

Case number: NAIH / 2019/2215/18.

Subject: Partial decision granting the application

## DECISION

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

('the Applicant') brought an action against [...] ('the Applicant')

take the following decisions in the data protection authority procedure:

I. The Authority's request to remedy the data protection breach

partially upheld as follows:

I.1. Notes that the Applicant did not facilitate the exercise of the Applicant's right of access,

because it did not tell you what program you can use to open the files on the DVD.

I.2. It finds that the Applicant has violated the Applicant's right of access by not

provided the Applicant with full information about the personal data processed about him.

II. The request

rejects, in respect of parts not referred to in point I,

as the Applicant did not infringe the Applicant 's right of access when

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fulfilled the Applicant's request for the exercise of the right of access within the time limit;

provided to the Applicant in a widely used electronic format by

information in the exercise of the right of access;

did not identify the Applicant because there was no reasonable doubt as to his identity

regarding;

treated [...] as the Applicant's mailing address, based on the Applicant's statement.

III. It instructs the Applicant to provide it within 30 days of the decision becoming final

full, all-encompassing access to the personal data processed about the Applicant!

ARC. Ex officio I.1. and I.2. Due to the data protection violations established in clauses within 30 days of the final adoption of this Decision

HUF 500,000, ie five hundred thousand forints

data protection fine

obliges to pay.

V.1. It finds of its own motion that [...] did not facilitate the exercise of the rights of the Applicant concerned.

V.2. Ex officio V.1. due to the infringement set out in point [...]

gives a warning.

## PERFORMANCE

VI. The Authority shall initiate the data protection authority proceedings against the applicant 's landline telephone number and in the part concerning the lawfulness of the use of the mobile telephone number by the Applicant

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m e g s z ü n t e t i.

VII. The Authority will use the data protection authority procedure to process the data related to the Requested Cookies examination of the legality of the

m e g s z ü n t e t i.

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A III. The measure shall be taken from the date on which the decision becomes final

Within 30 days, together with the submission of supporting evidence, the

Towards an authority.

The fine is paid by the Authority's forint settlement account for the collection of centralized revenues

(1003200001040425-000000000 Centralized collection account IBAN: HU83 1003 2000 0104 0425 0000 0000)

to be paid for. When transferring the amount, NAIH / 2019/2215. JUDGE. number should be referred to.

If the Applicant fails to meet the obligation to pay the fine within the time limit, a late payment allowance

is obliged to pay. The rate of the late payment interest is the statutory interest, which is the calendar affected by the delay

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

A III. in the event of non - payment of the obligation pursuant to point

Authority shall order the enforcement of the decision.

There is no administrative remedy against the present decision and order, but a

within 30 days of the communication with the action brought before the Metropolitan Court in an administrative lawsuit

can be challenged. The application must be submitted to the Authority, electronically, together with the case file

forward it to the court together. 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 is 30,000

HUF, the lawsuit is subject to the right to record material taxes. Legal representation in proceedings before the Metropolitan

Court

obligatory.

## EXPLANATORY STATEMENT

### I. Procedure and clarification of the facts

(1)

I.1. The Applicant's application was received by the Authority on 19 February 2019.

(2)

In the application, the Applicant stated that in the e-mail sent to the Applicant on 21 September 2018, he wished to exercise his right of access to all data handled by the Applicant.

personal data. The Data Protection Officer of the Applicant on October 24, 2018

he also contacted the Applicant by telephone and e-mail informing him that that day

received the Applicant 's application, as it was not submitted by the Applicant to the Applicant, not to the

It was sent to the email address provided in your requested privacy statement. The Applicant further

it also informed the Applicant that it would reply to its request for access by post

send to. By e-mail dated 25 October 2018, the Applicant requested a

From your request to send your response electronically.

(3)

The Applicant's response to the request for access shall be dated 19 November 2018.

to which he had not lived for years on a DVD. The Applicant on the DVD

he could not play it because he did not have the necessary equipment and on the DVD

he was able to extract only one of the files found after finding out what application

required to open a file format unknown to it. In a letter dated 29 November 2018 addressed to the Applicant, the Applicant

further objected to the scope of the information, as

In its view, the information sent to it on the DVD does not cover all of the

Data processed by the applicant. This letter stated in a statement to the official proceedings

has not received a reply by the date of its request.

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(4)

The Applicant submitted in its application for data protection authority proceedings that on 25 May 2018

previously requested the Applicant to delete his mobile phone number several times by telephone,

which the Applicant did not comply with as he was contacted on 24 October 2018

on this telephone number and in the framework of the fulfillment of your access request by the Applicant

was also included in the data plate provided.

(5)

In his application, the Applicant further explained that prior to the execution of the data subject's application, the

Applicant has not identified what it considers to be a breach of data security requirements,

in particular the principles of integrity and confidentiality.

(6)

The Applicant, as a data subject, informed the Authority that on the Applicant's Website

no information can be found on the legal basis of the cookies used there. He objected

and that the Applicant uses cookies on its Website even if it does so

does not consent or allow them to be prohibited,

that is, if the accepting banner is closed without acceptance, the data is still processed.

(7)

In its request, the Applicant requested the remedy of the alleged violations, as well as the provision of information CXII of 2011 on the right to self-determination and freedom of information Section 61 (1) of the Act the application of the sanctions provided for in paragraph 1 (a).

(8)

I.2. In its orders, the Authority requested information on the matter from the Applicant in order to clarify.

(9)

According to the Applicant's statement, the Applicant has been a co-debtor of the Client since 2005 in quality.

(10) However, the Applicant did not reply within the deadline of 21 September 2018

request for access because it was not granted to him and not to the exercise of the rights of the data subject channels, but sent it to [...] at [...]

[...] e-mail address dedicated to the submission of data protection requests - which is the [...]

was listed in the prospectus - did not work, so the Application was received on 24 October 2018

To an applicant who replied in writing within one month.

(11) The Data Protection Officer of the Applicant shall comply with the provisions of the General Data Protection Regulation (hereinafter:

In view of recital (63) of the GDPR), the applicant requested a request by telephone

as the Applicant handles a large amount of data about the Applicant. The Requested

According to the statement, the Applicant at that time indicated that he was exercising his right of access requested a copy of all documents submitted by the Applicant context.

(12) The Data Protection Officer of the Applicant, during a telephone conversation with the Applicant, and informed the Applicant by e-mail that for reasons of bank secrecy the access the reply to his request and the documents provided on that basis to his postal address,

will be delivered by post. The Applicant subsequently requested his application on 25 October 2018 electronically. The Applicant did not respond to this request of the Applicant, as he had already informed the Applicant on 24 October 2018 how to respond.

(13) The Applicant submitted the application received by the Applicant on 24 October 2018, which was clarified during a telephone conversation between the Data Protection Officer and the He replied by letter dated 19 November 2018, given to him by Article 15 of the GDPR the required information and the requested documents provided to the Applicant copies that do not infringe the rights of others, including the Applicant. In his view, the Applicant The request did not cover copies of sound recordings and other documents to send.

(14) In the absence of a legal basis, the Applicant does not record audio, so the Applicant and the Applicant The Requested did not record a telephone conversation between his data protection officer.

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(15) Due to the obligation of bank secrecy applicable to credit institutions, the applicant requested only that disclose personal data to either the data subject or a third party if make sure that the application originates from the holder.

(16) According to the applicant, there were reasonable doubts as to the identity of the applicant as the Applicant did not provide in his application or thereafter the

The personal data of the data subject according to point [...] of the Data Protection Information only your name and email address - not even a phone call. Therefore, the Applicant could not be sure that the Applicant is in fact his client and that he is requesting the release of personal data, which is also considered bank secrecy, in the framework of the exercise of the right of access, therefore, for reasons of bank secrecy and in the absence of identification, it is kept exclusively by it was able to send the Applicant's personal data to the Applicant's e-mail address documentation.

(17) The applicant stated in his statement that for what reason he did not request the Applicant

he complied with his request for access by sending it to his e-mail address, said Magyar

National Bank on the protection of the IT system 7/2017. (VII.5.) 7.4.4.

which requires that data be secured during the network transmission of critical data

confidentiality, integrity and authenticity of these data and the fulfillment of these criteria

controllability. The rules for the use of internal electronic mail are in line with this

provides that "It is forbidden to use an external e-mail address (not belonging to a bank or a non-banking group

business secret, bank secret, or otherwise confidential or top secret

information or other internal documents. " Therefore, the Requested e-mail

you are not entitled to transfer personal data classified as bank secrets

not provided for in section [...] of the Privacy Notice.

(18) The Applicant uses the 7-Zip program to protect bank passwords for password protection.

can send a document containing his personal data to the data subject by post, protected

personal data from unauthorized access. There are two compressed files on the DVD

can be opened by selecting both files together with the right mouse button on the 7-Zip compressor

choosing a program. After entering the password, the documents will be accessible. THE

password was sent to the Applicant's address by letter dated 21 November 2018.

(19) On 11 July 2017, the Applicant requested the telephone number of the Applicant, also identified by the Applicant.

however, this modified phone number was not available or voicemail

switched on or ring without answer. It is then included in the loan application documentation

initiated a data reconciliation on the availability, ie on the Applicant's telephone number, in 2018.

on 28 March with the Applicant, during which conversation the Applicant confirmed that the

is available at the phone number you originally provided, so you've re-recorded it in your systems.

(20) The telephone number [...] treated as the landline telephone number of the Applicant was provided by the Applicant.

in the loan application dated 27 October 2005, the purpose of which is to deal with the

liaison for the performance of the contract.

(21) The Applicant did not notify the Applicant of the change of address, therefore the Applicant's address

handles the [...] address, which was confirmed to the Applicant on 28 March 2018.

(22) The Authority has requested the general data management of cookies used on the [...] website initiated an ex officio data protection authority procedure on 26 February 2019 to investigate the practice of NAIH / 2019/3456. case number.

(23) I.3. On the basis of the Applicant's statement and the supporting documents it was established that on 21 September 2018 the Applicant did not submit his application to the To the applicant but by [...], and the Authority therefore ex officio in its order of 11 April 2019, directly affects his legitimate interest.

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(24) [...] stated that the Applicant's application to the Applicant but sent to [...] It was filed on October 16, 2018 and forwarded on October 24, 2018 by a For the data protection officer also assigned to the applicant [...].

(25) On 24 October 2018, the Data Protection Officer of the Requested informed him by telephone Applicant that [...] is not a customer of the Applicant indicated that he wished to submit the application to the Applicant. The Requested Privacy Policy his official informed the Applicant by e-mail through which channels his application and that the Applicant seeks the Applicant's application out of turn complete.

(26) I.4. In order to clarify the facts, the Authority referred to NAIH / 2019/2215/13. in order no contacted the Magyar Nemzeti Bank (hereinafter: the MNB) in 7/2017. (VII.5.) 7.4. in order to properly interpret The MNB informed the Authority that the confidentiality, integrity and authenticity of data transmission, in particular by financial institutions, insurance and reinsurance undertakings, as well as investment firms and commodity exchanges 42/2015 on the protection of the IT system of service providers (III.12.) Government Decree Section 3 (2) The MNB's recommendation provides for the application of the law in relation to this provision



guidelines. According to the MNB, if the financial institution is outside it sends unencrypted or unencrypted data to the service provider's mail system it loses control over its confidentiality because of the technical nature of the delivery of the letter all service providers and those with access to your e-mail account individuals can access as well as the channel due to the technology used relatively easy to listen to. Therefore, only with proper encryption personal data classified as bank secrets may be transmitted by e-mail.

## II. Applicable legal provisions

Pursuant to Article 2 (1) of the GDPR, the processing of data in the present case requires the GDPR apply.

The relevant provisions of the GDPR in the present case are the following:

Article 12 (2) GDPR: The controller shall facilitate the of its rights under Article exercise. In the cases referred to in Article 11 (2), the controller shall article

You may not refuse to comply with your request to exercise your rights under this Article unless proves that the data subject cannot be identified.

GDPR Article 12 (3): The controller shall, without undue delay, but in any case within one month of receipt of the request, inform the data subject in accordance with Articles 15 to 22. article on the action taken in response to a request under If necessary, taking into account the application complexity and number of applications, this deadline may be extended by a further two months. THE extension of the deadline by the controller indicating the reasons for the delay in the request inform the data subject within one month of receipt. If the electronic is concerned the information shall be provided, if possible by electronic means, unless the person concerned requests otherwise.

GDPR Article 12 (4): If the controller does not take action on the data subject's request without delay, but no later than one month after receipt of the request inform the data subject of the reasons for not taking action and that he or she is concerned

you can lodge a complaint with a supervisory authority and have the right to a judicial remedy.

GDPR Article 12 (6): Without prejudice to Article 11, if justified by the controller

have doubts about 15-21. the identity of the natural person submitting the application under Article

necessary to further confirm the identity of the data subject

request information.

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Article 15 (1) GDPR: The data subject has the right to receive feedback from the controller

whether and if your personal data is being processed

data processing is in progress, entitled to personal data and the following

get access to 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 restriction on the processing of such personal data

against its treatment;

(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.

Article 15 (3) GDPR: The controller is the personal data which are the subject of the processing make a copy available to the data subject. For further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. If that submitted the application electronically, the information was widely used shall be provided in electronic format, unless otherwise requested by the data subject.

GDPR Article 15 (4): Right to request a copy referred to in paragraph 3 it must not adversely affect the rights and freedoms of others.

Article 58 (2) (b), (c) and (i) GDPR: Acting in the corrective power of the supervisory authority:

(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;

(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.

Article 83 (1) to (2) and (5) (a) to (b) of the GDPR: 1. Each supervisory authority shall ensure that: infringement of this Regulation as referred to in paragraphs 4, 5 and 6 pursuant to this Article the administrative fines imposed shall be effective, proportionate and dissuasive in each case be strong.

2. Administrative fines shall be imposed in accordance with Article 58 (2), depending on the circumstances of the case. shall be imposed in addition to or instead of the measures referred to in points (a) to (h) and (j) of

In deciding whether it is necessary to impose an administrative fine, or a the amount of the administrative fine in each case the following must be taken into account:

(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;

the extent of the damage they have suffered;

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

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(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

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

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

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

the degree of cooperation to alleviate

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

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

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

in detail;

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

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

compliance with the measures in question;

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

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

and

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

financial gain gained or avoided as a direct or indirect consequence of the infringement

loss.

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

An administrative fine of EUR 1 000 000 or, in the case of undertakings, the preceding financial year

amounting to a maximum of 4% of its total annual world market turnover, provided that the

the higher of the two shall be charged:

(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

Infotv. Pursuant to Section 2 (2), the general data protection decree is indicated therein

shall apply with the additions provided for in

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

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

CL of the General Administrative Procedure Act 2016. Act (hereinafter:

Ákr.) Shall apply with the additions specified in the Information Act and the general

with derogations under the Data Protection Regulation.

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

exercise the powers set out in paragraph 1 in accordance with the principle of proportionality,

in particular by providing for the law or regulation on the processing of personal data

Requirements laid down in a binding act of the European Union

Article 58 of the General Data Protection Regulation

in particular by alerting the controller or processor.

III. Decision:

III.1. Fulfillment of the Applicant's request on time

(27) It was clear from the Applicant's request for access that it was not addressed to [...],

to whom the application was sent, but the Applicant: "(...) the access point in accordance with Article 15

I wish to exercise my right to be handled by me by the [Requested] controller

personal data. "

(28) As [...] was not the addressee of the request for access, the GDPR

he did not have to take any action under his rules, he was not subject to the one-month period

deadline for reply, although Article III.1. As explained in point (a), it would have been expected that sooner detect it and forward it to the Data Protection Officer of the Applicant application.

(29) To the data subject, ie the controller whose data processing is subject to the

The applicant wished to exercise his right of access, the application was received on 24 October 2018, of which the Applicant was informed by telephone and e-mail.

(30) By letter dated 19 November 2018, the Applicant replied to the Access

and the password required to open the files on the attached DVD in 2018.

sent to the Applicant's address by letter dated 21 November.

(31) In a letter dated 29 November 2018 from the Applicant to the Data Protection Officer of the Applicant

objected to the extent of the information provided by the Applicant, such as his lack of payment

and information on debt. The Requested this is a new access

treated as a request for the exercise of a right, which was received in a letter dated 21 December 2018, ie

replied to the Applicant within one month, informed the Applicant of the requested data.

(32) In view of the above, the Applicant did not infringe Article 12 (3) of the GDPR, as the

within one month of receipt of the requests

measures taken pursuant to this Article.

### III.2. Execution of an access request electronically

(33) By e-mail dated 24 October 2018, the Applicant informed the interested party that

will respond to your request for access to your request for access

to send. By letter dated 25 October 2018, the Applicant requested the Applicant to submit his application

in electronic form by e-mail to your e-mail address. The Applicant for this a

did not respond to the request, given that, in its view, the Privacy Notice

It shall inform the parties concerned in accordance with point [...].

(34) Point [...] of the Data Protection Notice of the Applicant effective from 1 October 2018

informs the parties concerned that [...] However, it does not follow clearly from the parties concerned

that the Requested does not forward by e-mail to an external, non-bank e-mail address

personal data classified as bank secrets, therefore their request for access is not fulfilled electronically either by letter but only by post. Consequently, the Applicant should have informed the

An applicant as to why, despite his / her request to do so, he / she does not reply electronically to

request for access. In this context, as the Applicant - on behalf of the Applicant

presumably - did not ask for a reply to your request by e-mail, not without reason,

as an alternative, another method of performance that is more suitable for the Applicant - e.g. personal receipt in a pre-arranged bank branch.

(35) The Applicant provided its access request on a DVD

a copy of the documents sent in fulfillment. The DVD bar used to be durable

was a storage medium, however, they are less and less used to store their data because of their location

have been taken over by USB storage devices, and as a result, fewer and fewer devices are being used

which is capable of playing DVDs, and even newer laptops are no longer

They also have a CD / DVD drive. As a result, it can be a problem in some cases

if they are made available on DVD as part of the exercise of their right of access a

copies of their documents, as they may not have them at all for playback

with the required device. Consequently, if the right to access documents

in electronic format, with the utmost care on the part of the Applicant

procedure is to declare to the data subject what medium to read

with a suitable device. This is especially true if the data subject is in his application or with the data controller

make a statement from which it can be inferred.

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(36) In view of the technical superiority of DVDs, the Authority should develop good practice

considers it necessary to review the Applicant's practice of publishing it on DVD

their documents as part of the execution of their request for access

copy, in particular, in the MNB's view, as an e-mail attachment

Encrypted documents and data can be transmitted encrypted using appropriate procedures, such as passwords in such a way that the password required to decrypt the client is secure, the through a channel other than electronic mail.

(37) The Authority has identified the above as good practice, as Article 15 (3) of the GDPR it does not state that if the application was submitted electronically, it must be submitted electronically answer, but that if the application was submitted electronically, the information shall be provided in electronic format.

(38) Consequently, the Applicant did not infringe Article 15 (3) of the GDPR by Applicant access request by mail, but on the attached DVD electronically format.

### III.3. Facilitating the exercise of the rights of the Applicant's data subject

(39) The Applicant provided the Applicant with the copies of the documents sent in fulfillment of your request for access.

(40) The 7-Zip program is a free downloadable compression program. The Authority considers it appropriate to: He applied the practice of using a program to secure access compression and password protection of documents to be sent under the free of charge, available to anyone. The program uses the 7z file format used by The most common compression programs, WinZip and WinRAR, are also recognized, so the 7z extension files can also be opened with these programs.

(41) However, 7-Zip is not automatically installed with a single operating system nor is it self-evident that the data subject requesting access is familiar with this program, has such a program and the knowledge to decompress.

(42) Therefore, in the letter from the Applicant sending the password to protect the files on the DVD those requesting access must also inform them of which program is using the files or programs. This is important, among other things, because your application may be submitted electronically by a person who does not have



with deeper IT skills and therefore do not figure out for themselves what program they have they need to decrypt password-protected files.

(43) In view of the above, the Applicant infringed Article 12 (2) of the GDPR by failing to provide adequate information for the Applicant on how to find out what is on the DVD, the contents of password-protected documents and what steps to take.

#### III.4. Completeness of the response to the Applicant's request for access

(44) The applicant's request for access was worded as follows: 'I, the undersigned, I wish to exercise my right of access on behalf of the [Requested] Data Controller with me personal data processed in connection with Please be fully informed all GDPR characteristics. "

(45) Pursuant to Article 15 of the GDPR, data controllers are required to provide full information to the on the processing of personal data of data subjects. This means that the information needs to be out cover all records and documents of the controller without restriction.

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(46) According to the Applicant, the Data Protection Officer had a telephone conversation requested the Applicant to clarify its request for access in recital (63) of the GDPR Based on. According to his statement, after clarification, the application is dated 19 November 2018 covered the letter. In contrast, the Applicant stated that his application was not clarified with the Data Protection Officer of the Requested during a telephone conversation. The Applicant was unable to prove the application during the proceedings clarified by the Applicant.

(47) The Applicant's reply of 19 November 2018 to the Applicant's request for access is not covered, inter alia, information on the Applicant's payments and debts, the Applicant and the Applicant's customer service initiated by the Applicant - the Applicant telephone conversations for the settlement of a debt due to a debtor's delay sound recordings, copies of these sound recordings, credit assessment documentation.

(48) Pursuant to Article 15 (1) of the GDPR, the data subject must still be informed of the processing fact and circumstances if it is a copy of a document containing personal data under Article 15 (4) of the GDPR - even third parties data, even in order to protect the trade secret of the controller, may not be disclosed to the data subject available to you. Consequently, the Applicant should have informed the Applicant of the the processing of your personal data in the credit assessment documents and this documentation Article 12 (4) of the GDPR should have duly informed the Applicant of the refusal to issue copies the reason.

(49) The information provided by the Applicant in the letter to the Applicant dated 19 November 2018 does not was transparent because, although it indicated in tabular form the purposes and legal bases of its data and the duration of the data processing, but did not indicate that they were accurate which personal data apply, so it is not clear for each data processing purpose which personal data is processed by the Applicant.

(50) The Applicant infringed Article 15 of the GDPR by failing to provide full information on the personal data processed by him / her at the request of the Applicant despite. The Applicant also violated Article 12 (1) of the GDPR as it had the information provided was not transparent.

### III.5. Identification of the Applicant

(51) The Applicant sent the access from an e-mail address not previously managed by the Applicant request for the exercise of a right. However, given that it was not initially but sent his application to [...] and it did not reach the Applicant until 24 October 2018, the Applicant for contact purposes previously provided by the Applicant and in its records contacted the Applicant on the managed mobile phone number. The Applicant a did not identify the Applicant in the Privacy Policy during the telephone conversation therefore, in its reply to the Authority dated 18 March 2019,

that he had reasonable doubts as to the identity of the Applicant and therefore sent him

response to a request for access to a registered address.

(52)

In a letter dated 21 May 2019, the above statement was clarified that although no

Applicant on the Prevention and Suppression of Money Laundering and Terrorist Financing

2017 LIII. identification of the Applicant in accordance with the law, the Data Protection Officer of the Applicant with the

Applicant

during a telephone conversation with the applicant, it was ascertained that the Applicant's request was not

unfounded and assured that his request would be complied with.

(53) Article 12 (6) of the GDPR imposes an obligation on the controller in such cases

the identification of the data subject wishing to exercise his or her right, if justified by his or her identity

doubts arise. The e-mail address from which the Applicant sent the request is indeed in itself

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is not sufficient to identify the Applicant, given that the Applicant has not previously done so

treated. However, the Data Protection Officer of the Applicant continued with the Applicant

during a telephone conversation - which has already been treated as personal data by the Applicant

even before submitting - providing additional personal data based on the content of the conversation

without being able to ascertain the identity of the Applicant. This is also indicated by the fact that he did not call for

To supplement your personal data in accordance with Section [...] of the Privacy Policy.

(54) The Applicant did not act in accordance with the Data Management Information

however, his procedure complied with the rules of the GDPR as he did not speak on the basis of a telephone conversation

there may have been reasonable doubts as to the identity of the Applicant and thus did not violate Article 12 of the GDPR.

Article 6 (6).

(55) The Authority considers it important to note that in the case of the identity of the Applicant

there is a well-founded doubt in that regard, the

for example by sending to an address - need not be fulfilled.

### III.6. Accuracy of the data of the Requested address

(56) In its application to the Authority, the Applicant submitted that the Applicant had been provided the address to which the Applicant sent the reply to his request for access, which has otherwise changed and is no longer current.

(57) The Applicant did not notify the Applicant of the change of address, and even in March 2018 during a telephone conversation, in the framework of data reconciliation, the Applicant also confirmed it to your co-worker to have this mailing address. [Administrator: "For me, [szerepel] is listed here as correspondence title." Applicant: "It will be good".]

(58) In view of the above, the Applicant did not infringe Article 5 (1) (d) of the GDPR.

the principle of accuracy, as the Applicant did not announce the change in his data, thus there could be no doubt as to the accuracy of the address information.

### III.7. Managing a landline phone number

(59) The telephone number [...] treated by the Applicant as the Applicant 's landline telephone number is a The Applicant provided the Applicant with a letter dated 25 October 2005 issued by the Applicant. in the form of a signed loan application, a copy of which was sent to the Authority by the Applicant.

(60) Page 7 of the loan application contained a sentence stating that 'I agree that the present in the loan application the data I have provided with the introduction and sale of my own product continue to handle, record and use in connection with it. "

(61) On 28 March 2018, the Applicant stated during the telephone data reconciliation that You have no telephone contact information other than your mobile phone number.

(62) On the basis of the validity of the above consent and the statement of the Applicant take the necessary action or fail to do so by this data protection authority procedure is not considered as consent to or by the above applicants on the basis of which the Applicant could have had doubts about the landline regarding the accuracy of telephone number data - took place before 25 May 2018, when it was still the provisions of the GDPR were not applicable.

(63) In the light of the foregoing, the application concerning the lawfulness of the operation of the fixed telephone number does not comply with Article 77 (1) of the GDPR and Infotv. Section 60 (2) the Authority's data protection authority procedure in this regard cannot be initiated either, therefore the Ákr. Pursuant to Section 47 (1) (a), the Authority may initiate the procedure a terminated in this part of the application.

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### III.8. Legality of the Applicant's mobile phone number management

(64) The Applicant requested the telephone number on 11 July 2017, following his identification amendment from the Applicant, however, was not available at the modified telephone number, therefore the He applied on the previous telephone number in the loan agreement documentation - which the lawfulness of the processing is disputed by the Applicant - the Applicant was contacted again for data reconciliation on 28 March 2018, who then confirmed that the mobile phone number on which the Petitioner approached him.

(65) In view of the request for a change of telephone number, the previous request from the applicant contact the telephone number again and confirm the telephone number with the Applicant was also acknowledged by him before 25 May 2018, when the GDPR was not yet in place therefore the application for the lawfulness of the management of the mobile telephone number is not answered Article 77 (1) of the GDPR and Infotv. Section 60 (2) requirements, including the Authority's data protection authority procedure in this regard can be initiated, therefore the Ákr. Pursuant to Section 47 (1) (a), the Authority may initiate the procedure a terminated in this part of the application.

### III.9. Data Management Practices Related to Requested Cookies

(66) On 26 February 2019, the Authority issued NAIH / 2019/3546. ex officio data protection authority initiated proceedings against the Applicant [...] 's website for general cookies to examine its data management practices, as data processing related to cookies is data processing inherently ineffective.

(67) The ex officio examination of the general data management of the Requested Cookies has become devoid of purpose the examination of the same data processing in the data protection authority proceedings initiated on the basis of the request has become

whereas NAIH / 2019/3546. The decision in case no

Also for applicants. Consequently, the Authority Pursuant to Section 47 (1) (c) terminated in this part of the application.

III.10. Facilitating the exercise of the rights of the person concerned by [...]

(68) The Applicant submitted its request for the exercise of the right of access on 21 September 2018 at 10:58 sent to [...] at 10:54 a.m. that day, to [...]

delivery of the letter you sent was unsuccessful.

(69) In order to facilitate the exercise of the rights of the data subject, the controller should be expected to establish and operate an email address or interface that is for privacy purposes only to receive applications and complaints in respect of which it is ensured that the incoming requests shall be received by the competent employee of the controller at that time and shall be within the time limit set by the GDPR.

(70) The [...] data management prospectus effective from 25 May 2018, which will be published on 21 September 2018, was available on [...] 's website - it informed the parties concerned in [...], so that the Applicant also that the e-mail address of the Data Protection Officer is [...] e-mail address. This is the email address however, it did not work, the delivery of the Applicant 's request to it was unsuccessful, so the [...] Has been sent to the e-mail address, which is subject to the privacy policy in force on 21 September 2018. by enforcing the data subjects' rights regarding the processing of personal data to communicate your questions or delays. So even if you didn't get to the Applicant request directly to the [...] and the Requested Data Protection Officer in the prospectus due to an incorrect e-mail address - [...] 's staff should have been prepared to [...] E-mail address may receive data protection questions, requests for the detection of which should have developed procedures to ensure that applications were unduly delayed if necessary

workers competent in these matters.

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(71) In view of the above, [...] infringed Article 12 (2) of the GDPR because the data protection by erroneously indicating the e-mail address of the official exercise.

### III. 11. Legal Consequences

(72) The Authority grants the applicant's request and pursuant to Article 58 (2) (b) of the GDPR Condemns the Applicant for violating Article 12 (2) of the GDPR and Article 15 of the GDPR; Article.

(73) The Authority granted the applicant's request and, pursuant to Article 58 (2) (c) of the GDPR, instructs the Applicant to provide full and comprehensive information to the Applicant about the personal data processed about him.

(74) The Authority condemns [...] under Article 58 (2) (b) of the GDPR for: infringed Article 12 (2) of the GDPR.

(75) Pursuant to Article 58 (2) (c) of the GDPR, the Authority ex officio instructs the Applicant to: provide full, all-encompassing access to the Applicant's personal information about him or her data. In this context, between the Customer Service of the Applicant and the Applicant You must make the call unrecognizable when recording voice calls the name of the customer service representative who handles it, but no other changes to the recordings can perform.

(76) The Authority examined of its own motion whether a data protection fine against the imposition. In this context, the Authority will amend Article 83 (2) of the GDPR and Infotv. 75 / A. § considered all the circumstances of the case. In view of the circumstances of the case and the fact that This is not the first time that the applicant has infringed the provisions of the GDPR [...], and therefore the Authority found that no warning had been given in respect of the infringements detected in the present proceedings is a proportionate and non-dissuasive sanction and a fine should therefore be imposed. The Authority shall:

the following factors were taken into account when imposing the fine:

(77) In particular, the Authority took into account that the infringements committed by the Applicant a

In accordance with Article 83 (5) (a) and (b) of the GDPR

constitute an infringement.

(78) In setting the fine, the Authority took into account as an attenuating circumstance:

- 

the Applicant acted negligently in failing to fully inform the

The applicant shall be informed of all personal data processed by him, as evidenced by the

that when the Applicant inquired about his debt, his payments - as such

information which the Applicant does not request in connection with his request for access

made available to the Applicant - the Applicant also complied with this request;

- 

the Applicant shall become aware of the request for access immediately

contacted the Applicant to clarify the situation;

(79)

It is necessary to impose a fine on the Applicant in the light of the above, notwithstanding the

that the present case concerns an infringement relating to the exercise of the rights of a single data subject.

(80)

In view of the above, and in view of the Applicant's consolidated financial statements for 2018

pre-tax profit was HUF [...] million, the amount of the data protection fine imposed

it is considered to be extremely low and does not exceed the maximum fine that can be imposed.

(81)

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

me.

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(82)



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

ARC. Other issues:

(83)

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

(84)

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

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

(85)

The Ákr. § 112 and § 116 (1) and § 114 (1), respectively

there is an administrative remedy against him.

(86)

The rules of administrative litigation are laid down in Act I of 2017 on the Procedure of Administrative Litigation (a hereinafter: Kp.). A Kp. Pursuant to Section 12 (2) (a), the Authority

The administrative lawsuit against the decision of the Criminal Court falls within the jurisdiction of the court. § 13 (11), the Metropolitan Court has exclusive jurisdiction. The civilian

CXXX of 2016 on the organization of litigation. Act (hereinafter: Pp.) - the Kp. Section 26 (1)

applicable pursuant to § 72 of the General Court in a lawsuit falling within the jurisdiction of the General Court a

legal representation is mandatory. Kp. Pursuant to Section 39 (6) - unless otherwise provided by law

- the suspensory effect of bringing an action until the administrative act takes effect

no.

(87)

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.

(88)

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

Information on the possibility of requesting a hearing is provided in the CM. Section 77 (1) - (2)

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

Fees. law

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

the Itv. Section 59 (1) and Section 62 (1) (h) shall exempt the person initiating the proceedings

half.

(89)

If the Applicant does not duly prove the fulfillment of the required obligation, the Authority shall:

it considers that it has failed to fulfill its obligations within the prescribed period. The Ákr. According to § 132, if a

the obligor has not complied with the obligation contained in the final decision of the authority, the

executable. The decision of the Authority Pursuant to Section 82 (1), the communication shall become final

becomes. The Ákr. The Ákr. Section 133 of the Enforcement - if by law or government decree

unless otherwise provided by the decision-making authority. The Ákr. Pursuant to § 134 a

enforcement - if local in a law, government decree or municipal authority matter

the decree of the local government does not provide otherwise - it is carried out by the state tax authority. The

Infotv. Pursuant to Section 60 (7), a specific act included in the decision of the Authority

obligation to perform, specified conduct, tolerance or cessation

the Authority shall enforce the decision.

Budapest, June 18, 2019

Dr. Attila Péterfalvi

President

c. professor