

Registration number:

Clerk:

Object:

NAIH-4447-6 / 2021.

[...]

application

decision

place

tax

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

[...] To the applicant ([...] hereinafter: the Applicant) [...] Budapest [...] district

Personal to the Mayor's Office (address: [...] hereinafter: Applicant)

on 26 April 2021 concerning the unlawful processing and disclosure of personal data

hereinafter referred to as "the Application") in the data protection authority proceedings

decision.

The Authority shall grant the request and

Finds that the Applicant

-

Article 6 (1) and Article 5 (1) of the General Data Protection Regulation.

has committed an infringement of paragraph 1 (c) by online

during a public hearing and a video recording of it

and disclosed in the minutes the personal data of the Applicant (name,

address);

-

the Applicant is lawful, Article 17 (1) (d) of the General Data Protection Regulation

rejected his application for cancellation based on

-

processing of the Applicant's personal data prior to the public hearing

Article 12 of the General Data Protection Regulation

the requirement to provide transparent information.

It obliges the Applicant to fill in the Applicant 's personal identification data (name

and address) can be seen and heard on the video, and

can be found in the minutes of the public hearing

with regard to your personal data as follows:

- [...]

- [...]

- [...]

- [...]

The fulfillment of the obligations of the Data Controller according to point 2 from the taking of the measure

within 15 days of receipt of the supporting evidence

together - to the Authority.

In the event of non-compliance with the obligation under point 2, the Authority shall order the decision

implementation.

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

within 30 days of the application lodged with the Metropolitan Court

can be challenged in a lawsuit. The application shall be submitted to the Authority electronically, which shall:

it forwards it to the court together with the case file. The request for a hearing shall be made by:

must be indicated in the application. For those who do not benefit from full personal exemption

.....
.....

1055 Budapest

Tel .: +36 1 391-1400

ugyfelszolgalat@naih.hu

Falk Miksa utca 9-11.

Fax: +36 1 391-1410

www.naih.hu

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the fee for the court review procedure is HUF 30,000, the lawsuit is subject to the right to record the material fee. THE

Legal representation is mandatory in proceedings before the Metropolitan Court.

EXPLANATORY STATEMENT

I.

Facts

Dated by the Applicant on 22 April 2021, received by post by the Authority on 26 April 2021

In its application, the

Applicant requested that the Authority condemn the Applicant for unlawful data processing

and order the processing of the data in accordance with the request:

“I ask the T. Authority to

(a) the data processing district [...] shall initiate the official proceedings on the basis of the application

Against the Mayor's Office,

b) the data controller deletes my personal data in accordance with the provisions of Annex 2.

The following is a list of my personal information that has been disclosed:

ba) [...]

- [...]

- [...]

- [...]

(bb) Minutes of the public hearing: [...]

I ask the Data Management Office to do this in the content available on the indicated links

anonymisation and an online public hearing on 12 November 2020

the information in point [...] of the minutes (name and address on page [...]) accordingly

delete them or, if this is not possible, remove them from the Internet.

c) My application covers the stored version of the documents as well as the indexing (the Internet search engine name not search results).

d) I request the T. Authority, if it is official on the basis of the contents of this application

the decision on the outcome of the procedure shall be held in a public place

(eg on a website) do not publish; its contents are different from those of the data controller

I do not consent to the knowledge of the

In its submission, the applicant informed the Authority of the following:.

on November 12, he held an online public hearing with "Facebook live," which was broadcast live to anyone

could follow. Prior to the public hearing, the Applicant shall be contacted by the Applicant's clerk by telephone

contacted him and asked him to send them an e-mail in text format a

the problem to be presented at the public hearing, detailing it. The Applicant

electronically on November 10, 2020: recommended the deployment of a surveillance camera

on the corner of [...] street, among the reasons of which he listed that on the one hand several crimes

occurred in the area where [...] also operates, and on the other hand located on the corner of [...] Street [...]

Also justified by the 'phenomenon' (behavior of 'consumer' persons grouped in front of it)

maintains the location of the surveillance chamber.

According to a faithful statement by the Applicant: "The clerk of [the Office] did not call

informed him that anything in connection with the public hearing as a public interest announcement

I will describe it in its entirety in public at the online public hearing

nor has I been informed in connection with the processing of my personal data that

my personal information in your submission is also word of mouth to the public

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are displayed on the screen. Personal in my submission

I did not consent to the processing of my data. "

Applicant further submitted that the public hearing is not exclusively online in real time happened, but there was also a recording of it all, which is still available to anyone on Facebook right now available, and the minutes of the public hearing are also public, Requested can be found on anyone's website.

The text submitted by the Applicant for the referred public hearing is text-based the public interest notice in full, marked with his name and address for reading was added, and his name was constantly displayed on the screen, and all about the public hearing also included in the minutes. Applicant also considers it offensive that he is alive

The report is now available on the Internet

(that the events complained of are taking place at the corner of [...] and that [...] consume alcohol, etc.) using Google Street View for anyone his name and address details become clearly identifiable.

The Applicant's attention was drawn in the course of his work, in connection with an official case, to the fact that by searching your name in a web browser, it becomes complete

The minutes of the public hearing shall include the name, address, with a problem of public interest (public notice and proposal). Therefore, on 13 January 2021, the Applicant contacted the Office electronically and requested that the unlawfully disclosed personal data. The Office will be electronic within a week

he replied in a way in which his request was denied. They set out their position in their explanatory memorandum, which 10/2015 on the Organizational and Operational Rules of the Board of Representatives. (IV. 22.)

The rules of the Municipal Decree (hereinafter: SZMSz) apply to your case: "[...] summed up at the public hearing, which is a public meeting of the Board of Representatives, there pre - registered voters who have appeared in person tell the comments of public interest. Minutes of the meeting shall be drawn up in accordance with the provisions of Art. must be made public in accordance with that provision. [...] To the question of publicity also includes the provision of § 13 (2) of the SZMSZ, according to which "A

audio, film and video recordings of the public meeting of the Board of Representatives may be made. " That way you cannot be considered a public interest notifier as it has registered for a public event, the

The legislation cited in the letter is not applicable to the present case, as it is challenged by removing the contents of the Mötv. The constitutional principle contained in Section 2 (2) that local government in local public affairs in a democratic way, it expresses and implements the local public will by creating a wide public. [...] "

Before the Authority, at the request of the Applicant, the right to information self - determination and the CXII of 2011 on freedom of information Section 60 (1) of the Information Act (hereinafter: the Information Act) pursuant to paragraph NAIH-4447/2021. proceedings were initiated by a data protection authority.

The Authority has issued NAIH-4447-2 / 2021. number. In its order issued on May 17, 2021, a He formulated questions for the applicant, for which he made a statement called.

1) "For what purpose and on what legal basis the Applicant handled and disclosed it personal data (name, place of residence with street sign) by the [...] district Municipality Board of Representatives 2020.

November

On the 12th

online

form

retained

at a public hearing

in the minutes? The purpose of the processing of personal data and the processing of data the existence of an appropriate legal basis with a precise legal reference, where appropriate prove it with a suitable document!

2) Applicant for the processing of personal data of natural persons

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

Regulation (EU) 2016/679 repealing Regulation (EU) No

4

3)

4)

5)

6)

7)

data protection Regulation) in the exercise of their rights under Article 15

the deletion of your personal data from the published video in any form, or

from the minutes of the public hearing, also made public? If yes,

please be informed of your response.

Have they taken, and if so, what action has been taken by the applicant to exercise his / her rights

in order to? If not, please explain the reasons for not taking action.

All submissions made for the public hearing in public

will be negotiated or examined in advance of any aspect,

are they valued? If so, which aspects do you consider submitting to the public?

at a meeting of the Board, and which ones will be answered in a different way?

For which submissions are applied for complaints and public interest announcements

CIXV of 2013 provisions of the law?

Present the personal details of the speakers in connection with the public hearing

management practices! In this connection, send to the Authority:

your current privacy policy and, if you have one, online

public hearing data management information.

What is the purpose of filing citizen submissions with a serial number

care? "

The Applicant is NAIH-4447-2 / 2021. making a declaration in accordance with the order issued no
in its reply of 27 May 2021

only partially complied with the attachment of documents¹.

After the Applicant did not fully reply to the Authority's request, the facts

the Authority therefore referred to NAIH-4447-4 / 2021. No. June 2021

In his order of 3 May 2006, he repeatedly called on the Applicant to answer the questions,

which the Applicant complied with on 14 June 2021. In his reply, he gave the following answers.

„[...] Answer 1: Act CLXXXIX of 2011 on the Local Governments of Hungary. Act (a

hereinafter: Mötv.) “The Board of Representatives shall act at least once a year in advance

holds a announced public hearing in which the local population and the local interest

representatives of non-governmental organizations may make questions and suggestions concerning local public affairs. "

The Mötv. According to the Commentary on this section: “At the public hearing - unlike the

with a meeting of a public representative body - not only to stay there, but also to

The local resident also has the individual right to comment, ask questions and make suggestions

representatives of local interest organizations. "

The Mötv. - also for this section - According to the Explanatory Memorandum: “The legal institution has that purpose

to enable voters to speak directly at this open board meeting

questions to the panel and make suggestions. "

In the pre-emergency period at public board meetings, so the annual

Photographs were also taken at public hearings, which are available on the municipality's website

and a report on the public hearing published in a local newspaper issued by the municipality

published as a summary illustration. The issue of publicity also includes [...]

10/2015 on the Organizational and Operational Regulations of the Representative Body of its local government.

Annex 1 - Complaint submitted by the Applicant by e-mail with a statement of opposition and a detailed explanation thereof

will be followed by the Applicant's notification to which this complaint relates.

Annex 2 - Minutes of the online public hearing on the emergency on 12 November 2020

I would like to inform you that in connection with the holding of the public hearing and its minutes, the
the supervisory body did not comment.

Annex 3 - Designed and initiated to address the local public affairs raised by the Applicant

Mayor's response of 20 November 2020 on

Annex 4 - The petition of the Applicant dated 13 January 2021 and the mayor's reply thereto.

Annex 5 - Government Office of the Capital City of Budapest BP / 101 / 001304-3 / 2016. provided in the framework of
technical assistance no

resolution on the holding of the public hearing and the minutes of the

rules apply. Budafok-Tétény Budapest XXII. on the Organizational and Operational Regulations of the Local Government of
the District

10/2015 (IV. 20.) of the local government regulates the legal institution of public hearings in § 93.

1

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(IV. 22.) of the local government (hereinafter: SZMSZ)

"Audio, film and video recording of a public meeting of the Board of Representatives
can be made. "

This regulation is in accordance with Mötv. - cited below - shown in § 2
publicity requirement.

In view of the emergency, neither the meeting of the Board of Representatives and thus the public hearing

could be kept in person. The Board of Representatives 23/2019. (XII. 19.) municipal

in its work plan for the 2020 public hearing adopted by

in the preparatory phase before a certain date, no resolution (Annex 1)

was available as to whether or what kind of public hearing could be held

so that the public hearing was conducted online in order to

that the Mötv. Section 2 and Section 3 (1) in full

be realized. „2. § (1) The local government is the settlement and the county

the right of the community of its constituents, during which the civil

a sense of responsibility, the creative cooperation within the local community unfolds.

(2) Local government in local public affairs in a democratic way is wide-ranging

expresses and implements the local public will by creating publicity.

§ 3. (1) The right of local self-government is the responsibility of settlements (local governments) and counties (local authorities). "

In summary, the public hearing, which is a public meeting of the Board of Representatives,

pre-registered voters who show up there tell the local person in person

their comments on the concept of public affairs. Personal data processed during the public hearing

the lawfulness of the data is guaranteed by Article 6 (1) (e) of the GDPR, which states that

in the public interest or in the exercise of a public authority conferred on the controller

necessary to perform the task performed.

As I have explained above and below, Mötv. Fixed in § 54, annually

a mandatory public hearing must be held at least once for the House of Representatives

on the other hand, the right of voters to participate in local government

means.

To ensure the smooth running of the public hearing and to ensure that

the municipality duly fulfills its obligation to provide information and thus ensures that

the right of citizens to participate, it is necessary to process certain data of the citizens concerned.

In the case of the Applicant, to indicate the place of residence at street level due to the territorial identification

was necessary, as it would not have been possible to provide an adequate answer without indicating it

to solve a problem in this area.

The disclosure was not made for the purpose, but for the public hearing to be there

speakers shall communicate their names and identify the local public matter which they have raised

they indicate their narrower living environment and, in some cases, their address.

The public hearing is based on Mötv. mandatory for local governments

a meeting of the House of Representatives, where those present to speak in person, a later, in connection with his further questions, the minutes will be made public the legal basis for its adoption.

[...]

Answer 2: Applicant on 13 January 2021 (approximately two months after the public hearing)

in a request sent to our office by e-mail addressed to the Mayor

pursuant to the Regulation of the European Parliament and of the Council referred to in

delete your data from the protocol. In his reply of 18 January 2021 (which was the subject of the previous letter 3).

Annex) to the meetings and minutes of the meetings of the Board of Representatives

informed the Applicant that the legislation on public access to

the Mötv. Pursuant to Section 52 (3), "Voters - with the exception of closed sittings -

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have access to the presentation of the Board and the minutes of its meeting. THE

the possibility of holding a closed meeting to get acquainted with data of public interest and public data in the public interest should also be provided. "

In summary, minutes of the meeting will be drawn up, which will be approved by the Mötv. provision referred to in mandatory public within the meaning of From the minutes, subject to the cited Mötv.

available, we are unable to delete the Applicant's data as it is a violation of the law could lead to a measure of legality by the supervisory body.

[...]

3. Answer: In preparation for the public hearing, the general public in previous years

In accordance with the Commission 's practice, we were informed of the public hearing by the following means and ways:

- publication of a call on the website of the municipality

[...]

- publication of a prospectus in the official gazette of the municipality (Annex 2)

- placement of notices in frequented points of the district (Annex 3)

The applicant was informed in advance by e-mail by the clerk of the office

on the traceability of an event in connection with which the Applicant inquired live

opportunities to comment on the broadcast. (Annex 4)

The applicant was affected by the exercise of the right two months after the public hearing

As I explained in my answer to Question 2,

that the minutes of the public hearing as a public representative body meeting are public, and a

The publication of the minutes is mandatory under the relevant legislation. At the public hearing a

voters and members of the Board of Representatives consult directly on local public affairs,

where those present make their comments in person, taking their names and faces, the public

and you can take a picture, sound or video of the event. From my point of view

the public hearing does not fall into the category of complaints and announcements in the public interest, but

- as I have referred to several times in my present reply - is a public board meeting which I have just had

the point is that voters are involved in the management of their common affairs in this particular

through a legal institution.

This and Mötv. provision is the reason for

we did not take action because we could not do so without violating the principle of publicity.

It is the intention of the legislature that the public interest in the local population should know the

minutes of the public board meeting.

Comparing the public and personalized information indicated above, I believe that

it can be stated that the Applicant was aware that he would apply for a public hearing.

[...]

4. Answer: Again, the Art. I can refer to its provision that the year

at a mandatory public hearing, the local population is local

make questions and suggestions concerning public affairs, for comments, questions,

he has a subjective right to make a proposal. The legal institution serves the purpose of serving the electorate

at this open board meeting, address questions directly to the board, a proposal

do it. It follows that submissions may not be made orally

comments, questions, suggestions. Section 93 (3) of the SZMSZ

“At the same time as requesting the serial number, the

the subject of the speeches. ”

7

The purpose of the statement of opposition is to enable the citizen wishing to speak to

we can inform you that at the public hearing - the Mötv. provision cited several times

local public affairs, a personal problem,

an individual case may not be brought before a public hearing. So, to the topic of non-local public affairs

The competent office of the Mayor's Office shall answer the questions in

in the absence of such competence, it shall be forwarded to the competent authority as

it was also brought to the attention of the electorate on the basis of the links indicated above. Nonetheless

Applicant's first submission was not clear, it was stated during the telephone contact

supplemented by an administrator. (See Annex 1 of my previous letter)

Summarizing the above, it can be concluded that public hearing is like direct democracy

one means, not submissions, but by voters in person, live

discusses issues and proposals concerning local public affairs presented by a public representative body

meeting.

[...]

Answer 5: Act CLXV of 2013 on Complaints and Notices of Public Interest. law

shall apply to all submissions that are Section 1 (2) and (3) of this Act

shall be deemed to be a complaint or a notification in the public interest

filed by the petitioner as such. The Internet and

It is clear from the paper-based prospectuses that - Mötv. he called several times

In accordance with the provisions of

For this reason, the Petitioner's application does not fall within the scope of the above law, given that the municipality does not call for a complaint or a public interest complaint.

[...]

6. Answer: Paragraphs (2) to (3) of Section 93 of the SZMSZ, cited above, provide as follows:

"2. No later than 15 days before the date of the public hearing, the citizens of the district shall by publication of a notice - the mayor shall notify. The announcement should be made as follows publish:

- a) on the notice board of the mayor's office,
- (b) by publication in the district written and electronic press; and
- c) on the website of the municipality.

(3) The order of speeches at the public hearing shall be in the order of the serial numbers. The serial number the subject of the opposition shall be indicated at the same time as the request. The serial numbers are a can be requested in person, by telephone or from the 15th day before the day of the public hearing electronically as set out in the notice. Until 12 noon on the day of the public hearing serial number may be requested. "

Residents can therefore request a serial number in person, by phone or by e-mail, indicating the local public affairs of their post. On the phone and in person the mayor's office is responsible for preparing the public hearing will be issued to the applicant immediately by the civil servant, while in the case of comments indicated by e-mail it shall inform the applicant shortly of the serial number and the fact that his post is local whether it is a public matter. Name and contact details of the commenter (address, telephone number, e-mail address) are included in a database only and exclusively for two reasons indicated by the citizen to solve a problem.

On the one hand, if it is not raised or not fully raised during the public hearing so that we can send you an appropriate reply within the legal deadline

on the action taken in response to its comments, either on its own initiative or by referral to a body competent and competent.

On the other hand, if his allegation does not fall into the category of local public affairs, his case is a

The competent office of the Mayor's Office can arrange it for you personally.

As cited in Mötv. can be established on the basis of the rules, the public hearing is the norm

not in the online space but through personal participation, ensuring the voter

and elected representative direct meeting, so online public hearing data management

no prospectus has been prepared.

I find it important to note that overall it is traditional and online

the data management of the public hearing is no different and, in my opinion, is in line with what is in force

our data protection policy, which is available on the website of the municipality at the following link:

[...]

[...]

7. Answer: Pursuant to the provision of the SZMSZ already referred to - Section 93 (3) - the serial number

The sole purpose of the request is to ensure that the order in which the speeches are made at the public hearing (and not the submissions!) follow the order of application to avoid on-site

any misunderstanding that may arise from the application.

[...]

8. Answer: Due to the epidemic situation, by filling in a form instead of a personal application,

We provided the opportunity to apply with your name, phone number and email

title was requested in order to comply with the relevant provision of the SZMSZ

which in this case is not the opposition but the problem

indicated to the citizen and the written answer

and to deal with non-local public affairs.

I enclose the form originally submitted by the Applicant, which does not show

neither the nature nor the content of its suggestion. (Annex 5)

The administrator contacted the Applicant by telephone to clarify the problem (which it turned out that the indicated case did not fall into the category of local public affairs, cf. previous letter 1. Annex).

The Applicant also sent his proposal by e-mail, in which he voluntarily provided his address that it was not related to the indicated problem. (Attachment 6) Not in this email provided that he would ask for his name to be withheld and for his data to be treated in private. The administrator explained in detail the legal institution of the public hearing by telephone. Mötv. and SZMSZ rules.

Subsequently, Applicant re-submitted another now public case by e-mail a proposal in category (Annex 7) in which he re-entered his address, and it still did not provide for its closed treatment.

I would also like to inform you that, in view of the epidemic situation, it is personal application forms replacing the application are subject to the rules on record keeping received, filed by the Office, the file in accordance with the general records management rules stored and filed. "

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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 Regulation (EU) 2016/679 (hereinafter referred to as the General Data Protection Regulation) Pursuant to Article 2 (1), the General Data Protection Regulation applies to personal data to process data in a partially or fully automated manner and to process them processing of personal data in a non-automated manner which is one of the are part of a registration system or are part of a registration system they want to do.

According to recital 60 of the General Data Protection Regulation, "Fair and the principle of transparent data management requires that the data subject be informed of the data processing fact and purposes. The controller may also provide additional information to the data subject necessary to ensure fair and transparent data management, taking into account the specific circumstances and context of the processing of personal data. The the data subject shall also be informed of the fact of profiling and its consequences. If the personal data are collected from the data subject, the data subject shall also be informed that he or she is obliged to to communicate personal data and the nature of the non-disclosure consequences. This information can also be displayed with standardized icons supplemented so that the data subject is clearly visible about the planned data management receive general information in a comprehensible and legible form. When the icons in electronic format, they must be machine-readable. "

According to recital 61 of the General Data Protection Regulation, "To the data subject the collection of personal data relating to the processing of personal data shall be provided to the data subject at the time of the request or if the data are not from the data subject but from the data subject collected from other sources within a reasonable time, taking into account the circumstances of the case to make available. If personal data may be lawfully communicated to another recipient, a the data subject shall be informed at the time of the first communication to the addressee. If the data controller a personal data for purposes other than those for which they were originally collected prior to the processing of the data subject for this different purpose and all other necessary you need to be informed. If the data controller is unable to provide information to the data subject the origin of personal data, as they come from different sources, general information shall be provided. "

According to recital 65 of the General Data Protection Regulation: 'The data subject is entitled to request the rectification of his personal data concerning him and to which he is entitled

"Right to be forgotten" if the retention of the data in question infringes this Regulation or Union or Member State law which extends to the controller. The affected has the right, in particular, to have his or her personal data deleted and not to be further processed if the collecting or otherwise processing personal data for the original purposes of data processing context is no longer required or if the data subjects have withdrawn the data for processing their consent or if the processing of their personal data is not otherwise responsible this Regulation. This right is particularly relevant if it has been granted by the person concerned when he was not yet fully aware of the risks of data processing, and later wants to remove the personal data in question, especially from the Internet.

The data subject may exercise this right even if he or she is no longer a child. However, personal further retention of data shall be considered lawful if the expression of opinion and the exercise of the right to freedom of information is a legal obligation compliance or the performance of a task in the public interest or entrusted to the controller for the exercise of official authority or in the public interest in the field of public health, for archiving purposes in the public interest, for scientific and historical research purposes or for statistical purposes necessary to bring, assert or defend legal claims. "

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According to recital 69 of the General Data Protection Regulation, "Any data subject should also be granted the right to have information on their individual situation protest against the processing of personal data if the personal data can be processed lawfully because the processing of data in the public interest or the exercise of a public authority conferred on the controller the controller or a third party based on its interests. The controller shall prove that you are in the interests of the data subject his overriding legitimate interests in relation to his fundamental rights and freedoms priority. "

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

Regulation should apply to personal data in a partially or fully automated manner

non-automated processing of personal data

which are part of a registration system or which

they want to be part of a registration system.

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

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

a natural person who, directly or indirectly, in particular any

ID, such as name, number, location data, online ID, or natural

physical, physiological, genetic, mental, economic, cultural or social identity of a person

identifiable by one or more relevant factors.

According to Article 4 (2) of the General Data Protection Regulation, "processing" means personal data

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

an operation or set of operations, such as collecting, recording, organizing, segmenting, storing,

modification or alteration, querying, viewing, use, transmission of communication,

by distribution or otherwise making available, coordination or

linking, restricting, deleting or destroying.

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 which:

the purposes and means of the processing of personal data, alone or in association with others

define; if the purposes and means of the processing are determined by Union or Member State law

the controller or the specific aspects of the designation of the controller

may be determined by Union or Member State law.

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

1. Personal data:

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

(legality, fairness and transparency);

(b) collected only for specified, explicit and legitimate purposes and not be treated in a way incompatible with those objectives; Article 89 (1) is not considered to be incompatible with the original purpose for archiving, scientific and historical research purposes or for statistical purposes further data processing ("purpose limitation");

(c) be appropriate and relevant to the purposes for which the data are processed; and they should be limited to what is necessary ("data saving");

(d) be accurate and, where necessary, kept up to date; all reasonable measures should be done in order to be inaccurate for the purposes of data processing personal data must be deleted or rectified without delay ("accuracy");

(e) be stored in a form which permits identification of the persons concerned only allows the time necessary to achieve the purposes for which the personal data are processed; the personal data may be stored for a longer period only if provided for the processing of personal data in accordance with Article 89 (1)

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f)

for archiving purposes in the public interest, for scientific and historical research purposes or for statistical purposes the rights and freedoms of data subjects in this Regulation appropriate technical and organizational measures to protect ("limited storage");

shall be handled in such a way as to ensure appropriate technical or organizational ensure that personal data are properly applied security, unauthorized or unlawful processing of data, accidental loss, including protection against destruction or damage to confidentiality ")

According to Article 5 (2) of the General Data Protection Regulation, the controller is responsible for

shall be able to demonstrate such compliance

("Accountability").

Pursuant to Article 6 (1) of the General Data Protection Regulation, personal data only

can be lawfully managed 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 the data subject is party

at the request of the party concerned or before the conclusion of the contract

necessary to do so;

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

(d) the processing is vital for the data subject or for another natural person

necessary to protect its interests;

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

necessary for the performance of the task

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

necessary, unless those interests take precedence over such interests

interests or fundamental rights and freedoms that protect personal data

especially if the child concerned.

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

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

data, and the controller is obliged to provide personal data concerning the data subject

delete without undue delay if one of the following reasons exists:

the. personal data are no longer required for the purpose for which they were collected or

treated differently;

b. the data subject shall withdraw the information referred to in Article 6 (1) (a) or Article 9 (2).

the consent on which the processing is based pursuant to paragraph 1 (a), and

there is no other legal basis for data processing;

c. the data subject objects to the processing of his or her data pursuant to Article 21 (1) and is not

overriding legitimate reason for the processing of the data or the data subject's

protests against data processing under paragraph

d. personal data have been processed unlawfully;

e. personal data are required by Union or Member State law applicable to the controller

must be deleted in order to fulfill a legal obligation;

f. the collection of personal data referred to in Article 8 (1)

in connection with the provision of social services.

Pursuant to Article 17 (2) of the General Data Protection Regulation, if the controller

has disclosed personal data and is required to delete them in accordance with paragraph 1,

taking into account the technology available and the cost of implementation

reasonably foreseeable steps, including technical measures, to:

inform the data controllers that the data subject has orally requested them

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links to rotating personal data or a copy of such personal data, or

delete a duplicate.

Pursuant to Article 17 (3) of the General Data Protection Regulation, paragraphs 1 and 2 do not

applicable if data processing is required:

the. the exercise of the right to freedom of expression and information

for the purpose of

b. EU or EU law governing the processing of personal data

fulfillment of an obligation under the law of a Member State or in the public interest or to the controller

performing a task performed in the exercise of a delegated power of public authority

for the purpose of

c. Article 9 (2) (h) and (i) and Article 9 (3)

based on the public interest in the field of public health;

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

and for historical research or statistical purposes, where provided for in paragraph 1

that right would be likely to make it impossible or seriously jeopardize that right

data management; obsession

e. to file, enforce or defend legal claims.

According to Article 77 (1) of the General Data Protection Regulation, other administrative

or without prejudice to judicial remedies, any person concerned shall have the right to lodge a complaint

at a supervisory authority, in particular where he has his habitual residence, place of employment or

in the Member State of the alleged infringement, if it considers that the

processing of personal data in breach of this Regulation.

2. Act CLXXXIX of 2011 on the local governments of Hungary. Act (a

hereinafter: Mötv.) § 2 (2) local self-government in local public affairs

in a democratic way, creating and implementing a wide public

public will.

Mötv. § 13. (1) Among local public affairs and public tasks that can be provided locally

local government tasks to be performed in particular:

1. settlement development, settlement planning;

2. settlement operation (construction and maintenance of public cemeteries, from public lighting

maintenance, provision of chimney sweeping services, local roads and

design and maintenance of its accessories, design and maintenance of public parks and other public spaces

maintenance of motor vehicles);

3. the name of the public areas as well as the public institution owned by the local government;

4. basic health care, services to promote a healthy lifestyle;

5. environmental health (public cleanliness, ensuring the cleanliness of the urban environment,

insecticide and rodent control);

6. kindergarten care;

7. the provision of cultural services, in particular public library services; movie theater, support for a performing arts organization, local protection of cultural heritage; the local support for public cultural activities;

8. child welfare services and benefits;

8a. social services and benefits under municipal support

identifiable;

9. housing and premises management;

10. the care and rehabilitation of persons who have become homeless in its territory; and a ensuring the prevention of homelessness;

11. local environmental and nature protection, water management, water damage prevention;

12. national defense, civil defense, disaster management, local public employment;

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13. tasks related to local taxation, economic organization and tourism;

14. for small producers, primary producers - to provide opportunities for the sale of their products specified by law, including the possibility of weekend sales;

15. sports, youth affairs;

16. nationality issues;

17. contribution to ensuring the public safety of the settlement;

18. providing local public transport;

19. waste management;

20. district heating service;

21. water utility service, if the Water Utility Service Act

according to its provisions, the local government is considered to be responsible for care.

Mötv. § 46. (1) The meeting of the representative body shall be public.

Mötv. § 52. (1) Minutes shall be prepared of the meeting of the representative body, which shall contain:

- (a) the location of the board meeting;
- (b) the date;
- c) the names of the municipal representatives who appeared;
- d) the names of the guests and the fact of their appearance;
- (e) proposed, adopted and discussed items on the agenda;
- (f) the submissions;
- g) the names of those who have contributed to each item on the agenda, the title of their participation, a
their comments and the substance of what was said at the meeting;
- (h) the exact content of the proposal for a decision put to the vote;
- (i) the number of participants in the decision-making process;
- j) the name of the local government representative excluded from the decision and the reason for the exclusion;
- (k) the notary's indication of an infringement;
- (l) the numerical result of the vote;
- (m) the decisions taken; and
- (n) those specified in the rules of organization and operation.

Mötv. § 53. (1) The representative body shall determine the detailed rules of its operation in the organizational and
in its regulation on the rules of procedure. The representative body is the organizational
and Rules of Procedure provide:

- a) the official name and seat of the local government;
- (b) a list of the delegated powers of the representative body;
- c) convening, chairing and deliberating the meetings of the representative body;
- d) on the rules of conduct for municipal representatives, the order of the meeting
and the measures that can be taken to achieve this;
- (e) ensuring publicity;
- f) the decision-making procedure, the method of voting;

- (g) regulation and decision-making;
- (h) the minutes of the meeting of the representative body;
- (i) the public hearing;
- j) the bodies of the local government, their legal status and tasks;
- k) the obligation of the notary to indicate the decisions and operation that violate the law;
- l) the committees of the representative body.

Mötv. § 54. The Board of Representatives shall hold a public hearing at least once a year in advance held by representatives of the local population and local interest groups on local public affairs may make questions and make suggestions. On the proposal and question made a a reply shall be given at a public hearing or within fifteen days at the latest.

3.

Annual CXXVIII. pursuant to Section 46 (4) of the Act (hereinafter: Cat.) in an emergency a

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the representative body of the local government, the capital and county assemblies its powers are exercised by the mayor or the mayor, the chairman of the county assembly. In this context, it may not take a position on the reorganization of a municipal institution, on the termination, supply and service areas, if the service also affects the settlement.

4. Decree 478/2020 on the declaration of an emergency. (XI. 3.) of the Government Decree a Government to deal with the consequences of the SARSCoV-2 coronavirus pandemic, which causes a mass illness endangering the safety of life and property, Hungarian citizens in order to protect the health and life of the whole territory of Hungary declared a state of emergency.

5. Unless otherwise provided in the General Data Protection Regulation, the application was initiated for data protection authority proceedings under Ákr. shall apply in the Infotv with certain deviations.

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

provisions of the Act on With the exceptions set out in §§ 103 and 104

apply.

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)

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

may apply legal consequences.

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

the data controller or the

a processor if its data processing activities have infringed the provisions of this Regulation; instructs

the controller or processor to comply with the data subject's obligations under this Regulation

request for the exercise of his rights; instructs the controller or processor to:

data processing operations, where appropriate in a specified manner and within a specified time,

bring it into line with the provisions of this Regulation.

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

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.

Infotv. According to Section 38 (2), the task of the Authority is to protect personal data,

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

monitoring and facilitating the enforcement of personal data in the European Union

facilitating the free movement of persons within According to paragraph (2a) of the same section, the general

the tasks and powers laid down in the Data Protection Regulation for the supervisory authority

general data protection in respect of legal entities under the jurisdiction of Hungary

exercised by the Authority as defined in this Decree and in this Act.

Infotv. Pursuant to Section 60 (1), the enforcement of the right to the protection of personal data the Authority shall, at the request of the data subject, initiate a data protection authority procedure. Unless otherwise provided in the General Data Protection Regulation, the application was initiated CL of the General Administrative Procedure Act 2016 on the data protection authority procedure. (hereinafter: the Act) shall apply as defined in the Information Act with differences.

The Ákr. Under Article 17 the authority has the powers and jurisdiction of the proceedings in all ex officio. If you notice any deficiency and no doubt

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the competent authority in the case can be determined, it will take over the case failing that, reject the application or terminate the proceedings.

The Ákr. Pursuant to Section 36, the application is submitted by the customer in writing or in person a statement requesting the right to conduct an official procedure or a decision of the authority or in order to assert a legitimate interest. Infotv. Pursuant to Section 60 (2), the an application to initiate an official data protection procedure under Article 77 of the General Data Protection Regulation. may be submitted in the case provided for in Article 1 (1).

The Ákr. Section 46 (1) (a) states that the Authority shall reject the application if the condition for initiating the procedure specified in the law is missing, and the Act no. to that it has no other legal consequences.

Infotv. Pursuant to Section 60 (5), in the case specified in Section (2) a application contains more than those specified in the Act

the. an indication of the alleged infringement,

b. a description of the specific conduct or condition that led to the alleged infringement,

c. to identify the data controller or data processor who is carrying out the alleged infringement necessary data available to the applicant,

d. the facts and arguments in support of the allegations of infringement

evidence, and

e. a firm request for a decision to remedy the alleged infringement.

III.

Decision

In the present case, in the light of all the facts available to the Authority, its decision

it is necessary that

- the personal data indicated by the Applicant during the data processing

what legal basis and purpose did you deal with?

- Disclosure of personal data provided by the Applicant

is it necessary during the public hearing?

- whether the personal data provided by the Applicant can be lawfully deleted from the public

from the video or documents you brought?

III.1. The Board of Representatives

applicable rules

operation

publicity,

the

for a public hearing

Transparency of municipal operations

The Mötv. Section 46 provides for the publicity of the meeting of the representative body, in camera

conditions for keeping it. The Mötv. § 2 declares as a principle the meetings of the Board of Representatives

publicity, which the Mötv. Section 46 (1) is confirmed by the legislator.

Infotv. According to § 32, the bodies performing public functions - thus local governments and their bodies

They shall facilitate and ensure the accurate and prompt provision of information to the public, and

they must allow the data of public interest in their processing - as defined by law

with exceptions - anyone can find out. In accordance with this, Mötv. According to Section 48 (1)

the meeting of the representative body is, with certain exceptions, public. The Mötv. Section 2 (2) also provides for a general, democratic, comprehensive approach to local public affairs publicity management.

The right of access to data of public interest, based on the democracy of local governments therefore, both Infotv. and Mötv. rules on the publicity of municipal operations,

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they want to guarantee the transparency and related data and information declared public. It is only in a narrow circle, in cases specified by law possibility to restrict the public.²

In several decisions of the AB [19/1995. (III. 28.) AB and 57/2000. (XII. 19.) AB] stressed that anyone in the public meeting (including any member of the audience) is there the panel may also record without the express permission of the other persons present deliberations of Members and any other non-illegal purpose you can use.

In the opinion of the Authority expressed in several resolutions, the meeting of the Board of Representatives is anyone (municipal representative, citizen present) online public hearing - is also included in the scope of the AB decision. The law the consent of those concerned is not required - however, those present are informed required for recording or live streaming.

The activities of the local government or the representative body include the public the right to take video and audio recordings of meetings and the right to making a sound recording of a participant in a meeting of a public representative body or committee persons are required to tolerate.³ Attendance at a public representative body meeting is more can also take the form of: most often with a personal presence, but more and more local government employs live coverage of board meetings for public implementation as a way. The live broadcast in these cases is local / municipal television, or

is available on the radio channel or on the Internet (on the municipality 's website, Facebook)

for citizens. They took place at the meetings of the public representative body and the committee, the protocols and recordings made about them are of public interest or public interest

considered to be covered by the Infotv. Pursuant to Section 28 (1), anyone can find out.

The Authority emphasizes that, subject to the data principle,

the documents of the public board meeting also contain data that is not in the public interest,

and not public data in the public interest. In this case, of course, it must be unrecognizable

put the protected data in all relevant documents. The Data Protection Commissioner

889 / K / 2006-3. a state or municipal body, or

incurred in the performance of his duties but addressed to a private individual

letters with the consent of the addressee, failing which the relevant procedural or closed

may be made public in accordance with the rules governing meetings of the Board of Representatives.

The minutes of the meeting of the local representative body shall not be considered as documents

which, by its nature, contains only information of public interest.⁴ After the public hearing

a special form of public meeting of the Board of Representatives, where the discussion

pre-filed speeches themselves contain personal data.

In the Authority's view, the fact that a person is personal is in itself a circumstance

data is delivered at a meeting of a public representative body does not yet result in a

personal data would become public in the public interest as a result of this circumstance. The personal

obligation to protect data in spite of and in addition to the public

will remain. In all cases, the Authority emphasizes the need for privacy, privacy and

respect for and full protection of the rights of the individual a

both in public meetings and in their preparation and recording.

799 / P / 2007-4. Resolution of the Data Protection Commissioner

57/2000. (XII. 19.) AB decision

Subject to the requirements of the GDPR, data controllers must implement personal data data protection. Thus, inter alia, the processing of personal data is defined, for a clear and legitimate purpose, for the time necessary to achieve the pre-determined objective. The appropriate technical and organizational measures in which the personal data processed are guaranteed to be adequate security.

The public hearing

The public hearing was intended to discuss issues and suggestions related to local public affairs⁵ forum, a deliberation aimed at bringing the representative body to life in the locality citizens through the questions that affect their daily lives their living conditions, the state and quality of public services and to listen to them also the proposals, which are also based on the knowledge and experience of the inhabitants of the given settlement are based.

As a result of the public hearing being held by the House of Representatives (during an emergency the mayor), all the provisions laid down in Art. the to apply to meetings within the scope of the functioning of the representative body.⁶

The Mötv. Section 54 regulates the general rules for public hearings. THE public hearing is a special form of the functioning of the representative body, a special board meeting, where no decisions are usually taken, however, the issues raised there are recorded in the minutes must be recorded and answered within 15 days. Not only there at the public hearing but also the right to abstain, to ask questions and to make suggestions there for the local population and representatives of local stakeholders.

The Authority and the Data Protection Commissioner have previously explained this in their resolutions⁷

opinion that it did so in the context of a public board meeting or a public hearing

When asking questions, it is not necessary to provide the personal data of the respondents (name, personal signature, address in case of presence).

The Data Protection Supervisor ABI-1332 / A / 2006-5. In its resolution No

the recording of personal data of interested parties appearing at the board meeting; and

their (formally) consent does not justify their disclosure,

whereas the processing of data does not comply with the purpose limitation principle. Data management is an a possible event in the future (the person concerned will have the floor at a board meeting)

in a stock-like manner. On the other hand, the commenter concerned

if you have the floor - you have the right to decide whether to post with or without a name

whether you wish to be told or to be informed in advance of your comment

shall be entered in the minutes. [...] If the reply is sent in writing, it is not appropriate to

"record and store" the name and address of the data subject in a published report.

In the Authority's view, the public hearing is public

subject to the same assessment as the meeting. Consequently, the private sector, private secrets and

with due regard for the protection and full protection of the rights of the individual

an obstacle to this live form of the Board of Representatives not being available live

broadcast either on the official website of the municipality or on the community site.

Mötv. § 4 Local public affairs are essentially for the provision of public services to the population, as well as for local self-government and

related to the creation of organizational, personal and financial conditions for cooperation with the population.

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Explanation of the Act on Local Governments of Hungary, Edited by Marianna Nagy, István Hoffmann Page 212214

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ABI-1332 / A / 2006-5., NAIH / 2020/809/2.

III.2. The Authority 's position on the present case

478/2020 on the declaration of a state of emergency. (XI. 3.) of the Government Decree 2020.

from the 4th day of November in the declared emergency, as a special legal order, § 46 of the Cat.

(4) defined the rules for the exercise of municipal tasks and competences by

Mötv. By way of derogation from the relevant provisions of

exercised by the mayor, the representative body has no decision-making power in an emergency.

In the present case, therefore, Mötv. by a public hearing within the remit of the Board of Representatives

it was the mayor's responsibility and authority to carry it out in an emergency.

Legal basis for data management

Article 6 (1) (a) to (f) of the General Data Protection Regulation⁸ contains those a

pleas in law of which at least one of which is lawful

data management.

According to the applicant's statement received by the Authority on 14 June 2021, “[a] a

at a public hearing, which is a public meeting of the Board of Representatives, published there in advance

registered voters personally say they belong to the concept of local public affairs

their comments. The lawfulness of personal data processed during a public hearing is governed by Article 6 of the GDPR.

Article 1 (1) (e) ensures that the processing is in the public interest or in the public interest

task performed in the framework of the exercise of a public authority delegated to a data controller

necessary for its implementation. [...] For the smooth running of the public hearing, respectively

in order for the municipality to properly fulfill its information obligation

and thereby ensure the right of citizens to participate, it is necessary for certain of the citizens concerned

data management. In the case of the Applicant, the street level designation of the place of residence is territorial

was necessary for identification, as it would not have been adequate without it

to answer a problem in the area.

The disclosure was not made for the purpose, but for the public hearing to be there

speakers shall communicate their names and identify the local public matter which they have raised

they indicate their narrower living environment and, in some cases, their address. [...] ”

In the present case, the Authority requested the Applicant to present it at the public hearing

related to the handling of speakers' personal data. The Authority

With regard to the issue, the Applicant provided the following information: “[T] he SZMSZ has already

Paragraphs (2) to (3) of Article 93 provide:

(2) The citizens of the district shall be notified of the date of the public hearing no later than 15 days in advance.

by publication of a notice - the mayor shall notify. The announcement should be made as follows

publish:

a) on the notice board of the mayor's office,

(b) by publication in the district written and electronic press; and

c) on the website of the municipality.

Article 6 of the Data Protection Regulation 1. The processing of personal data shall be lawful only if and to the extent that it is lawful

one of the following is met:

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

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

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

(d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;

(e) the processing is carried out in the public interest or in the exercise of official authority vested in the controller required to perform a task;

f)

the processing is necessary to protect the legitimate interests of the controller or of a third party, unless

the interests or fundamental rights and freedoms of the data subject which:

protection of personal data, especially if the child concerned.

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(3) at the public hearing, the order of the speeches shall be given in sequence. The serial number the subject of the opposition shall be indicated at the same time as the request. [...] On the phone and personally requested serial numbers for the Mayor's Office to prepare for the public hearing will be issued to the applicant immediately by the responsible civil servant, while the comments indicated in the email will inform the applicant shortly of the serial number and of his / her submission whether it is a local public matter. Name and contact details of the commenter (address, telephone number, e-mail address) is included in a database for two and only two reasons provided by the citizen to solve the indicated problem. On the one hand, if raised in a public hearing may not or may not be answered in full within the statutory time limit be able to send an appropriate reply on the action taken following your post either to its own authority or to a body competent and competent we solved it by transmission. On the other hand, that is where the issue does not belong to the local into the category of public affairs, consider the matter to the competent office of the Mayor's Office can handle it tailored. [...] I consider it important to note that overall a the data management of traditional and online public hearings is no different, and in my opinion complies with our current data protection regulations, which can be found on the municipality's website available at the following link: [...] '

In his statement, the Applicant further explained that "[...] The Applicant's submission was also sent by e-mail. sent in which he voluntarily provided his address so that it was not related to the indicated problem. In this e-mail, he did not say that he was asking for his name to be withheld, his details closed treatment, although the acting clerk explained in detail at the hearing Mötv. and SZMSZ rules. Subsequently, Applicant by e-mail re - submitted another proposal, now in the local public affairs category, in which

re-entered his address and still did not provide for its closed treatment. [...] '

The Authority has repeatedly emphasized in its resolutions that the publicity of the public hearing a is subject to the same assessment as a meeting of a public representative body, with the result that it is not an obstacle to this live form of the Board of Representatives not being available live broadcast either on the official website of the municipality or on a community site, taking into account, of course, the protection of privacy, privacy and the right to privacy and ensuring the full protection of personal data.

A 11/2019. Joint Action No. [...] Data Protection and

Data Security Policy (hereinafter: Policy)

The Regulation is based on 6/2020. by Joint Action No

entered into force on 5 March 2020 in a single structure following an amendment.

According to the Regulations, the data controller [...] (hereinafter: the Local Government) and [...]

hereinafter referred to as "the Office"). The purpose of the Policy is: "[...] The data controller's customers, prospective customers and

make it transparent to its employees by electronic or traditional means

the data management procedures followed in using the services provided by the

relating to the protection of individuals with regard to the processing of their personal data

principles and rules regardless of the nationality and place of residence of natural persons

prevail. The basic purpose of the Data Controller is to respect this in all cases

fundamental rights and freedoms of natural persons, in particular with regard to their personal data

their right to protection. " [Regulation 1.1.1.]

In the Regulations, as the data protection officer of both the Local Government and the Office, a

Perfectus Consilium Kft. Article 3.2 of the Regulations according to the Privacy Policy

The official's duties include assisting and assisting with data management

making decisions and ensuring the rights of data subjects.

The Regulations provide for the organization of data protection, the data management register of the data subject

rights, the principles governing the processing of personal data, the data protection impact assessment and the prior consultation, management of data protection incidents, data processors, data transmission, data security measures, cooperation with the supervisory authority, and on appeal. Annex 2 to the Code is a blank data management information sheet after completing the information on specific data management applicable.

The last three paragraphs of point 5 of the Rules are relevant to the present case provisions:

'[...] For the handling of claims relating to the exercise of the rights of data subjects, the rights of data subjects and to record the measures taken in this connection

The head of the Office of Public Administration Development and Organization is in charge.

Records of claims and measures related to the exercise of data subjects' rights on the appropriate sheet of the data management record. (Annex 5)

Data subjects shall exercise their rights in accordance with the Data Provision / by completing a data processing request form or other written request (electronically) and submitted to the Data Controller

initiated. The application shall be submitted in electronic form to the [...] e-mail address on paper a

It can be submitted to the head of the Office of Public Administration Development and Organization. The

After examining the content of the application, the Head of the Office shall decide on the further measures to be taken, if necessary, seeking the opinion of the Data Protection Officer. [...] '.

Section 6 of the Regulations, which details the principles governing the processing of personal data

the last three paragraphs govern the process prior to the processing of data: '[t] he

Before starting the data processing, the head of the office is obliged to give an opinion on the data protection all relevant information on the planned processing

information. The data protection officer shall be required to provide an opinion to the organization within 5 working days

to the head of unit. If, in the opinion of the Data Protection Officer
the prior consent of the data subject, the head of the organizational unit, is required for the data processing
ensure the consent of the data subject to the processing in accordance with Annex 3
as well as the data management information according to Annex 2
information.

The person receiving the data shall be required to submit a form containing a statement of consent or
attach an original of the statement to the file on paper or electronically; and
handle in accordance with the Data Controller's Records Management Policy.

In the event of refusal of the data subject 's consent, the data subject shall:
record the consequences of refusing consent and inform the data subject accordingly.
[...]

Following a review of the Code, the Authority concluded that it did not include
Indication of the task groups performed by the local government or the Office that
the processing of personal data is necessarily or potentially carried out in the course of the supply, so it is lawful
effective implementation of data processing requires the Data Protection Officer to be effective
contribution.

After reviewing the rules, the Authority concluded that the Office nevertheless
treated as unaffected by the Applicant on 13 January 2021
complaint about the processing of your data and did not involve the data protection in the proceedings
official in his application in support of the Applicant's enforcement
specifically Article 12 (3) and Article 17 (1) of the General Data Protection Regulation.
referred to in paragraph 1 (d).

It is clear from the Applicant's replies that he treats a as a unit

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the preparatory, conducting, and documenting phases of the public hearing; and the public hearing
does not differentiate between the data processing performed in the process of

considers it lawful under its publicity rules.

The Authority is involved in the complaint and its administration indicated in the opposition

in the case of data management, accepted the statement of the Applicant, in which the performance of his public duties

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

indicated paragraph (e).

However, the personal data (name and address) of the Applicant provided by the Applicant a

by recording the public hearing in live, video or written form, and a

video recording and the publication of the minutes

In the case of data processing, the Authority is of the opinion that in the present case the Applicant is personal

for the processing of data by recording and publishing their data, only the

Applicant 's informed consent based on detailed information [General Data Protection

Article 6 (1) (a) of that Regulation] could have been the appropriate legal basis

Applicant did not have.

The Authority shares the Applicant's view that the traditional (attendance)

and the data management of the online public hearing are not fundamentally different, however

The Authority attaches great importance and emphasizes its position that

the citizen attending the public hearing in person

exercise its right to information self-determination, ie consent where appropriate

give or protest the display of your personal data in a report, and

with regard to their publication.

In this regard, the Authority emphasizes that the complainant is online

for a public hearing, for a video currently available on the community portal

with regard to the disclosure of personal data

It can be stated from the protests that the applicant for the public hearing and at it

citizens participating in the form of their speeches did not know online

enforce their right to information self-determination. The online public hearing

With regard to data processing, the Authority is of the firm opinion that the information the controller needs to be more careful with regard to the exercise of the right of self-determination to act, as citizens have a lot to do with their personal data online are in a more vulnerable position than in the traditional public hearing, as a result, data management is more important and more important information to data controllers.

In connection with the Applicant's statement in point 8, the Authority emphasizes that the ensuring the lawfulness of data processing at all stages of data processing data controller, ie the obligation of the Applicant. Article 5 (2) of the General Data Protection Regulation sets out the principle of accountability, according to which the controller is responsible for personal data for the lawful processing of personal data and must be able to demonstrate such compliance.

In view of the above, the Authority notes that during the preparation of the public hearing a the personal data of the Applicant with regard to the identification of a local public matter however, during the online public hearing and to the public personal data of the Applicant in the video recording and the report made about it the objective would have been achievable without addressing it: to present the problem raised by the Applicant, its management. The Authority considers that Article 5 (1) of the General Data Protection Regulation

In view of the principle of data protection under paragraph 1 (c), a

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To refer to the serial number issued by the Applicant is the local public matter raised by the Applicant description.

An overview of the privacy policy identified and referenced in the Applicant's statement

Following that, the Authority found that its details were not regulated in the during the publication of documents related to the operation of the local government data processing - making personal data unrecognizable.

The Authority draws the Applicant's attention to the fact that the online public hearing

by reviewing their data management in accordance with their Regulations, or by the Applicant with the proper handling of your request and the involvement of the Data Protection Officer an infringing situation could have been avoided.

Exercise of the right concerned - right of cancellation

Pursuant to Article 17 (1) of the General Data Protection Regulation, the data subject is entitled to that, at his request, the controller deletes his personal data without undue delay data, and the controller is obliged to provide personal data concerning the data subject delete without undue delay if one of the following reasons exists:

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

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

(c) the data subject objects to the processing pursuant to Article 21 (1) and is not overriding legitimate reason for the processing of the data or the data subject's protests against data processing under paragraph

(d) personal data have been processed unlawfully;

(e) personal data are required by Union or Member State law applicable to the controller must be deleted in order to fulfill a legal obligation;

(f) the collection of personal data referred to in Article 8 (1) in connection with the provision of social services.

Pursuant to Article 17 (3) (b) of the General Data Protection Regulation, paragraphs 1 and 2

Paragraph 1 shall not apply to the processing of personal data

obligation under EU or Member State law applicable to the controller

or in the public interest or the public authority conferred on the controller

necessary for the performance of its task.

In the present proceedings, the Applicant approached the Applicant in the framework of the exercise of the rights concerned in order to ensure the erasure of your personal data which has been disclosed to the detriment of him ask. To that end, he made it clear that it was about an online public hearing in which parts of the video you can see and hear it based on your personal data or the recording where your personal data is included in the report.

He asked in his answer to question 2 in order to clarify the facts explained the reason for the rejection of the Applicant's request to delete his personal data. In connection with the Authority's Requested Declaration, it draws attention to the general pursuant to Article 15 (1) of the Data Protection Regulation, without requesting a time limit, is entitled at any time to receive feedback from the Applicant as data controller whether the processing of your personal data is in progress and if such processing is taking place in progress, is entitled to personal data and data processing

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access information and request the deletion of your personal data.

With regard to the data management of public board meetings, the Authority shall: a takes the consistent view that the mere fact that personal data in a public hearing, including a public hearing, does not yet result in the data arising from this circumstance would be made public in the public interest. The public has a duty to protect data despite or in addition to remaining. In each case, the Authority shall emphasize the taking into account the protection of privacy, privacy and the rights of the individual; and full assurance at public meetings and their preparation and during its registration.

It follows from the above that data controllers must comply with the requirements of the GDPR implement the protection of personal data. Thus, among other things, it is personal processing data for a specific, clear and legitimate purpose is a pre-determined purpose

for the time necessary to achieve it. Data management is also done in a way - the right way technical and organizational measures, during which it is guaranteed adequate security of the personal data processed.

With regard to the processing of the Applicant's personal data, the Authority considers the He made his statement in point 1 and his last statement in point 8. According to point 1, a the disclosure of personal data was made "not for a purpose but for a public hearing it is their own that the speakers there communicate their names and the local public affairs they have raised their narrower living environment, and in some cases their address, in order to be identifiable shall be marked. " However, as described in Section 8, "[K] e-mail again submitted another motion, now in the local public affairs category, in which it was repeated gave his address and still did not provide for its closed treatment. "

In the Authority's view, the burden of an infringement committed through inadequate data processing it may not be transferred by the Requested Data Controller to the data subject, in this case to the Applicant. The the controller is responsible for examining and processing all stages of data processing consider the extent to which the personal data provided by the data subject are necessary and are sufficient for the given data management (principle of data saving, proportionality of necessity principle) and what is of greater interest is the narrower one raised by the Applicant disclosure of your personal data in connection with a local public matter concerning your living environment or, depending on the nature of the problem, that the Applicant may become the target of insults by disclosing your personal data - the Applicant the right to the protection of personal data and privacy.

The statement made to the Requested Authority did not cover the fact that in the present case the Applicant On the basis of the data subject 's application, the Applicant would have subsequently carried out a balancing test, and He would have sought the opinion of the Data Protection Officer under the Rules. On the basis of the above, the Authority finds that the Applicant has unlawfully refused to Applicant for the deletion of his personal data submitted in the framework of the exercise of the data subject's rights

application.

ARC.

Legal consequences

Pursuant to Article 58 (1) (b) of the General Data Protection Regulation, the Authority shall:

He has convicted a data controller of committing a data breach.

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In the course of the request procedure, the Authority examined whether a

Imposition of a data protection fine on the applicant. In this respect, the Authority is the general one

Article 83 (2) of the Data Protection Regulation and Infotv. 75 / A. § considered the case

all the circumstances of the General Data Protection Regulation

no further sanction is required against the Applicant in the present case

application.

In the Authority's view, the condemnation is contained in the General Data Protection Regulation

sufficient and proportionate to the infringement suffered by the Applicant.

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

V.

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.

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

Pursuant to Section 82 (1), it becomes final upon its communication.

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)

Under subparagraph (a) (aa), the Metropolitan Court has exclusive jurisdiction. A Kp. Section 27 (1)

legal representation in litigation falling within the jurisdiction of the General Court under paragraph (b) of this Article

obligatory. A Kp. Pursuant to Section 39 (6), the filing of an application is administrative has no suspensory effect on the entry into force of the act.

A Kp. According to Section 124 (6), if in the case of a set of actions permitted by law a part of the claims under the simplified lawsuit and another under the general rules should be adjudicated, the court will act in accordance with the general rules.

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. law (hereinafter: the E-Administration Act), the client's legal representative pursuant to Section 9 (1) (b) obliged to communicate electronically.

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

On the reintroduction of certain procedural measures in the event of an emergency 112/2021. (III. 6.) of the Government, unless this decree provides otherwise, a stricter defense does not affect the running of time limits. A Veir. Pursuant to Section 36 (1) - (3) a during the period of enhanced defense, the court shall act out of court, including on appeal procedures. If a hearing were to be held, either at the request of either party, or a hearing has already been scheduled, the trial court will notify the parties out of turn and give the parties the opportunity to make their statements in writing put forward.

If the trial were to take place outside the time of the enhanced defense, the plaintiff would then may request the court to adjudicate instead of adjudicating the defense postpone until the end of

the. the court did not order the suspensory effect of the administrative act at least in part el,

b. bringing an action has suspensory effect and the court does not have a suspensory effect ordered

c. no interim measure has been ordered.

The amount of the fee for an administrative lawsuit shall be determined in accordance with Act XCIII of 1990 on Fees. law
(hereinafter: Itv.) 45 / A. § (1). From the advance payment of the fee
the Itv. Section 59 (1) and Section 62 (1) (h) shall exempt the person initiating the proceedings
half.

Budapest, August 12, 2021

Dr. Attila Péterfalvi

President

c. professor