

Case number: NAIH / 2020/1154/9

History: NAIH / 2019/8402

Subject: Application in part

decision granting it

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

applicants (hereinafter collectively referred to as the Applicants), through their representative [...]),

Mediarey Hungary Services Private Limited Company (address: 1061 Budapest,

Andrássy út 12., company registration number: 01-10-140295; hereinafter referred to as "the applicant"),

Forbes Magazine ('Forbes'), published in the applicant' s edition, is published and

illegal data processing related to its electronic publications, as well as those affected by the Applicants

following an application for failure to ensure the proper exercise of his rights

In proceedings before the Data Protection Authority, the Authority shall take the following decisions:

I. The Authority

IN ITS DECISION

1. The applicants' application is granted in part

1.1. and finds that the Claimant is with Forbes in September 2019

published and published in the publication of the largest family businesses

online version (Data Management 1) and Forbes released in January 2020

for the printed and online version of the richest Hungarian publication

(Data Management 2) in connection with related data management

interests and the legitimate interests of themselves and third parties (the public) and these

He was not informed in advance of the outcome of the balancing of the applicants' interests

the Applicants, in breach of Article 6 (1) (f) of the General Data Protection Regulation

point.

1.2. The Authority further notes that by requesting that Data Management 1 and

The Applicants did not provide adequate information regarding data management 2 either

all relevant circumstances of the data processing and the personal data of the Applicants

the right to object to the processing of personal data

did not provide information in its replies to the requests for

Applicants for law enforcement options, violated the general data protection

Article 5 (1) (a), Article 5 (2), Article 12 (1) and (4) of

Article 14, Article 15 and Article 21 (4).

1.3. The Authority condemns the Applicant for unlawful data processing at the same time

instructs that

1.3.1

within 15 days of the decision becoming final

comply with the data management information provided to the Applicants

obligations, including those taken into account in the balance of interests,

Applicant's and Applicants' Interests and Balance of Interest

information on the outcome of the proceedings, information on the right to protest and

information on enforcement options.

1.3.2

if the Applicant is entitled to do so during future planned data processing

interest as a legal basis, in accordance with the law and

carry out a balance of interests in the light of the provisions of this Decision,

including a second, individual consideration of interests following the protest.

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1.3.3

in accordance with the legislation in force and the provisions of this Decision

information practices.

2. The Authority shall reject the application in so far as it:

2.1 a Applicants request that the Authority order a restriction on data processing, a

## Deletion of Applicants' Personal Data and Requested Personal Data

prohibition of treatment;

2.2 a The Applicants request that the Authority restrict the data processing with an interim measure and prohibit the disclosure of personal information.

3. The Authority shall reject the part of the application concerning the imposition of a data protection fine, however, due to the violations found, the Debtor ex officio

HUF 2,000,000, ie HUF 2 million

data protection fine

obliges to pay.

No procedural costs were incurred during the official proceedings and therefore no costs were incurred provided by the Authority.

The data protection fine shall govern the initiation of legal proceedings

15 days after the expiry of the time limit or, in the case of a review, by the court

within the Authority's centralized collection account for centralized revenue collection (1003200001040425-00000000

Centralized collection account IBAN: HU83 1003 2000 0104 0425 0000

0000). When transferring the amount, the NAIH / 2020/1154/9 JUDGE. should be to refer to.

If the Applicant fails to meet the obligation to pay the fine within the time limit, it shall be delayed must pay a supplement. The rate of the late payment interest is the statutory interest, which is in arrears equal to the central bank base rate valid on the first day of the calendar half-year concerned.

The Applicant shall be notified of the decision 1.3.1. from the notification of the decision within 30 days of receipt of the supporting evidence.

to the Authority.

The Applicant shall be notified of the decision 1.3.3. in order to fulfill the obligation laid down in shall be notified in writing within 30 days of the date of notification of the decision together with the submission of evidence, to the Authority.

In the event of non-compliance with the fine and the late payment allowance or the prescribed obligations, the Authority shall:  
initiate the implementation of the decision.

There is no administrative remedy against this decision, but from the date of notification  
within 30 days of the application to the Metropolitan Court in an administrative lawsuit  
can be challenged. The application must be submitted to the Authority, electronically, which is the case  
forward it to the court together with his documents. Indicate the request for a hearing in the application  
must. For non-personal tax exemptions, judicial review  
the fee for the proceedings is HUF 30,000, the lawsuit is subject to the right to record fees. Before the Metropolitan Court  
legal representation is mandatory in these proceedings.

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II. The request for a finding of an infringement concerns the processing of data before 25 May 2018  
the Authority shall initiate the data protection authority procedure

IN THE PERFORMANCE OF

as the general data protection regulation does not apply for this period.

There is no administrative remedy against this order, but it must be lodged 30 days after notification

An action brought before the Metropolitan Court may be challenged in an administrative action within one day. THE

the application must be submitted to the Authority, electronically, together with the case file

forward it to the court. The request for a hearing must be indicated in the application. The entire

for those who do not benefit from personal exemption, the fee for the judicial review procedure

HUF 30,000, the lawsuit is subject to the right to record material taxes. In the proceedings before the Metropolitan Court, the  
legal

representation is mandatory.

EXPLANATORY STATEMENT

I. Facts

I.1. Period covered by the proceeding

For the first time, the Applicant was featured in the August 2015 issue of Forbes

"[...] Family" in the "Largest Hungarian family businesses" compilation. Thereafter, in 2019.

The largest Hungarian family owned by the "[...]" family" was included in the September issue.

enterprises 2019 ". In addition, the January 2020 issue of "Richest

Hungarians "[...]". As a result of [...], Forbes January 50, 2020

The number containing the richest Hungarian list was recalled by the Applicant to Data Management 1

and in the online version of the lists related to Data Management 2, the term [...] and the name [...]

replaced by [...].

The Authority will initiate this data protection authority procedure after 25 May 2018

data processing activities, in particular the processing of personal data of applicants (name, surname,

inadequately securing the exercise of the rights of the data subject

he continued. For data processing prior to 25 May 2018, natural persons shall a

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

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

hereinafter referred to as the General Data Protection Regulation)

therefore the rules of the General Data Protection Regulation do not apply to them, so they are

no application for an official data protection procedure may be made in respect of

or the provisions of the General Data Protection Regulation in respect of such data processing

The Authority is not empowered to examine compliance with this data protection authority procedure

framework.

I.2. Data published in connection with the Applicants in the publications examined during the procedure

The Applicants objected to the data processing related to the following publications and lists:

- Forbes released in September 2019, containing the largest family businesses

printed and online version of the publication (Data Management 1). [The online version is

<https://forbes.hu/extra/csaladi-lista-2019/#/>, and the specific article is [...]

available under the link.]

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Forbes released in January 2020 - and in the meantime [...] recalled - the 50 richest

The printed and online version of the Hungarian publication (Data Management 2). [Online version under the link <https://forbes.hu/extra/50-leggazdagabb-magyar-2019/>, the specific and the article is available under [...].]

For Data Management 1, the following content was released:

-

In the printed version, the name of the family ([...] family) is the business in which they have an interest name ([...]), estimated value of the enterprise ([...]), head office of the enterprise ([...]), the year of its establishment ([...]) and the number of generations interested in the business ([...]) indication. The article contains the following description:

[...]

-

The online version originally included the family name, but this [...] has been removed as a result and the term [...] can be read instead. In addition, the business name, estimated value, year of incorporation and generations interested in the business number has been indicated. The online version has a shorter description, the article contains only:

[...]

-

The full names of the Applicants were not included in either the print or online versions as no other family members have been named. The Applicants was not included in the print or online versions.

For Data Management 2, the following content was released:

-

In the printed version, only [...] of the Applicants were named, the publication is a

it did not contain any direct or indirect reference to another member of the family. In the publication the amount of [...] 's estimated assets has been indicated ([...].), the source of the estimated assets ([...]) and also his age ([...]). The article contained the following description:

[...]

-

The printed version included an MNB Growth Bond Program also a box describing the purpose of the issue, which also included the name of [...] and the volume of the issue ([...]).

-

The online version also originally had the name [...], but this [...] has been removed as a result and the term [...] can be read instead, as well as on this in addition, the estimated value of the assets has been indicated. The online version is shorter and a slightly different description can be read:

[...]

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The portraits of the Applicants (including [...]) are not printed or online contained or contained.

Data Management 1 and Data Management 2 are managed and disclosed by the Applicant the data provided are not covered by the specific provisions of Article 9 of the General Data Protection Regulation personal data (racial or ethnic origin, political opinion, religious or worldview) personal data indicating beliefs or trade union membership, as well as natural genetic and biometric data, health data and personal information about the sexual life or sexual orientation of natural persons data).

The publicly available data in the [...] business register include the compilation of the objectionable lists and

At the time of its publication, it was found that [...] and [...] were

and that [...] and [...] are members (i.e. owners) of the enterprise. Although the members of [...]

(owners) in the person (owners) on [...]

amended on [...] and replaced [...] and [...] by [...] and [...]

registration, that development is irrelevant to the case, not least because

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publications, lists based on the data and information available and taken into account at that time

have been compiled.

Data forming part of the public and public register of companies and / or Applicants

in the accounts and on the website of the undertaking in which it has an interest, on [...], [...] and [...]

In addition to the information under reference, for Data Management 1, [...] is estimated

and for Data Management 2 [...] (after the amendment: [...])

estimated assets arising from its activities have been disclosed.

Although the (estimated) value of the company in which the Applicants have an interest, [...] / [...] (estimated)

the amount of its assets is not part of the company register, it is not public data in the public interest,

however, publications are not personal (e.g., inherited, donated, married) by Applicants

acquired, etc.) are presented to the readership but to the business

and the amount of assets collected as a result of the business

from publicly available company data, information, company reports and the company

the Applicant drew a conclusion from his own communications. The Applicant shall estimate these a

collected data from public sources and then used a specific method

evaluated and communicated as an opinion.

### I.3. Correspondence between the Applicants and the Applicant

For several correspondence between the Applicants and the Applicant regarding Data Management 1 and Data Management

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also took place. These exchanges of letters, which are set out in Annex III.4 to the Decision, at the point of concern

will be explained in detail in the context of the exercise of the right - the Authority will



the obligation to provide information, the balance of interests performed by the Applicant and the Applicants

General Data Protection Regulation in response to requests from

examined and assessed for compliance with the relevant provisions of

I.4. The course of the proceedings, the statements made by the Applicants and the Requested Procedure

Electronic applications sent by the Applicants on 6 December 2019 and to the Authority on 6 December 2019.

in their application received by post on 12 December and on 17 December 2019

electronically and in their application supplement received by the Authority by post on 19 December 2019 Data Management 1

and Data Management 2, and in connection therewith the Applicants

such as prior information, access, rectification and

the inadequate provision of the right to protest was objected to and the data protection authority proceedings

initiated against the Applicant.

In the application and its supplement, the Applicants stated the following:

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The Applicant first carried out data collection in 2016, when the Applicants

Based on the data collected regarding the financial situation of the

in a publication summarizing the largest family businesses. The Applicants are already at this time

strongly protested against the data processing affecting them, as a result of which the

Applicant then refused to disclose the data.

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Applicants from the e-mail sent by the Applicant on August 26, 2019

have been informed that they want the "[...] family" for the Requested Data Management 1

indicate in the context of [...], so that [...] discloses the financial situation of the family

calculation of public company data and Forbes editorial staff of companies owned by

based on its methods.

-

The Applicants were informed of this by a letter sent by the Applicant on 26 August 2019

that [ ] Forbes 'family business listings in previous years did not include [...] because

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in our opinion, based on the data for the year and our estimates based on them

ranked among the 25 largest companies. " From this, the Applicants concluded that

that the Applicant has also collected data about them in recent years, however, the Applicant

he did not inform them in any way.

-

According to the Applicants, the use of the term "[...] family" is misleading and untrue

and the use of the term in this context infringes the rights of members of the [...] family who

who are not members of the [...] and also includes a reference to minor children. THE

According to the register of companies, [...] the owner is not the '[...] family' but [...]

and [...]. [...] And [...] are not owners but only directors of the company,

consequently, in the Applicants' view, of the effectiveness of [...], the

the conclusion regarding the financial relations of the executives is false.

-

The Applicants submitted a request to the Applicant on 30 August 2019, in which

firstly, they protested against the processing of their personal data and secondly against information

requested in connection with the processing of their personal data and also requested that the Applicant

correct inaccurate personal information.

-

In its response to the request for the exercise of the data subject 's rights, the Applicant shall:

According to the applicants, it was not provided for in the General Data Protection Regulation

It did not provide all the information listed in Article 15 and did not provide any information

their rights regarding the processing of their personal data

and the legal remedies available against the processing.

-

The Applicants further submitted that the Applicant had not indicated in its reply that the legal basis for the processing of personal data did not indicate that the processing was carried out nor did it pass on the result of the balancing test. THE Applicant raised the issue of informing the public as the purpose of data processing, the Applicants considers, however, that this objective does not create a legitimate interest on the part of the on the basis of which it could lawfully process personal data and the privacy and security of the Applicants his right to privacy takes precedence over any legitimate interests of the Applicant against. The Applicants claim that for years they have been paying special attention to private and to separate their business and the confidentiality of their privacy, not in the press they make a statement, their possible manifestations strictly from a business perspective concentrate.

-

The Applicants submitted that it is the largest family business publication After its release in September 2019 - information confirmed by police based - identified, persons with a criminal record appeared in the family property around. While the family has previously been able to successfully protect its privacy, the Applicants in his view, the Forbes list published in September 2019 directed him to the Applicants attention of criminal circles.

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By e-mail sent on 6 November 2019, the Applicant informed the Applicants to be included in the case of Requested Data Management 2 a Applicants as individuals.

-

As with the previous request, that letter did not include general privacy Decree 13-14. and was not included in the list the person (s) and specific data to be included,

the legal basis for the publication by Forbes of the Applicants

personal data determined on the basis of certain calculations, which the Applicants as

the financial situation of individuals. Excel spreadsheet attached to the letter

the document name refers to the "[...] family", so in the Applicants' view, the Applicant

already handles data relating specifically to Applicants as individuals. THE

However, in the applicants' view, the '[...] family' is inaccurate personal data, as it is

it contains a reference to all family members, including children, but [...] is owned

its range is limited to [...] and [...]. Also, according to the Applicants, the alleged property

an unspecified method of calculation is used to establish data on their situation,

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which is the public company data of the company owned by [...] and [...] and the Applicant's own

based on its calculation methods. In connection with the calculation, the Applicant alone is an excel

provided a sign which, according to the Applicants, was sent on 6 November 2019

Contrary to its wording, it did not contain a description of the method of calculation.

-

Applicants will be sent to the Applicant by a lawyer dated 15 November 2019

letter of formal notice pursuant to Article 21 of the General Data Protection Regulation

protested against the data processing of the Applicants concerning the Applicants and

have been denied access to any personal data relating to them

collect and perform other data processing activities, including

disclosure. Applicants were also prohibited from - either by name or

mentioned as a family, appear in the statement either directly or indirectly,

and called on the Applicant to provide the Applicants' personal data without delay

delete them and do not carry out any data processing operations on them or on them.

The Applicants are referred to in Article 18 (1) (a) and (d) of the General Data Protection Regulation

They also called for a restriction on data processing and strongly called on the

Applicant to refrain from publishing data concerning Applicants in general

the circumstances set out in Article 18 (1) (a) and (d) of the Data Protection Regulation

as well as in the wake of the protest.

-

In its reply letter delivered on November 20, 2019, the Applicant is the Applicants

In its view, it provided incomplete information, such as no information

given to the Applicants by processing their personal data

what rights they have in relation to them and what remedies are available against the processing

they can live. The Applicant also indicated as the legal basis for the data processing without

Article 6 (1) (f) of the General Data Protection Regulation

general and individual balances of interest following a protest, its

would have provided information on the outcome. According to the Applicants, the information is not

comply with Articles 13 (2) (f) and 14 (2) of the General Data Protection Regulation

(g), as the Applicants do not know what their personal data is

the importance of data management and the importance of data management for Applicants

has expected consequences. The duration of the data processing is missing from the information

exact definition, and the Applicant did not comply with the Applicants' general

requests for the exercise of data subject rights under the Data Protection Regulation

data processing in view of the fact that the Applicants indicate that the data are not accurate,

nor did it comply with its obligation to cancel.

In addition to the above, the Applicants made the following (additional) comments by the Applicant

with regard to the processing of personal data, as regards the legal background:

-

A 7/2014. Paragraph [62] of the explanatory memorandum to Decision AB (III. 7.) states that “[a]

persons exercising public power and politicians in public office are also entitled to

protection of personalities, if the value judgment does not identify their person in public affairs disputes, no

in connection with their public activities, but also with their private or family life

in this connection. " With their private or family life outside the scope of debating public affairs

information is considered protected even for public actors, so such

Disclosure of such information constitutes a serious breach of privacy by Applicants

according to.

-

According to the Applicants, satisfying the curiosity of society even then

sufficient basis for interference with privacy, if otherwise in social decision-making

it is a person who plays a role (BDT2017.3693). According to the Applicants

in particular, this protection applies to persons, including in relation to the Applicants, who

cannot be regarded as a public actor at all, since their activities do not fall within the scope of the

public participation.

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Regarding the legal assessment of the data management of the press, according to the Applicants

the position expressed in previous resolutions of the Data Protection Commissioner remains,

according to which "[t]he case law also suggests that newspapers consider the a

increasing the number of copies, standing up to market competition and, conversely, personal

the obligation to protect data is not sufficiently taken into account ".

-

The Applicants referred to the so-called

Working Group 29 WP 217 opinion that "the media cannot get general

authorization to disclose any personal data relating to the privacy of public actors

publish a detail '.

-

According to the Applicants, the case law of previous years is clear in that a

On the “100 richest Hungarians” and other similar types of lists, despite the protest of the person concerned

(in connection with a similar list in Magyar Hírlap, ABI

1472 / A / 2003 or in connection with the Playboy list ABI 922 / A / 2000.

resolutions). According to previous resolutions of the Data Protection Commissioner, “[t] he

for those who are not public figures, just wealthy people, I do not hold

lawfulness of this procedure, as their names were published without their consent

context. In my opinion, the mere fact that someone is wealthy, yet

it doesn't mean it's a public figure either. Also for personal data published on the list

ensure the data subject's right to self-determination in the absence of consent to personal data

may not be disclosed '. Although the resolutions cited are general privacy

before the entry into force of this Regulation, they are, in the view of the Applicants,

with differences, they still apply today.

-

The Applicants referred to the Authority's website at [www.deres.tv](http://www.deres.tv) “The big

bastard database 2. ” from photographs illegally disclosed in the entry

that the database is capable of being

put stakeholders in a negative color so that they are in the crosshairs.

-

The Applicants also referred to the Authority's serial listing of the Watch Sheet

NAIH / 2018/2618/6 / V, in which the Authority

listing is intended to provide stakeholders with a sense of negative social perception of any data subject

who do not qualify as public actors, do not take on a public role,

and do not wish to influence the public through their activities. ”

-

Hungary within the meaning of Article 85 (3) of the General Data Protection Regulation is as follows

notified relevant legislation: Act V of 2013 on the Civil Code

(hereinafter: the Civil Code) 2:44. § (in connection with the free debate on public matters); on freedom of the press and the CIV of 2010 on the basic rules of media content. Act (hereinafter: Smtv.) § 4 (3) (principles) and § 6 (resource protection). Position of the Applicants according to which at most the mentioned legal points could be invoked by the Applicant, a Article 6 (1) of the General Data Protection Regulation in the context of freedom of the press to establish a legitimate interest under point (f); otherwise for data management only the provisions of the General Data Protection Regulation apply directly.

-

According to the Applicants, the basis of the existing infringement is the principle that substantiated or presumed allegations concerning the property of a person - regardless of the size of the property - to the information belonging to the narrowest circle of the given person they are thus fully integrated into the individual 's privacy, and they have a direct effect on, among other things, the judgment and acceptance of the given person and in some cases for safety.

-

Applicants for the safety of the whole family, including minor family members property has been kept strictly confidential for years in order to preserve and maintain it their situation. The success of [...] was not hidden, but the details of it and the individuals no statement of the amount of property due has ever been made. You are real in the press False information may directly or indirectly affect Applicants or their families additional members of the quality of life of the various security measures and personnel

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as a result of its application. According to the Applicants, the lives of minors and to protect their safety only in a way that adversely affects the spiritual development of children feasible, and future implications are unpredictable and one-off

The appearance of the press also leads to the development of an irreversible feeling of fear in the "[...] family".



members, regardless of whether their lives, physical integrity, or wealth are greater or lesser

whether there is a real threat of direct or indirect danger.

-

According to the Applicants, the purpose indicated by the Applicant (public opinion

exercise of the right to freedom of the press) is not real because the

the situation paints a false picture of the natural persons behind the '[...] family',

it gives the impression that the whole "[...] family" is wealthy. According to the Applicants, certain

with regard to the presentation of the financial position of individuals (ie not public actors)

the processing of their personal data cannot be a legitimate aim, as the public is thereby

not properly informed.

-

According to the Applicants, if the purpose is to inform the public

requested by the Applicant, it must be obtained from each individual concerned

obtain their consent, otherwise calculated by name, company name, unique method

disclosure of assets implies unauthorized data processing. According to the Applicants

the purpose of the data processing does not correspond to the purpose for which the company register or the report processes

the personal data of the Applicants, consequently the wider personal data

The processing of the personal data of the "[...] family" concerning the circle by the Applicant is not purposeful, thus

illegal.

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Reference to Article 6 (1) (f) of the General Data Protection Regulation

(Also in relation to Data Management 1 and Data Management 2) is that the Applicant as data controller

carry out a balancing test and inform the data subject of the result. The

in the balancing test, the controller must demonstrate that his or her legitimate interests are at stake

necessary and proportionate intervention of the data subject is necessary for the enforcement of the data processing

to his private sphere. An Interest Balance Test was not issued by the Applicant to the Applicants

available to you.

-

According to the Applicants, it also applies to Data Management 1 and Data Management 2, that information based on speculation containing untrue data may not be appropriate accurate information to the public and that the processing also applies to persons for whom there is no public interest. The Applicants information on his or her privileged position, whether real or false disclosure has a significant impact on the perceptions, relationships, acceptance and even personal safety, moreover, in the '[...] family' it is Minor children are also included who have increased protection from general privacy required by Article 6 (1) (f) of Regulation No 40/94.

-

According to the Applicants, even if some of the data is from public databases the conclusions drawn from it are not treated as personal data creates a legal basis. No additional information was provided by the Applicant. THE According to the applicants, there is no treatment of data on their financial situation In this way, public data cannot be deduced from the company public or the public interest other than the shareholding of an individual in a company, or you may also have debts.

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According to the Applicants, the Association also disclosed data relating to "[...] relationship" and "[...] generation" which could not have been made public. from records.

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According to the Applicants, only General is concerned with regard to Data Management 2 Article 6 (1) (a) of the Data Protection Regulation could provide a legal basis for data processing,

however, Applicants consent to the processing of their personal data

they did not.

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In the response letter of the Applicant, the purpose of data processing is provided by the state or other

the use of public funds, their role in success

and thus informing the general public in a broader sense

the exercise of the right to freedom of the press. The Applicants referred in this connection to

Authority [before the general data protection regulation became applicable]

NAIH / 4454/6/2012 / V, which states that public company

including the personal data of owners and senior executives - may not be used

for purposes other than those provided for in the law on which it is based (currently the

Act V of 2006 on Company Proceedings and Liquidation; hereinafter:

Ctv.) Records. The Ctv. According to the preamble, these data are exclusively constitutional for entrepreneurs

security of trade and the interests of the creditor or otherwise

may be used to protect the public interest. According to the Applicants

The objectives set by the Applicant are incompatible with those objectives and by the Applicant

a specific purpose may not provide a legal basis for the rights of the Applicants indicated as a legitimate interest

restricting their privacy; in particular, they cannot be used for this

information in the business register relating to the financial situation of persons

to draw conclusions who are not the owners of the company concerned.

-

Applicants have indicated to Applicant that speculative estimates do not provide

real result, the data processed do not comply with the principle of accuracy. In view of this, a

According to the applicants, Article 17 (1) of the General Data Protection Regulation

would have been obliged to immediately delete the untrue

or pursuant to Article 5 (1) (d) of the General Data Protection Regulation

he should have taken at least all reasonable steps to ensure that

delete personal data which are inaccurate for the purposes of data processing without delay, or

correct it. The Applicants strongly requested the deletion of the data on the basis of the protest,

however, in its reply, the Applicant indicated only the name in relation to the name

willingness to rectify personal data.

-

The Petitioners refer to Constitutional Court Decision IV / 1235/2019. No., constitutional law

a decision rejecting the complaint, in which the Constitutional Court stated that “[it] is

statements of fact, the truth of which cannot be proved, the expression of opinion

freedom does not protect ’.

-

The obligation of the Applicant as data controller to provide information in this case

primarily defined in Article 14 of the General Data Protection Regulation, as it is personal

data were not collected from the Applicants by the Applicant. According to the Applicants, a

The applicant has manifestly infringed this obligation to provide information on several occasions,

and did not provide them with adequate information. The Applicant is also the Applicants

nor the result of a mandatory individual balancing of interests following a protest

informed the Applicants, thereby also violating its obligation to provide information.

-

Applicants pursuant to Article 18 (1) (a) and (d) of the General Data Protection Regulation

asked the Applicant to restrict the processing of data, the accuracy of personal data

in connection with the dispute and the protest against the data processing. The Applicants

in its opinion, the processing of the data affected by the request for restriction to the Applicant

should have been restricted, as further data processing is covered by Article 18 of the General Data Protection Regulation.

None of the reasons under Article 2 (2).

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The Applicants - in their opinion - cannot be considered as a public actor, their activity it does not fall within the scope of public interest, so Article 21 of the General Data Protection Regulation lawfully objected to the processing. Applicants Data Management 1 and

They also exercised their right to protest in 2 respects. According to the Applicants, the Applicant has not demonstrated compelling legitimate interests that take precedence enjoy the rights and freedoms of the Applicants and the protest

The Applicants did not provide a mandatory interest balance test after for. In the opinion of the Applicants, there are no compelling legitimate reasons

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maintained on the Applicant's side, as the Applicant handles personal only data to create a large readership for yourself on the website, and increase Forbes sales. These cases, according to the Applicants, in no way created by Article 21 (1) of the General Data Protection Regulation exception.

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According to the Applicants, the present case is very similar to the Court of Justice of the European Union (a ('the CJEU') in Case C-131/12. number Google Spain SL and Google Inc. v Agencia Española de Protección de Datos (AEPD) and Mario Costeja González, in which the CJEU ruled that the public it has a strong interest in making the data available if it is in the public domain concerned his role justifies this. According to the Applicants, to the case referred to similarly, in the present case, no such circumstance exists, and despite the data its publication elsewhere was lawful, the data processing of the Requested is express illegal due to protest.

-

Of the Applicants, [...] builds export markets, [...] is present in more than [...] countries.

[...] Their partner was abducted three times and his wife was abducted once. According to the Applicants appearing on such lists also presupposes the family and the international community family members on the map, the search engines pre-position these lists, by which a member of the family is more likely to be a victim, even foreign perpetrators also with regard to.

-

According to the Applicants, Data Management 1 directed the attention of criminal circles to the Applicants.

In support of this, the Applicants sent a letter to the Authority

in which the [...] safety director indicates the personal protection duties affecting the [...] family changes and provide information on related measures.

In view of the above, the Applicants have initiated an official data protection procedure

Data Management 1 and Data Management 2 and requested that the Authority be the general

Article 5 (1) (a), (b), (d) and (e), Article 6 (1) (f) of the Data Protection Regulation

Article 13 (2) (f) and Article 14 (2) (g), Article 14 (1) and

Article 15 (1) (h) and Article 21 (1)

infringement of Article 18 (1) (a) and (d)

order the restriction of personal data and then Article 17 (1)

pursuant to Article 58 (2) (f) and

Applicant for the processing of personal data.

The Applicants requested that the Authority Pursuant to Section 61 (1) (a), the general

also impose a fine under Article 83 (4) of the Data Protection Regulation on the Applicant against.

The Applicants further requested that the Authority issue a decision on the General Administrative Procedure 2016. year CL. with a temporary measure in accordance with the provisions of Section 106 of the Act (hereinafter: the Act) restrict the processing of data, prohibit the disclosure of personal data, given that its

In the absence of the Applicants and their minor children (who are also involved, only the present proceedings are not the appearance of Data Management 2 with unavoidable damage, danger, or a would lead to an irreparable violation of personal rights.

On the basis of the request, Article 57 (1) (f) of the General Data Protection Regulation and Infotv. 60. § (1), a data protection authority procedure was initiated.

Following the initiation of the procedure, the Applicants will receive an e-mail dated January 24, 2020

It was sent on 27 January 2020 and by post to the Authority on 28 January 2020

informed the Authority in a letter received that the data protection

in parallel with an ongoing application for an official procedure

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there is also a civil action in which an interim measure is granted at first instance on [...]

in its order on the matter, ordered the Applicant to:

- indicate the personal data processed concerning the Applicants,
- the personal data processed concerning the Applicants are expressly provided by the Applicants with your written consent,
- the disclosure of personal data processed concerning the Applicants abstain.

The Applicants further informed the Authority that the Applicant had the above

has failed to fulfill its obligations and has disclosed both online and on paper

Applicants' personal data and the Applicants are included in the list of the richest Hungarians

(Data Management 2).

On [...] [...], it established the preliminary enforceability of the order on the basis of which the first instance may be enforced independently of the proceedings at second instance.

An extract from [...] 's order for interim measures [...] and

[...] ordering the applicants for a preliminary ruling on the provisional enforceability of an interim measure sent to the Authority.

The Authority dated 28 January 2020 initiating the data protection authority proceedings

NAIH / 2020/1154/2, and Ákr. With reference to § 63 of the facts

invited the Applicant to make a statement in order to clarify The order to the Authority

was received on February 3, 2020 based on the returned return receipt.

Forbes issued a notice on its website on [...]. The Communication states, inter alia:

includes:

[...]

The full notice is available at [...].

Date of receipt of the application by the applicant dated 6 February 2020, received by the Authority on 12 February 2020

informed the Authority by letter dated

-

Members of the [...] family filed a civil lawsuit against the Applicant. Antecedents of the civil lawsuit,

that the defendants applied for interim measures. The temporary

[...] [...], which was registered under number [...]

left in place by order. An application for interim measures shall be subject to the condition that:

Applicants page within 30 days to file a lawsuit for the alleged violation of the merits

assessment. [...] Ordered the provisional application for interim measures, which

condition for bringing an action. To the best of the Applicant's legal representative, the action

has been filed and is under investigation for litigation.

-

In view of the fact that the Authority's request is subject to legal proceedings

is pending, in the Applicant's view, as a basis for the Authority's request

The right to self - determination of information and the

CXII of 2011 on freedom of information Section 53 (3) of the Information Act (hereinafter: the Information Act)

pursuant to paragraph 1 (a). [Infotv. Section 53 (3) (a): The Authority shall make the notification

refuses without a substantive examination if legal proceedings are pending in the case in question, or



the case has previously been the subject of a final court decision.]

The Authority did not agree with the position of the Applicant, as Infotv. § 53 of the Ákr.

therefore not an administrative procedure

applicable. In view of the above, the Authority issued NAIH / 2020/1154/4 of 13 February 2020

13

In his order no., he repeatedly called on the Applicant to make a statement. The order to the Authority was received on 19 February 2020 on the basis of the returned return receipt.

In an e-mail dated 27 February 2020 but sent on 26 February 2020, a

The applicant, through his / her legal representative ([...]), shall provide the requested information.

and sent supporting documents to the Authority.

In its reply to the Authority, the Applicant stated the following:

-

The Applicants, through their legal representative, apply for interim relief

presented. By order of [...], the interim measure was granted by

provided that Applicants may file an action on the merits within [30] days

requesting an assessment. Not until the reply letter is sent to the Authority

the action was served, only one order was received in which the action

informed the Applicant of his refusal by [...] (Order No [...]).

-

Between the Applicants and the Applicant regarding the handling of the personal data of the Applicants

due to the ongoing court proceedings, the Applicant is of the opinion on data protection

there is a need to suspend official proceedings. The position of the Candidate is as follows

justified by: Ákr. Pursuant to Section 48 (1) (a), the Authority shall suspend the proceedings,

if the decision on the preliminary question falls within the jurisdiction of a court. Given that it is temporary

the Authority is the basis for proceedings following an order ordering a measure

civil and non-civil proceedings are pending in relation to data processing,

the possibility arises that the Ákr. Pursuant to Section 46 (1) (b)

there will be a place for refusal or a violation of a question of law which is identical in content

judicial proceedings, since if the Authority pursues the data protection authority

investigation, the situation may arise that in a legal matter (Applicants' personal data

treatment by the Applicant) is decided by two courts, as an a

CXXX of 2016 on Civil Procedure. procedure pursuant to the Act (hereinafter: Pp.),

and clients have the option of judicial review of the Authority's decision

to ask. It depends on the court process: either you decide the merits of the action, or some sort

reason does not make a final decision and the applicant side loses the opportunity to Pp. according to

enforcement. This is a preliminary issue that is pending in the ongoing court proceedings

el. In view of the above, the Applicant requested that the Authority suspend the data protection

official procedure.

-

The Forbes press product is primarily a business paper that is, among other things, Hungarian

companies, owners, their business, their developments, the market economy

and any possible relationship with the State

readership. Applicants are the owners ([...] and [...]) and manager of [...]

officials ([...] and [...]).

-

Forbes was first published in August 2015 (not in 2016,

as stated by the Applicants) included the “[...] family” in the “Largest Hungarian

family businesses’. It was subsequently published in the September 2019 issue

owned by the “[...] family” [...] in the “Largest Hungarian Family Enterprises 2019”

compilation (Data Management 1). In addition, it was published in the January 2020 issue

It is included in the entry [...] of the compilation “Richest Hungarians” (Data Management 2).

-

The compilations are based on publicly available company data from Forbes journalists. THE calculations based on public data for the company or person concerned at all times will be sent, giving the opportunity to correct the calculations and other comments. THE Requested employees proactively contacted and informed in advance a Applicants as well.

-

The information available at [...] shows that [...] has been used regularly in recent years received a large amount of state and EU funds amounting to several billion forints subsidies.

14

-

The processing of personal data is inseparable - and therefore cannot be legally assessed separately from the content published in Forbes compilations. In Forbes compilations a information on the company has been disclosed: in what state aid they benefited from the marketing activities they carried out and the expansions they made me.

-

According to the Applicant, the term “[...] family” cannot be considered general personal data pursuant to Article 4 (1) of the Data Protection Regulation.

-

The Basic Law of Hungary both recognizes the right to the protection of personal data and the disclosure of data of public interest [VI. Article 3 (3)], freedom of the press and the press diversity [IX. Article 2 (2)] and states that the economy of Hungary shall: based on the freedom of establishment [Article M (1)].

-

According to Article 39 (2) of the Basic Law, all organizations managing public funds

is accountable to the public for its management of public funds. THE

public funds shall be managed in accordance with the principles of transparency and public purity; and

data on public funds and national wealth are data of public interest.

-

Article 85 (1) of the General Data Protection Regulation also shows the Member States

reconcile the right to freedom of expression and information with data protection. The

the European Data Protection Supervisors

Published by the Working Party (Working Group 29) on 26 November 2014 [WP 227

paragraph 2 of the resolution, according to which the right to data protection

should be interpreted in the light of the law of the In the case of EUB Tele2Sverige AB [C-203/2015] 2016

Paragraph 93 of its decision of 21 December 2006 is similar to the following

states: "Thus, all provided for in Article 7 of the Charter for respect for privacy

protection of personal data as guaranteed by Article 8 thereof

the importance of the right to justice as established in the case law (see in this regard:

Schrems, C-362/14, EU: C: 2015: 650, paragraph 39, and

case-law cited above) Article 15 of Directive 2002/58 must be taken into account

In the interpretation of paragraph 1. The same is true of expression

freedom, in view of the special importance which it attaches to all

in a democratic society. This fundamental right guaranteed by Article 11 of the Charter a

one of the essential foundations of a democratic and pluralistic society, one of the values

on which the Union is founded, in accordance with Article 2 TEU (see, to that effect, June 2003)

Case C-112/00 Schmidberger [2003] ECR I-333, paragraph 79; September 6, 2011

Patriciello, C-163/10, EU: C: 2011: 543, paragraph 31.)

-

A 7/2014. (III. 7.) In the wording of Resolution AB "[a] freedom of the press - which encompasses

freedom of all types of media - the institution of freedom of expression. The press -

despite the increasingly complex and diversified nature of its activities, in particular the expression of opinion, opinion-forming and opinion-forming means of obtaining information. " (Justification [40]). This is the role of the press in particular appreciates in the expression of public opinion, as "[a] social, political debates These are largely due to the fact that public actors and typically through the press - participants 'perceptions of each other, their political performance and in this context, they also criticize each other's personalities. And the press is constitutional its mission is to monitor the exercise of public authority, of which the presentation of the activities of persons and institutions involved in shaping public affairs " (Justification [48]).

-

The interpretation of the media by the Constitutional Court is democratic public opinion its central role in the formation of the press does not lead to "the press their activities should not be subject to legal requirements [...], but at the time of their creation and always fulfill the constitutional mission of the press, the publication of information of public interest shall not be hindered or impeded " {3/2015. (II. 2.) AB decision, Justification [25]}. A 28/2014. (IX. 29.) AB

15

'As long as any information does not constitute an abuse of freedom of the press, violation of the rights of the individual in the context of the protection of human dignity rarely justify a restriction on the exercise of freedom of the press. " (Justification [42]). This interpretation is based on 16/2016. (X. 20.) and 17/2016. (X. 20.) AB decisions have also been consistently enforced in favor of press freedom.

-

Personal data within the meaning of Article 6 (1) (f) of the General Data Protection Regulation the processing of data is lawful if the processing is lawful by the controller or a third party

necessary to safeguard its interests, unless those interests take precedence

enjoy the interests or fundamental rights and freedoms of the data subject which are personal data protection, unless the child concerned.

-

Given that Hungary is a market economy, the role of the press cannot be narrowed down

interpreted as the operation of private companies owned by private individuals,

publicity is not possible at any level regarding its ownership background

provide information. Of course, this activity also has its limitations:

protection of trade secrets, protection of human dignity, etc., however, business journalism is one

legitimate activity. The Applicant will not handle or disclose any personal information

which would constitute a disproportionate invasion of privacy. Managed by the Applicant and

disclosed (minimum) personal information is closely related to the business

activity. The Applicant is essentially information about the ownership background of the company

(name). Estimates of the amount of wealth are for business purposes only

are based on public data related to the activity and are therefore not covered by the compilation

real estate, private property (eg inheritance, marriage)

wealth, lottery winnings). Similarly, the Applicant does not handle and disclose to the private sector

grossly disruptive data. (For example, it would be obviously illegal to

a compilation that would predict changes based on contractors 'health data

in the course of business.)

-

The Smtv. Section 10 (1) also states: "Everyone has the right to be properly treated

local, national and European public affairs and Hungary

on events of significance to its citizens and members of the Hungarian nation. THE

It is the responsibility of the media system as a whole to provide authentic, prompt and accurate information on these matters

and

events. "

-

The Ctv. Section 10 prescribes public disclosure in the public interest. Company data - and what's in it personal data - so they are not just for road safety. (The public interest refers to the protection of the Ctv. preamble). The Ctv. Company data pursuant to Section 10 (2) they are fully public.

-

The task of market journalism analyzing the market economy is to explore the nodes of the economy, internal relations, scope of ownership, networks, state involvement. THE

According to the Applicant, it is a company owned or controlled by the Applicants

this is exactly what the page issued by the Applicant did. According to the Applicant

a Ctv. interpretation of the provisions on public disclosure in conformity with the Basic Law,

that the right of the press to be informed about the operation of the economy should also be included

in the public interest justifying the public. According to the Applicant, the opposite is true

interpretation would result in the owners of companies, leading

information on its officials could only be disclosed with the consent of the data subject, that is

and it makes sense to make the role of the press "watchdog" impossible, which cannot be narrowed down to control public authority.

-

According to the Applicant 's legal position, the information on the Applicants' assets and

their public connection to the Applicants in accordance with Infotv. Pursuant to Section 3 (6)

public personal data in the public interest, the disclosure of which,

disclosure or making it available is required by law in the public interest. THE

The names of the applicants and the company they own and their value are central,

data found in public, publicly available records that is accessible to anyone.

-

Infotv. Pursuant to Section 26 (2), public personal data in the public interest for the purpose may be disseminated in accordance with the principle of data protection. The Applicant from the manages the data of the Applicants in order to exercise their rights arising from the freedom of the press, and the information activities of the press in a democratic society implement. The Applicant shall, for each calendar year, record the publicly available based on databases, the richest natural persons and families in Hungary.

The aim of this is to make Hungarian society aware of its greatest economic influence economic influence is in itself a significant public good gives a role to some individuals, often with other social, political influences associated with. Introducing such a concentration of power to and in society Recording changes from year to year is a matter of public interest information. THE

The applicant also aims to inform the Hungarian business community, the largest about the owners behind Hungarian-owned companies, thus contributing to business transparency and traceability. In addition, the Applicant considers it his responsibility to: strengthening the Hungarian entrepreneurial culture by making successful Hungarian entrepreneurs

The compilation of the annual rich list partly serves this purpose.

-

According to the Applicant, the activity he carries out is in the public interest. The economic journalism is a legitimate activity in the public interest, and in its context it is the richest and at the same time with the greatest (or in any case much higher than average) social influence according to a reliable methodology based on regular, public data its collection and archiving is in the public interest. The Applicant is public only compiled a list of the most fashionable people based on available databases. These registers (real estate register, company database created on the basis of company court data and companies 'own public disclosures) and the wide range of personal information they contain



it is public that economic life is transparent and accessible to citizens

work. Journalism adds value to the public

databases to help lay citizens interpret and summarize the

otherwise a huge amount of information is publicly available. The Applicants

has received significant State aid [...] owned or controlled by

in itself justifies the fact that the citizens (the readership) are behind the investment

the identity of the standing owner is known.

-

On 16 August 2019, the journalist employed by the Applicant contacted the

An enterprise that can be linked to applicants in connection with Data Management 1. Attached to the letter

a description of the methodology used to compile the compilation has been attached,

indicating the source of the data used for the compilation (publicly available

available company data). An excel spreadsheet has been sent as an email attachment

also in the form of a calculation based on the data of [...]. The legal representative of the Applicants

In response, the Applicant sent a reply containing its legal position in September 2019

On the 12th day, in which he provided information on the scope of the processed data, as well as the data management staff were also named.

-

On 14 November 2019, the Applicant's journalist repeatedly contacted [...]

Data management 2 connection. Once again, the methodology was attached to the request

description and excel spreadsheet showing business data. Employee of the Applicant 2019.

the legal position of the Applicant's legal representative on 20 November

sent a presentation reply.

In addition to the information provided to the Authority, the Applicant Section 33 (1) and (4)

requested that the Authority submit the Applicants' submission and its annexes electronically

send, given that the Applicant, in the light of the application, submitted further comments

wants to do.

In its order NAIH / 2020/1154/6 of 16 March 2020, the Authority granted access to the file limited request, without sending any unknown documents

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and the Applicants' request for the conduct of official data protection proceedings the annexes, the supplement to the application and its annexes (except by the Security Director of [...]) introducing changes to the personal protection tasks of the [...] family sent to information on related measures) and to the Applicant Authority sent on 24 January 2020 and its annexes by post and electronic means also sent it to the Applicant by letter.

By e-mail sent on 23 March 2020 and by post to the Authority by 2020.

By letter received on 26 March 2006, the Applicant made the following additional comments:

-

Judging the falsity or reality of a fact is not a matter of data protection, but the Civil Code. or Smtv. may be judged on the basis of the rules of protection of privacy or in the press relocation procedure. The Applicants did not initiate such proceedings. With this In this context, according to the Applicant, there is a manifest inability to include minors who do not have the capacity to act may be actors in a business.

-

The Applicants complain that they have not been informed of their rights and remedies about their possibilities. The reply letter does not really include the Infotv. and general the relevant provision of the data protection regulation, however, on the one hand on the forbes.hu website at that time The data management information was also available, from which the on the other hand, through the Applicants' legal representative turned to the Applicant and the legal representative to the Law on the Practice of Lawyers of 2017

LXXVIII. (hereinafter: the Act) was obliged to inform the Applicants of the their enforceable rights and how to enforce them. Letters of invitation specifically indicate that enforcement proceedings will be initiated by the Applicants. The legal Representative may not make such a summons without giving notice of enforcement information to its principals.

-

According to the Applicant, the Applicants' statement that it cannot be established is misleading the logic with which Forbes journalists analyze data. The reply letters

A methodological letter was sent as an annex to the data analysis method. The Applicant notes in this regard that the journalist sovereign right to draw conclusions after analysis of raw data.

In case of inaccuracy of the personal data, the Applicants were assured that to make comments, the Requested Employee also specifically requested feedback from the calculations.

-

The Applicant is of the opinion that the other information listed by the Applicants deficiencies have not been substantiated and documents previously sent to the Authority certify that the Applicants have been duly informed.

-

The resolution of the Data Protection Commissioner referred to by the Applicants ["is in itself a fact that someone is wealthy does not mean that he is also a public figure "] in relation to the Applicant points out that the present proceedings are based on the General Data Protection Regulation, Article 6 of which provides:.

A balance of interests shall be made in accordance with Article 1 (1) (f). As stated by the Applicant referred in a reply previously sent to the Authority, advocates for the public that personal data has been processed in connection with the use of public funds. THE

According to the applicant, the fact of wealth is not justified by the public,

but due to the fact that the state supports the Applicants' business with billions of forints for years.

-

The Applicant refuses to accept the professional work referred to by the Applicants as homophobic, and juxtaposing government expiring propaganda lists. The Requested in his view, the argument, in addition to his tastelessness, is also incorrect because of the marked lists processing of special personal data for expiration purposes. The Applicant was not treated never any special personal information about Applicants or Forbes published publications were published for non-expiration purposes.

18

-

In connection with the case - law decision BDT2017.3693 relied on by the Applicants a The petitioner notes that the factual basis of the judgment is based on the provisions of the Civil Code. the right to an image was a violation. However, in the Applicant's view, it is a paragraph of the decision to be highlighted. According to it, '[t] he applicant's identity in a matter of public interest is interest has come to the fore, however, not with the public authorities but with the economic ones can be considered a public figure in the context of power, its reputation is narrower, media appearances are not considered common. Although the AB referred to in that regard has a higher tolerance obligation based on decisions, its tolerance obligation is not the same with the obligation of tolerance of a person of political or public authority. Not like that a public actor whose publication of photographs of litigation without consent is thorough he should endure for no reason. " According to the Applicant, this shows that persons with economic power also have an increased obligation of tolerance.

-

The content of the data processing and the public communications based on it is not the Applicants but the company they own and manage

financial support from the state; neither the data processed nor the data subject

communications have nothing to do with family and private life.

-

The Applicants also justify this by seriously endangering the rights of minor children

the merits of their complaint. In this regard, the Applicant notes that a

it can be stated from the attached documents that the Applicant does not treat a minor

no information and that the Applicants, including through a legal representative,

no minor found.

-

The Applicants refer to the September 2019 compilation for the attention of criminal circles

directed to the family, which puts them at constant safety risk. THE

According to the applicant, the way in which the criminal circles were directed was not substantiated

attention to the family and that between the release of the Forbes list and the action of the criminals

what is the causal relationship. In the Applicant's view, it is speculative and unjustifiable

the connection even if to the detriment of the Applicants in an unfortunate manner

Act C of 2012 on the Penal Code (hereinafter: the Criminal Code)

conflicting behavior has taken place recently.

-

According to the Applicant, Case C-131/12 relied on by the Applicants. CJEU decision no

misleading reference because that case is expressly out of date information

('right to be forgotten'). Paragraphs 70 and 81 of the judgment.

also requires a balancing of interests. According to the Applicant, a

published information are timely press releases from the press body and therefore misleading a

Applicant reference.

-

With regard to purpose limitation, the Applicant emphasizes that the purpose of data processing is

carrying out journalistic work and informing the public on matters of public interest.

-

The Applicant informed the Applicants about the result of the balance of interests, the Applicant

In its view, its aspects and results are clearly distinguished by the

from reply letters.

-

From the methodological information sent to the Applicants and the introduction to the lists, and

from the entries on the Applicants, it is clear from the Applicant 's position that

only economic data relating to the company was used.

-

According to the Applicant, there is no automatic in case of inaccuracy of the data

cancellation obligation [mainly not by the General Data Protection Regulation by the Applicants

not referred to in Article 17 (1) (c)]. The Applicant further notes that

that the Applicants did not avail themselves of the provisions of Article 16 of the General Data Protection Regulation

right of rectification, even though they had the opportunity to do so.

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Applicants sent the Authority on 24 April 2020 by e-mail only

In their letter, they reiterated their previous submissions and informed the following

Authority:

-

The [...] Police Headquarters is paying close attention to the surroundings of [...] 's property, as the

in the family's living environment, as announced by the [...] Director of Security

a well-known criminal living in Keszthely but of Moldavian origin appeared, about whom

video was also recorded.

-

Ownership of [...] as a result of the events at issue in the present case is a procedure of the Forbes publisher

due to [...] a gift contract was redeemed representing a significant value, existing for 16 years part of their business.

-

Applicants will withdraw their application with respect to Data Management 2 implemented with regard to disclosure.

-

Applicants also maintain their previous applications Data Management 1, i for data management operations in September 2019 and earlier.

The Applicants are thus in respect of Data Management 1 and Data Management 2 as a whole - the above with the exception of disclosure - maintained their request for general data protection

Article 5 (1) (a), (b), (e), Article 6 (1) (f) of

Article 13 and Article 14 (1) and (2), and

Establishment of the fact of unlawful data processing by the Applicant pursuant to Article 21 (1)

with regard to. The Applicants requested that the Authority make such a limited application circle.

## II. Applicable legal provisions

Pursuant to Article 2 (1) of the General Data Protection Regulation, the General Data Protection Regulation shall apply to the processing of personal data in a partially or fully automated manner,

and the non - automated processing of personal data which:

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

they want to do.

The Infotv. Section 2 (2)

according to the general data protection regulation in the provisions indicated therein

shall apply mutatis mutandis.

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

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

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

name, number, location data, online identifier or physical, physiological,

genetic, intellectual, economic, cultural or social identity

identifiable by a factor.

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

or any operation on automated or non - automated data files, or

a set of operations such as collecting, recording, organizing, segmenting, storing, or transforming

change, query, view, use, transmit, distribute or otherwise

harmonization or interconnection, restriction, deletion,

or destruction.

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

any form of automated handling in which personal

data for the assessment of certain personal characteristics of a natural person,

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especially for job performance, economic situation, health status, personal

preferences, interest, reliability, behavior, location, or

used to analyze or predict motion-related characteristics.

According to Article 4 (6) of the General Data Protection Regulation, "registration system" means personal data

data in any way - centralized, decentralized or functional or geographical

according to which it is divided according to certain criteria.

According to Article 4 (7) of the General Data Protection Regulation: "controller" means the natural or legal person

person, public authority, agency or any other body that provides personal data

determine the purposes and means of its management, alone or in association with others; if the data management

purposes and means are determined by Union or Member State law, the controller or the controller

EU or Member State law may also lay down specific criteria for the designation of

Personal data pursuant to Article 5 (1) (a) of the General Data Protection Regulation



must be handled lawfully and fairly and in a manner that is transparent to the data subject

("Legality, due process and transparency").

Personal data only under Article 5 (1) (b) of the General Data Protection Regulation

may be collected for, and not combined with, specific, clear and legitimate purposes

cannot be handled in a compatible way ('purpose-based').

Purposes of data processing under Article 5 (1) (c) of the General Data Protection Regulation

they must be appropriate and relevant and limited to what is necessary

("Data saving").

Pursuant to Article 5 (1) (d) of the General Data Protection Regulation

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

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

deleted or corrected immediately ("accuracy").

Personal data pursuant to Article 5 (1) (e) of the General Data Protection Regulation

should be stored in a form that identifies the data subjects only for personal use

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

longer storage can only take place if personal data

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

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

appropriate technical and organizational arrangements to protect their rights and freedoms

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

Pursuant 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 may only be used if and

can be lawfully managed if at least one of the following is met:

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

purposes

treatment;

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

or taking steps at the request of the data subject prior to the conclusion of the contract

necessary to do so;

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

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

necessary for its protection;

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

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f)

necessary for the performance of the task

the processing is in 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.

According to recital 47 of the General Data Protection Regulation, the existence of a legitimate interest

In any case, it must be carefully examined, inter alia, whether the

whether you can reasonably expect when and in connection with the collection of personal data

that data processing may take place for that purpose. Interests and fundamental rights of the data subject

may take precedence over the interests of the controller if the personal data are such

conditions under which data subjects do not expect further data processing.

[...] The processing of personal data in order to prevent fraud is also essential

the legitimate interest of the controller concerned. Personal information for direct business purposes

may also be considered to be based on a legitimate interest.

It relates to measures for the exercise of the rights of data subjects

obligations are set out in Article 12 of the General Data Protection Regulation.

data controllers

Pursuant to Article 12 (1) of the General Data Protection Regulation, the controller is appropriate

take measures to ensure the processing of personal data by the data subject

all the relevant information referred to in Articles 13 and 14 and Articles 15 to 22. and Article 34

each piece of information in a concise, transparent, comprehensible and easily accessible form, in a clear manner

and provide any information addressed to children, in particular, in plain language

in the case of. The information shall be provided in writing or otherwise, including, where appropriate, by electronic means

must also be provided. Oral information may be provided at the request of the data subject, provided otherwise

the identity of the data subject has been established.

Pursuant to Article 12 (2) of the General Data Protection Regulation, the controller shall facilitate the

affected 15-22. exercise of their rights under this Article. In the cases referred to in Article 11 (2)

the data controller shall fulfillment of his request to exercise his rights under Article

he may not refuse it unless he proves that the person concerned cannot be identified.

Pursuant to Article 12 (3) of the General Data Protection Regulation, the controller is unjustified

without delay, but in any case within one month of receipt of the request

inform the data subject in accordance with Articles 15 to 22. on the action taken in response to a request under Article. Need

In view of the complexity of the application and the number of applications, this time limit shall be extended by two additional periods

may be extended by one month. The extension of the deadline by the data controller shall be the reasons for the delay

within one month of receipt of the request. If

the person has submitted the application electronically, the information shall be made possible, if possible, electronically

unless otherwise requested by the data subject.

Pursuant to Article 12 (4) of the General Data Protection Regulation, if the controller does not do so

measures at the request of the data subject without delay, but at the latest at the time of the request

within one month of receipt of the measure

and that the person concerned may lodge a complaint with a supervisory authority and may reside with the right to judicial redress.

Pursuant to Articles 13 and 14 of Article 12 (5) of the General Data Protection Regulation

information and Articles 15 to 22. The information and action provided for in Articles 31 and 34 shall be provided free of charge

to assure. If the data subject's request is clearly unfounded or - particularly repetitive in nature

excessive, the data controller, subject to the provision of the requested information or information or the requested

may charge a reasonable fee for the administrative costs of

or refuse to act on the request. The request is clear

the burden of proving that it is unfounded or excessive is on the controller.

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Article 14 of the General Data Protection Regulation states that the controller must, as a minimum

which data processing circumstances and how they should inform data subjects if they are personal

data were not obtained from data subjects. According to:

[14. Article 1 (1): If the personal data have not been obtained from the data subject, the controller

provide the data subject with the following information:

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

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

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

(d) the categories of personal data concerned;

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

(f) where applicable, the fact that the controller is a recipient in a third country or

intends to transfer personal data to an international organization, and

the existence or absence of a Commission decision on compliance, or in Article 46,

the transmission referred to in Article 49 or the second subparagraph of Article 49 (1)

an indication of the appropriate and suitable guarantees and a copy thereof

reference to the means of obtaining them or their availability.

[14. Article 2 (2): In addition to the information referred to in paragraph 1, the controller shall be the data subject to ensure fair and transparent data processing for the data subject the following additional information is required:

(a) the period for which the personal data will be stored or, if that is not possible, that period aspects of its definition;

(b) where the processing is based on Article 6 (1) (f), the controller or a third party the legitimate interests of a party;

(c) the data subject's right to request from the controller the personal data concerning him or her access to, rectification, erasure or restriction of the processing of data, and may object to the processing of personal data and to the data portability concerned the right to

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

the right to withdraw consent at any time in the case of data processing, which is without prejudice to the processing carried out on the basis of the consent prior to the withdrawal legitimacy;

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

(f) the source of the personal data and, where applicable, the fact that the data are publicly available whether they come from sources; and

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

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

comprehensible information on the significance of such data processing and

the expected consequences for the data subject.

[14. Article 3 (3): The controller shall provide the information referred to in paragraphs 1 and 2 as follows enter according to:

(a) personal data, taking into account the specific circumstances of the processing of personal data within a reasonable time after receipt, but not later than one month;

(b) where personal data are used for the purpose of contacting the data subject, at least:

first touch

(c) at the time of contact; obsession

(d) where the data are expected to be communicated to another recipient, the personal data first at the latest at the time of publication.

[14. Article 4 (4): If the controller is different from the purpose for which the personal data were obtained

If you wish to carry out further data processing for this purpose, you must inform the

for this different purpose and any relevant additional information referred to in paragraph 2

information.

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[14. Paragraphs 1 to 4 shall not apply if and to the extent that:

(a) the data subject already has the information;

(b) it proves impossible to provide the information in question, or

would require a disproportionate effort, in particular for archiving in the public interest,

for scientific and historical research or statistical purposes, in accordance with Article 89 (1)

in the case of data processing subject to the conditions and guarantees set out in

where the obligation referred to in paragraph 1 of this Article is likely

would make it impossible or seriously jeopardize the achievement of the purposes of this processing. Such

In such cases, the controller must take appropriate action - the information

including the rights, freedoms and legitimate interests of the data subject

to protect its interests;

(c) the acquisition or disclosure of the data is explicitly required by the Union law applicable to the controller

or the law of a Member State which is appropriate to protect the legitimate interests of the data subject

provides for measures; obsession

(d) professional secrecy of personal data as required by Union or Member State law

obligation, including the obligation of professional secrecy,

it must remain confidential.

Pursuant to Article 15 (1) of the General Data Protection Regulation, the data subject is entitled to:

receive feedback from the data controller on the processing of your personal data

is in progress and if such data processing is in progress, you are entitled to personal

access to data and the following information:

(a) the purposes of the processing;

(b) the categories of personal data concerned;

(c) the recipients or categories of recipients with whom the personal data are held

have been or will be communicated, including in particular to third country consignees, and

international organizations;

(d) where applicable, the intended period for which the personal data will be stored or, failing that

possible criteria for determining this period;

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

rectification, erasure or limitation of the handling of such personal data

against data processing;

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

(g) if the data were not collected from the data subject, all available sources

information;

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

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

comprehensible information on the significance of such data processing and the

the expected consequences for the data subject.

Under Article 16 of the General Data Protection Regulation, the data subject has the right to

the data controller shall correct inaccurate personal data concerning him without undue delay.

Taking into account the purpose of the data processing, the data subject has the right to request the incomplete personal data

supplementing the data, inter alia, by means of a supplementary declaration.

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

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

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

delete without delay if one of the following reasons exists:

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

treated differently;

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

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

there is no other legal basis;

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

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

protests against data processing on the basis of

(d) personal data have been processed unlawfully;

(e) personal data are required by the law of the Union or Member State applicable to the controller

must be deleted in order to fulfill an obligation;

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

in connection with the provision of social services.

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

has brought personal data and is required to delete it pursuant to paragraph 1 by the available technology

and take the steps that can reasonably be expected, taking into account the costs of implementation,

including technical measures - in order to inform the data controller

data controllers that the data subject has requested from them links to the personal data in question

or the deletion of a copy or duplicate of such personal data.

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

applicable if data processing is required:



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

Pursuant to Article 18 (1) of the General Data Protection Regulation, the data subject is entitled to:

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

- (a) the data subject disputes the accuracy of the personal data, in which case the limitation shall be applies to a period of time that allows the controller to verify the personal data accuracy of data;
- (b) the processing is unlawful and the data subject objects to the deletion and requests it instead restrictions on the use of
- (c) the controller no longer needs the personal data for the purpose of processing the data, but the data subject requests them to bring, assert or defend legal claims; obsession
- (d) the data subject has objected to the processing in accordance with Article 21 (1); in this case the restriction shall apply for as long as it is established that the whether the legitimate reasons of the controller take precedence over the legitimate reasons of the data subject.

According to Article 18 (2) of the General Data Protection Regulation, if the processing is in accordance with paragraph 1 subject to restrictions, such personal data shall be stored only by the data subject

or to bring, assert or defend a legal claim, or

to protect the rights of another natural or legal person, or of the Union or any of the important public interest of the Member State.

According to recital 67 of the General Data Protection Regulation, personal data

Methods used to limit the use of

temporary transfer of personal data to another data management system, or

terminate their access to users or from a website posted there

temporary removal of data. Restriction of data management with automated registration

systems are basically provided by technical means, in a way that is personal

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no further data processing operations may be performed on the data and they may not be altered.

The fact that the processing of personal data is restricted must be clearly indicated in the system

Pursuant to Article 21 (1) of the General Data Protection Regulation, the data subject is entitled to:

at any time on grounds relating to his or her situation, object to the processing of his or her personal data in accordance with Article 6 (1).

based on those provisions, including those provisions

based profiling. In this case, the data controller may not process the personal data

unless the controller demonstrates that the processing is justified by compelling legitimate reasons.

justified by the interests, rights and freedoms of the data subject

or to bring, assert or defend legal claims

are related.

Pursuant to Article 21 (2) of the General Data Protection Regulation, if the processing of personal data

in the interests of direct acquisition, the person concerned shall have the right to object at any time

against the processing of personal data for that purpose, including profiling, where

it is related to direct business acquisition.

Pursuant to Article 21 (3) of the General Data Protection Regulation, if the data subject objects a

against the processing of personal data for the purpose of direct business acquisition, you are personal data can no longer be processed for this purpose.

Referred to in paragraphs 1 and 2 pursuant to Article 21 (4) of the General Data Protection Regulation at the latest at the time of the first contact with the data subject attention and information in this regard clearly and separately from any other information to be displayed.

Pursuant 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 with a supervisory authority, in particular where he has his habitual residence, place of employment or presumption in the Member State of the offense, if the person concerned considers that his or her personal processing of data in breach of this Regulation.

Infotv. Pursuant to Section 38 (2), the Authority is responsible for the protection of 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 within the European Union facilitating the free movement of The Authority's tasks and powers are general data protection Article 57 (1), Article 58 (1) to (3) and Infotv. Section 38 (2) - (4) defined in detail.

The right to the protection of personal data pursuant to Section 60 (1) and (2) of the Information Act the Authority shall, at the request of the data subject, initiate proceedings and may initiate ex officio data protection authority proceedings. The data protection authority procedure Article 77 (1) of the General Data Protection Regulation and It may be submitted in the case specified in Section 22 (b).

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

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

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

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

may apply legal consequences. Accordingly, acting within the Authority's power of correction:

(a) warn the controller or processor that certain data processing operations are planned

its activities are likely to infringe the provisions of this Regulation;

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(b) reprimands the controller or the processor if he or she is acting in a data-processing capacity

has infringed the provisions of this Regulation;

(c) instruct the controller or processor to comply with this Regulation

the exercise of his rights under this Regulation;

(d) instruct the controller or processor to carry out its data processing operations

bring this Regulation into line with the provisions of this Regulation

with its provisions;

(e) instruct the controller to inform the data subject of the data protection incident;

(f) temporarily or permanently restrict data processing, including data processing

prohibition;

(g) order personal data in accordance with Articles 16, 17 and 18 respectively

rectification or erasure of data and restrictions on data processing, as well as Article 17 (2)

order notification to the addressees in accordance with

with whom or with whom the personal data have been communicated;

(h) withdraw the certificate or instruct the certification body in accordance with Articles 42 and 43

revoke a certificate issued in accordance with this Regulation or instruct the certification body to:

do not issue the certificate if the conditions for certification are not or are no longer met;

(i) impose an administrative fine in accordance with Article 83, depending on the circumstances of the case

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

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

suspension.

All supervisory authorities pursuant to Article 83 (1) of the General Data Protection Regulation

ensure that any infringement of this Regulation referred to in paragraphs 4, 5 and 6 is in accordance with this Article

The administrative fines imposed pursuant to this Regulation shall be effective, proportionate and dissuasive in each case  
be dissuasive.

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

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

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

to impose an administrative fine or to determine the amount of the administrative fine

in each case due account shall be taken of the following:

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

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

the extent of the damage they have suffered;

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

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

any measures taken to

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

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

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

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

the degree of cooperation to alleviate

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

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

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

in detail;

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

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

compliance with the measures in question;

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

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

mechanisms; and

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

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

or avoided loss.

Pursuant to Article 83 (5) of the General Data Protection Regulation, the following provisions

an administrative fine of up to EUR 20 000 000 in accordance with paragraph 2

or, in the case of undertakings, the total worldwide turnover in the preceding business year

up to a maximum of 4%, with the higher of the two amounts

to impose:

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

appropriately;

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

Pursuant to Article 83 (7) of the General Data Protection Regulation, the supervisory authorities are Article 58

Without prejudice to its power of correction under paragraph 2, each Member State shall:

may lay down rules on whether a public authority or body established in that Member State

whether an administrative fine can be imposed on another body performing a public function and, if so, what

extent.

Infotv. Pursuant to Section 61 (1) (bg), in the data protection authority proceedings

the Authority may impose a fine in its decision.

Infotv. 75 / A. §, the Authority shall comply with Article 83 (2) to (6) of the General Data Protection Regulation

shall exercise its powers in accordance with the principle of proportionality, in particular by:

legislation on the processing of personal data or binding European Union law

for the first time in the event of a breach of the rules laid down in

in accordance with Article 58 of the General Data Protection Regulation, in particular

by alerting the controller or processor.

The Ákr. Under Section 17, the authority has the powers and competencies at all stages of the proceedings

ex officio. If you notice a deficiency in any of them and your doubts can be established beyond a reasonable doubt

competent authority shall transfer the case, failing which the application shall be rejected

or terminate the proceedings.

Pursuant to Section 47 (1) (a) of the Act, the authority shall terminate the proceedings if the application

should have been rejected, but the reason for that was after the initiation of the procedure

authority.

Article VI of the Basic Law Under Article 1 (1), everyone has the right to private and family life

respect for his life, home, contacts and reputation. The expression of opinion

freedom of association and the exercise of the right of assembly must not affect the private and family life of others,

and damage to your home.

Act LIII of 2018 on the protection of privacy. Act (hereinafter: Mvtv.) 1-2. §

everyone has the right to respect for his private and family life, his home and his family (a

hereinafter collectively referred to as the "right to privacy"). Right to privacy a

part of the right to free expression of personality, under which the individual

freedom belongs to the responsible, independent shaping of life, family, home and human relationships

establishment and conservation. [...] This right is only the exercise of another fundamental right or of any

in order to protect constitutional value to the extent strictly necessary for the purpose to be achieved

proportionately, respecting the essential content of the right to privacy and human dignity

limited by holding. The essence of the right to privacy is that it - in a separate law

with certain exceptions - not to be harmed by others against the will of the individual. For privacy

everyone is obliged to respect the rights of others in the exercise of their right.

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The Mvtv. Pursuant to Section 8, Paragraphs (1) - (2), the purpose of the right to respect for private life, in particular the right to anonymity, personal data, privacy, images and sound recordings, protection of honor and reputation. Violation of the right to privacy may mean personal data which an individual wishes to retain, in particular in relation to his or her privacy, abuse of secrecy, image, sound recording, or breach of honor and reputation.

The Mvtv. Pursuant to Section 9, Paragraphs (1) - (3), everyone has the right to enjoy his or her family life as privacy, increased protection. The right to respect for family life is the individual and his or her family member are entitled to it together. Infringement of the right to respect for family life means, in particular, the unauthorized violation or disruption of the family life of others or the family life of others unauthorized interference with his or her life.

Article VI of the Basic Law Everyone has the right to the protection of personal data pursuant to Article and to learn about and disseminate data of public interest.

Infotv. Pursuant to Section 1, the purpose of this Act is to process data in the areas covered by it laying down basic rules for the protection of natural persons respect for the privacy of data controllers and the transparency of public affairs in the public interest. and the exercise of the right of access to and dissemination of public information in the public interest come true.

Infotv. Pursuant to Section 3, Clause 6, public data in the public interest does not fall within the definition of data of public interest any information relating to which the disclosure, disclosure or making it available in the public interest.

Infotv. Pursuant to Section 26 (2), public personal data in the public interest is subject to purpose may be disseminated in accordance with the principle of data management.

The Ctv. The preamble states that the Ctv. aims to create a modern legal framework for the



In accordance with European Union regulations,

the order of registration and the constitutional rights of entrepreneurs in the economic

to ensure the safety of traffic and the protection of the interests of creditors or other public interests

full disclosure of the data of the public register of companies, directly or electronically.

The Ctv. Pursuant to Section 10 (1), the company register is from the register of companies and in the register of companies

consists of annexes to support the data contained in

submission of the company - in the public interest, and the safety of traffic, as well as the interests of creditors

for the purpose of protection is required by law (hereinafter together: company documents).

The Ctv. Pursuant to Section 10 (2), the existing or deleted data of the company register, as well as the company documents -

including company documents submitted electronically or converted into electronic documents,

they are fully public. Tax registration procedure under the Taxation Act

shall also be made fully public after the successful completion of the proceedings submitted but not yet completed

also a registered application for registration and its annexes with the application for registration (change registration)

the business register must indicate the existence of an ongoing assessment. The legality of supervision

The documents of the proceedings shall be public in accordance with the provisions of this Act.

The Ctv. Pursuant to Section 24 (1) (b), (f) and (h), the register of companies is for all companies

contains the name of the company, the subscribed capital, the chief executive officer and the person authorized to represent

the company

name, tax identification number, place of residence in case of a natural person, date of birth, mother

birth name,, in the case of a legal person, registered office and company registration number or registration number,

as well as the position of the persons entitled to representation, the date of the establishment of this legal relationship

in the case of temporary representation, also the date of termination of the legal relationship, or if the legal relationship

termination takes place earlier than the date indicated in the register of companies, the termination is effective

and the fact that the company representative is notarized

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a copy of the title or a specimen signature countersigned by a lawyer or barrister

cost.

The Ctv. Pursuant to Section 27 (3) (a) and (e), the register of companies is based on Articles 24-26. §

in the case of a limited liability company

a) the names of the members, in the case of a natural person, their place of residence, date of birth, birth name of their mother,

in the case of a legal person, its registered office and its registration number or registration number, and

if the voting rights of the member exceed 50 per cent, or the member

has a qualified majority influence, this fact as well

e) in the case of a jointly owned share, the names of the owners, in the case of a natural person

place of residence, date of birth, birth name of mother, registered office in case of legal person, and

company registration number or registration number.

Act CVI of 2007 on State Property Act (hereinafter: Property Act) § 5 (1) - (2)

all matters relating to the management and use of public assets in the public interest

available non-public interest data. State - owned enterprise

or a body or person in possession thereof is the Public Access to Information Act

shall be deemed to be a body or person performing a public task in accordance with

Infotv. Pursuant to Section 27 (3), it is not considered a business secret in the public interest

central and local government budgets and EU support

budget and benefits, state and municipal

management, possession, use, recovery of property,

information relating to its encumbrance, the acquisition of any right affecting such property,

and data the disclosure or disclosure of which is the subject of a separate law

in the public interest. However, disclosure should not result in such data

- so especially protected knowledge - access to which are familiar with the business

would cause disproportionate damage to the pursuit of the activity, provided that this does not prevent it

access to public data in the public interest.

Article IX of the Basic Law Under Article 1 (1), (2) and (4), everyone has the right to:

freedom of expression. Hungary recognizes and protects freedom of the press and ensure the free movement necessary for the development of a democratic public conditions for information. The exercise of freedom of expression must not be directed at others violation of human dignity.

Pursuant to Article 85 (1) of the General Data Protection Regulation, Member States shall legislate reconcile the right to the protection of personal data under this Regulation the right to freedom of expression and information, including personal data for journalistic, scientific, artistic or literary purposes.

Pursuant to Article 85 (2) of the General Data Protection Regulation, personal data are journalistic scientific, artistic or literary expression

Member States shall provide for exceptions or derogations from Annex II. Chapter III (Principles); Chapter I rights concerned), Annex IV Chapter V (the controller and the processor), Chapter V (the personal data third countries or international organizations), Chapter (independent supervisory authorities), Annex VII. Chapter IX (Cooperation and Coherence) and Chapter IX Chapter I special cases of data processing) if these exceptions or derogations are necessary in order to: the right to the protection of personal data can be reconciled with the expression of opinion freedom of movement and information.

According to recital 65 of the General Data Protection Regulation [...], personal data further retention is considered lawful if it is an expression of opinion and information the exercise of the right to liberty, the fulfillment of a legal obligation, or the performance of a task carried out in the public interest or the public authority conferred on the controller

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or in the public interest in the field of public health, archiving in the public interest for scientific and historical research or statistical purposes, or for legal purposes necessary for the submission, validation or protection of

According to recital 153 of the General Data Protection Regulation, the law of [a] Member State

reconcile expression of opinion and orientation - including with journalists,  
the rules on freedom of expression in science, art and literature  
the right to the protection of personal data under this Regulation. It is appropriate that only the  
personal data for the purposes of journalistic, scientific, artistic or literary expression  
be exempted or exempted from certain provisions of this Regulation  
from the requirements of this Directive if this is necessary for the protection of personal data  
reconcile the right to freedom of expression and information with the right to freedom of expression,  
provided for in Article 11 of the Charter. This applies in particular to personal audiovisual data  
and in news archives and press libraries.

Consequently, Member States shall lay down the rules for the adoption of such measures by means of legislative measures  
necessary exceptions and derogations in order to strike a balance between fundamental rights. Member States  
exceptions and derogations shall be adopted in accordance with the general principles, the rights of the data subject, the  
controller and the  
processor of personal data to third countries or international organizations  
independent supervisory authorities, cooperation and uniformity  
application and individual data management situations. If these are the exceptions  
differences between Member States, the law of the Member State applicable to the controller should apply  
apply. The right to freedom of expression in all democratic societies  
In order to take account of the importance of  
like journalism, it must be interpreted broadly.

The Smtv. Pursuant to Section 4 (3), the exercise of freedom of the press may not be exercised  
criminal offense or incitement to commit a criminal offense shall not be contrary to public morality,  
and must not infringe on the privacy rights of others.

The Smtv. Under Article 10, everyone has the right to be properly informed by the local, az  
national and European public affairs, as well as citizens of Hungary and members of the Hungarian nation  
events of major importance to him. The task of the media system as a whole is to provide authentic, fast,

accurate information on these matters and events.

The Smtv. According to § 13, linear media services performing information activities are obliged local, national, national and European, as well as Hungary of public interest on events and controversial issues of importance to its citizens and members of the Hungarian nation in a balanced way in the information and news programs they publish to inform. The detailed rules of this obligation are the law of proportionality and democracy in accordance with the requirements of ensuring public opinion.

The Civil Code. 2:44 on the protection of the right to privacy of a public actor. § (1) - (3) a the exercise of fundamental rights to the free exercise of public dignity over the rights of the public person necessary and proportionate protection of human rights, without prejudice to human dignity; however, it must not infringe on your private and family life or your home. The public against a communication or conduct outside the scope of free debate in public matters the same protection as a non-public actor. A public actor is not a public matter activity or data related to your private or family life.

Article 8 of the European Convention on Human Rights states that everyone has the right to: respect for private and family life, home and correspondence. Authority to exercise this right it can only intervene in cases where it is democratic, as defined by law in the interests of national security, public security or the economic well-being of the country, prevention of riots or criminal offenses, protection of public health or morals, or necessary to protect the rights and freedoms of others.

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Under Article 10 (1) of the European Convention on Human Rights, everyone has the right to: a freedom of expression. This right shall include freedom to hold opinions and it respects the freedom to know and communicate information and ideas across national borders without the intervention of an official body.

III. Decision of the Authority

### III.1. Person of the data controller

To a natural person as defined in the General Data Protection Regulation any information on the basis of which that natural person is directly or indirectly indirectly identifiable personal data, any operation performed on the data the purpose and means of data management, alone or in association with others natural or legal person, public authority, agency or any other body and a body is considered a data controller.

Regarding the data management examined, the full name, surname and economic situation of the Applicants personal data pursuant to Article 4 (1) of the General Data Protection Regulation, and the publisher of a press product that collects, processes, lists and publishes data is is considered to be a data controller under Article 4 (7) of the General Data Protection Regulation, whether online or offline content, publications and personal data published in printed form data, given that the (re) use of personal data and the purpose of its publication shall be determined by the publisher of the press product.

Data processing 1 and Data processing 2 pursuant to Article 2 (1) of the General Data Protection Regulation a falls within the scope of the General Data Protection Regulation and, consequently, the the rules of the general data protection regulation apply.

Pursuant to the above, the Applicant, as the publisher of Forbes in Hungary, is the complainant is considered a data controller.

### III.2. The identity of the Applicants

The lack of public performance of the Applicants was also repeatedly invoked by the Applicants in the proceedings in their statements and correspondence with the Applicant.

3145/2018. (V. 7.), the Constitutional Court emphasized that this had changed the expansion of public actors through the spread of social conditions, in particular telecommunications can be observed, thus giving people the opportunity to become active participants in public debates, who were not previously conceptual of public actors. These persons are the so-called. exceptional

public actors. {3145/2018 (V. 7.) Decision AB Justification [46]}

Freedom of expression is primarily concerned with criticizing public authorities

defends opinions, but in the interpretation of the Constitutional Court it is public

the range of issues is wider than political speech and persons exercising public power

criticizing its activities. Accordingly, the public debate is not limited to the state and

it covers the entire operation of the system of local government and public authorities, but also encompasses it

in the world of corporate social responsibility and business

public issues (eg environmental, energy efficiency, labor, etc.)

road safety issues). {3145/2018 (V. 7.) Decision AB Justification [31] - [32]}

According to the decision of the Constitutional Court, the decision on the status of a public figure is as follows

aspects are relevant:

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whether the public statement expressing the opinion reflects the position expressed in the public interest debate,

whether the public communication involves a public act,

whether the public disclosure involves a statement of fact or a judgment of value,

whether the public disclosure violates the human dignity or reputation of the person concerned

(honor).

The quality of public actors is related to the fact of public participation associated with the discussion of public life issues

which, according to AB, must always be assessed individually on the basis of specified criteria:

the manner in which the communication appears, the circumstances and the subject matter and context of the opinion (eg the medium)

type, communication, content, style, purpose, topicality, reactions to it).

The exercise of freedom of expression can only be justified in cases where

in which participants have become more active in shaping public affairs than others at their own discretion,

thereby also undertaking public assessments and criticisms of the community concerned. Public affairs

therefore, statements which affect or characterize them and which attack them

they have to put up with more patience. {3145/2018 (V. 7.) Decision AB Justification [48]}

The Applicants emphasized that they had always wanted to separate their private life from life in the business market, and

although the establishment of a business was voluntary, this did not in itself mean that

business owners, senior executives become public actors, and

that someone is rich is not necessarily a sufficient condition for restricting privacy, that is

rather, it is only one component of influence.

However, in the case of the Applicants, the fact that the [...]

in a few years - from state subsidies and from public or other public funds

It has become a market leader in several countries. Applicants must count

had to be with the success of a large wealth-producing company in the case of the business world as a public life one

they also become an active player in its segment, undertaking the accompanying evaluations and criticisms

which they have to endure with greater patience.

In connection with the present case, it can also be stated that the Applicants are among the content elements of the examined communications

The name and position of the managing director and the position of ownership shall be considered as public data in the public interest

due to:

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The Ctv. Pursuant to Section 10 (2), the existing or deleted data of the company register are complete

are public. Thus, the data contained in the company files, including personal data,

which are entered in the business register for the purpose of the business register

accordingly, data subjects shall provide their personal data with a view to disclosure

available to anyone. Existing or deleted business register data and

personal data contained in company records is public data in the public interest that is personal

as public data in the public interest.



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On the mandatory content of the company register, the Ctv. Section 24 (1) and limited liability companies such as [...] - Ctv. Section 27 (3) provides. The referenced legislation stipulates that the register of companies for all companies, inter alia, contains the name of the company's senior executive or the person authorized to represent the company, the position of the persons entitled to be represented and, in the case of a limited liability company, among other things, the names of the members or, in the case of a jointly owned share, the owners.

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The publicity of the data in the register of companies is regulated by Ctv. according to its preamble also serves the purposes and the legislator considered that this interest outweighed the data subjects interests.

It should also be noted that the information provided in the publications on [...] is on the one hand can be found in [...] 's own accounts and on its website, and on the other hand, that [...] public has carried out and is implementing various expansions, capacity improvements,

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public data in the public interest § 5 (1) - (2) and Infotv. Section 27 (3) pursuant to paragraph

### III.3. Legality of data processing

The subject matter of the present case is not usually the data protection analysis of business journalism, and although the nature of the case

and due to its circumstances, the Authority also makes general findings to emphasize that it is present the Authority is involved in specific publications ("products") issued by the Applicant examined data management.

Under the provisions of the General Data Protection Regulation, there are a number of reasons for the lawfulness of data processing requirement must be met.

Article 5 of the General Data Protection Regulation contains the main principles that are personal must be taken into account in the processing of the data and which must be in force at all times during data management. Such principles include legality, due process and transparency, the principles of purpose limitation, data saving, accuracy and limited storage [5. Article 1 paragraph (a) to (e)]. From the principle of accountability [5. Article 2 (2)] is responsible for complying with data protection principles and must be able to do so also to prove. Accordingly, the data controller must be able to prove that it is personal the purpose for which it processes the data and why it can be considered for that purpose it is essential to process your personal data and you must do everything you can reasonable steps to ensure that the purposes of the processing are inaccurate delete or rectify personal data without delay and document and keep records of the processing so that its lawfulness can be proved afterwards.

The controller shall have a legal basis in accordance with Article 6 of the General Data Protection Regulation have access to the data and be able to prove that, with the consent of the data subject, or which legal provision it handles / has handled personal data in, or that it data processing is necessary for the legitimate interests of the controller or of a third party, and the processing restricts the data subject's right to the protection of the personal data proportionately.

The name and financial situation of the Applicants are undoubtedly personal to the Applicants however, their activities in relation to the company in which they have an interest having regard to the fact that their data in the business register are public data in the public interest, as well as a Ctv. Company data pursuant to Section 10 (1).

Of course, the quality of the company data in the data in question does not mean that the data in the company register they could be used in any way: respecting the principle of purposeful data management appropriate legal basis, and - ensuring the right to self-determination of information with due regard for the rights of data subjects.

According to the Applicant's statement, the purpose of data processing is the rights arising from the freedom of the press

and that the press carries out its information activities in a democratic society implement. The Applicant also aims to inform the Hungarian business community, a about the owners behind the largest Hungarian-owned companies, thus contributing to business transparency and traceability. In addition, the Applicant considers it his responsibility to be Hungarian strengthening the entrepreneurial culture by reporting on the activities of successful Hungarian entrepreneurs - the compilation of the annual rich list partly serves this purpose.

In the publications, the Applicant linked [...] to the "[...] family". In the Authority 's view, In the context of publications, the word 'family' is synonymous with family business should be interpreted, and although there is no legal definition of a family business in Hungary, according to professional interpretation, regardless of their size and results, it is a family-run economy

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companies, ie family businesses, the majority of which is managed by a family or families with joint ancestors, in the hands of family members with control over at least two owners and / or managers through the strategic and / or operational activities and decisions of the employed family member. Of the Applicants, only [...] were named for Data Management 2, and although Data Management 1 it has been indicated that the [...] generation of the family has an interest in the economic activity, publications never name other family members, either specifically or indirectly referring to them. From the information in the company register, it is clear that the [...] family which members belong to this group of persons.

Consequently, the Applicants' view that the "[...] family" is not valid it would be inaccurate personal data because it is for all family members, including minor children contains a reference. Neither the printed nor the online versions of the lists contain any direct or indirect reference to minor children, i.e. the Applicant does not treat the family as a minor data on members of the family and data on minor family members in the register of companies is located. As a result, minor members of the [...] family are not considered Data Management 1 and

Data management for 2 stakeholders.

It should also be noted that Forbes has written articles on economics and business

the Authority considers that it is accessible to anyone

records and data forming part of companies' own public communications and accounts; and

the communication and dissemination of information in different compilations does not violate the purpose principle of data management.

It should also be emphasized that the assets arising from an economic activity or the

Estimating the value of a company using a specified method is clearly a

freedom of expression. The Applicant for the estimation is different public

collected data from different sources and then this data into a specific

evaluated on the basis of a methodology.

For data management 1, the following methodologies can be found in both the printed and online versions description:

“We took as companies the companies where the ownership and the leader

there is a blood relationship between the members of the management (i.e. the property owned by the spouses)

companies, if no other relative is a member of the management, were not taken into account). The companies

it was evaluated based on the American Forbes methodology. Where possible, on an EBITDA basis

we calculated, this is best suited to show the ability of companies to generate money.

We used industry multipliers and then deducted the company's liabilities from the resulting value,

and we added your cash holdings.

In all cases, we worked from publicly available information, where possible, on a consolidated basis

data were used where such were not available, we ourselves consolidated the

results on the basis of the information available. The Bisnode PartnerControl collections helped the

Concorde MB Partners advised us on the evaluation of the company. ”

For data management 2, the following methodological descriptions can be found in the printed and online versions:

“We used the methodology of our US parent company to evaluate the companies. Where we knew it was

We calculated on the basis of EBITDA and took into account the data of the court of registration. The international an industry multiplier was used in accordance with corporate valuation practice. This is Aswath Damodaran, a professor at New York University, was used as a starting point, but together with our company valuation experts and our regional sister sites, the multipliers for the region, respectively we tailored it to the Hungarian market, where it was necessary. The company was added to the value thus obtained

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the cash stock available to it and the loans were withdrawn from it (in the case of larger holdings always based on consolidated accounts).

Assets accumulated in real estate, asset management or financial companies (the values of real estate, assets, investments) and according to the American Forbes methodology all liabilities were accounted for.

We deducted taxes on dividends and, where we could, surveyed other billionaires financing needs of its interests and have also been deducted from the dividend or offset also part of the dividends of recent years. We always work from publicly available data.

We have always used the most recent data available, for most non-public companies this means the financial statements submitted for the financial year from 1 January 2018 to 31 December 2018.

For stocks, we have calculated the latest data. Closing of the property valuation: December 2019

10.

Bisnode PartnerControl assisted us in collecting the data. The companies

We were helped by M&A experts from consulting firms. ”

A similar methodological description is described in all similar Forbes publications (printed and online version). In addition to the declarations and the Authority

Based on the documents sent, it can be established that the Requested is the current lists in all cases before the publication of the publications

The valuation of assets and values prepared for the Applicants on the basis of the methodology shall be submitted to the Applicants,

or in relation to the business, in any case requesting feedback from them, and that clarify the data if necessary. (Correspondence between the Applicants and the Applicant detailed in III.4. presented in the context of the rights of the data subject.)

Consequently, in the light of the above, the Applicants' claim that they do not know the logic with which Forbes journalists analyze data.

The Applicant did not specify the legal basis for the data processing, but in essence referred to Article 6 (1) (e) of the General Data Protection Regulation indicated Article 6 (1) (f) of the General Data Protection Regulation. All this to the Applicant argued that, in its view, on the one hand, the activity carried out by the Applicant, namely economic journalism and, within it, the richest and largest (or above average) persons with a social influence on a regular basis, publicly available data collection and a specific methodology for data and information evaluation, interpretation and archiving of activities in the public interest the [...] receive and received significant state subsidies, which in itself justifies the citizens (the readership) the identity of the owner behind the investment be.

The Applicant also referred to the Basic Law of Hungary - which is personal data in addition to the right to the protection of the public, the disclosure of data of public interest and the freedom of the press and the also protects the diversity of the press - Article 10 of the Smtv, Article 85 of the General Data Protection Regulation, and decisions made by the Constitutional Court that are expressly made by the press data processing and the exercise of freedom of the press, as well as the expression of opinions born in the context of their freedom.

The Basic Law of Hungary protects the right to the protection of personal data, the freedom of the press and the also names freedom of expression as a fundamental right, such as freedom of the press and the freedom of expression as a constitutional fundamental right to the enforcement of personal data

must be accompanied by the protection of the fundamental constitutional right to

The Constitutional Court ruled 165/2011 on issues of media law. (XII. 20.) AB

summarized its views on the establishment of freedom of expression and the press, and

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in addition to freedom of expression, stressed the importance of democratic public opinion by citizens

the importance of shaping In its decision, the Constitutional Court stated that "freedom of opinion

it simultaneously serves the fulfillment of individual autonomy and the democratic side of the community

the possibility of creating and maintaining public opinion. [...] The press is about free speech

institution. Thus, freedom of the press, as far as speech, communication and opinion are concerned

its protection is also twofold: the subjective subject is legal

the establishment and maintenance of democratic public opinion on the part of the community

serves. [...] Through the exercise of the right to freedom of the press, the holder of a fundamental right is an active contributor

to

democratic public opinion. In this capacity, the press checks that

the activities of its institutions, the decision-making process, inform the political community,

democratic publicity (the role of the "watchdog"). "

Tietosuojavaltuutettu v Satakunnan Markkinapörssi Oy and Satamedia Oy are preliminary

in Case C-73/07, REFERENCE for a preliminary ruling under Article 234 EC In case no

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

Article 9 of Directive 95/46 / EC of the European Parliament and of the Council of 24 October 1995

replaced by journalistic activities within the meaning of Article 85 of the General Data Protection Regulation

and ruled in its judgment of 16 December 2008

meg:

"In order to take into account the importance of freedom of expression

in all democratic societies, on the one hand, and the concepts involved, on the other

journalism must be interpreted broadly. On the other hand, and the balance between the two fundamental rights

protection of the fundamental right to privacy

requires that [...] data protection exceptions and limitations to data protection a

within the limits strictly necessary. " [EU] C-73/07 s. Judgment, paragraph 56]

- 'The exceptions and derogations provided for in Article 9 of the Directive apply not only to media undertakings,

but apply to all persons engaged in journalistic activities. " [EUB C73 / 07] s. Case, paragraph 58]

- 'The fact that the disclosure of public data is for profit

does not preclude, a priori, that it was carried out solely for the purpose of journalism

considered as an activity. [...] Some commercial success is in professional journalism

essential conditions for its survival. " [EU] C-73/07 s. Judgment in Case.

point]

- 'In accordance with national law, it concerns data obtained from public documents

activities such as those at issue in the main proceedings may be classified as 'journalistic activities',

if their purpose is to provide information, opinions or ideas

available to the public, whatever the mode of transmission. E

activities are not reserved for media companies and may be linked

for profit. " [EU] C-73/07 s. Judgment, paragraph 61]

The above findings of the EUB in Sergei Buvids v. Datu valsts inspekcija preliminary ruling

in Case C-345/17 on 14 February 2019

also reiterated in its judgment:

- 'The Court has already held that, in order to take account of the fact that a

the importance of freedom of expression for all democracies

society, the relevant concepts, including journalism, must be interpreted broadly

(see in this regard: Satakunnan Markkinapörssi and Satamedia of 16 December 2008

Case C-73/07, EU: C: 2008: 727, paragraph 56). ' [ECR C-345/17. s. Case, paragraph 51]

- Thus, it is clear from the travaux préparatoires for Directive 95/46 that Article 9 of that directive

The exemptions and derogations provided for in Article 1 apply not only to media undertakings but also to:



apply to all persons engaged in journalistic activities (see

Judgment of the Satakunnan Markkinapörssi and Satamedia of 16 December 2008, C-73/07

EU: C: 2008: 727, point 58). " [ECR C-345/17. s. Case, paragraph 52]

- 'It is clear from the case-law of the Court that' journalistic activities' are those a

activities designed to provide information, opinions or ideas

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available to the public, whatever the mode of transmission (see

in the sense of the judgment of the Satakunnan Markkinapörssi and Satamedia of 16 December 2008, C73 / 07, EU: C: 2008:

727, paragraph 61). ' [ECR C-345/17. s. Case, paragraph 53]

Recital 153 of the General Data Protection Regulation also states that

the right to freedom of expression exists in all democratic societies

In order to take account of the importance of

journalism, should be interpreted broadly.

From publicly available databases, companies' own communications and reports

processing of (personal) data from and the data collected are specified

resulting from the evaluation based on the methodology and the valuation, even newly

activities concerning the data generated for the journalistic activity of the Requested

are related. The fact that disclosure of this information is appropriate

for profit-making purposes, does not preclude it from being carried out for journalistic purposes

considered as an activity.

The European Court of Human Rights (ECtHR) has a wealth of case law

in developing the specific standards that have been voiced in the debate on public affairs

limitation of opinions. The practice of the ECtHR, however, is also

made it clear that opinions expressed in the context of public affairs were more protected

it is not limited to political debates and politicians in the narrow sense. On the one hand, party politics

In addition to debates, it protects the freedom to discuss other issues affecting the community with particular force

the right to freedom of expression guaranteed by the European Convention on Human Rights (ECtHR: *Thorgeirson v. Iceland*, application no. 13778/88, paragraph 64, 1992, decision on the merits).

On the other hand, the ECtHR does not only call for cases of public litigation outstanding important argument in which the disputed speech is addressed to politicians or officials but also if the public interest issue (also) concerns individuals. Latter

In this case, the tolerance threshold for individuals should also increase (ECtHR: *Bladet Tromsø and Stensaas v. Norway*, application no.

Thus, for the application of specific standards, it is not the person concerned per se status, but the public nature of the opinion.

That is to say, it is not the case with free expression of opinion in public affairs whether or not the person covered by the report is a professional public figure nor the question on which the speaker spoke and the communication in question contributes to the public debate.

Although the Applicants' role in business as well as public or other public funds the use of resources from, and related factual newspaper articles and reports may indeed be related to a public debate, the question arises as to whether this is by the Applicant can also be said for published rich lists.

The already mentioned “*Markkinapörssi* case” was also examined by the ECtHR {*Satakunnan Markkinapörssi Oy and Satamedia Oy v Finland* [Grand Chamber], 931/13. s. case, 27 June 2017}, which recalled in its decision the criteria of the case-law which guide it national authorities and the ECtHR itself when faced with each other they consider freedom of expression and the right to privacy.

When it comes to political speech or debate on a matter of public interest, there is little it is possible to restrict the right to access and disclose information, “and that is a fundamental one law in a democratic society’.

Derogation from data protection rules for journalistic purposes allows journalists to:

access and collect personal data in order to carry out their journalistic activities

and deal with them, however, the ECtHR pointed out that the mere fact that

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any information available to the public does not necessarily exclude it from Human Rights

From the protection of Article 8 of the European Convention and to the protection of companies as professionals in the media industry

actors had to be aware of the need for large-scale data collection and publication

the exception rule for journalistic activities only does not necessarily apply. The

The rights protected by Articles 8 and 10 of the European Convention on Human Rights are reciprocal

However, with regard to the weighting of taxes, the ECtHR pointed out that

free access to information) can indeed help to address issues of public interest

democratic debate, however, found that the raw data, without any analysis, is large

there was no public interest in publishing it. Data on taxation a

curious members of the public could allow individuals based on their economic situation

categorization of the privacy of others

desire for information, which cannot be seen as promoting a debate on an issue of public interest.

The ECtHR has also transposed the case law of the ECtHR into EU law in the “Buivids case”

in that regard, it is clear from that case-law that it is intended to respect privacy

in order to strike a balance between the right to freedom of expression and the right to freedom of expression

The European Court of Human Rights has developed the relevant criteria to be taken into account, inter alia

the contribution to the public interest debate, the awareness of the data subject, the subject of the report, the data subject

previous conduct, content, form and consequences of disclosure, information

the manner and circumstances in which they are obtained and their appropriateness (see

ECtHR, 27 June 2017, Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland,

CE: ECHR: 2017: 0627JUD000093113, § 165). Similarly, it must be borne in mind that

the controller may accept a reduction in the scope of the invasion of privacy

enabling measures. " [ECR C-345/17. s. Case, paragraph 66]

The Constitutional Court ruled in favor of the Curia Pfv.IV.20.884 / 2017/7. annul Judgment IV / 1368/2018.

Pfv.IV.21.398 / 2017/4. annulling his judgment no

IV / 316/2019. It also stated in its resolution no. Article 1 (1)

due to the special protection of the private and family life, home and contact of the individual a

close relatives of public and non-public actors should also be given special protection. [...] In itself a

the curiosity and rumors of the public do not justify a question of public interest

nature. The right to privacy of a non-public actor in order to express his or her views

a non-public actor may be constitutionally restricted in a matter of overriding public interest

family relationships, provided that it is essential to inform the public

necessary and the data disclosed is a specific, non-public

an adequate detail relating only to the matter of public interest. " {IV / 1368/2018. AB

Decision, Justification [61]; IV / 316/2019. Decision B, Justification [54]}

In view of the above, the Authority considers that there are no indications that

compiling rich lists would be a "watchdog" type of activity and that specific public debate

would be related. These lists are published regularly (annually), not for specific events

they are related, but to who and to what extent it has become enriched

regardless of the source of the assets, the lists are based on a specific methodology

are compiled, not on the basis of who or which business received state aid

support, so that the compilations also include persons and businesses who or

which did not receive state aid. As long as economic journalism can really

'Mission', while the 'rich list' as a product is primarily not directly for public debate

but satisfies a 'rumor hunger', as it is not about concrete fact-finding, investigation

it is a question (which is typical of "watchdog" type journalism), but that the Applicant a

based on publicly available information, businesses estimate it according to their own methodology

or, in the case of persons, assets derived from the activities of the undertaking

then ranks companies and individuals based on their estimated value or assets.

Reference to business journalism as an activity in the public interest

Nor can it be accepted as a legal basis for data management in relation to data management 2. The reason is that

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the legal basis under Article 6 (1) (e) of the General Data Protection Regulation is a piece of legislation

may be related to a data management activity related to a public task classified as such by the THE

Although economic journalism is an activity in the public interest, it is not a public task (the General Data Protection Act)

a public interest task in the wording of the Regulation), just as a journalist cannot be considered

to a person performing a public task [cf. Section 459 (1) of Act C of 2012 on the Penal Code

paragraph 12].

In the case of Data Management 1 and Data Management 2, as well as similar “rich lists”, the Applicant does not

performs a task in the public interest, not least because these lists, by their very nature and

since that is not their purpose, they do not give a thorough picture of a dubious or presumed transaction.

Journalism is not covered by Article 6 (1) (e) of the General Data Protection Regulation itself.

within the scope of the legal basis set out in This is confirmed by Article 17 (3) (b)

follows closely the terms also used in Article 6 (1) (e) [or the EU legislator

in Article 17 (3) (b), it has essentially merged those that are already close to each other

Pleas in law pursuant to Article 6 (1) (c) and (e)]. Related to the expression of opinion

however, the non-erasure of data is not covered by this point but by Article 17 (3) (a)

included.

It follows that Data Management 1 and Data Management 2, similar “rich lists”,

and, in general, all data processing related to business journalism, which is not

Article 6 (1) (f) of the General Data Protection Regulation

legitimate interest may arise on a legal basis.

In his statements made during the proceedings, the Applicant also referred to the legal basis of the legitimate interest.

According to recital (47) of the General Data Protection Regulation, if the data processing

legal basis is a legitimate interest, a prior balancing of interests must be carried out

it is necessary to determine, inter alia, the legitimate interest, the effect on the data subject and whether whether the processing is necessary or proportionate and whether it is a legitimate interest or not whether the right of the data subject is superior.

Thus, data processing based on a legitimate interest can only take place if the data controller has done so in advance performs the interest balancing test and the test results in the data controller or third party legitimate interests outweigh the possible disadvantages to the data subject through the processing.

The balancing test is a three-step process that requires the identification of the legitimate interest of the controller and the interest of the data subject and the data subject to counterbalance the weighting fundamental right, and finally, on the basis of the weighting, it must be determined whether the personal data can be treated data. On this basis, it falls under Article 6 (1) (f) of the General Data Protection Regulation reference may be appropriate and thus the processing may be lawful if it

the conclusion of a balancing test is that the data controller or a third party has a legitimate interest takes precedence over the data subject's legitimate interest in protecting his or her personal data and the limitation of the rights of the data subject is proportionate to whether the controller or a third party legitimate interest of the restriction.

In doing so, the controller must consider, inter alia, that the data subject is concerned whether it is a public actor (if so, this strengthens the data controller's interest in data management) and whether whether the journalistic activity in question is of an investigative nature (again, this only strengthens the data management interest) or only to satisfy a rumor hunger (in this case, personal stronger interest in data protection). The balance of interests is also successful if it is this article deals with public subsidies and otherwise public data in the public interest (e.g. company data).

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The balancing test shall be properly documented in accordance with the principle of accountability, and data subjects should be duly informed in accordance with the General Data Protection Regulation

the legitimate interest of the controller, whether or not personal data are collected from data subjects [Article 13].

Article 14 (1) (d)] or have not been obtained from the person concerned [Article 14 (1) (d)]. Article 2 (2) (b) point].

In its statements made during the proceedings, the Applicant set out its position and arguments on its own behalf the existence of a legitimate interest of a third party (the public) and thus the rights of the Applicants and but does not comply with the general data protection regulation (47).

requirements for the balancing of interests set out in recital THE

The applicant did not carry out the balancing of interests properly and, as set out in point III.4 of the Decision. is not explained in detail in this context

information to the Applicants and only to the Applicants' legal representative informed the Applicants in its replies.

In connection with the balancing of interests, it should also be emphasized what a data management is like and to what extent it may adversely affect a data subject cannot be generalized because the data subjects and their circumstances are different in each case, so this is a subjective value judgment, which means the same data management that one considers acceptable in one case data subject, in another case another data subject may find it offensive.

Freedom of information and the right to self-determination of information must go hand in hand

it must be taken into account whether the disclosure of the data does not disproportionately infringe the the right to privacy. In the present case, however, it can be stated that the Applicant

The content of the data processing carried out by the Company and the public communications based on them are not the responsibility of the Applicants

private or family life, but also the activities of the undertaking in which they have an interest, and the economic results that can be derived from it. Obviously

it can be stated that the data processed in this circle, as well as the communications, are not

It is for applicants 'family and private lives, but also for their achievements in economic and business life to do with.

Given that the compilations of the Applicants are available to anyone in the public interest public personal data, the estimated amount of assets generated by the economic activity, or contain no additional personal data beyond the estimated value of the business, and the content of the articles is based on [...] 's reports and public announcements, so data management does not go beyond necessary and proportionate, and archiving the lists is compatible with data management

For its original purpose, the Authority notes that the requested Data Management 1 and Data Management 2 Article 5 (1) (b), (c) (d) of the General Data Protection Regulation and (e), data retention, accuracy and limited storage principle.

Based on the principle of accountability, data controllers throughout the data processing process so they must implement data management operations in order to be able to protect data to demonstrate compliance with the rules. The principle of accountability is therefore not only process level can be interpreted, but all specific data management activities, a specific the processing of the personal data of the data subject.

In the Authority 's view, the legitimate interest indicated by the Applicant is acceptable and Data Management 2, however, the Applicant fails to weigh the interests duly carried out, or in their own or the public's legitimate interests, and by the Applicants did not inform the Applicants in advance of the outcome of the infringed Article 6 (1) (f) of the General Data Protection Regulation and the General the principle of accountability under Article 5 (2) of the Data Protection Regulation

Also for data management 2.

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#### III.4. Rights of the data subject and limitations on the exercise of rights

In connection with the rights of the data subject, the Applicants in their application Data Management 1 and Data Management 2

Article 13 (2) of the General Data Protection Regulation



(f) and Article 14 (2) (g), Article 14 (1) to (2), Article 15 (1)

infringement of Article 21 (1) (h) and Article 21 (1)

unlawful processing of data and order the

personal data and then in accordance with Article 17 (1) (c)

deletion.

The duality already detailed above is that certain personal data are also in the public interest

public company data - it cannot, of course, mean that the person concerned is completely affected by this circumstance

would lose its right to self-determination over the data and the disclosure of personal data a

unrestricted and complete loss of the right to privacy.

Rights of data subjects (including the right to information, protest and cancellation)

the obligations of the controller in relation to the measures relating to the exercise of

Article 12 of the Data Protection Regulation.

Based on the statements and available documents Applicants (or their legal representative)

The following exchanges of letters took place between the Applicant and the Applicant (or its journalists) during the period under review:

-

The journalist employed by the Applicant will receive an e-mail on 16 August 2019

contacted the Company related to the Applicants in connection with Data Management 1,

which is attached to the letter used to make the compilation

The following is a brief description of the methodology:

“We based our assessment of the companies on the methodology of our US parent company. Where

we knew, we calculated on the basis of EBIDTA and we took into account company court data. THE

according to international company valuation practice, we used an industry multiplier. This is Aswath

Damodaran, a professor at New York University, was used as a starting point, but

together with Hungarian company valuation experts and our regional sister companies

tailored to the region and the Hungarian market, where necessary. To the value thus obtained

we added the cash stock available to the company and subtracted the

loans. You can find our detailed calculation in the attached Excel file. ”

In addition to the methodological description, as an attachment to the e-mail in the form of an excel spreadsheet a calculation (estimate) based on [...] data was also sent.

On the basis of the above, it can be concluded that the Applicants, contrary to their claim, did not apply in 2019.

were informed on 26 August 2019 but on 16 August 2019 that a

Candidate wants to be on Forbes 'list of most valuable family businesses

to indicate the [...] Following the journalist's request, August 22-26, 2019. between

The following exchanges of letters took place between [...] and the Applicant during the period:

- The Applicant on 22 August 2019 - to an e-mail unknown to the Authority

in his reply, informed the person acting on behalf of [...] (or the Applicants)

that the company name and surname will be included in the list,

the owners in the company registration are indicated above the entry,

as when [...] was last on this list.

- On 26 August 2019, [...] requested the Applicant to: a

As in previous years, it was requested to exclude the [...] and [...] families

Data Management 1 and shall not be used in any compilation

the term “[...] family”.

- The Applicant provided information in its reply sent on 26 August 2019

that [...] had not been listed in the Forbes family business in previous years

because of the data for that year and the estimates based on them

in their opinion, they did not fit into the top 25 companies. For three years the family and

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the company was on the list at the time because it was calculated at the time to fit into the 25th

among the largest companies. On other Forbes lists - such as the top 100 Hungarians

owned by a private company - in recent years has been included in the [...], then because

mention of the family was omitted because it was not justified.

-

In their letter dated 30 August 2019, the Applicants referred to the General Data Protection Regulation

Article 14 of the General Data Protection Regulation.

Article 16 of the General Data Protection Regulation

the right to rectification (as regards the term "family") and the general

including the right to object under Article 21 of the Data Protection Regulation

have applied to the Applicant for the exercise of the right. The right to protest

The Applicants did not explain in sufficient detail in their application for the exercise of the

reasons for the protest, they merely indicated that in their view there was no such coercion

a valid reason on the basis of which the Applicant would be entitled to process their personal data.

-

In its response to the data subject's request for the exercise of rights, the Applicant

- indicated the purpose of data management (to inform the public, for freedom of the press

exercise of the right to personal data), indicated the categories of personal data (names of

the name of their mother, the names of their senior executives) and their personal and [...]

sources of data related to the results (data in the company database, reports downloaded from [ebeszamolo.im.gov.hu](http://ebeszamolo.im.gov.hu),

previous publications of [...],

public announcements);

- stated that, although external experts were being consulted, they did so

typically only industry multipliers are negotiated with them, external experts have prepared them

specific estimates only in exceptional cases by personal consultation

but does not provide the Requested Data during the personal consultation,

but only the company name, the balance sheet data used for the estimates, the multiplier and the

the final result of the estimate is shared with them, but neither [...] nor [...]

in the case of other family interests;

- marked the person involved in compiling the list and thus the data handler

staff, with the exception of the trainee on the list

did not have access to the database created to compile the list, including the data in [...]

and his work was covered by a traineeship contract supplemented by a confidentiality clause

performed on the basis of;

- provided information in connection with the duration of the data processing that a

available company data were used to verify the criteria for a family business

for use but not recorded by the Applicant; required for estimation

data were used to compile the list and then deleted after the material was completed;

- Finally, he mentioned the name of [...] and the family of the control in the magazine

(no separate family member was mentioned) and the estimated goodwill was included;

the same data can be found on the forbes.hu page, where an extract of the list was posted

for communication.

-

The Applicant in November 2019 (according to the Applicants' statement on November 6,

according to the Applicant's statement on November 14 - the exact date before the Authority

unknown) contacted the Applicants (who exactly is not also known)

on the basis of declarations and documents received by the Authority) Data Management 2,

which is attached to the letter used to make the compilation

The following is a brief description of the methodology:

“We based our assessment of the companies on the methodology of our US parent company. Where

we knew, we calculated on the basis of EBIDTA and we took into account company court data. THE

according to international company valuation practice, we used an industry multiplier. This is Aswath

Damodaran, a professor at New York University, was used as a starting point, but

together with Hungarian company valuation experts and our regional sister companies

tailored to the region and the Hungarian market, where necessary. To the value thus obtained

we added the cash stock available to the company and subtracted the loans. The above methodology is best used for production companies. Financial for service providers and real estate developers, it is also a U.S. parent fund guide we act on the basis of: the value accumulated in the company (mostly from assets) we start and deduct all liabilities. You will find our detailed calculation in the attached Excel file. "

In addition to the methodological description, as an attachment to the e-mail in the form of an excel spreadsheet a calculation based on business data (estimate) was also sent.

-

Applicants will be sent to the Applicant by a lawyer dated 15 November 2019 letter of formal notice pursuant to Article 21 of the General Data Protection Regulation protested against the data processing of the Applicants concerning the Applicants and have been denied access to any personal data relating to them collect and perform other data processing activities, including disclosure. Applicants were also prohibited from - either by name or mentioned as a family, appear in the statement either directly or indirectly, and called on the Applicant to provide the Applicants' personal data without delay delete them and do not carry out any data processing operations on them or on them.

The Applicants are referred to in Article 18 (1) (a) and (d) of the General Data Protection Regulation

They also called for a restriction on data processing and strongly called on the

Applicant to refrain from publishing data concerning Applicants in general

the circumstances set out in Article 18 (1) (a) and (d) of the Data Protection Regulation

as well as in the wake of the protest. The Applicants further called on the

Applicants' attention is drawn to the fact that the data contained in the company register of the Applicants and

the conclusion reached regarding the financial situation of their family is inaccurate or erroneous, a

The data on the financial situation of the applicants differ significantly from the actual ones

notarised by a notary public. For the exercise of the right of objection

In this application, the Applicants did not explain in sufficient detail the reasons for the protest,

they merely indicated that, in their view, the data processing was seriously infringed a

Regarding the rights and legitimate interests of applicants.

-

In its reply of 20 November 2019, the Applicant

- Article 6 (1) (f) of the General Data Protection Regulation

as a legal basis for data processing; the Applicant justified this on the grounds that one

an economic newspaper such as Forbes has a legitimate interest in Hungarian entrepreneurs

to inform the public and to refer to the State aid used by [...]

and to participate in the bond program of the Magyar Nemzeti Bank;

- requested a proposal to change the name regarding the accuracy of personal data;

- Concerned the discrepancy with the actual data, noted that earlier

one of the purposes of the email sent was precisely to provide the Applicants

have the opportunity to comment on the valuation and the information sent by them

data and results for correction - if professionally justified and

acceptable - taken into account in making estimates; the Requested

further noted that their professional opinion formed an approximation

estimates for the publicly available business year ended December 31, 2018

At the same time, it informed the Applicants that

if there is a business decision, any other circumstances that make the assessment

the Applicant shall consider or negotiate

about this with the Applicants;

- to inform and inform the public for the purpose of drawing up and publishing the list

marked the exercise of the right to freedom of the press; the position of the Candidate

according to the presentation of whether the recipient of state orders or state

or other companies receiving public subsidies (and their owners)

how the Hungarian entrepreneurial layer uses these resources

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- 
- 

information relevant to taxpayers and, on the other hand, important for taxpayers,

information of public interest;

indicated the categories of personal data (names of the owners) and the personal,

and the sources of data related to the results of [...] (available in the company database

data and reports downloaded from e-beszamolo.im.gov.hu and the [...]

previous announcements, public announcements); it is not included in the solo article [...]

detailing what other assets the family has;

informed that the Applicant consulted external experts, but

in doing so, typically only the industry multipliers are negotiated with them by external experts

specific estimates made only in exceptional cases, personal consultation

However, the Requested Data will be disclosed during the personal consultation

it does not provide, but only the company name, the balance sheet data used for the estimates, the multiplier

and the final result of the estimation is shared with them, but neither [...] nor

In the case of [...] other family interests;

marked the person involved in compiling the list and thus the data handler

staff;

in connection with the duration of the data processing, provided information that a

the data needed for estimation are used to compile the list and then the substance

deleted after completion.

Articles 13-14 of the General Data Protection Regulation. Articles contain that the controller as a minimum, the data processing conditions to be communicated to data subjects, depending on whether collects personal data from data subjects or has not obtained it from data subjects. Given that that the Applicant did not use the data used to compile the lists directly from the Applicants collected, but also in various public databases, reports and [...] public used the information contained in the communications of the Requested

Article 14 of the General Data Protection Regulation

contained shall apply. Consequently, Article 13 of the General Data Protection Regulation, which contains the minimum information that the controller must inform the data subject if the collects personal data from data subjects - in this case it is not relevant and therefore Nor can the violation alleged by the applicants be established.

The publications examined during the procedure (Data Management 1 and Data Management 2) can be said to be:

on the one hand, they are periodic and, on the other hand, the methodology applied by the Applicant you can specify exactly who you want to include in the current list,

publication - that is, it practically implements profiling - the Requested general data protection obligation under this Regulation to presuppose a limited number of such staff

provide information covering Article 14 (1) to (2) of the General Data Protection Regulation with due regard to the data processing conditions set out in

- the purpose and legal basis of the processing,
- the categories of personal data concerned,
- data processing based on Article 6 (1) (f) of the General Data Protection Regulation the legitimate interests of the controller or of a third party,
- the data subject's rights (rectification, erasure, restriction of data processing, protest),
- the data subject's right to complain,
- the source of the personal data and that the data are from publicly available sources



do they come from

- the importance of profiling and for stakeholders

may have consequences.

However, it can be stated that before the lists appear, the Applicant (through his journalists) always

contacted the Applicants and informed them that the Applicant intended to be included

them on the list and sent them a brief description of the methodology used and the

an excel spreadsheet containing a value or asset estimate based on a methodology, and

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provided the Applicants with comments and, if necessary, comments

to clarify the data, the Applicant did not adequately comply with the prior information

as it did not provide information on the purpose and legal basis of the data processing, the

the legitimate interest of the controller or third party and the outcome of the balancing of interests, profiling

the expected consequences, all the rights of the Applicants concerned and the Applicants

the right to complain.

As the Applicant did not provide adequate prior information to the Applicants, the Authority

finds that the Applicant has infringed Article 14 of the General Data Protection Regulation.

According to recital 60 of the General Data Protection Regulation, transparent and a

the principle of fair processing requires that the data subject be informed

and all information that is fair and transparent

necessary to ensure the processing of personal data, taking into account the specificities of the processing of personal data

circumstances and context.

The legal predecessor of the European Data Protection Board (hereinafter "the Board"), Article 29 of Directive 95/46 / EC

the General Data Protection Regulation adopted by the Working Party on Data Protection

WP260 on Transparency, which facilitates the application and interpretation of

maintained by the EDPS after the entry into force of the General Data Protection Regulation

- available to data subjects in accordance with Articles 13 and 14 of the General Data Protection Regulation

as set out in the Annex on the information to be provided

information should make it clear that they may receive information on request at their discretion in connection with the investigation. This is essential for effective transparency when involved they have doubts as to whether or not the discretionary test was fair they wish to lodge a complaint with the supervisory authority. "

As this requirement was not properly met by the Applicant, the Authority concludes that:

the Applicant has infringed Article 5 (1) (a) of the General Data Protection Regulation

the principle of transparency with regard to Data Management 1 and Data Management 2.

Articles 13-14 of the General Data Protection Regulation. prior information pursuant to Article 15

the information provided at the request of the data subject shall be distinguished. While 13-14. in accordance with Article information is intended to provide the data subject with a general, comprehensive picture of his or her personal data in the meantime, the purpose of the right of access under Article 15 is specifically to receive information on the lawfulness of the processing of your personal data to establish and control

In exercising the right of access, the controller shall be required to comply with Article 15 (1) of the General Data Protection Regulation.

shall provide the data subject with the information referred to in The Applicants

In its replies to its requests for the exercise of the right of access, the Applicant indicated

the purpose of the data processing, the categories of personal data and the source of the data and the lists staff involved in the preparation of the report and provided information on how to make the estimate required data will be deleted after the list is completed. Regarding data management 2

in addition, the Applicant indicated the legal basis for the processing [Article 6 of the General Data Protection Regulation Paragraph 1 (f)]. It can be determined that the Applicant has access to the Applicants

The replies to its requests for the exercise of its rights do not fully comply with the

Article 15 (1) of the General Data Protection Regulation, as in its replies the

on the expected consequences of profiling, on the rights of all stakeholders of the Applicants a

It did not provide information on the applicants' right to complain.

As the Applicant's request to exercise the Applicants' right of access

did not provide adequate information to the Applicants in this context, the Authority

finds that the Applicant has infringed Article 15 of the General Data Protection Regulation.

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Where the processing is in the public interest or in the legitimate interest of the controller or of a third party

data subjects may object under Article 21 of the General Data Protection Regulation

against the processing of their personal data. In this case, the data controller does not provide personal data

may be further processed unless the controller demonstrates that the processing is so compelling

justified by legitimate reasons which take precedence over the interests, rights and interests of the data subject

freedoms or which are the subject of legal proceedings

related to the protection of

According to Article 21 (4) of the General Data Protection Regulation, the controller is obliged to the data subject

draw their attention to their right to protest at the latest at the latest

at the time of contact and information on this clearly and everything else

should be displayed separately from the information.

In view of the fact that the first arising in relation to the Requested Data Management 1 and Data Management 2

did not draw the Applicants' attention to the protest to which they were entitled during their contact

and the information in this regard was not clearly displayed and everything else

apart from the information, the Applicant did not comply with Article 21 of the General Data Protection Regulation

(4).

This is important because, under Article 21 (1) of the General Data Protection Regulation, a

An applicant may at any time object to the processing of his personal data in accordance with Article 6 (1) of the General Data Protection Regulation.

against the treatment based on points (e) and (f) of paragraph 1, which, however, is only appropriate

can live with knowledge. In this case, the result of the protest is not automatic but

depends on the process of balancing the interests, the controller shall, upon request, prove that other coercive force arising on his side against the rights and freedoms of the data subject interests take precedence.

If the data subject objects to the data processing - for example, a newspaper article containing your personal data personal data may not be further processed by the controller unless if the controller proves that the processing is justified by compelling legitimate reasons which take precedence over the interests, rights and freedoms of the data subject. On this consideration of the interests and rights of the data subject exercising his or her right to object on a case-by-case basis.

From the correspondence between the Applicants and the Applicant, it can be stated that although the Applicants The right to protest was also exercised in relation to Data Management 1 and Data Management 2, the specific reasons for this (namely information on the security situation of the Applicants and their families)

For the exercise of the rights of the data subject dated 30 August 2019 and 15 November 2019, respectively they were not mentioned in their applications either, instead they referred to the Civil Code in general. and Mvtv. and that, in their view, the Applicants cannot be considered

to public actors. The position submitted by the Applicants to the Authority that the September 2019 The Forbes list drew the attention of criminal circles to the family, so it is unknown to the Applicant was, so the Applicant was not - could not be - in possession of the information which could have carried out an individual balance of interests for the Applicants on the basis of

The Authority notes in this regard that although the investigation has been in business for a long time Applicants and their families who are active and market leaders in their publications are the publications would have been in the hands of criminal circles as a result of its appearance, does not belong to the Authority however, the Authority shares the views of the that it has not been established that the actions of the criminals (solely) the publication of the publication would be a consequence.

In view of the above, the Authority concludes that the Applicant has not committed any infringement, when it did not carry out an individual balancing of interests following the Applicants' protest. Nevertheless, the circumstance raised by the Applicants (but not communicated to the Applicant) in connection with the protest

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the data subject may be relevant to the data processing of the Applicant at a later stage

"Reason relating to one's own situation" and a compelling "compelling legitimate reason"

in connection with its consideration. However, to the Applicant's second post-protest, unique

balance of interests can be properly performed, it is expected and necessary that the Applicants are adequate explain in detail why and for what reason they object to the processing.

It should be emphasized that these data are for the sole purpose of exercising the right to object may be handled and used for the purpose of assessing individual interests.

The Applicant's replies to the Applicants' requests for the exercise of the rights concerned

contain data relating to the data processing objected to by the Applicants

in which it refers, inter alia, to the public interest in data processing and to [...]

public or other public subsidies.

However, in its replies to the Applicants, the Applicant did not specifically address the

Applicants seek to exercise their right to protest and to restrict data processing

nor did it provide any information on the decision taken in relation to them

it did not address the remedies available to the Applicants, i.e. to make a complaint

before the Authority. For the exercise of the rights of the data subject

under the General Data Protection Regulation

mandatory information element is information on enforcement options. The circumstance that

the Applicants approached the Applicant through a legal representative and that Forbes

The general data management information available on the website contains the methods of enforcement, no exempts the Applicant from providing the necessary information. Based on all this, the Authority

Finds that the Applicant has infringed Article 12 (1) and (4) of the General Data Protection Regulation

paragraph.

Under the General Data Protection Regulation, data subjects have the right to have them deleted (forgotten)

However, the general data protection regulation also sets out the exceptions

for which this right cannot be exercised. This includes cases where it is

data management exercise of the right to freedom of expression and information

necessary for this purpose [17. Article 3 (3) (a)] or where the public interest so requires

the need for data management [17. Article 3 (3) (b) to (d)] or where the processing takes place

necessary for the submission, enforcement or defense of legal claims [Article 17. Article 3

paragraph (e)].

Data related to the Applicants and the company in the interest of the Applicants

Treatment by the applicant (including publication) is one of the exceptions which:

the right of erasure (and the erasure of personal data) cannot be exercised

Article 17 (3) (a) of the General Data Protection Regulation

given that the processing of these data is subject to freedom of expression

and necessary to ensure the right to information.

In the present case, therefore, Article 17 (3) (a) of the General Data Protection Regulation creates

balance between the right of deletion and the freedom of expression and the right to information

guaranteeing, inter alia, freedom of the press and listing online

freedom of the Internet.

In view of the above, the part of the Applicants' application in which the Applicants request that a

Authority may order restrictions on data processing, deletion of personal data of Applicants, and a

The Authority shall refuse to refuse the requested processing.

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III.5. The applicant 's application for a stay of proceedings

In its statement issued at the invitation of the Authority, the Applicant Section 48 (1) (a)

(referring to a preliminary question falling within the jurisdiction of the court) requested that the proceedings be stayed

Authority, given that between the Applicants and the Applicant the Applicants are personal  
the processing of your data is the subject of legal proceedings in which the court will make a decision  
whether the data processing carried out by the Applicant is lawful.

The Authority waived the requested procedure due to the following reasons:

- In order to examine and decide on the lawfulness of data processing, the Infotv. Section 38 (2) - (2a)  
provide the Authority with explicit tasks and powers, the court  
procedure does not constitute a preliminary issue that would be absolutely necessary to resolve  
for an objective, fair decision of the Authority, and without which the decision of the Authority  
would be unfounded.
- The Acre. makes it clear that in general - only the Ákr. according to the rules - there is no place  
suspension on the grounds that the Authority is aware of another  
pending proceedings which may affect its proceedings, unless otherwise provided by law  
provision does not allow for suspension. The question referred is not the same as  
that the decision of another body may "affect" the legal interpretation of the Authority.
- Available under Article 79 (1) of the General Data Protection Regulation  
administrative or non-judicial remedies, including before the supervisory authority  
without prejudice to the right to lodge a complaint under Article 77, all parties concerned shall be effective  
shall be entitled to a judicial remedy if he considers that his personal data are covered by this Regulation  
their rights under this Regulation have been infringed as a result of improper handling.
- The Authority may not suspend the proceedings of any party to the proceedings  
at the request of a client, but makes an ex officio decision.

### III.6. The applicants' application for interim measures and for the imposition of a fine

The Applicants' application for an interim measure was submitted by the Authority to Ákr. Pursuant to Section 46 b)  
rejects it, given that it is a civil lawsuit running in parallel with an official data protection procedure  
In the proceedings, the Applicants' application for the same right has already been examined by [...].

The Authority rejects the Applicants' request for a data protection fine, as e

the application of a sanction does not directly affect the rights or legitimate interests of the Applicants,  
for them, such a decision of the Authority does not create a right or an obligation, and therefore does not

With regard to the application of a sanction falling within the scope of the public interest,

With regard to the imposition of fines, the Applicants do not qualify as customers in accordance with Ákr. Section 10 (1)  
pursuant to paragraph Furthermore, since the Ákr. Does not comply with Section 35 (1) in this regard  
there is no place to file an application, so this part of the application cannot be interpreted as an application.

### III.7. Data management before May 25, 2018

The Applicants also objected to the lawfulness of the data processing for the period prior to Data Management 1.

During the procedure, it was established that in the period prior to Data Management 1, the Applicant only

On one occasion, in an issue published in August 2015, Forbes

family "in the compilation" "The Largest Hungarian Family Enterprises".

This part of the request therefore concerns data processing for which, before 25 May 2018, the  
took place before the date of application of the General Data Protection Regulation, to which the  
the rules of this Regulation shall not apply. In view of this, Ákr. Section 47 (1) (a)

the Authority will terminate the procedure as this part of the application does not comply with Infotv. 60.

§ (2), as the general data processing period is general

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data protection regulation was not yet applicable. For this reason, in terms of privacy

no application for an administrative procedure may be made or an ex officio examination by the Authority; and  
does not initiate official proceedings.

The circumstance is that the Applicant is also in the period from August 2015 to September 2019

collected data on the company in the interest of the Applicants

from publicly available databases accessible to anyone or from [...] its own public communications, and  
shall not be considered as unlawful data processing.

### III.8. Legal consequences

The Authority granted the Applicants' request in part and Article 58 of the General Data Protection Regulation



Condemns the Applicant pursuant to paragraph 2 (b) because Data Management 1 and

Its activities related to data management 2 violated Article 5 of the General Data Protection Regulation

Article 1 (1) (a), Article 5 (2), Article 6 (1) (f), Article 12 (1) and (4)

Article 14, Article 15 and Article 21 (4).

Pursuant to Article 58 (2) (c) of the General Data Protection Regulation, the Authority instructs a

Within 15 days of the decision becoming final (subsequently)

fully comply with its obligation to provide information to Applicants, including

on the aspects taken into account in the balancing of interests and the outcome of the balancing of interests information.

The Authority also instructs under Article 58 (2) (d) of the General Data Protection Regulation

to shape the Applicant in accordance with the applicable legislation and the provisions of this decision prior information practice and that, if future

in the course of data processing, the legitimate interest as a legal basis, then the law

carry out a balance of interests in accordance with this Decision,

including a second, individual consideration of interests following the protest.

The Authority's request to impose a data protection fine on the Applicants is set out in Section III.6. point

rejected it, but examined of its own motion whether the infringements found had been established

whether it is justified to impose a data protection fine on the Applicant. In this context, the Authority is

Article 83 (2) of the General Data Protection Regulation and Infotv. 75 / A. § - the following

of its own motion, considered all the relevant circumstances of the case and found that the present case

In the case of infringements detected during the procedure, the warning is not in itself disproportionate and dissuasive therefore a fine is justified.

The specific deterrent effect of the Authority in imposing fines is to encourage the Applicant to

to carry out his / her data management activities consciously and not to the data subjects as objects and / or

treat it as an obstacle but as a genuine right, guaranteeing their rights,

information necessary to exercise control over the processing of their personal data, other

conditions. And it is usually required for all data controllers in a similar situation

it should not be possible to make it clear that the processing of personal data requires increased awareness

negligently trust that data subjects will not be disadvantaged by personal data

actually out of control. Such conduct disregards the rights of those concerned

leave and, as such, cannot go unpunished.

The Authority considers that the practice, which is also present on the Hungarian market, according to which a

various rich lists, publications listing the richest Hungarians, if enough

not always include the name of the data subject and / or the data subject

but in them, for example as a result of a well-founded protest by the data subject.

only one letter instead of the full name and an article describing the activity of the person concerned

minimum information (eg name of the sector, size of assets associated with the data subject)

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will be indicated.

By imposing a fine, the Authority also aims to encourage the Applicant to investigate

in addition, it lists the richest Hungarians and the largest Hungarian family businesses

data management practices related to its publications. The Authority shall determine the amount of the fine

in addition to the specific prevention objective, the fine was intended to be achieved

also for general preventive purposes, with which, in addition to deterring the Applicant from

He wants the requested data management practice to move towards full legality

to reach.

In determining the need to impose a fine, the Authority considered the infringements

aggravating and mitigating circumstances as follows:

The Authority took into account as an aggravating circumstance that:

- the violations related to the exercise of the fundamental and affected rights committed by the Applicant

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

maximum amount (up to EUR 20 000 000 or, in the case of undertakings, the previous amount)

up to 4% of the total annual world market turnover for the financial year 2006)

constitute an infringement;

the Applicants have made several attempts to obtain appropriate data processing from the Applicant, but

finally, official intervention was required [Article 83 (2) of the General Data Protection Regulation

paragraph (a)];

- the violations found, taking into account all the circumstances of the case, the Applicant

conscious and resolute approach to data processing and the exercise of data subjects' rights

they are substantiated, ie they are considered to be intentional [Article 83 of the General Data Protection Regulation.

Article 2 (2) (b)];

- data management activities related to publications Indicated by Applicants

Despite its shortcomings, a business transaction took place (published in December 2019)

publication containing the richest Hungarians) and by the Applicants - in their opinion

The mitigation of the damage suffered was only due to [...] [general data protection

Article 83 (2) (c) of the Regulation];

- the Applicant is transparent about the lawfulness of the data processing and the data processing

worldwide awareness and recognition of Forbes and the media market for information

has a special responsibility due to its role [Article 83 of the General Data Protection Regulation).

Article 2 (2) (d)].

The Authority took into account the special nature of personal data as a mitigating circumstance

data belonging to this category were not processed by the Applicant. The Applicants

personal data entered in the company register is public data in the public interest as well as at the same time

company data, and the data indicated in connection with the valuation of assets and valuables a

exercise of the right to freedom of expression, based on a defined data methodology

shall be deemed to be a conclusion drawn from the evaluation of the data protection [Article 83 of the General Data Protection

Regulation

Paragraph 2 (g)].

The Authority also noted that the Applicant had cooperated in the proceedings

Authority, however, this behavior - as compliance with legal obligations did not go

did not assess it as an express attenuating circumstance [Article 83 (2) of the General Data Protection Regulation paragraph (f)].

The Authority further noted that although it had not previously ruled against the Applicant

breach of the processing of personal data against the Applicant

In the official proceedings initiated in case number NAIH / 2019/7972, it was taken at the same time as this decision

NAIH / 2020/838/2, in part, the infringements found in this decision

also condemned and instructed the Applicant to take similar measures,

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and imposed a fine on him [Article 83 (2) (e) of the General Data Protection Regulation

and (i)].

Article 83 (2) of the General Data Protection Regulation applies to the imposition of fines.

reviewed the other aspects of paragraph 1, but did not take them into account because

in their view, they were not relevant in the present case.

Report of the Applicant for the general business year from 1 January 2019 to 31 December 2019

was not yet available at the time of the present decision and the Authority therefore set the fine

took into account the business years 2018 and 2017:

- Closing the General Business Year for the Applicant from 1 January 2018 to 31 December 2018,

total of sales in 2018 based on its publicly available report

Had net sales of HUF 727,702,000 (HUF seven hundred and twenty-seven million seven hundred and two thousand), and

Taking into account both revenues and expenses, it closed the year with a pre-tax profit of HUF 115,194,000 (one hundred and fifteen million one hundred and ninety-four thousand).

- Closing the general business year for the Applicant from 1 January 2017 to 31 December 2017

based on its publicly available report in 2017 of total sales

Had net sales of HUF 681,029,000 (HUF six hundred and eighty-one million twenty-nine thousand), and

the year - taking into account both revenues and expenses - HUF 156,095,000

(one hundred and fifty-six million to ninety-five thousand forints) with pre-tax profit.

The amount of the fine is neither the net sales revenue nor the pre-tax profit

less than 4% of total world market turnover. The amount of the fine imposed on the basis of the above proportionate to the gravity of the infringement.

ARC. Rules of procedure

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

covers the whole territory.

The Ákr. Pursuant to Section 37 (2), the procedure is the submission of the application to the acting authority starts the day after your arrival. The Ákr. Pursuant to Section 50 (1), unless otherwise provided by law the time limit shall begin on the day on which the proceedings are instituted.

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

There is an administrative remedy against the decision.

The operative part II. The right of independent legal remedy against the order contained in Art. § 112, § 114 (1) and Section 116 (1) and Section 116 (4) (d).

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The Civil Code. 6:48. § (1), in the case of a debt owed, the debtor is in arrears

valid on the first day of the calendar half-year affected by the delay

shall pay default interest at the same rate as the basic interest.

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

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

Pursuant to point (aa) of the Act, the Metropolitan Court has exclusive jurisdiction. A Kp. Section 27 (1)

(b), legal representation is mandatory in litigation falling within the jurisdiction of the Tribunal. A Kp. § 39

Pursuant to paragraph 6, the suspensory effect of bringing an action is to give effect to the decision

no.

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A Kp. Section 29 (1) and with this regard Pp. Applicable in accordance with § 604, electronic

CCXXII of 2015 on the general rules of public administration and trust services. Act (a

hereinafter referred to as the Customer's legal representative pursuant to Section 9 (1) (b) of the E-Administration Act obliged to communicate electronically.

The time and place of filing an action against the decision of the Authority shall be determined by the Kp. Section 39 (1) defined in paragraph Information on the possibility of requesting a hearing can be found in Kp.

It is based on § 77 (1) - (2). The amount of the fee for an administrative lawsuit shall be determined in accordance with the 1990 Fees Act.

year XCIII. Act (hereinafter: Itv.) 45 / A. § (1). The fee is preliminary

from the payment of the Itv. Section 59 (1) and Section 62 (1) (h) exempt the proceedings initiating party.

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

If the Applicant does not duly prove the fulfillment of the required obligation, the Authority shall considers that it has failed to fulfill its obligations within the prescribed period. The Ákr. According to § 132, if the Applicant has not complied with an obligation contained in the final decision of the authority, it shall be enforceable. The Authority decision of the Ákr. Pursuant to Section 82 (1), the communication becomes final. The Ákr. Section 133 implementation, unless otherwise provided by law or government decree

ordering authority. The Ákr. Section 134 of the Enforcement - if law, government decree

or in the case of a municipal authority, the decree of the local government does not provide otherwise - the

carried out by a state tax authority. Infotv. Pursuant to Section 61 (7) in the decision of the Authority

to perform a specific act, conduct or tolerate a specific act

the Authority shall enforce the decision in respect of the standstill obligation

implements.

Budapest, July 23, 2020

Dr. Attila Péterfalvi

President

c. professor