

Case number: NAIH-1289-8 / 2021.

Subject: Ex officio decision

in official proceedings

History: NAIH / 2020/5979.

started

DECISION

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

Mayor's Office of the Local Government (2643 Diósjenő, Szabadság út 31., hereinafter:

Data controller) concerning [name] ([address], hereinafter referred to as "Data subject")

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

2016/679 on the free movement of persons and repealing Directive 95/46 / EC

compliance with this Regulation (hereinafter referred to as the General Data Protection Regulation)

take the following decisions in ex officio data protection proceedings:

1) finds that the Data Controller

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

has committed an infringement in breach of paragraph 1 (c) by taking it in camera

decision of the Board of Representatives with full data content, including the data subject's personal data

disclosed with his data;

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by disregarding the data subject's request for the exercise of the data subject's rights

did not provide the Data Subject with Article 12 of the General Data Protection Regulation.

the requirement to provide transparent information in accordance with Article

2) obliges the Data Controller to fulfill the following:

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Infotv. Pursuant to Section 35 (3), establish in the internal regulations the

detailed rules for complying with the electronic publication obligation;
the Data Protection Officer entrusted with the duties of Data Protection Officer
general data protection regulation and Infotv. report in accordance with the rules of
Authority register.

The Data Controller's fulfillment of the obligations under point 2 shall take place on the 15th day after the action has been
taken

must provide written confirmation, together with the supporting evidence, within
Towards an authority.

In the event of non-compliance with the obligation under point 2, the Authority shall order the enforcement 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. Those who do not benefit from full personal exemption

The fee for the administrative lawsuit is HUF 30,000, the lawsuit is subject to the right to record material fees. The Capital
Legal proceedings are mandatory in proceedings before the General Court.

EXPLANATORY STATEMENT

I. Procedure and clarification of the facts

The data subject lodged a complaint with the Authority on 2 July 2019, alleging that the
In the municipal publication published on the official website of the data controller, about the decisions of the closed meeting
in a closed meeting held on April 25, 2019
together with the decision, personal data (abbreviated surname and full first name, exact address and address)
topographical number of the property owned).

The data subject sent his / her request from the e-mail address [e-mail address] on 21 June 2019 to
jegyzo@diosjeno.hu to the e-mail address in which he / she called the then notary of the Data Controller
to recall the copies of the leaflet carried out from the municipality's website and the information sheet.

In his application, the data subject requested the following from the Data Controller: "On 21 June 2019, Diósjenő

Village Municipality official website, Jenő diary on the second page of the notaries

in his writing published in the report, violated the law in several respects. My personal information published in an unlawful manner. I did not consent to the disclosure of my personal information. for you you should know what is meant by personal data, what it means to protect them.

I hereby draw your attention and call for the mitigation of further legal consequences

the number of copies of the leaflet and the information sheet published so far and since

call me back. ”

The Data Subject has not received a response to its notification to the Authority and its details are provided by the Authority were also available in the local newspaper version published on the website when the procedure was initiated.

In this case, the Authority is concerned with the right to information self-determination and freedom of information

2011 CXII. (hereinafter: the Information Act) pursuant to Section 38 (3) (a)

launched, and Infotv. Pursuant to Section 54 (1) (c) and (2)

contact for information on the case (NAIH / 2019/5548/4, NAIH / 2019/5548/5, NAIH / 2020/1756).

As the Data Controller did not respond to any of the Authority 's requests, the Authority will

to the Government Plenipotentiary of the Nógrád County Government Office on March 11, and on July 3, 2020

He approached the mayor of the municipality of Diósjenő and asked for his assistance in contacting the Authority.

get an answer to your questions to the Data Controller.

A NAIH / 2020/1756/4. from the Government Office or the

no reply was received from the mayor.

The Client was informed of the matter by letter dated 6 November 2020 (NAIH / 2019 /

1756/5.) The Authority informed it that it considered the case to be an effective investigation

possible within the framework of an official procedure, therefore Infotv. Pursuant to Section 55 (1) (b) a

closes the investigation and Infotv. Pursuant to Section 60 (3) (b) for the protection of personal data

initiate ex officio data protection authority proceedings to enforce the right to

On 5 November 2020, NAIH / 2020/5979/2. In its order No 1, the Authority informed the

The controller shall be informed of the initiation of the official data protection proceedings and in order to clarify the facts

asked the following questions:

1. Have you complied with your request to delete the data subject's personal data? If yes, please send the data subject's request and a copy of the reply letter.
2. If you have not complied with the data subject's request for erasure of personal data, it shall did you inform the Data Subject of the reason and the reasons for the negative answer? With that Please send this letter to the Authority.
3. Please inform the Authority in writing of the closed proceedings of the Board of Representatives and its committees procedure for the publication of decisions taken at meetings.
4. Please send the Data Protection and Data Protection Policy to the Data Controller attached to your reply letter. and its rules on electronic publication.

The Order was downloaded by the Data Controller on 6 November 2020 at 12:51, however, by the Authority did not answer his questions and did not send the requested documents. On the basis of all the above, the Authority shall:

NAIH-1289/2021. In its order no., dated 21 January 2021, a procedural fine in the amount of HUF 30,000

as well as clarification of the facts in the context of previous requests

obliged the Data Controller to reply and attach the requested documents. The order is

It was downloaded from the Office Gate on 22 January 2021 at 09:06.

The Data Controller issued an order on 12 March 2021, ÁLT / 75 / -2 / 2021. in the reply

has fulfilled its obligation to provide information:

"[1] ./ The Diósjenő Mayor's Office did not comply with the request to delete the data of [name].

application. This is because you want to delete (remove) the data published in the Jenő Diary.

it cannot be retrospectively, the newspaper was delivered in the summer of 2019. The publication on the website is being deleted, I will notify you immediately. Address.

2

2. / To the best of my knowledge, Dr. Attila Csaba Őszi, the former clerk of the Mayor's Office, did not disclose with the Applicant the reason why he did not delete the Applicant's personal data. This is the subject letter not made. I cannot answer the reasons for the clerk Dr. Attila Csaba Őszi

did not comply with the Applicant's request.

My legal relationship started on November 27, 2019 with the Mayor's Office of Diósjenő,

I was not aware of the Applicant's request. The Applicant's application cannot be found in the Mayor's

In office, it was not filed. To date, the Applicant has not applied to me.

3. / I cannot declare that until 13 October 2019 the Board of Representatives and

how the decisions taken in closed meetings held by its committees have been made public, the previous

I have no knowledge of practice.

According to current practice, decisions taken by the Board of Representatives and its committees in camera

are public [Section 65 (5) of the SZMSZ]. Decisions do not include personal data.

The resolutions of the Board of Representatives can be viewed at the Mayor's Office [Section 65 (1) of the SZMSZ]

except in camera.

The procedure for electronic publication is such that the minutes of the closed meeting do not

will be uploaded on the website.

4. / I attach to this application the data protection and data security policy of the Mayor's Office

rules of procedure. In the summer of 2019, these regulations were available.

I also inform t. Address to my letter dated June 10, 2020 from Nógrád County

I have provided information on this data protection to the Law Enforcement Department of the Government Office

in case. I attach a copy of my letter to t. For address.

I would also like to inform you that the fine in the amount of HUF 30,000 has been transferred to the account of T. Address.

[...]”

As the Data Controller's response did not contain any annexes, the Authority therefore issued NAIH-1289-4 / 2021.

- with reference to ÁLT / 75 / -2 / 2021. to the letter with the registration number requested

attaching documents. The Data Controller is dated 7 May 2021

GENERAL / 75 / - / 2021. in its letter no.

At the same time, the Authority issued its Notice of Procedure dated 22 April 2021 NAIH-1289-5 / 2021.

by order no.

sent electronically to the Mayor of Diósjenő on 23 June 2019, and

To the then clerk of the Mayor's Office of Diósjenő.

The Data Subject complied with the provisions of the order by a reply dated 7 May 2021.

II. Applicable legal provisions

The Basic Law of Hungary VI. According to Article 3 (3), everyone has the right to personal data protection and dissemination of data of public interest.

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 processing of personal data in a non-automated manner

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

intended to be part of a registration system. Covered by the General Data Protection Regulation

Infotv. Pursuant to Section 2 (2) of the General Data Protection Decree there

shall apply with the additions indicated.

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

3

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 (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 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 processed in a compatible way ("purpose limitation"), personal data under point (c) they must be appropriate and relevant to the purposes of the data processing and necessary should be limited ('data saving').

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

necessary for the performance of the task

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

necessary, unless those interests take precedence over such interests

interests or fundamental rights and freedoms that protect personal data

especially if the child concerned.

Pursuant to Article 14 (1) of the General Data Protection Regulation, if personal data are not obtained from the data subject, the controller shall make the following available to the data subject 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, Article 47 or, in the case of the transmission referred to in the second subparagraph of Article 49 (1), a to indicate appropriate and suitable guarantees and to obtain a copy thereof reference to the methods used or their availability.

Referred to in paragraph 1 pursuant to Article 14 (2) of the General Data Protection Regulation in addition to the information, the controller shall make it available to the data subject the following additional information necessary to ensure fair and transparent data management:

- (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 personal data concerning him or her access, rectification, erasure or restriction of access, and may object to against the processing of personal data and the right of the data subject to data portability;

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

in the case of data processing, the right to withdraw the consent at any time, which is not
affects the lawfulness of data processing carried out on the basis of consent prior to withdrawal;

(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

understandable information on the significance of such processing and on the data subject

has expected consequences.

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
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 has disclosed personal data and is required to delete them pursuant to paragraph 1, taking into account the technology available and the cost of implementation expected steps, including technical measures, to inform data controllers that the data subject has requested them to provide the personal data in question deleting links or copies or duplicates 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 21 (1) of the General Data Protection Regulation, the data subject is entitled to: object to the processing of your personal data under Article 6 (1) (e) or (f), including profiling as well. In that case, the controller may not further process the personal data unless the controller demonstrates that the processing is justified by compelling legitimate reasons, which take precedence over the interests, rights and freedoms of the data subject, or relating to the submission, enforcement or defense of legal claims.

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

5

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.

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 26 (2), a body performing a public task is a public data in the public interest

the name, scope of work, position of the person acting within the scope of his or her duties and responsibilities, a

other personal data related to the performance of a public task, as well as personal data

the disclosure of which is required by law. Public personal data in the public interest for the purpose

may be disseminated in accordance with the principle of data protection.

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.

Infotv. 51 / A. § (2) With the relevant notification, the Authority may initiate an investigation pursuant to § 22 a)

in the case specified in In the application, the data subject shall indicate in support thereof

to enforce the rights specified in Section 14 with the data controller

he tried.

Infotv. The right to the protection of personal data pursuant to Section 60 (1) and (2)

In order to enforce this, the Authority may initiate ex officio data protection proceedings.

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

In its decision, the Authority 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;

(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.

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

6

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

by alerting the controller or processor.

CLXXXIX of 2011 on the local governments of Hungary. Act (hereinafter: the Act)

§ 2. (2) Local government in local public affairs in a democratic way, wide publicity

creating and realizing the local public will.

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

Mötv. § 46. (2) The representative body

a) holds a closed meeting on matters of municipal authority, conflicts of interest, unworthiness, awards

disciplinary proceedings and a declaration of assets

in case of;

b)

holds a closed meeting at the request of the person concerned to elect, appoint, dismiss, give a managerial mandate,

its revocation, the initiation of disciplinary proceedings and a personal matter requiring a resolution

when negotiating;

c)

it may order a closed meeting in the event of the disposal of its property, as well as the tender issued by it

when determining the conditions of the tender, if the public hearing is

would harm the business interests of the municipality or other stakeholders.

(3) In closed session, the members of the Board of Representatives shall be elected from among the non-members of the Board of Representatives

Deputy Mayor and the Registrar, the Registrar, the Registrars and, in the event of an invitation, the office or the administrator of the joint municipal office, the data subject and the expert. THE the president of a national self-government is exclusively concerned with the nationality he or she represents may attend the closed session when the agenda is discussed. Law or municipal decree may specify in which case the invitation of the data subject shall be obligatory.

Mötv. § 52. (3) With the exception of closed sittings, voters may inspect the representative body and the minutes of its meeting. Data in the public interest and public data in the public interest The opportunity to learn about it should also be provided in closed meetings. Taken in a closed session the decision of the Board of Representatives is also public.

Unless otherwise provided in the General Data Protection Regulation, data protection was initiated upon request CL of the General Administrative Procedure Act 2016. Act (a hereinafter: Ákr.) shall apply with the exceptions specified in the Information Act.

III. Evidence taken into account in the Authority's decision and its assessment

III.1. Publicity of the decision of the Board of Representatives in closed session

Ensuring transparency

Pursuant to Article 32 (1) of the Basic Law of Hungary (hereinafter: the Basic Law)

In Hungary, it is local in order to manage local public affairs and exercise local public power municipalities are operating.

The task of the Authority is to comply with Article VI of the Basic Law. personal data provided in Article 3 (3) fundamental rights to access and disseminate data of public interest ensuring its enforcement.

The Mötv. § 2 declares the publicity of the meetings of the Board of Representatives as a principle, which is set out in Art. Section 46 (1) (2) is confirmed by the legislator. Local government in local public affairs in a democratic way, creating and implementing a wide public

public will. The public shall, on the one hand, attend and participate in the meetings of the Board of Representatives

Mötv. § 2. (1) Local self-government is the right of the community of voters of the settlement and the county, during which the the sense of civic responsibility, the creative cooperation within the local community unfolds.

(2) In local public affairs, local self-government shall express and implement the local public will.

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

7

Minutes made, decisions made (decision of the Board of Representatives, municipal decree)

means the opportunity to learn. Thus creating a social over the operation of the municipality control.³

The Municipal Council of the Curia has stated in several resolutions that publicity of the meeting of the municipal representative body is an important requirement of a democratic state governed by the rule of law. The Mötv.

local government in local public affairs under the provision of publicity

in a democratic way, creating and implementing a wide public

public will. Under this rule, as a general rule, decisions are made to exclude the public only

may take place in a narrow circle, if justified in advance, justified by law.

The Mötv. distinguishes between three types of closed seat:

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mandatory: municipal authority, conflict of interest, indecision, award case

the imposition of disciplinary sanctions and the declaration of assets

procedure;

mandatory at the request of the person concerned: election, appointment, dismissal, management appointment

granting, revoking it, instituting disciplinary proceedings and requiring a resolution

when hearing a case;

at the discretion of the Board of Representatives: in the case of disposition of assets,

and when determining the terms of the tender issued by it, when negotiating the tender, if

a public hearing would harm the business interests of the municipality or other stakeholders.

Bodies performing public tasks, including local governments, operate transparently

One of the most common forms of insurance is the general obligation to provide information. Of this

obligation - which Infotv. In addition to the provisions of § 32, it is mainly a social expectation,

demand from citizens - usually the local press (municipal newspaper,

local TV). It has become customary in the settlements to print

to 'report' to citizens on the activities of the

decisions.

Documents related to the closed meeting of the Board of Representatives and the decisions taken there

the Authority, and previously the Data Protection Commissioner, on several occasions

expressed the view that the submissions and minutes of the closed meeting should not be published

Infotv. In the publication unit II.8.5 of the general publication list in Annex 1, as

its publicity in the Mötv. Section 52 (3) restricts it. However, Mötv. 52.

§ (3), last two turns - "[A] data in the public interest and public data in the public interest

The opportunity to learn about it should also be provided in closed meetings. Taken in a closed session

the decision of the Board of Representatives shall also be public. " Consequently, the functioning of the Board of

Representatives / Committees

In order to ensure transparency, the anonymised decisions of the closed meeting should be made public

they must be made available to anyone.

Protection of personal data

In addition to ensuring transparent operation, it is necessary to emphasize in a closed session of the Board of Representatives

the right to information of persons affected by decisions taken by the

As a general rule, it may be public in cases specified and narrowly defined in the Act

to exclude the public from meetings of the Board of Representatives.

In the present official proceedings, the Authority became acquainted with the Data Controller of the Nógrád County Government Office.

response of 10 June 2020 to the request of the Government Commissioner. Statement of the Data Controller

3

Mansion Municipal Council Vol.5.036 / 2012/6. Decision No

4 Infotv. § 32. The body performing public tasks in matters falling within its remit - in particular the state and local government budget and

its implementation, the management of state and municipal property, the use of public funds and the contracts concluded for this purpose,

operators, private organizations and individuals

to facilitate and ensure the accurate and prompt provision of information to the public.

Infotv. General publication list II / 8. - Procedure for preparing the decisions of the collegial body, civic participation (opinion) the procedure, rules of procedure, the place and time of the meetings of the body, as well as their publicity, decisions, minutes of the meeting, and

summaries; details of the voting of the corporate body, if this is not restricted by law.

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8

at the time of the reply and before that, no one was provided by either the municipality or the duties of data protection officers of the mayor's office. The main reason for this is the Data Controller a defined the reorganization of the organization of the Office; resulting in data protection officers the Data Controller saw the performance of tasks as provided at the earliest from September 2020.

The Authority visited the official website of the Data Controller at several times during the procedure (www.diosjeno.hu), examining its data content and the fact that the Jenő Diary

whether the edition complained of is available on the Internet.

- On 29 October 2020, the number of pages complained of was still available and has not yet been published

the data of the Data Protection Officer of the Data Controller shall be published.

- On 19 May 2021, the "Jenő's Diary" is "not viewable for data protection reasons"

and the name of the Data Protection Officer at the time of the website inspection on 3 June 2021

and contact information was also available on the website.

Article 37 of the General Data Protection Regulation - in accordance with Infotv. 25 / L. § - 25 / M. §-okkal -

contains provisions on the appointment of the Data Protection Officer. The general

Article 37 (7) of the Data Protection Regulation and Infotv. 25 / L. § (4)

the controller shall publish the contact details of the Data Protection Officer and communicate them to the supervisory authority authority.

In this case, Barbara Hegedűs is the data protection officer on the official website of the Data Controller

(titkarsag@diosjeno.hu, 06/35 / 525-012), while the official report headed by the Authority

system

data

according to

Walnut

Village

Municipality

in the case of

<https://diosjeno.hu/ugyintezes/> and the e-mail address of office@diosjeno.hu

has been specified. In the opinion of the Authority, it may lead to misunderstandings and possible double administration

option is that the Data Controller has indicated a non-uniform e-mail address in the

as a place of possible exercise of the rights of the data subject.

The Authority requested the Data Protection and Data Security Policy of the Data Controller (hereinafter:

rules) and wanted to know the decisions taken in camera

practices in the field of Rules sent by the Data Controller⁶ a

CXCIX of 2011 on civil servants was issued under the Act of

also derives from the name of the notarial measure, its effect with the civil service register, to that

data processing and related matters relating to the lawful handling of related documents and declarations of assets

contains provisions for the IT process.

Regarding the practice of disclosing decisions taken in camera, see

According to the data controller, he is not aware of this.

The Data Controller, as the mayor's office of the local government, performs a public task, the

also handles personal data. In the performance of his public duties in connection with the processing of personal data

its legal basis is based on Article 6 (1) (e) of the General Data Protection Regulation, which states that

the exercise of public authority or the exercise of public authority over the controller

necessary for the performance of the task.

Agencies preparing and carrying out municipal tasks in the performance of their duties

they must take into account the provisions of Article 5 of the General Data Protection Regulation, a

principles governing the processing of personal data. Separately during the work of the Board of Representatives

the decision - making of the board is considered as data processing (for the purpose of examining the application), and

separate data management is the publication of the decision made (this is the purpose of the decision of the representative

body

disclosure). For each data management of the Data Controller

must have an appropriate legal basis and purpose for data processing. Related to individual cases

during the decision-making process, only to the extent necessary for the personal data

and for a period of time managed by the data controller. Decisions made in the same individual cases shall be made public

subject to the principle of purposeful data management⁷

disclose the personal data of the persons affected by the individual decision.

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Notary of the village of Diósjenő 2/2016. (XII. 30.) on the issuance of public service data protection regulations

The Authority also considers that general data protection is essential in the present case for the lawful, fair and transparent processing of data pursuant to Article 5 (1) (a) of this Regulation fundamental rights. The condition for this is the regulation of the appropriate data management process, a the development of a lawful data management practice by the Data Controller or by anyone familiarity. In this regard, the Authority shall, inter alia, during the electronic publication process understands the designation of responsible persons and the definition of the tasks to be performed. In the case under investigation, the Data Controller did not exercise due diligence when publishing the In the Jenő Diary, the House of Representatives passed a decision in camera to make it clear the name and address of the addressee of the normative decision and the topography of the property belonging to it may be established number. According to recital (65) of the General Data Protection Regulation you have the right to have your personal data deleted and no longer processed if your personal data is no longer required in the context of the original purpose of the processing or if it is personal the processing of your data does not otherwise comply with the general data protection regulation. The personal data of the Data Subject is the decision of the Board of Representatives in the given case pursuant to Article 6 (1) (e) of the General Data Protection Regulation Duty performed in the framework of the exercise of a public authority delegated to a data controller (). However, the decision of the Board of Representatives it was not necessary for the Data Controller to disclose the data subject's personal data brings, as the subject of illegal use of the municipal territory, taken in closed session by the board the data subject was clearly identifiable in the decision, the decision was made with full data content there was no justification for the need to publish it. Disclosure of listed personal information thus, it was not necessary to ensure the publicity of the decision of the Board of Representatives, so it is The controller has infringed Article 5 (1) (c) (8) of the General Data Protection Regulation

principle of data saving.

Due to the above, the Data Controller did not have a legal basis for the disclosure of the decision of the Board of Representatives made in private session together with personal data. That's right the Data Controller in relation to the personal data of the Data Subject in the absence of an appropriate legal basis, in breach of Article 6 (1) of the General Data Protection Regulation. paragraph.

III.4. Obligation to provide information, erasure of unlawfully processed data

In the Authority's view, with regard to the data processing examined, the even though he did not use the word "delete" - he lawfully requested his personal information unrecognizability of the municipal information publication containing the notary's report part of. After the distribution of the paper-based publication in the settlement, the delivery took place recovering copies is not only impossible but also unrealistic, hence the information sheet may be deleted from the digital version uploaded to the municipality's website personal information taken.

With regard to the data subject's request, the Data Controller was obliged to provide information Concerned about how, in what way you can remedy your personal information infringement. However, at the time of the infringement, the

The notary acting on behalf of the data controller disregarded the data subject's request and did not do so complied with its obligation to provide information and did not take action in the impugned municipal newspaper in order to anonymise the decision of the Board of Representatives taken in closed session.

By not taking into account the data subject's right to exercise the data subject's rights, the Data Controller request (did not deal with the case and did not reply), violated the general Article 12 of the Data Protection Regulation.

The Authority welcomes the fact that the Registrar's current Registrar attitude towards the Authority.

8 GDPR Article 5 (1) (c) Personal data must be adequate, relevant and not excessive in relation to the purposes for which they

are processed.

be limited to what is necessary ("data saving");

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Following the commencement of the data protection authority proceedings, the Data Controller has shown the ability to

to delete unlawfully processed personal data published on the official website

document is not available at present,

cannot be viewed for privacy reasons. However, the Authority believes the local community

making a full page of information unavailable is not the right way to protect your privacy

to protect their rights.

Only the data subject's personal data in the affected issue - or if other persons

their personal data were also unlawfully disclosed, then their personal data - must

make it unrecognizable.

In order to ensure the exercise of freedom of information, the Data Controller is general

and that the infringement which is the subject of the present case

the Authority recommends that the Data Controller, as detailed above

an anonymised municipal newspaper containing information and information of public interest has been digitized

make it available again on the official website of www.diosjeno.hu.

ARC. Legal consequences

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

convicted of committing a data breach.

The Authority examined of its own motion whether a data protection fine against the Data Controller was justified.

imposition. In this respect, the Authority shall comply with Article 83 (2) of the General Data Protection Regulation and

Infotv. 75 / A. § considered all the circumstances of the case. In the opinion of the Authority,

to meet the objectives of the General Data Protection Regulation against the Data Controller in the present case

no additional sanction is required. The Data Controller cooperates in the official procedure

was and even before the Authority's decision terminated the infringement by stating that the Data Subject

made a local page number containing your personal information inaccessible to others on the Internet.

The Authority considers that the condemnation contained in the General Data Protection Regulation is sufficient and proportionate to the infringement suffered by the Applicant.

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

V. Other issues

The powers of the Authority shall be exercised in accordance with Infotv. Section 38 (2) and (2a) determine the jurisdiction of the country

covers the whole territory.

The Authority shall also send this decision to the Data Controller and the Data Subject.

The present decisions are based on Ákr. 80-81. § and Infotv. They are based on Section 61 (1). The decision and the order of the Ákr. Pursuant to Section 82 (1), they become final upon their communication. The Ákr. § 112, and Pursuant to Section 114 (1), it has a place in administrative proceedings against the decision redress.

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 shall be required in legal proceedings before the General Court. A Kp. Section 39 (6)

the submission of the application for the entry into force of the administrative act

has no suspensive effect.

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

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hereinafter: the e-administration Act), the client's legal representative pursuant to Section 9 (1) (b)

obliged to communicate electronically.

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

Information on the possibility of requesting the maintenance of the It is based on § 77 (1) - (2).

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

(hereinafter:

Itv.) 45 / A. § (1). From the advance payment of the fee, the Itv. Section 59 (1)

and Section 62 (1) (h) shall release the party initiating the proceedings.

Budapest, June 16, 2021

Dr. Attila Péterfalvi

President

c. professor