

Registration number: NAIH-2857-20/2021

Subject: decision

H A T A R O Z A T

.....-to

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

..... to the applicant (residential address:; a

hereinafter: Applicant) against

(seat:; a

hereinafter: Applicant) 2021.

application submitted on February 23 regarding the illegal handling of personal data

in a data protection authority proceeding initiated based on - in which the Authority granted client legal status

the

(headquarter:

.....; hereinafter: Importer), and whose

the Authority extended its scope to the customer satisfaction survey carried out by the Applicant and the Importer

to examine general data management practices related to measurement - the following decisions

brings:

I. The Requesting Authority's request to establish that the Respondent

unlawfully, in the absence of adequate individual information and a valid legal basis

The applicant's email address and the technical identification data of the vehicle for the Importer,

rejects.

II. The Authority ex officio determines that the Importer has provided adequate individual information and

handled the Applicant's email address, home address and telephone number in the absence of a valid legal basis,

as well as the technical identification data of your vehicle, thus the Importer is the Applicant's personal

during the handling of your data related to customer satisfaction measurement, violated

on the protection of natural persons with regard to the management of personal data and

on the free flow of such data and the repeal of Directive 95/46/EC

2016/679/EU Regulation (hereinafter: General Data Protection Regulation) Article 5 (1)

the principle of legal and transparent data management according to point a), Article 12 (1)

and according to Article 13 of the General Data Protection Regulation - concise, transparent, understandable and easy

providing information in an accessible form, clearly and comprehensibly formulated

obligation, according to Article 5 (2) of the General Data Protection Regulation

the principle of accountability, as well as the general data protection regulation regarding the legal basis

Article 6, paragraph 1.

III. The Authority ex officio determines that the Importer by measuring customer satisfaction

related data management practice violates the general for the reasons explained in the justification

lawful and transparent data management according to Article 5 (1) point a) of the Data Protection Regulation

principle, according to Article 5 (1) point c) of the General Data Protection Regulation

the principle of data saving, Article 6 (1) of the General Data Protection Regulation, and general

Article 13 of the Data Protection Regulation.

ARC. The Authority ex officio the Importer due to the above data protection violations

HUF 5,000,000, i.e. five million forints

data protection fine

obliged to pay.

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decree

this decision

with its provisions, a

A. The General Data Protection Regulation is the Authority's view of unlawful data management practices

Based on Article 58 (2) point d), the Importer is ex officio called upon to

shall harmonize its operations within 30 days from the receipt of this decision

general data protection

in its justification

as explained. This decision is made final by the Importer

must be in writing within 30 days of the divorce - the supporting evidence

along with its submission - certify to the Authority.

The IV. fine according to point within 30 days of this decision becoming final a

Authority's centralized revenue collection target settlement HUF account (10032000-

01040425-00000000 Centralized direct debit account IBAN: HU83 1003 2000 0104 0425

0000 0000) must be paid. When transferring the amount, "NAIH-2857/2021 BÍRS." for number

must be referred to.

If the Importer does not comply with his obligation to pay the fine within the deadline, he is in default

must pay an allowance. The amount of the late fee is the legal interest, which is due to the delay

is the same as the central bank base rate valid on the first day of the relevant calendar semester.

Non-payment of the fine and the late fee, or the obligation according to point V above

in case of non-compliance, the Authority orders the implementation of the decision.

There is no place for administrative appeal against the decision, but only from the announcement

within 30 days of the date of the appeal addressed to the Metropolitan Court in a public administrative case

can be attacked. The claim must be submitted electronically to the Authority, which is

forwards it to the court together with the case documents. The request for the holding of the trial is submitted by the

must be indicated in the application. For those who do not receive full personal tax exemption

the fee for the administrative lawsuit is HUF 30,000, the lawsuit is subject to the right to record the fee. The capital city

Legal representation is mandatory in court proceedings.

I N D O C O L A S

The course of the procedure and the clarification of the facts

I.

On February 23, 2021, the Applicant submitted an application received with AVDH authentication to the

To Authority, in which he submitted that after having it inspected/serviced by the Applicant

his car, gave the Respondent his email address (.....). On this email address on February 12, 2021, you received an unsolicited email with the request that the above fill out a satisfaction questionnaire and another email February 19, 2021 me, in which they were asked to fill out the questionnaire again due to the lack of answers. Emails are a They also included the chassis number of the applicant's type car. The Applicant is he did not use the unsubscribe link in the emails, but the authority's procedure initiated because, in his opinion, the emails came from an unknown source he should not have received it in the first place, and this illegality cannot be remedied afterwards asked to establish.

In his application submitted to the Authority, the Applicant requested that a The Respondent unlawfully provided the Applicant's email address provided during servicing to survey maker for.

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regarding that

regarding that

In its response to the Authority's inquiry received on May 5, 2021, the Respondent, among other things, stated that although he also conducts surveys from time to time to measure customer satisfaction and for advertising purposes, however, the specific data management

It was an importer data controller making decisions related to data management. For this reason, the Importer has this privacy policy involving him as a client in official proceedings and further clarification of the facts necessary, for which the Authority issued NAIH-2857-6/2021 on June 2, 2021,

He sent an order dated May 31, 2021 to the Importer.

The Respondent also attached its own data management information to its above answer, which according to his statement, it is also available in print at the reception or at the customer desk. THE

According to the Respondent, the Respondent and that

Importer and manufacturer of cars

(....., registered office:, hereinafter:

(Manufacturer) companies engaged in joint economic activity are subject to general data protection

on the basis of a decree. Interest assessment dated December 21, 2020 attached by the Applicant

according to the Respondent as a data controller for the purpose of market research and customer satisfaction measurement

transmits data to the Importer and the Manufacturer. This is confirmed by the Applicant's "2020

December" footer, which does not specify the exact scope, point ...

with the fact that the Importer also transfers the data to as a data processor.

The Importer confirmed in its response to the Authority's inquiry received on June 21, 2021,

that, according to his opinion, the examined data management

It is classified as an importer

as a data controller, the Importer determines the purpose and means of data management. The Applicant

partner of the Importör brand service. In the framework of this legal relationship, the Importer and the Respondent

there is close cooperation between Standardized by the Applicant and brand partners

used worksheet pointing to the data management information available on the website of the Importer

contains a reference. The Importer received from the Application on January 14, 2021 the

The applicant's contact email address and the technical data of the vehicle repair. This data is

Importer handed over to its data processor,, customer satisfaction

for the purpose of conducting a survey, it was not forwarded to a third party. Declaration of the Importer and that

It is available on Importör's website¹, according to the data management information attached to your answer

The legal basis for data management for the purpose of customer satisfaction surveys is the legitimate interest of the Importer
to

as the exclusive Hungarian importer of vehicles, check that

the Hungarian dealer and service partners are of the expected quality

whether they meet the requirements. In this regard, the Importer's interest assessment test is also carried out

to your attached answer. According to the information, the scope of the managed data is the customer's line and

first name, email address, home address, telephone number, chassis number, registration number of your vehicle, technical data, the name of the dealership or service center used, the customer time of service and the content of any feedback. According to the statement of the Importer it is standard practice in the industry to measure customer satisfaction.

Since the Importer is responsible for informing the Applicant and ensuring his right to object his answer was not comprehensive, so in order to further clarify the facts, the Authority again contacted the Importer and the Applicant.

The Importer submitted to the Authority's second inquiry on July 30, 2021 that stated that the individual information of those concerned will be handed over as an attachment to the worksheet is done through a printed data management information sheet, this is the expected procedure for brand partners towards.

The Applicant responded to the Authority's second request electronically on July 28, 2021, by post út, in his submission received on July 30, 2021, stated that the reception and the

1 <https://.....>

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informations

it contains

the data management information sheet is made available in print at the customer desk. On top of that, it is

According to the importer's expectations, his general procedure is to be informed verbally about data management the customer when requesting the data, and the data management is handed over as an attachment to the worksheet printed version of the information sheet. Verbal information is part of, among other things, email

Entering an address is optional. In the individual case, according to the Respondent's statement about it

the Applicant was verbally informed that providing the email address is not mandatory, but it is

the Applicant did not receive any separate information about its use for measuring customer satisfaction. THE in this particular case, the Respondent's employee failed to fill in the worksheet,

Signing with the applicant, together with the printed version of the data management information

submission as an attachment to the worksheet. The Applicant attached the blank worksheet

pattern which

A link to the importer's website, but it is not

in relation to customer satisfaction measurement, but specifically the performance of the contract and

data processed in connection with the performance of the service with the legal basis of legal obligation

with regard to provide the reference as more detailed

source on this

in terms of data management. In addition to the survey made by the Importer, the Respondent also

sent a separate satisfaction survey to the Applicant, against which the Applicant did not

protested, filled it out and sent it back.

On July 12, 2021, the Authority sent the Applicant a summary of the

about essential facts.

Based on the responses of the Respondent and the Importer, the individual case could not be judged a

Without examining the general practice related to data management related to the applicant,

therefore, on August 11, 2021, the Authority ex officio extended the procedure to the Applicant and

general data management related to the customer satisfaction measurement carried out by the Importer

to examine practice.

2016 of the Authority on general practice and general administrative regulations.

annual CL. to questions related to closing statements according to § 76 of the Act (hereinafter: Ákr.).

In his reply received on September 2, 2021, the Respondent sent his own separate

questions used in relation to customer satisfaction measurement and provided by the Applicant

answers, the personal data to be forwarded to the Importer, and stated that

maintains its statements dated May 4, 2021 regarding the issue that it is

why some transmitted personal data are necessary for customer satisfaction measurement. E

regarding the consideration of interests, which does not require the individual data types

supported it, however indicated that the correct answer is regarding the data transfer

its provision falls under the jurisdiction of the Importer, the Applicant is bound exclusively with the Importer acted on the basis of his contract. He also referred to the fact that, according to the contract with the Importer, the he had to undertake an obligation in return for the rights granted to the Respondent in the contract to meet the needs of customers at the highest level and to control this to ensure data transmission. The minimum requirements, the related framework and corner points are unilaterally determined annually by the Importer. The Importer is the contract can terminate unilaterally if the customer satisfaction carried out by the method determined by the measurement result does not meet the values specified by the Importer. For the Manufacturer a Importer for servicing

The applicant did not information according to it to measure customer satisfaction and to improve customer relations, customer identification. In his opinion, improving customer relations is also in the interest of customers. The Akr. Based on § 76, the Respondent maintained his statement that he had not committed a crime data protection violation, when it forwarded the Applicant's email address based on a legitimate interest For importer. In his opinion, between the Respondent and the relevant parties and a proper connection exists and the transmitted data does not affect you unnecessarily disproportionately the private sector of the affected persons, and the affected person is spread in the commercial sector transmits personal data. The forwarded as to a person opinion connected

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you can count on this due to practice. The Respondent in this case and in general, serious resources

mobilizes to ensure that its employees have adequate awareness and knowledge

manage customers' personal data. Highlights a

within its responsibility that it is

fulfilled its obligation to transmit data based on its contract with the Importer, that is

In accordance with the importer's expectations. It should also be taken into account that the Authority has not yet

established a data protection violation against Request, did everything legal

for compliance, and the current COVID-19 situation for the entire sector is extremely

had a negative impact. The respondent also declares that it is classified as an SME.

The Authority for general practice, as well as the Ákr. 76. concerning closing statements

in its response to your questions on September 13, 2021, the Importer sent the

questionnaire for measuring customer satisfaction, the questions of which included the Respondent

the questions of a separate set of questions and additional questions, including about the gender of the data subject and

about his age. The Importer also stated that the chassis number of the vehicle (and present

not in the case of a service, only in the case of the sale of a new vehicle, the license plate number) is necessary

manage customer satisfaction measurement to identify which

regarding the vehicle, the customer's opinion is requested. According to the statement of the Importer

the customer's name, email address, phone number, and home address for filling out the questionnaire

contact and, where applicable, for further contact based on the answers.

Vehicle breakdown data and service name, place and time of servicing

your data is necessary to understand what jobs you were satisfied with and

the customer is not satisfied. Data processed in connection with customer satisfaction measurement

they are not required for any other purpose, they are handled by the Importer only for this purpose. The customers

and the vehicle identification data is handled independently by the Importer for other purposes,

but not as a result of data transfer. If the customer does not contribute their data

to handle them with a name, then they will be forwarded anonymously to the Importer by the person conducting the survey

data processor Customer identification is relevant if it is negative

in the case of an opinion, the complaint must be investigated. The Importer only aggregated to the Manufacturer transmits anonymous statistics, not specific personal data. Declaration of the Importer according to you, you will receive servicing data from the brand services linked to a natural person the Importer, because it is the only way to measure customer satisfaction. Attached to the answer copy of brand service contract IV. Article is confirmed by the Applicant on September 2, 2021 the declaration that the data transfer is unilateral by the Importer prescribed as an obligation for the Applicant and its conditions unilaterally by the Importer is entitled to determine and change it, while the Respondent is not entitled to do so. For the answer attached copy of the brand service contract, according to Article V, point 5, the brand service is obliged to Set up a customer register in the form specified by the importer and keep it up-to-date, the data of which he must regularly and

With importer a

..... traceability of motor vehicles, current and future related to them

traceability of regulatory compliance, organization of potential recall campaigns

and follow-up, organization of public opinion research among final customers, customers

developing and recommending products and services that best meet your expectations

for the purpose of Regardless of this, the Importer and the Respondent are independent economic operators, independent act as data controllers. The Akr. Pursuant to § 76, the Importer maintained its statement that that he did not commit a data protection violation, he acted completely legally, and highlights that you only receive the results of the customer satisfaction measurement from the data processor when if the customer has consented to the disclosure of his name. Purpose of customer satisfaction measurement it is primarily an examination of trends, it is not focused on the answers of a given client examination, only in the case of a negative opinion or complaint. The Importer's data management operations strives for careful procedure and compliance with the relevant legislation, so far they have not received any complaints regarding data management, and the Authority has not acted on it yet

In relation to importer's data management. Nevertheless, it is contingent

legal consequence

constantly communicate it

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the Importer asks to take into account the fact that the current COVID-19 situation is

had an extremely negative impact on the entire sector, as well as the following circumstances:

- the nature, scope and purpose of the data management is not such that the data subjects are seriously affected

would invade your privacy,

- the affected parties do not suffer any damage, in fact, as explained above, they do

data management also serves the interests of the affected parties,

- the possible infringement is negligent,

- the Importer, as a data controller, has not previously committed a data protection violation, such as a

It was not established by an authority, and no general order was issued against the Importer

one of the measures mentioned in Article 58 (2) of the Data Protection Regulation,

and compliance with the measures in question,

The importer cooperated in good faith with the Authority throughout the procedure,

-

- the categories of personal data affected by data management do not fall into special categories

personal data, nor personal data that are deeply affected

would invade his privacy.

The Akr. On the basis of § 76, the Authority called the Applicant on September 15, 2021 regarding possible

to submit its closing statements, which call the Applicant made on September 17, 2021

received it, but did not submit a statement within the specified 15-day deadline

or request.

The importer did not comment on this, the Authority [https://e-](https://e-beszamolo.im.gov.hu)

Given that

[beszamolo.im.gov.hu](https://e-beszamolo.im.gov.hu) recorded on the basis of a public online database that the Importőr 2020-

as's annual net sales (turnover) was HUF, the profit after tax

and it was Ft.

II.

Legal provisions applicable in the case

According to Article 2 (1) of the General Data Protection Regulation, the general data protection

regulation must be applied to personal data in part or in whole in an automated manner

processing, as well as the non-automated processing of data that

are part of a registration system or which are a registration system

want to be part of.

You are identified as "personal data" on the basis of Article 4, point 1 of the General Data Protection Regulation

any information relating to an identifiable natural person ("data subject"), including

also the online ID.

According to Article 4, point 2 of the General Data Protection Regulation, "data management" is personal

any performed on data or data files in an automated or non-automated manner

operation or a set of operations, such as collection, recording, organization, segmentation, storage,

transformation or change, query, insight, use, transmission of communication,

by means of distribution or other means of making available, coordination or

connection, restriction, deletion or destruction.

Pursuant to Article 4, point 7 of the General Data Protection Regulation, "data controller" is the natural or

legal entity, public authority, agency or any other body that is personal

determines the purposes and means of data management independently or together with others.

According to Article 4, point 8 of the General Data Protection Regulation, a "data processor" is the natural one

or legal person, public authority, agency or any other body that is

manages personal data on behalf of the data controller.

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According to Article 4, point 10 of the General Data Protection Regulation, "third party" is the natural one

or a legal person, public authority, agency or any other body that is not
is the same as the data subject, the data manager, the data processor or the persons who
under the direct control of the data controller or data processor to manage personal data
have been authorized.

According to Article 5 (1) point a) of the General Data Protection Regulation, personal data
must be handled legally and fairly, as well as in a transparent manner for the data subject
carry out ("legality, due process and transparency").

Purposes of data management according to Article 5 (1) point c) of the General Data Protection Regulation
they must be appropriate and relevant and must be necessary
be limited ("data saving").

Based on Article 5 (2) of the General Data Protection Regulation, the data controller is responsible for (1)
for compliance with paragraph and must also be able to demonstrate this compliance
("accountability").

According to Article 6 (1) point f) of the General Data Protection Regulation, it may be legal to
processing of personal data, if the data processing is authorized by the data controller or a third party
necessary to assert its interests, unless priority is given to these interests
interests or fundamental rights and freedoms of the data subject that are personal
data protection is necessary, especially if the person concerned is a child.

The first three sentences of recital (47) of the General Data Protection Regulation
according to the data controller - including the data controller with whom the personal data may be disclosed
- or the legitimate interest of a third party may create a legal basis for data processing, provided that
the interests, fundamental rights and freedoms of the data subject do not take priority, taking into account
the reasonable expectations of the data subject based on his relationship with the data controller. That's right
it can be a question of interest, for example, when the person concerned has a relevant and appropriate relationship
and the data controller, for example in cases where the data subject is a customer of the data controller
or is employed by it. THE

to establish its existence

in any case, it must be carefully examined, among other things, that the person concerned a collection of personal data

at the time of and in connection with it

reasonable that data management may take place for the given purpose.

Based on Article 12 (1) of the General Data Protection Regulation, the data controller is compliant

takes measures in order to allow the data subject to process personal data

all relevant information referred to in Article 13 and Articles 15-22 and according to Article 34

all information in a concise, transparent, understandable and easily accessible form,

provide it in a clear and comprehensible way, especially for children

for any information.

Article 13 of the General Data Protection Regulation lists the minimum requirements

information that the data controller is obliged to provide to the data subjects, if the data subject

relevant personal data are collected from the data subject:

legitimate interest

a) the identity of the data controller and, if any, the representative of the data controller and your contact details;

b) contact details of the data protection officer, if any;

c) the purpose of the planned processing of personal data and the legal basis of data processing;

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d) based on point f) of Article 6 (1) of the General Data Protection Regulation

in the case of data management, the legitimate interests of the data controller or a third party;

e) where appropriate, recipients of personal data, or categories of recipients, if any;

f) where appropriate, the fact that the data controller is in a third country or international organization wishes to forward the personal data to, and the Commission

the existence or absence of a compliance decision, or general data protection

regulation in Article 46, Article 47 or Article 49 (1) second

in the case of data transfer referred to in subsection, the appropriate and suitable guarantees

designation, as well as the methods for obtaining a copy of them or those

contact information.

g) on the duration of storage of personal data, or if this is not possible, on this

aspects of determining the duration;

h) on the data subject's right to request from the data controller the personal data relating to him

access to data, their correction, deletion or restriction of processing, and

it can object

against the processing of such personal data, as well as the data subject

about your right to data portability;

i) point a) of Article 6 (1) of the General Data Protection Regulation or Article 9 (2)

in the case of data processing based on point a) of paragraph 1, the consent at any time

the right to withdraw, which does not affect consent before the withdrawal

the legality of data processing carried out on the basis of;

j) on the right to submit a complaint to the supervisory authority;

statutory or contractual

k) about the provision of personal data

whether it is based on an obligation or a prerequisite for the conclusion of a contract, as well as whether the person concerned

are you obliged to provide personal data,

possible

failure to provide data may have consequences;

and what it's like

l) automated referred to in Article 22 (1) and (4) of the General Data Protection Regulation

the fact of decision-making, including profiling, and at least in these cases

understandable information on the applied logic and that such data management

what significance it has and what expected consequences it has for the person concerned.

For data management under the scope of the General Data Protection Regulation, the information

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

hereinafter: Infotv.) according to Section 2 (2) of the general data protection decree there

shall be applied with the additions contained in the specified provisions.

Infotv. Validation of the right to the protection of personal data based on § 60, paragraph (1).

in order to do so, the Authority initiates an official data protection procedure at the request of the data subject and

may initiate official data protection proceedings ex officio.

Infotv. According to § 61, paragraph (1), point a), it was made in the official data protection procedure

in its decision, the Authority issued Infotv. Data management defined in paragraph (2) of § 2

operations in connection with general data protection

defined in the decree

may apply legal consequences.

Infotv. Pursuant to § 71, paragraph (2), the Authority lawfully acquired during its procedures

can use documents, data or other means of proof in other proceedings.

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Infotv. 75/A. Based on § 83 of the General Data Protection Regulation, Article 83 (2)–(6)

exercises its powers in accordance with the principle of proportionality,

especially with the fact that you are in the legislation regarding the handling of personal data

The regulations defined in the mandatory legal act of the European Union are being implemented for the first time

in case of violation, to remedy the violation - with Article 58 of the General Data Protection Regulation

in accordance with - takes action primarily with the warning of the data manager or data processor.

It is ordered by the Authority based on Article 58 (2) point d) of the General Data Protection Regulation

the data manager or the data processor to perform its data management operations - where applicable

in a specified manner and within a specified period of time - is brought into line with this regulation

with its provisions.

On the basis of Article 58 (2) point i) of the General Data Protection Regulation, the Authority has the 83.

imposes an administrative fine in accordance with Article, depending on the circumstances of the given case in addition to or instead of the measures mentioned in this paragraph.

Based on Article 83 (1) of the General Data Protection Regulation, all supervisory authority ensures that due to the violation mentioned in paragraphs (4), (5), (6) of this regulation the administrative fines imposed on the basis of this article are effective in each case, be proportionate and dissuasive.

According to Article 83 (2) of the General Data Protection Regulation, administrative fines depending on the circumstances of the given case, Article 58 (2) of the General Data Protection Regulation must be imposed in addition to or instead of the measures mentioned in points a)-h) and j) of paragraph

When deciding whether it is necessary to impose an administrative fine or a sufficiently in each case when determining the amount of the administrative fine the following should be taken into account:

a) the nature, severity and duration of the infringement, taking into account the one in question the nature, scope or purpose of data processing, as well as the number of data subjects affected by the breach affected, as well as the extent of the damage they suffered;

b) the intentional or negligent nature of the infringement;

c) damage suffered by data subjects on the part of the data controller or data processor any measures taken to mitigate;

d) the extent of the responsibility of the data controller or data processor, taking into account the technical and organizational measures;

e) relevant violations previously committed by the data controller or data processor;

f) the remedy of the violation with the supervisory authority and the possible negative nature of the violation extent of cooperation to mitigate its effects;

g) categories of personal data affected by the infringement;

h) the manner in which the supervisory authority became aware of the violation, in particular whether the data controller or the data processor has reported the breach, and if so, in what detail;

i) if against the relevant data manager or data processor previously - in the same a subject matter - ordered referred to in Article 58 (2) of the General Data Protection Regulation one of the measures, compliance with the measures in question;

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j) whether the data manager or the data processor has observed general data protection for approved codes of conduct under Article 40 of the Decree or the general for approved certification mechanisms under Article 42 of the Data Protection Regulation; as well as

k) other aggravating or mitigating factors relevant to the circumstances of the case, for example, financial gain as a direct or indirect consequence of the infringement or avoided loss.

According to Article 83 (5) of the General Data Protection Regulation, the following provisions violation - in accordance with paragraph (2) - up to EUR 20,000,000

with an administrative fine, and in the case of businesses, the previous financial year is a full year must be hit with an amount of no more than 4% of its world market turnover, provided that of the two the higher amount must be imposed:

a) the principles of data management - including the conditions of consent - general data protection in accordance with Articles 5, 6, 7 and 9 of the Decree;

b) the rights of the data subjects are set out in Articles 12-22 of the General Data Protection Regulation. in accordance with Article;

c) personal data for a recipient in a third country or an international organization 44-49 of the General Data Protection Regulation. in accordance with Article;

d) IX of the general data protection regulation. according to the law of the member state adopted under chapter liabilities;

e) according to Article 58 (2) of the general data protection regulation of the supervisory authority instructions, or to temporarily or permanently restrict data processing or that non-compliance with its request to suspend data flow or the general provision of access in violation of Article 58 (1) of the Data Protection Regulation failure to do so.

Decision

In the absence of a different provision of the General Data Protection Regulation, the application was initiated for official data protection procedure, Art. provisions shall be applied in Infotv with certain deviations.

The Akkr. According to Section 10 (1), a customer is a natural or legal person, other organization, whose right or legitimate interest is directly affected by the case, for whom the official register contains data, or who (which) has been subject to official control.

III.

1. The subject of the procedure and the related person of the data controller

The subject of the proceedings initiated in response to the request is whether the Respondent unlawfully treated the Applicant your personal data.

Ex officio extended procedure

By importer, its data processor,

via for the purpose of the customer satisfaction survey sent to the Applicant

examination of the legality of email-related data management in the individual case, in particular

considering that the Importer has the Applicant's personal data and service data

whether it was lawfully obtained from the Application.

From the office

related

general classification of the consideration of interests.

Importer with customer satisfaction measurement

the

proceedings have been initiated

general

of his practice

in connection

moreover it is

subject is

examination,

subject

with this

and

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in the absence of a request, not the procedure

Based on the available information, it did not occur in relation to the investigated data management

transmission of personal data to the Manufacturer, so this procedure does not apply to the Manufacturer's data management

covered, and its extension is otherwise only the competent French data protection authority

would be possible with the involvement of

To this

subject is the Applicant's own

data processing for the purpose of customer satisfaction surveys with its own questionnaire, since the Applicant

complaint was not covered, it was filled out and returned by the Applicant, and the separate data management,

which is not carried out by the Importer. In the present procedure, the Applicant is specifically against it

protested that a person other than the Applicant - to the best of his knowledge, -

also managed his personal data, in this respect it is not legally relevant that the

The Respondent also carried out its own survey – not contested by the Applicant.

According to the Applicant's statement of May 5, 2021, it conducts a joint economic activity

With an importer and a manufacturer (not examined in this procedure). The Importer is dated June 21, 2021 according to his statement, there is close cooperation between the Importer and the Respondent. THE Neither the Respondent nor the Importer made such a statement to the authorities' repeated calls or submitted a document that would support joint data management and revealed in the procedure circumstances do not indicate this either.

The data management information of the Requested is the transfer of data for survey purposes (email address, car identification data, servicing data) designates the Applicant as the data controller.

The declarations of the Importer and the Applicant are also available on the website of the Importer according to its data management information, the decisions regarding the sending of the complained emails Data management directly related to the sending of e-mails was brought only by the Importer the Importer is considered a data controller.

The Applicant delivered on September 2, 2021 and the Importer on September 13, 2021

statements received, as well as the Importer and Applicant attached on September 13, 2021

Brand service contract established between - Commonly used by the importer IV. article and V.

on the basis of Article 5, both the measurement of customer satisfaction and the related data

definition, and the obligation to transfer the Requested data is solely the Importer's

it depends on his unilateral decision. Based on this, the Importer can determine and modify it at any time

unilaterally the purpose, means and means of data management related to customer satisfaction measurement

way. The way to do this is the brand service contract, which is Article 28 of the General Data Protection Regulation.

is considered a contract defining data processing according to paragraph (3) of Article The Importer

in addition to exclusively following his instructions - taking into account all the circumstances of the case - a

The respondent is considered a data processor in the above legal relationship.

The present procedure is based on the unique circumstances of the case explained in the justification of this decision

with regard to the data management that is its subject, the Importer is the exclusive data controller, the Requested

acts only as a data processor based on the brand service contract. The data processor does not

carries out independent data management, its activity is considered the activity of the data controller, no

acts for an independent purpose and with a legal basis. According to Article 4, Clause 10 of the General Data Protection Regulation

the data controller and those in a contractual relationship with him are not considered third parties

data processors. Accordingly, it is not considered a transfer to a third party

data transmission if the Requested data processing is determined by the Importer

framework, solely for the benefit of the Importer (in the case of a negative opinion, the interest of the Respondent

against) transfers the personal data of the persons concerned to the Importer, this is only the Importer

is considered data movement within its scope of interest.

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2. Rejection of the application

As explained above, since the request is the data transfer of the Requested,

was aimed at establishing the illegality of its data management, and the Respondent could not follow

the violation falling under the responsibility of the data controller, since the data controller is not the subject of the investigation

in terms of data management, therefore the Authority rejected the request according to the relevant part.

However, the Authority has ex officio examined the data management of the Importer as described below

legality, as well as the

general data management related to the subject of this procedure

practice.

3. The processing of the Applicant's personal data by the Importer is based on customer satisfaction

regarding measurement

3.1. Lack of adequate information

According to Article 12 (1) of the General Data Protection Regulation, the Importer is the data manager

is obliged to take appropriate measures in order to provide the affected party with a

all the information referred to in Article 13 regarding the management of personal data and a

15–22. and each information according to Article 34 is concise, transparent, comprehensible and easy

provide it in an accessible form, clearly and comprehensibly worded.

The system of appropriate information in the general data protection regulation serves to the data subject can be aware of which personal data, which data controller and which for the purpose of how you will handle it. This is essential to be in a position to can meaningfully exercise its stakeholder rights. Article 6 (1) of the General Data Protection Regulation in the case of data processing based on paragraph f) of the General Data Protection Regulation (47) based on paragraph

an information requirement applies. According to that, it is general

In addition to the special information mentioned in Article 13 of the Data Protection Regulation, there are several additional conditions

between that the reasonable expectation of the data subject must extend to the given data management, must count, and the person concerned must have some direct customer or other relationship and between the data controller. Considering that in this case the Importer is the data controller, thus the direct legal relationship between the Importer and the Respondent is to be investigated, not the vehicle selling dealership or the relationship between the Respondent and the Applicant. Appropriate in the absence of information, by definition, the data subject is not in a position to affect his rights practice properly. As explained above, there is no obligation to provide information

it means a mere "de-paperization" obligation in the general data protection regulation. All the contained in the preamble, as well as the articles of the general data protection regulation are required when defining the data controller's obligations, not just a specific one

verification of minimal effort on the part of the data controller. The purpose of the information is that it is puts the data subject in a position to have the data subject's rights in the appropriate decision-making position regarding its exercise.

When examining individual data management, the Authority determines that the specific data subject - in this case, has the appropriate information been provided regarding the Applicant, i.e. a

What information did the applicant receive about data management. This is done individually, for each case based on its circumstances, the Authority determines by considering the available evidence.

It is also obvious based on the revealed facts that there is no relationship between the Applicant and the Importer direct legal relationship, customer relationship. The fact that the Applicant is a client of the Respondent, and the Applicant is a contractual partner of the Importer, which does not make the Applicant one Importer as a customer, not automatically created by the General Data Protection Regulation (47) relationship expected based on paragraph Without examining general practice, the present is unique enhanced

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case, there would be a meaningful, demonstrable relationship between the Applicant and the Importer if a The applicant would be aware of this activity of the Importer. The Applicant in his application specifically the

marked, about the Importer's role with emails

he did not know about it either from the emails or from prior information. Finding this out, searching for it from an external source is not the data protection obligation of the data subject regulation, but as explained above, is part of the data controller's obligations to put the Applicant in such a position that he can reasonably know this. By the Applicant on an unfilled and unsigned worksheet with a completely different legal basis for a different purpose (no (satisfaction-measurement) reference written in very small letters for data management is definitely not complies with the general data protection regulation, is appropriate, clear and transparent requirement of information, the Applicant could not link it in any way for customer satisfaction measurement.

In the present case, it can be established that the Respondent under the responsibility of the Importer as due to the occasional omission of one of the employees of the data processor, the Applicant did not receive the worksheet and, as an attachment, the data management information of the Applicant and the Importer, furthermore, he was not verbally informed that it would be handled by a person other than the Applicant manage the Applicant's email address and certain data. He was only informed about that - not even that provably, verbally - that you are not obliged to provide your email address, but this in itself is not

sufficient information for the informed exercise of data subject rights and to know

what exactly your email address will be used for and which other data it affects. THE

Otherwise, the information that was not given to the Respondent incorrectly identified the Applicant as data controller of data transmission.

The Respondent sent a satisfaction survey separately to the Applicant. The Applicant

This is due to the direct customer relationship between the Respondent and the provision of the email address

was reasonably expected by the Applicant, the Applicant did not object to this. However the

it also follows from this, which affects the present case, that - after a survey to the Respondent

already filled in - in the absence of adequate information, the Applicant could not reasonably count

that the Importer - with whom the Applicant had no previous relationship -

will contact you by email with another survey, in addition to a third person - the

via, and in an email that did not specifically identify him

neither the Importer nor the Applicant. There was no reference to the actual sender in the emails

to the identity (of the Importer) and the source of the personal data, and finding this out is not the

Duties of the applicant as a data subject. Based on this, the Applicant could legitimately believe that the

..... obtained your personal data illegally, and this situation is

It was caused by the improper procedure of the importer as a data controller. Both the content of the request and the

Based on the facts revealed during the clarification of the facts, the Applicant did not and does not

you could expect to provide your email address and other personal data to the Importer

will be forwarded and the Importer will look for it. That allegedly at the Respondent's reception

information regarding this exists, it was also not reasonably foreseeable a

In the absence of specific information on this from the respondent, and it is not viable just for this

to base the information on stakeholders, it does not fulfill the increased expectation expressed above and

responsibility. This is especially true in the case of online data management where the corresponding is compact

providing information would not have caused any realistic additional costs in the email.

In addition to the above, Article 5 (2) of the General Data Protection Regulation specifically states that

the data controller establishes its burden of proof as to whether the Applicant is suitable
has been informed. The general data protection regulation does not exclude the oral
the possibility of information, however, in the event of a contrary statement by the data subject, the appropriate one
in the absence of proof, the Authority will consider the dubious situation in accordance with Article 5 of the General Data
Protection Regulation.

(2) of Article, as a general rule, at the expense of the data controller, in this case the Importer
appreciates it. Because, based on the Respondent's statements, the individual case is still oral

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nor did information cover the exact purposes for which it will be used
personal data affected by data transfer, this - taking into account the above
- does not fulfill the clear and unambiguous requirements of the general data protection regulation,
the requirement of information that can be verified afterwards.

Based on the above, the Importer violated the general rules regarding the Applicant
lawful and transparent data management according to Article 5 (1) point a) of the Data Protection Regulation
principle, according to Article 12 (1) and Article 13 of the General Data Protection Regulation - concise,
transparent, understandable and easily accessible
form, clearly and comprehensibly
the obligation to provide formulated information, as well as general data protection
the principle of accountability according to Article 5 (2) of the Decree.

3.2. The validity of the legal basis for data management is the personal data of the Applicant
regarding

The Respondent indicated its legitimate interest in its information and consideration of interests
data transfer as a separate data management purpose, carried out by the Requested Party
as a legal basis for the activity, that the legitimate interest of the Importer as a third party a
..... as the exclusive importer of motor vehicles in Hungary, its control,
that the Hungarian dealer and service partners are of the expected quality

whether they meet the requirements. This is also the statement of the Importer on June 21, 2021 confirmed. This is not an illegal interest in itself, but general data protection from the point of view of the existence of a legal basis according to Article 6 (1) point f) of the Decree, the appropriate, identifying a non-illegitimate interest is only the first step, in addition to other aspects as well the data management must comply with the General Data Protection Regulation there must be a legitimate interest on which data management can be based.

It is also important to point out that the collection and transmission of data in itself is usually not separate data management, only the first operation of a data management process, which is the substantive one prepares data management, and without meaningful data management it has no goals and results of its own. The achieving a goal and a result – in this case, a survey in the interests of the Importer – data management operations serving cannot be examined individually, their legal basis and legality depends on whether all data processing operations for a purpose are lawful, none of them commits a data protection violation. Since it is about data management - in a given individual case due to negligence - the Importer did not inform the Applicant at all, thus the information the incompleteness of its content did not materially affect the Applicant's information, it is a question concerning general practice.

Regarding the legal basis of legitimate interest, it is important to emphasize that it does not serve to in the absence of other options, the data controller at any time and for any reason, the other legal grounds in the absence of applicability, refer to Article 6 (1) point f).

personal data. Although it seems to be the most flexible legal basis, its application the data controller assumes significant responsibility - not only personal data in the narrow sense management, but also the fulfillment of other related warranty obligations also with his commitment. The legal basis of legitimate interest is closely related to the general one the principle of accountability contained in Article 5 (2) of the Data Protection Regulation, which is the transparency, accuracy and fairness of personal data management to the data controller means the obligation to fulfill administrative burdens. Not about "de-papering"

we are therefore talking here, but about a substantive task, which statement is particularly true in the case of data management, where the data controller and the data subject are not direct clients in other legal relationships. In the absence of adequate guarantees, the rights of the stakeholders the risk of injury is such that the result of the consideration of interests can only be that the third party's legitimate interests are overridden by the data subject's rights due to the risks associated with data management.

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It is very important for data controllers to be aware that they are not the data subject and that they are not the task and responsibility of the Authority during an official procedure instead of the data controller identification and justification of the purpose and legitimate interests of data management. What it's like purpose and for what legitimate interests it wishes to process personal data, the data controller must concretely, broken down to data and target level, to clearly justify, consider and guarantee this create. These guarantees must ensure, among other things, that the person concerned be aware of the data management and be able to object to the data management before, since after data processing - especially a short-term or one-time one in the case of data processing - the right to protest is already exhausted, so this right is not actually guaranteed for. In the case of sending a one-time satisfaction measurement email, it is especially true that after it has taken place, the protest has no substantive effect. The Importer as it is considered the data controller's decision to process the data according to the information for the legitimate interest based instead on the express consent of the data subject - which is, for example, marketing legal basis for inquiries according to the worksheet - so the related risks are It is worn by an importer.

In the present case, based on the above, it can be established that the general data protection foreseeability and guarantee defined in recital (47) of the decree conditions were not met, the Applicant could not object to data processing in advance, based on all the circumstances of the individual case, it and its consequences - by the Importer

data management and in this context the arrival of an email, from which it was not revealed who exactly sent - could not reasonably have foreseen. Appropriate information and therefore affected in the absence of legal capacity, legitimate interest is not a legal basis regardless of the other conditions may be valid for the Applicant.

Based on the above, the Importer, in relation to the Applicant, is in addition to what was indicated earlier violated Article 6 (1) of the General Data Protection Regulation.

4. The Importer's data management practices related to customer satisfaction measurement

In this round, the Authority investigated ex officio that the customers by the Importer does your general practice to measure your satisfaction raise any data protection issues problem, which the Authority must call upon the data controller in the event of ex officio detection to remedy it.

According to the Authority, the justification III.3.1. and III.3.2. general statements made in point a content and importance of information, as well as the validity of its legal basis of legitimate interest about its impact on the data controller and the importance of a proper relationship between the data controller and the data subject

They are also relevant to the importer's general data management practices.

content contractual

The

applies provisions regarding the examined data management with the brand partners, so that

The relevant provisions of the brand service contract between the Importer and the Respondent a

The authority assessed it as the general practice of the Importer.

It is generally the procedure of the Importer that on its data processor, for example

by email sent via

to complete the measurement. The person concerned cannot know from the content of the email that the Importer is the one in question

specific person sending e-mails, who and where they obtained the e-mail address, and with this

where you can find more information. In the email "your

your dealer" and "the email was sent by on behalf of".

they are not only meaningless (there is no such legal entity as[car brand]) and that

based on the facts, it is substantially similar

Importer a

revealed

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are not suitable for identifying a data controller, but are clearly misleading, as they are not the numerous

one of the (unspecified) dealers, but Importer as data controller

the emails were sent on behalf of. This is confirmed by the fact that several years may have passed at the time of servicing

since the purchase of a vehicle and does not necessarily take place at the dealership where the purchase was made

all servicing. The Importer's obligation as a data controller is not only the appropriate one

ensuring advance information with organizational measures, but the individual stakeholders

transparency, identifiability and minimal

the existence of necessary information so that the person concerned can connect that the preliminary

whether you received the given email from the person indicated in the information. Because nowadays it is very

unsolicited emails, which typically include links to harmful programs, are widespread

can send, therefore it is of utmost importance that the electronic message is not sent at the request of the data subject

in the case of the sender being clearly identifiable and the existence of appropriate information regardless

from prior information.

The email does not contain any information about the source of the personal data

what was, and with what legal basis, exactly which personal data of the Applicant is handled. The

displaying the chassis number in the email is also personal data stored in connection with such a person

unnecessary treatment, which does not provide new information to the person concerned, since he knows if

he took his car in for service a few days ago, but it is unrealistic to expect that the chassis number

identify your car by heart. Neither information about data management nor the

there was no reference to information about specific data management in the emails, and email would not have encountered any difficulties through electronic messages at the end, ensure that at least the most basic information is provided (actual sender, such as data controller, legal basis, source, information on the website). Although the emails are from the Importer sent by its data processor, the Importer as data controller is responsible for its activities as if you would have acted yourself, since the general data protection regulation makes the data controller general responsible for compliance.

Due to the above, the data subjects cannot exercise their rights as data subjects, nor can they receive information can ask the Importer, since only the data processor could be identified in the email, to which the person concerned had no connection. The data processor with data management information about it could not be found in the email.

it is important that it is appropriate

THE

substantiation that the most necessary to achieve the goal affected by the legitimate interest is personal data is handled by the data controller. At the request of the Authority, the Importer only makes a general statement has done in relation to measuring customer satisfaction all types of data handled are absolutely necessary, but this was not supported by anything under.

Regarding the chassis number, the Authority has already explained above that it is unreasonable to expect one knowledge of it by heart from the person concerned, based on which the received email was automatically narrowed down for a vehicle. However, in addition to the suitability, the necessity is debatable, since he is an Importer he did not substantiate with anything why the person concerned would not remember that they were a couple Within a day, you had your car serviced, and if you have more than one car, with which Thus, the transfer of this data to the data processor and its inclusion in the email mostly unnecessary and unsuitable for achieving the goal.

The Importer also did not substantiate why an email was necessary

also the data of the address and telephone number concerned. As the Importer also stated
In your answer sent on September 13, 2021, the main goal of customer satisfaction measurement
it is statistical and trend-like, so it does not require the identification of the data subject. Like that
the Importer also stated that identification of the person concerned is only necessary if it is concretely negative
also during consideration of legitimate interests

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formulates an opinion or complaint and consented to this being forwarded by name
For importer. Thus, in connection with the above statistical purpose, the names, addresses and
obtaining your phone number from the brand partner is not necessary and the specified one is suitable
to achieve a goal.

The above can be said about the age and gender of the data subject requested in the questionnaire
also, in respect of these, the Importer did not substantiate that the indicated satisfaction measurement and
how would these data be related to the purpose of complaint handling, and why not without them
the goal identified as a legitimate interest is achieved.

Based on the above, the Importer should have examined whether it is
the collection and storage of certain service data linked to a specific person is mandatory
whether both statistical and complaint handling purposes are necessary or otherwise achievable.

For example, if the brand partner only provides aggregated statistical data to the Importer
how many service jobs have been done on which parts, and regardless of whether you are the customer
user of the service, who does not object to it based on adequate information
sends the email addresses of people on a separate list, then the email containing the questionnaire link
it can be sent out in the same way - with appropriate information in the email about who sent it and why
in fact - and the complainants the purchase or service date on the questionnaire,
based on brand partner and email address - they can be clearly marked for the brand partner,
on which more detailed individual information is required. That contact information is sufficient for this
request from the filling-in person through whom you want to communicate, the email at the same time,

residential address and telephone number are obviously not necessary for this. The complaint is filed by name

in case of procedure – contrary to the wording of the request for consent in the questionnaire – not only a

name is managed by the Importer, so it is important to indicate that the provided contact information and

the Importer will also handle vehicle data linked to a given person

in case of consent. The Authority notes that it is specifically for the purpose of handling complaints

otherwise, the use of the legal basis of consent is questionable, since in the event of its withdrawal a

the investigation of the complaint is interrupted, however, this is the new one following the customer satisfaction measurement

data management, which is not the subject of this procedure. In the absence of a specific complaint or disclosure

examination of the unique service conditions related to the given person is the declaration of the Importer

according to it is not part of the purpose, so it does not verify the data of the identifiable data subjects by the Importer

treatment. If the Importer still wishes to process the above personal data, it will

in the context of customer satisfaction measurement, you must be able to thoroughly justify it,

which he was unable to do in the present proceedings. For this reason, it cannot be accepted either

the result of a consideration of interests.

Considering that the content of the questions asked by the Respondent on his own questionnaire

were identical to the questions asked by the Importer (with the fact that the Importer also

asked questions), consideration of the fact that

is such parallelism necessary, and is it related to different, overlapping surveys

can its bombardment be avoided by handling less personal data, which also did not arise

as a consideration when considering the interests of the Importer.

In this regard, the Authority emphasizes that the legitimate interest and the legal grounds in general have been established

must be examined in connection with the purpose of data management. The fact that the Importer is different for other

purposes

handles the same type of personal data of the affected parties with a legal basis, so you are familiar with them, but not yet

automatically makes it legal to use this data for other purposes, at most a

reducing the actual data protection risk

legal consequence

when determining. The same is the case with the argument put forward by the Importer that previously no stakeholder complaints were received for this, moreover, due to the lack of transparency, many stakeholders were not was in a position to know against whom he had to exercise rights of interest.

maybe the

factor

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Taking into account the above data protection problems, they clearly predominate risks related to stakeholder rights, which the Importer did not adequately consider.

As a result, the interests identified by the Importer have priority over the interests identified interests or fundamental rights and freedoms that protect personal data are necessary, therefore Article 6 (1) point f) of the General Data Protection Regulation according to - or another - legal basis does not exist with regard to the examined data management in the form of

Based on the above, the practice of the Importer in relation to customer satisfaction measurement is in violation legal and transparent according to Article 5 (1) point a) of the General Data Protection Regulation principle of data management, according to Article 5 (1) point c) of the General Data Protection Regulation the principle of data saving, Article 6 (1) of the General Data Protection Regulation, and general Article 13 of the Data Protection Regulation.

ARC. Legal consequences

Since the investigated data processing for the purpose of measuring customer satisfaction already applies to the Applicant has ceased, in this respect no obligation to delete the available information is necessary

Based on.

Since it does not affect the data subject's rights according to the General Data Protection Regulation, it is therefore the data subject

its customer capacity does not extend to the issue of imposing a data protection fine. The Authority

examined ex officio whether the imposition of a data protection fine against the Importer was justified.

On the question of whether the imposition of a data protection fine is justified, the Authority made a decision based on statutory discretion, taking into account Infotv. Section 61 (1) to paragraph a), Infotv. 75/A. 83 of the General Data Protection Regulation.

(2) and Article 58 (2) of the General Data Protection Regulation.

The illegality of the individual data management carried out by the Authority in relation to the Applicant he does not see any other measures necessary in the case of the individual applicant.

In the ex officio procedure due to the illegality of the general practice examined ex officio, the Authority considered the following in relation to the data protection fine.

The Authority did not take it into account as a mitigating circumstance regarding the necessity of the fine the economic situation referred to by the Importer, as it is – indirectly, on the annual income through - only affects the amount of the fine if it is necessary, not whether whether it is necessary to impose a fine is determined by the violation and its circumstances in accordance with Article 83 (2) of the General Data Protection Regulation. In this regard, the When determining the amount of the fine, the Authority took into account that the Importer's 2020 its taxable profit was HUF which is more than the 2019 after-tax profit for the year, while the net sales revenue in 2020 decreased by % compared to the 2019 level.

The Authority also did not consider as a mitigating circumstance the fact that the Importer a He cooperated with the authorities during the procedure, as this is Article 31 of the General Data Protection Regulation. the obligation of all data controllers and data processors based on Article can be taken into account as an aggravating circumstance.

The Authority also did not take the Importer into account as a mitigating circumstance reference to the fact that the data subjects will not suffer any damage, in fact, the data management

they know in large numbers. The

it also serves the interests of those concerned, as personal data is subject to general data protection

unnecessary data that conflict with the regulation, that do not take into account the will of the data subjects

user data management violates the right to the protection of personal data and in general

represents an unnecessary data security risk, and the satisfaction measurement is only based on –

presumably in a small number of cases, it serves the interest of the person concerned, if he has a complaint, and he does

the person concerned can present it without question, if the Importer is suitable for this

provides a forum, it is not necessary to contact the Importer separately.

The Authority considered the Importer's market weight as an aggravating circumstance, the potential

number of people affected (which is the new car sales statistics of the KSH in Hungary²

based on at least tens of thousands), and that his general practice is imported by him

exclusively dominant in Hungary in terms of brand.

The Authority considered the fact that it was not available as an aggravating circumstance

effective information and legal remedy for those concerned. This round cannot be taken into account

The number of complaints received by the authorities is small, since the essential element of the violation is that the affected

parties

they did not receive adequate information about the given data management and do not necessarily expect it,

thus in merit

Importer's data management

on the basis of its extent and market position, the Importer could be expected not only to

the exercisability of data subject rights should depend on the individual and unsupervised decision of its administrators.

The Authority considered as an aggravating circumstance the fact that the violation lasted for several years

the result of existing, continuous practice, and its planning - or the general

redesign in accordance with the data protection regulation - it was thoughtless at the level of principle.

The Authority took into account as a mitigating circumstance the fact that the scope of personal data handled

did not contain personal data belonging to a special category or sensitive for other reasons,

and a significant part of the personal data is related to the vehicle owned by the data subject shift data, and some of the data is handled by the Importer for other purposes anyway, so it is the damage to those affected was not significant, despite the size of the circle of stakeholders.

The Authority took into account as a mitigating circumstance the fact that in the individual complaint case a The applicant, as a data processor, was about an error occurring in an individual case by one of his employees word, and evaluated the Respondent's statement that he had taken steps to deal with similar cases in order to avoid it in the future, as well as the requirement of the Importer to make it mandatory handing over information on data management to those concerned.

The Authority took into account as a mitigating circumstance that the violation was negligent, was not aimed at harming the persons concerned or obtaining illegal profit, and the indicated interest can be regarded as a legitimate interest if the conditions of data management are met are adapted to the provisions of the general data protection regulation explained in the justification.

The Authority took into account as a mitigating circumstance the fact that the Importer had not previously committed a data protection violation, the Authority did not establish such a violation against him.

As a result of the Authority's consideration, in relation to the examined general practice, it is based on all the circumstances of the case, it is necessary to impose a fine for both the special and for the sake of general prevention in order to secure personal data in the future enforcement of the right to protection.

2 https://www.ksh.hu/docs/hun/xstadat/xstadat_evkozi/e_ode001b.html

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Based on the above, the Authority, according to the relevant part, the maximum amount that can be imposed is approx. it held the imposition of a data protection fine corresponding to three ten thousandths (0.026%).

it is proportionate and deterrent based on all the circumstances of the case

Importer

regarding.

A. Other questions

The competence of the Authority is set by Infotv. Paragraphs (2) and (2a) of § 38 define its jurisdiction

It covers the entire territory of Hungary.

The Akr. Paragraphs (1) and (2) of Section 112 and Paragraph (1) of Section 116 and Paragraph (1) of Section 114 based on the decision, there is room for a legal remedy through an administrative lawsuit.

* * *

The rules of the administrative trial are set out in Act I of 2017 on the Administrative Procedure hereinafter: Kp.) is defined. The Kp. Based on § 12, paragraph (1), by decision of the Authority the administrative lawsuit against falls within the jurisdiction of the court, the lawsuit is referred to in the Kp. Section 13, paragraph (3).

Based on point a) subpoint aa), the Metropolitan Court is exclusively competent.

The Kp. On the basis of § 27, paragraph (1) point b) of the public administration under the jurisdiction of the court legal representation is mandatory in a lawsuit. The Kp. According to § 39, paragraph (6) - unless otherwise provided by law provides - the submission of the claim for the administrative act to take effect

does not have a deferral effect. The Kp. Paragraph (1) of § 29 and, in this regard, on civil procedure solo CXXX of 2016 Act (hereinafter: Pp.) is applicable according to § 604, that is

of 2015 on the general rules of electronic administration and trust services

CCXXII. according to Article 9 (1) point b) of the law, the legal representative of the customer is electronic obliged to maintain contact.

The time and place of submitting the statement of claim is set by Kp. It is defined by § 39, paragraph (1). THE information on the possibility of a request to hold a hearing in Kp. Paragraphs (1)-(2) of § 77 is based on.

The amount of the fee for the administrative lawsuit is determined by Act XCIII of 1990 on fees. law

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

the Itv. Paragraph (1) of § 59 and point h) of § 62 (1) exempt the person initiating the procedure half.

If the Obligor does not adequately certify the fulfillment of the prescribed obligations, the Authority

considers that the obligations have not been fulfilled within the deadline. The Akr. According to § 132, if the Obligor did not comply with the obligation contained in the Authority's final decision, that is can be executed. The Authority's decision in Art. according to § 82, paragraph (1) with the communication becomes permanent. The Akr. Pursuant to § 133, enforcement - if you are a law government decree does not provide otherwise - it is ordered by the decision-making authority. The Akr. 134. pursuant to § the execution - if it is a law, government decree or municipal authority the local government decree does not provide otherwise - the state tax authority undertakes. Infotv. Based on § 61, paragraph (7), contained in the Authority's decision, to carry out a specific act, for specific behavior, you are patient

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regarding the obligation to stop, the Authority will implement the decision undertakes.

Budapest, October 27, 2021

Dr. Attila Péterfalvi

president

c. professor