regulated by the Regulation

subject to conditions. This special category of personal information includes general information

in accordance with Article 9 (2) of the Data Protection Regulation if

the data subject has given his or her express consent to their processing for one or more specific purposes.

The Data Controller has indicated the consent of the data subjects as the legal basis for the data processing, as well as the

sheet

He also referred to the consent of the parties concerned in the Privacy Notice on the back of

The data collection page of the sheet contained the following information: "Data Management

prospectus - I accept the prospectus with my signature ", while the Privacy Statement on the back of the sheet

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According to the text of the prospectus "The legal basis for data processing is to read this prospectus

express consent after that date. ".

In order for the controller to be able to legitimately invoke the legal basis of the consent, the consent

all its conceptual elements must meet the requirements that apply to it.

5/2020 on the consent of the European Data Protection Board and

the Data Protection Directive issued pursuant to Article 29 of the Data Protection Directive

The Working Party's Guideline WP259 on Consent also confirms that

that the statement or act expressing the confirmation unequivocally is lawful

precondition for consent. The guidelines state that explicit consent is required

in certain situations where there is a serious data protection risk. The general

According to the Data Protection Regulation, explicit consent plays an important role in personal

Article 9 on the handling of special categories of data, including political

also in the case of the processing of personal data referring to an opinion. The express term implies that

how the data subject expresses his or her consent. That means the person concerned

must make a statement of express consent. It is about the express nature of the consent

the obvious way of convincing is to express consent in a written statement

would be a confirmation. In order for the data subject to be able to express his or her will in concrete terms, it is necessary

therefore, that the controller is a consent to the data processing activities

clearly separate information related to the acquisition of

information.

Recital 42 of the General Data Protection Regulation also states that the controller

you must provide a pre-arranged statement of consent that is clear and easy to use

it must be made available in an accessible form and its language must be clear and

it must be clear and not contain unfair terms.

In the Authority's view, it is only that the data subject provides the requested form on the signature collection form

data cannot be considered to be specific, unambiguous

nor the "acceptance" of the Privacy Notice by signing

considered as a consent to the use of personal data

an unequivocally expressive act. For the data subject - data management based on consent

not to "accept" the prospectus, but to process the data on the basis of the information

consent to the processing. THE

the information is therefore closely linked to the consent, as the data subject is appropriate

in possession of the information, be able to make a decision as to whether or not to give his or her consent

processing of personal data. In connection with the provision of information, the data subject may

the statement is expected to have read its contents, it has taken note of its contents,

its role is therefore to prove that the contribution is well-informed.

Consent by giving it as explained above is not concerned

clear and specific expression of his will, the data processing is not considered valid

the Data Controller handles the personal data of the data subjects without a valid legal basis,

thereby infringing Article 6 (1) of the General Data Protection Regulation. Since these data a

belong to special categories of personal data and deal with them, inter alia

the controller has the possibility, if the data subject has given his or her explicit consent,

the processing also infringes Article 9 (1) of the General Data Protection Regulation.

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b) Lack of adequate information on the purpose of data processing

According to Article 5 (1) (a) of the General Data Protection Regulation, personal data

be processed lawfully and fairly and in a way that is transparent to those concerned

(b) of the same paragraph also provides for the principle of purposeful data processing,

that the collection of personal data is for specified, explicit and legitimate purposes only

and may not be treated in a way incompatible with those purposes.

According to the Privacy Policy of the sheet, the purpose of data processing is the name, address and signature

the collection of supporting signatures and their joint voters

submission to the notary. Provided contact information

(telephone number, e-mail address) has also been provided, all data according to the Privacy Policy

- in addition to the telephone number and / or e-mail address, the purpose of managing the name, address and signature is to

Data controller in connection with the activities of members of parliament for the data subject a

provide information at the contact details provided.

In its reply to the Authority, the Data Controller stated in this regard that

collected data from stakeholders to facilitate their accession to the European Public Prosecutor 's Office, and notarization would have taken place when the 1 million signatures were reached.

Regarding the purpose of the data processing, he also stated that the data of the data subjects, if authorized by providing telephone and / or e-mail contact details, used for political communication.

In the course of the procedure, the Authority found that the data collection side of the sheet was for each there was no specific indication or call for data to be collected

the provision of personal data is mandatory for the support of the initiative to be valid, or providing data is optional and is different from collecting support for the initiative

for data processing purposes, in this case for political contacts, which is carried out by the Authority is misleading to supporters of the initiative. That is data management

it appears to be legitimate, but the sign is misleading to the data collectors

The Data Controller informs only about the primary purpose of data management, while in addition there is no call to provide e-mail and / or telephone contact

provided by the signatory, - which information is provided for the validity of the support for the initiative not even necessary - it will handle all your personal data for contact purposes

Data controller and only provides information on this in the Privacy Notice on the back of the sheet.

Provide telephone and / or e-mail contact details on the signature collection form, taking into account that

There is no specific notice in the sheet that this information is optional - no considered as consent to the use of personal data

on the other hand, it is not the original

for the processing of personal data for contact purposes in addition to the purpose of data processing contribution. If the controller consents to the same consent as the legal basis

invokes another data processing purpose, the requirement of explicit consent is violated,

because the data subject's consent cannot be extended for further new data processing purposes.

Recital 32 of the General Data Protection Regulation states that if the data processing serves more than one purpose at a time, the consent for all data processing purposes to be provided separately. If the data controller does not attempt to do so for each purpose ask for consent separately, there is a lack of freedom of decision.

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In the Authority's view, the lawfulness of the processing of the personal data of the data subjects at that time can be established if the data subject is used for all data processing purposes the processing of personal data in that case considered fair if the controller has a separate signature on the signature collection form draws the attention of stakeholders to which, depending on the support for each data management purpose personal information is required and optional.

The Data Controller, in his information on the action taken following the request, takes the view, however, that the information indicating the legal basis should be accepted and knowing the data in the form by hand, and finally placing the signature is just as an act that clearly expresses the will required by the General Data Protection Regulation requires.

They were able to enter the following data in a table on the main page of the signature collection sheet for stakeholders: name, address (postcode, city, address), e-mail, telephone and signature. The data underlined in bold under the table for the provision of

I support Hungary's accession to the European Public Prosecutor's Office. " Also this the following text was read below:

"You can return this completed form by post to 135 Széchenyi rakpart, 1358 Budapest.

Office of the National Assembly, dr. Ákos Hadházy, you can hand it in at a collection point or upload it to <https://europaiugyeszseget.hu/feltoltes> site

Privacy Notice - I accept the prospectus with my signature

Data management information for dr. Personal handled by Ákos Hadházy's staff and staff

data. CONTINUED ON NEXT PAGE

However, the collection of signatures was not for the sole purpose of collecting supporting signatures, such as as stated in the sheet "With my signature I support the accession of Hungary to the European Public Prosecutor's Office. " sentence for the first time, for that purpose for only the personal data of the name, address and signature were collected. The sheet "Privacy provided that the data subject has also provided his or her e-mail address and telephone number the data controller also handles all data for communication purposes.

Article 4 (11) of the General Data Protection Regulation defines the "consent of the data subject"

as a legitimate basis for the processing of personal data. In this regard, the

Recital 32 of the General Data Protection Regulation provides further guidance that the

data processing can only take place if the data subject has a clear affirmative action, e.g.

written, including electronically, or orally, voluntary, specific,

informed and unambiguous consent of the natural person

processing of personal data. The consent is for the same purpose or purposes

covers all data management activities. If the data processing serves several purposes at the same time,

then consent must be given for all purposes of data processing.

Data management is also not sufficiently transparent, clear and unambiguous

one of the purposes of data management ("I, my signature, support Hungary

to the European Public Prosecutor's Office. ") on the main page of the signature collection sheet

will be provided while the information is provided - if the data subject provides his / her email address

and / or telephone number - for data management purposes other than the original purpose (for contact purposes)

is handled by the Privacy Policy on the page other than the signature collection page of the Data Controller

in the prospectus.

and Guideline WP259 issued as a precedent

that the controller requesting consent for various different purposes

should provide a separate contribution option for each purpose in order to

stakeholders to make specific contributions for specific purposes.

Fairness of the processing of data subjects' personal data for contact purposes and

its lawfulness can therefore be established if the data subject has been duly informed

that the collection of personal data is for two different purposes

(supporting the initiative and further political contacts) and depending on each objective

the scope of the mandatory and optional personal data is different, as well as if the data subject is concerned

has given its separate, clear and specific consent to the Data Controller's

information in connection with the activities of members of parliament

provide at the contact details provided. It is not possible to dispute the choice of those concerned

to support the purpose of collecting signatures with their signatures, but are also free to decide whether to

whether they wish to receive political items from the Data Controller, the collection of signatures

separately.

Data management by the Data Controller failing to provide adequate information to data subjects

for the purpose of the processing, in breach of Article 5 (1) (a) of the General Data Protection Regulation

principle of fair data management.

Furthermore, consent by providing it as explained above is not

clear and concrete expression of the will of the data subjects, data processing is not considered

without a valid legal basis, the Data Controller shall handle the personal data of the data subjects

in breach of Article 6 (1) of the General Data Protection Regulation. Because of this

data fall into special categories of personal data and are handled by others

between, if the data subject has expressly requested to do so

data processing infringes Article 9 (1) of the General Data Protection Regulation

is.



c) Lack of informed consent

An important conceptual element of a valid consent is that the request for consent is appropriate information precede. Adequate prior information is required in order to:

stakeholders should be aware of what they specifically agree to in order to be aware of it

details of the processing and exercise their right to withdraw their consent. Of this

in the absence of such consent, the legal basis for the processing will be invalid.

Article 5 (1) (a) and (b) of the General Data Protection Regulation and thus

In this context, recital 39 states that the processing of personal data

be carried out lawfully and fairly and in a manner which is transparent to the data subject

("Legality, due process and transparency"). For natural persons

it must be transparent how their personal data about them is collected and used

whether they are viewed or otherwise treated and with it

the extent to which personal data are and will be processed. THE

the natural person about the risks and rules related to the processing of personal data,

guarantees and rights. The principle of transparency applies to stakeholders

for the purposes of data processing. The specific purposes of personal data processing are explicit

and lawful, as well as the collection of personal data

must be specified at the time of

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In the course of the procedure, the Authority found that the data processing of the signature collection form

In the prospectus, the Data Controller did not properly inform the data subjects about the data management its legal basis and purpose.

As regards the identification of the recipients of personal data, the Authority has established that

In the data management prospectus, the data subjects were informed that the Data Controller is the signature collector submit the application forms to a notary public by 31 May 2019 at the latest, so that the

regardless of the number of signatures. At the request of the Authority, the Data Controller shall, on the other hand, consider

stated that notarization would have taken place when the 1 million signatures were reached and given that a sufficient number of supporting signatures could not be collected, so there was no contract with a notary, so there was no data processing by a notary. THE Authority therefore considered that the information on the addressees would have been provided in that case complete if the data subject had been informed that the archives and the person on it the transfer of personal data to a notary shall take place only if the a sufficient number of signatures have been collected and they have been informed that after filing with a notary, what would have happened to the archives and thus to the person on it with personal information. Therefore, the prospectus did not contain any information that if a sufficient number of signatures are collected, what will happen to the sheets and the ones on it with all personal information. However, this information may have had an impact the data subject to decide whether or not to support the initiative in the knowledge of the person concerned, it could have considered whether or not it was worth exercising that right. In its reply to the Authority, the Data Controller provided information on the data used data processors, however, in the Data Protection Bulletin attached to the sheet, the data processors those concerned were not informed of its use. Furthermore, stakeholders were not informed whether the activists commissioned by the Data Controller qualify as data processors or not. Furthermore, it is not clear who is to be understood as the employees of the Data Controller or the “staff” to know the legal relationship of the Data Controller with these persons, who performs what tasks during data management. Regarding the duration of storage of personal data collected in support of the initiative the Privacy Notice contained only the information that the signature sheets were After submitting the data to the notary, the notary will file the petition shall be deleted after consideration of the initiative. However, it was not information that if the sheets are not submitted to the notary when they will be deleted.

The Authority has established that, on the basis of the above, the Data Controller -  
in the Data Management Information Sheet of the Signature Collection Form - did not provide information to the data subject  
all relevant circumstances of the data processing, thereby violating the general data protection  
Article 5 (1) (a) and Article 13 of that Regulation.

The Authority shall inform the Authority of the action taken by the Data Controller following the request  
in relation to the finding that "an important conceptual element of a valid consent is that a  
the request for consent shall be preceded by appropriate information. Appropriate prior information  
it is necessary for those concerned to be aware of what is being done  
agree to know the details of the data processing and to exercise their consent  
their right to withdraw. In the absence of this, consent is the legal basis for data processing  
will be invalid ', explained in recital 42 of the General Data Protection Regulation  
the legislator provides guidance on in which cases the consent is valid. The text  
According to him, "in order for consent to be considered as informed, the data subject must at least  
be aware of the identity of the controller and the purpose of the processing of personal data. " The

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According to the Data Controller, the above finding of the Authority is therefore general in itself  
contradicts the preamble to the Data Protection Regulation, so it is clearly arbitrary.

In the opinion of the Data Controller, the Authority 's finding that a  
Infringement of the obligation to provide information can only be established on the ground that it does not concern the  
the quality of the data processing of the activists. On this  
the circumstances are known to those concerned, so that appropriate prior information  
with regard to Article 13 (4) of the General Data Protection Regulation. Because it is  
the data subject was informed about the identity of the data controller and the purpose of the data processing, thus the legal  
basis  
(valid consent) is unquestionable.

The Authority considers that appropriate information is provided when applying the consent legal basis

a conceptual element that plays a central role in the development of all conceptual elements of the contribution (e.g. as voluntary, specificity, clarity). This necessary to ensure that those concerned have adequate information that: exactly what they agree to, know the details of data management and be able to practice a their right to withdraw their consent.

Article 13 of the General Data Protection Regulation defines exhaustively what they are information to be communicated to data subjects at the time the data are obtained, regardless of the legal basis for the processing. In connection with the appropriate information, the general However, recital 42 of the Data Protection Regulation states that consent acceptable even if the data subject is at least aware of the controller the purpose of the processing of personal data, but this may not exceptionally be the case in the case of paper-based signatures, in particular the expression of opinions and the processing of data of a political nature in case of. This recital does not in any way override general data protection information obligation under Article 13 of the Regulation and in recital 42 cannot be interpreted as meaning that the consent of the stakeholders is only these two content elements This would reduce the transparency of the Regulation requirement.

### III.2. Validity of the legal basis for data processing when uploading forms online

#### (a) Lack of voluntary consent

During the period of signature collection, it was possible to complete the completed signature collection forms a Also for uploading via <https://europaiugyeszseget.hu/feltoltes/>. During upload, or the following personal data was required for its successful completion:

name (surname and first name), e-mail address, county, town, telephone, and were required

Adoption of data management information. As stated in the Privacy Policy, the the purpose of data management is to contact and liaise with supporters of the European Public Prosecutor's Office, as well as activities and events in support of the European Public Prosecutor's Office,

notifications of movements and signatures.

In the response of the Data Controller to the Authority, the data subjects are the legal basis for the data processing and the purpose of the data processing is to keep in touch and to ensure that the

You can also use the contact information provided to indicate that you are incorrect or request clarification and correction of data resulting from unreadable uploads.

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It can therefore be concluded that in order to handle the personal data provided when uploading the forms online, the their consent has been given by those concerned as indicated above, subject to mandatory completion fields, enter your personal information and the checkbox next to the Privacy Notice marked. It was therefore not possible to fill in the sheet as long as the requested personal data were available the uploader did not specify or select the check box.

The consent is valid in accordance with Article 4 (11) of the General Data Protection Regulation one of the most important elements is volunteering.

In this respect, recital 42 of the General Data Protection Regulation states that consent is not considered voluntary if the data subject does not have a real or with a free choice and is not in a position to refuse consent without withdrawal to the detriment of it. In addition, as set out in recital (43), a consent shall not be considered voluntary if it does not allow for individual contributions a for various data management operations, although appropriate where appropriate.

5/2020 on the contribution under Regulation (EU) 2016/679 and Guideline in its previous guideline WP259, the European Data Protection Supervisor in relation to the voluntary contribution, it found that the “free” element did presupposes that those concerned have a real choice and right of disposal.

As a general rule, the General Data Protection Regulation stipulates that if the data subject does not have you have a real choice, you feel compelled to contribute, or you feel negative there will be consequences if you do not give your consent, your consent will not be valid.

The lawfulness of data processing requires a separate, valid legal basis for all independent purposes therefore both to support the initiative and to for data management for communication purposes. Stakeholders for all data management purposes as explained above the most important conceptual elements that are necessary for consent to be present, that is the legal basis for data processing is valid. There is a lack of voluntary, concrete, informed and unambiguous statement giving its consent to manage your personal data.

In the opinion of the Authority, the Data Controller handles the personal data of the data subjects without a valid legal basis - both during the data collection in the signature collection form and for communication purposes in breach of Article 6 (1) of the General Data Protection Regulation. paragraph. Because these data fall into and are special categories of personal data the controller may, inter alia, have the right to deal with it if it is concerned express consent, the processing infringes Article 9 (1) of the General Data Protection Regulation. paragraph.

In its information on the action taken on the request, the Data Controller noted that that the Authority 's concerns regarding the voluntary nature of the consent were raised solely by the may arise in connection with the data of the volunteers responsible for the signature collection sheets, i.e. the signatories for the majority of the database they are not at all, so it is not clear to him why the summons covers the whole database.

In response to a question from the Authority, the Data Controller stated that he would base his position on: the Authority has previously complained, in the context of volunteering, that it is natural to fill in the sheets persons - that is, who you refer to as volunteers / activists in your previous replies - the upload They also subscribed to the newsletter during the year, and there was no way to ignore it during the upload. THE this argument would not apply to the personal data of the persons on the completed sheets

can be interpreted as the signatories were not present at the time of the upload, so it is they must not be affected by the characteristics of the consent obtained in connection with Volunteers / activists and a set of signatories may have an engraving, and there may be persons who have either only their signatures they supported the initiative or just collected and filled out sheets. The however, the question of volunteering arose in connection with the filling of the sheets, so that related to the processing of data on volunteers / activists.

Furthermore, as stated in recital (42), the Data Controller considers that the consent shall be deemed to be valid if the controller and the purpose are indicated, and information was also appropriate because of the particular context and information available activists could know the legal basis for data management.

According to the information on the main page of the signature collection form, if someone a He wanted to support the initiative in the following ways: "This completed sheet can be returned by post to 1358. Budapest, Széchenyi rakpart 19. Office of the Parliament, dr.

Hadházy

Ákos

to the address

you can cast

one

collection point

obsession

you can upload

the

<https://europaiugyeszseget.hu/feltoltes> site ”.

However, the Authority found that, as stated by the Data Controller, the facts confirmed that anyone could download the sheets from the website,

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ways

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the

To the data controller.

The

arc

<https://europaiugyeszseget.hu/feltoltes> based on this information

also had the opportunity for anyone, even as a supporter of the initiative, to do so,

either as a volunteer or as an activist. During the upload or to make it successful

however, the following personal details were required: name (surname and

first name), e-mail address, county, town, telephone, and the Data Management was mandatory

acceptance of information, ie personal data provided when uploading the forms online

In accordance with the above, the data subject has given their consent to the management of the

their personal data and the Privacy Notice have been provided in the required fields

check box next to. It was therefore not possible to fill in the arc until the

personal data requested by the uploader, whether in support of the initiative or voluntarily,

even activist - did not specify or select the check box.

In the Authority's view, the provision of data cannot be considered when uploading the forms online

at the same time, the consent of the data subject to the processing of his or her data for the purposes of contact

without providing the data, ie in case of refusal of consent



it was not possible for the data subject to complete the signature collection form through the site.

One of the most important elements of a valid consent is the General Data Protection Regulation

is defined as volunteering. The contribution is voluntary and its

nor does it affect the validity of the person's completion of the sheet

did so, either as a volunteer or as an activist in the campaign.

In its reply to the Authority 's second request, the Data Controller reiterated that

Only signatures were raised by the Authority in relation to the voluntary nature of the consent

may arise in connection with the data of the volunteers responsible for the sheets, so it is not clear that the

prompt why it covers the entire database or why the contact information is not separate

data relating to the database in general and to data relating to volunteers

prompt. This data is from other personal contact data

they can be separated and managed in a separate IT database.

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b) Adequate handling of the data to be provided when uploading the forms online

lack of information

The legal basis and purpose of the processing of personal data to be provided during the online upload

In connection with the provision of information, the Authority found that the Data Protection Authority

as set out in the Data Protection Information linked on the Upload page

stated legal basis for consent - contradict the Real Data Management Information

the legal basis of the data processing has not been indicated in the prospectus, only

they shall inform those concerned of the purpose of the processing in their opinion.

Regarding the information on the duration of the data processing during the procedure of the Authority

found that, as stated in the prospectus, it was provided when uploading the forms online

personal data will be processed until the end of the signature collection operation, but with a specific date for this

was not indicated, so it is not clear to those concerned that their data will be

How long the data controller will handle it.

According to the prospectus, further provided on the form with the Data Controller's political activity the newsletter has also been subscribed, the data until the consent is withdrawn treated. The Authority concluded during the investigation that online uploading is mandatory. The form to be filled in did not include an option to subscribe to a newsletter, therefore uploading the forms online could also mean subscribing to the newsletter, for which purpose data subjects were therefore unable to give their consent separately. Therefore, the Data Controller did not provide clear, relevant and real information to the data subjects processing of personal data provided when uploading forms through the website in breach of Article 5 of the General Data Protection Regulation

Article 5 (1) (a), Article 5 (2) and Article 13 (1) to (2).

### III.3. Legal consequences

III.3.1. The Authority shall act in accordance with Article 58 (2) (b) of the General Data Protection Regulation

Notes that the Data Controller has infringed Article 6 (1) of the General Data Protection Regulation

and Article 9 (1) by treating data subjects without a valid legal basis

personal data collected for contact purposes, as the data subjects are for data processing purposes

its contribution lacks the essential conceptual elements necessary to

that the legal basis for the processing, ie in this case the consent, is valid.

The Authority finds that the Data Controller has infringed Article 5 of the General Data Protection Regulation

Paragraph 1 (a), Article 5 (2) and Article 13 by failing to provide

data subjects on all relevant circumstances of the data processing.

III.3.2. The Authority shall instruct the Data Controller to delete the "Join the European

To the prosecution! " 19 July 2018 and May 2019 in the context of the initiative

30. collected all personal data from data subjects for contact purposes.

III.3.3. The Authority has examined whether a data protection fine against the Data Controller is justified imposition.

In this context, the Authority complies with Article 83 (2) of the General Data Protection Regulation and Infotv. 75 / A. §

considered all the circumstances of the case. In view of the circumstances of the case, the Authority also found that, in the case of the infringement found in the present proceedings,

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a warning is neither a disproportionate nor a dissuasive sanction and therefore a fine required.

First of all, the Authority took into account that the breach committed by the Data Controller is in accordance with Article 83 (5) (a) and (e) of the General Data Protection Regulation constitutes an infringement falling within the category of fines because it infringes the conditions for consent and the present decision for non-compliance with a previous request from the Authority cannot be expected to be complied with without the imposition of a fine.

In imposing the fine, the Authority assessed the following circumstances as aggravating:

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- 
- 

due to the quality of the Parliamentary Representatives of the Data Controller, in the opinion of the Authority, the

The data controller is increasingly expected to collect personal data

act in accordance with the provisions of the General Data Protection Regulation [General Data Protection Regulation Article 83 (2) (a) of the Regulation];

The personal data collected by the Data Controller is a special category of personal data quality [Article 83 (2) (g) of the General Data Protection Regulation];

Long duration of data processing (from 19 July 2018, ie from the start of collection a processing of data subjects' personal data for contact purposes to date)

and the large number of people affected by the infringement (approximately 680,000 supporter signatures) collected during the initiative) [Article 83 (2) of the General Data Protection Regulation the dot];

The Data Controller apparently sought to comply with data management regulations such as

However, it was expected from the organizer of the initiative and at the same time from the Member of Parliament take all technical and organizational measures to ensure the adequacy of data management [Article 83 (2) (d) of the General Data Protection Regulation].

In imposing the fine, the Authority assessed the following circumstances as mitigating circumstances:

-  
the Data Controller has previously been subject to the General Data Protection Regulation by the Authority  
Has partially complied with its measure ordered pursuant to Article 58 (2);  
The Authority assessed the infringement as negligent, as the Data Controller is the data controller  
apparently taken steps to ensure its adequacy before  
these measures did not result in adequate data management [general  
Article 83 (2) (b) of the Data Protection Regulation].

The Authority further noted that

-  
the Data Controller has not previously committed relevant, similar to the findings in the present case  
infringement [Article 83 (2) (e) of the General Data Protection Regulation];  
The amount of the remuneration of the Members of Parliament of the Data Controller (gross gross remuneration) is HUF  
1,008,800.

The imposition of a fine on the basis of the above is necessary for the Data Controller specifically, and a  
Authority in determining the amount of the fine imposed in addition to the purpose of the special retaliation  
also took into account the general preventive purpose to be achieved with the fine, with which - the Data Controller  
in order to ensure that the actors in political life are diverse  
signatures should not be used to build a sponsorship database without the valid consent of those concerned.

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The Authority did not consider Article 83 of the General Data Protection Regulation to be relevant for the imposition of fines.  
circumstances referred to in Article 2 (2) (c) (f) (h), (i), (j) and (k)  
cannot be interpreted in relation to.

The amount of the fine was determined by the Authority acting in accordance with its statutory discretion.

III.3.4. The Authority shall inform Infotv. Pursuant to Section 61 (2) (b), the decision shall be made public because it affects a wide range of persons and performs a public function in connection with the activity of the person.

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

ARC. Other issues

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

This decision is based on Articles 80-81 of the Act. § and Infotv. It is based on Section 60 (1).

The decision is based on Ákr. Pursuant to Section 82 (1), it becomes final upon notification of the decision.

The Ákr. § 112 and § 116 (1), and Art. Pursuant to Section 114 (1) a

There is an administrative remedy against the decision.

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

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

Pursuant to paragraph aa) of the Act, the Metropolitan Court has exclusive jurisdiction. A Kp. § 27

Legal representation in proceedings falling within the jurisdiction of the General Court under paragraph 1 (b) obligatory. Kp. Pursuant to Section 39 (6), unless otherwise provided by law, the application has no suspensory effect on the entry into force of the 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

Information on the simplified procedure and the possibility of requesting a hearing a

Kp. Section 77 (1) - (2) and Section 124 (1) and (2) (c), and (5)

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

Act (hereinafter: Itv.) 45 / A. § (1). Advance payment of the fee

under the Itv. Section 59 (1) and Section 62 (1) (h) exempt the proceedings initiating party.

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

Act V of 2013 on the Civil Code 6:48. § (1)

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in the case of the Debtor, the calendar affected by the delay from the date of the delay is obliged to pay default interest equal to the central bank base rate valid on the first day of the first half of the year to pay.

If the Applicant does not duly demonstrate the fulfillment of the required 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), it becomes final with the communication. The Ákr. Section 133 enforcement, 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, a decree of a local government does not provide otherwise 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 to stop aimed at obligation with regard to

the

decision

implementation

the

Authority.

Budapest, July 9, 2020

Dr. Attila Péterfalvi

President

c. professor

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