

Case number: NAIH-466-11/2022.

History case number: NAIH-6580/2021.

Subject: decision partially granting the request

H A T A R O Z A T

The National Data Protection and Freedom of Information Authority (hereinafter: the Authority) is the [...] applicant (residential address: [...]; hereinafter: Applicant) acting on behalf of [...] (seat: [...]; hereinafter: Representative) on August 10, 2021, at the request submitted to the Authority, the [Bank] (head office: [...]; hereinafter: Inadequate provision of the Applicant's right of access by the Respondent) and data security makes the following decisions in official data protection proceedings initiated in relation to the violation of requirements:

I.

The Authority grants the Applicant's request and condemns the Applicant for violating the on the protection of natural persons with regard to the management of personal data and that on the free flow of such data and on the repeal of Regulation 95/46/EC, that European Parliament and the Council 2016/679. (hereinafter: GDPR) Article 15 (1) and paragraph (3).

The Authority will consider the Applicant's request to establish that the Respondent did not do so rejects everything expected of him for the sake of secure data management.

The Authority accepts the Applicant's request to oblige the Applicant to manage its own data to comply with its regulations, refuses.

The Authority accepted the Applicant's request to order the Respondent to complete its complaint matters to make his documents available, he refuses.

The Authority accepted the Applicant's request to instruct the Applicant to provide the missing audio recordings and documents - copies of documents, copy of the holder's contract, on the termination of the safe deposit contract prepared documentation - to send, rejects.

\* \* \*

There is no place for administrative appeal against this decision, but the 30th from the date of notification

within days, it can be challenged in an administrative lawsuit with a letter of claim addressed to the Metropolitan Court. THE  
a letter of claim must be submitted electronically to the Authority, which forwards it along with the case documents to the  
to the court. For those who do not benefit from the full personal tax exemption, the administrative court fee  
HUF 30,000, the lawsuit is subject to the right to record the levy. Legal representation in proceedings before the Metropolitan  
Court  
obligatory.

## I N D O C O L A S

### I. Procedure of the procedure

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On August 10, 2021, the Applicant submitted a request for a data protection official procedure to the  
Authority, in which he submitted that, in his opinion, the Respondent violated the access

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II.

III.

ARC.

V.

right, and did not do everything expected of him for safe data management. He asked  
that the Authority reprimands the Applicant for these legal violations, obliges the Applicant to  
to comply with its own data management regulations, the complaints referred to in the application are available  
and to send the missing audio recordings and documents.

The Authority NAIH-6580-2/2021. No., dated August 13, 2021, called the Representative to prove his right of representation in view of the fact that the power of attorney submitted by him did not comply with the CL of 2016 on the general administrative order. law (hereinafter: Ákr.) in paragraph (1) of § 14 and LXXVIII of 2017 on lawyer activity. Act § 34 of the provisions of paragraph (2). The Representative to the notice of the Authority August 2021 He complied on the 25th.

The Authority NAIH-6580-4/2021. No., dated September 1, 2021, to the Representative called the Applicant to fill in the gaps in the application. The Applicant is the fill-in was sent to the Authority on September 16, 2021 using the e-Paper service fulfilled in his statement.

The Authority NAIH-6580-6/2021. No., dated September 24, 2021, notified the Request that an official data protection procedure has been initiated based on the Applicant's request, and a invited him to make a statement in order to clarify the situation. The Applicant shall comply with the Authority's order in 2021. took over on September 29. The Applicant's statement was received by the Authority on October 19, 2021.

The Authority NAIH-6580-7/2021. No., dated September 24, 2021, the request invited the Applicant for further clarification, which was accepted by the Representative on September 28, 2021. The representative's statement on this call was received by the Authority on October 6, 2021. The Applicant in addition, by post, which arrived at the Authority on September 27, 2021, he sent the To the authority, the CD attachment to the statement made on the call for filling in gaps.

Based on the Respondent's statement, the Authority considered that clarification of further questions necessary, therefore in the order dated January 10, 2022, and sent to the post office on the 11th, to make a statement, and invited the Applicant to attach additional documents. Statement of the Applicant It arrived at the Authority on February 7, 2022.

The Authority dated February 28, 2022, NAIH-466-3/2022. and NAIH-466-4/2022. in its orders no notified the Applicant and the Respondent that the evidence procedure had been completed, informed them, that they can exercise their right to inspect documents and make further evidence motions.

Both parties exercised their right to inspect the documents. The Applicant dated March 7, 2022, NAIH-466-5/2022. in his statement no., at the same time as his request for document inspection, he indicated that he did not wish to make an additional evidentiary motion or statement.

The Authority has a limited access to documents for both clients, and what cannot be known by them is protected in addition to concealing data, which NAIH-466-7/2022. and NAIH-466-8/2022. no informed them in his orders. The Applicant dated April 6, 2022, to the Authority on April 11, 2022 in the statement received, he indicated that he had reviewed the documents sent to him, and further does not wish to make a statement or motion for proof.

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II. The request and the violations indicated in it

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In his request for the official data protection procedure, the Applicant objected that the access based on his request, the Respondent did not provide him with information related to the complaint matters a copy of the entire document, and that the Respondent did not make it available to him all audio recordings, especially copies of the audio material created on February 8, 2021.

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The Applicant also objected that as an attachment to the letter dated June 17, 2021 to the Representative the data on the delivered CD were not encrypted, so in his opinion, this violates the data security requirement. Also in connection with the enforcement of the requirement of data security also referred to the fact that although according to the Respondent's statement he had sent about the Applicant's documents made copies to the Applicant, however, it has not been received by the Applicant, it cannot be know who it was sent to.

In his request to remedy the violation, the Applicant requested access due to the above the establishment of a violation of his right, or the establishment that the Respondent did not do so everything that can be expected of it for safe data management.

He requested that the Authority oblige the Applicant to comply with its own data management regulations, as well as the data of the complaints referred to in the access request, the complaint cases complete

to make your documents available, the missing audio recordings and documents - copies of documents, a copy of the holder's contract, documentation on the termination of the safe deposit contract - to send.

### III. Fact

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On February 16, 2021, the Applicant turned to the Respondent with an access request, in which stated that "I request information about the personal data handled (NAIH/2019/167/13)! Wheel information about complaints (02/01/2017 - 02/16/2021, all data of all complaints.

I am asking for all audio recordings, not just those relating to complaints: not only the listed

regarding phone numbers and case!" In connection with this request, the Applicant indicated three telephone number – +36 20 [...]; +36 30 [...]; +37 70 [...] - about which you called customer service, but

he emphasized that the calls were not made exclusively from these numbers. He also asked that "that an interpretable range of data (...) also in the format for data portability" release a

Requested at your disposal.

On March 10, 2021, the Respondent sent two letters to the Applicant. In one, he informed the on forwarding the request to the competent organizational unit, and attached to this letter the

A summary table was prepared of the complaints made to the respondent, which contained 16 complaints registration number, customer number, customer name, complaints and complaints

date of receipt and closing. In the other letter, the Respondent informed the

Applicant that, in view of the complexity of his access request, Article 12 (3) of the GDPR extends the response deadline by another two months.

type,

The Respondent fulfilled the Applicant's access request with a letter dated April 27, 2021 - the

Sent to the applicant's name and address - with a password-protected CD attached which contained the Applicant's personal data, and with the customer service, the Applicant a specified in the application

audio recordings of conversations,

a total of 60 pieces. 22 calls were made to +36 30 [...], 38 from +36 70 [...]

phone numbers

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Applicant. According to the Respondent's statement, the +36 20 provided by the Applicant [...]

The Respondent did not find any audio from the call from the phone number in its systems.

In addition, he drew the attention of the Applicant that if you are on the copies sent

is also waiting for additional or more detailed copies of information to be sent, etc

make a statement to the Respondent, taking into account recital (63) of the GDPR.

The Representative responded to this letter in his letter dated May 18, 2021, in which he stated

that the Applicant "found that he had not been sent all the audio materials which requested to be made available. In addition, he received incomplete information regarding the complaints, and a documentation is incomplete anyway (for example: photocopied documents, cash receipts)."

According to the Respondent's point of view, the above statement cannot be considered an access request clarification, but he re-examined his previous answer, during which a new

found voice recordings from a landline number not marked by the Applicant - [...] -

about conversations. These audio recordings are owned by the Applicant with a receipt dated June 17, 2021

attached to his letter, he sent it on a CD addressed to the Representative, which is the data carrier of the parties based on his unanimous statement and examination of the data carrier provided to the Authority

it was not encrypted. In addition, the Respondent informed the Applicant that a

Copies of personal documents registered with the applicant already at the time of the previous access request were sent out. In connection with this statement, the Respondent stated that in the reply letter

was entered by mistake, the error was rectified, and the Applicant provided copies of the documents to the Applicant made available on the internet banking interface on October 14, 2021, the occurrence of which a

He certified it to the authority (NAIH-6580-10/2021. Annex No. 8).

In connection with the cash receipts, the Respondent informed the Applicant that those a

They must also be available to the applicant, as well as from monthly account statements about payments you can find out.

In response to the Authority's question as to whether, after April 27, 2021, the Applicant clarified the access request, the Respondent stated that the Requester is both the access request

before and after submitting a significant number of complaints, access requests,

submitted your request in the past period, only between February 16, 2021 and October 14, 2021

complained eighteen times to the Respondent. Of these, the Applicant's request for access

according to the Respondent's point of view, the request for clarification was the Requester's request dated July 13, 2021 can be considered, in which he requested that the Respondent's response to two complaints - [...] and [...] - be repeated,

free of charge. Given that one of the marked complaints is not the Applicant

had a complaint, therefore only the response to complaint No. [...] and the related complaint record

based on this request, a protocol was sent to the Applicant on July 15, 2021.

Furthermore, on July 15, 2021, the Applicant requested the original text of the complaint No. [...] and the

uploading the given answer to the internet bank. According to the Applicant's statement, this request will be made in 2021.

completed on August 5. The Applicant only requested February 16, 2021 in these two cases

until the Respondent makes a statement, until October 14, 2021, regarding the complaints

sending documents.

in relation to audio recordings of telephone calls, no

The Applicant a

specified, did not provide new phone numbers from which he called the Applicant or on it

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the time of calls, the audio recordings of which, according to his opinion, were not available to him

for release.

In connection with the call on February 8, 2021 - which was indicated in the statement to the Authority by

representative - the Respondent stated that he did not know based on the customer number and the time of the call

to identify the audio recording of the call, however, he was able to find the requested call. This call was made by the

previous queries did not bring it up. Given that the Applicant called from a hidden number



Requested, that's why the previous searches for the phone numbers didn't show this

conversation as a result.

Upon the Authority's invitation, the Respondent stated that the audio recordings will not be sent

to be automatically assigned to the complaint case created based on what was said in it. THE

During the conversation, the telephone clerk prepares a transcript of the complaint, which

reads back to the complainant. If the adequacy of the content of the read-back complaint is determined by a

the complainant confirms, then the administrator records the complaint. In this regard, it should be noted that

not all calls are recorded in a complaint record, only those from credit institutions

and CCXXXVII of 2013 on financial enterprises. according to law (hereinafter: Hpt.).

are considered a financial complaint.

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The Respondent searches for the recorded audio materials in the system that stores the audio recordings,

which requires the following data: the time or limited period of the call; the client

your phone number from which you initiated the call; customer identification number, customer number, telephone number

in its absence, given the time of the call, the name of the clerk handling the call.

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(27) A case is also possible when the call is already identified by the customer number to the clerk.

This can be done if the caller enters the [...] identifier and [...] identifier in the menu system.

After entering the digits, the caller receives feedback about the success of the identification. The

after identification, the calling party can choose a menu item, and if it is done with [...]

identification was successful, so the call will be identified to the administrator. If with [...]

identification has taken place, in that case the audio recording can also be searched based on the customer number

From the applicant's database, if the caller's call was forwarded within the bank.

The Respondent for the contracts of persons with the right to dispose of the Applicant's accounts

in connection with access by the Applicant, he submitted that there were three persons in charge of the Applicant's accounts

set as holder, at different times, for different accounts. The Applicant

in each case, it enters into a separate contract in its own right with the persons who have accounts of type "[...]".

possessors. The Respondent sent the Applicant a document that a

[x] was established between the Applicant and [x] (hereinafter: [x]) - the quasi-predecessor of the Respondent, [...]

in accordance with the practice used at the time, which also included the owner

his name - [...] - and also his signature. The Applicant uses this document for the Applicant's personal data

regards The contracts concluded by the Respondent in its own right with the holders, no

issued to the Applicant on the basis of his right of access, since these documents were primarily provided by the

it is considered personal data of holders. Such an independent contract was drawn up [...] and [x]

between, which contract also contained the fact that the third party was given by the Applicant

you have the right to dispose of your accounts. With [...] - in its own right - the Respondent has already entered into a contract

contract. In connection with this, the Respondent stated that he was bound by the above, in his own right

in the event of a request for contracts and documents, only the

can provide an extract containing the relevant parts. He also submitted that if the

The applicant requests, can provide a list of who was on which account, in which period

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connected as owner. In this regard, the Respondent noted that the Applicant

he also produced such a list at his request, which he sent to him on September 27, 2021.

In connection with the documentation on the termination of the safe deposit agreement, the Respondent stated that

that the termination document between [x] and the Applicant to terminate the safe deposit agreement

was signed on [...], therefore the Respondent did not enter into the contractual relationship as a party.

Consequently, the Respondent terminating the safe deposit agreement between [x] and the Applicant

did not make a document available to the Applicant based on his access request, and

the Applicant did not indicate its absence to the Respondent. Addressed to the Requesting Authority, a

the statement of the missing document on the termination of the safe contract was submitted by the Respondent a

to clarify the access request

considered and sent a copy of the document to

To the applicant on January 31, 2022.

ARC. Applicable legislation

Based on Article 2 (1) of the GDPR, the GDPR must be applied to the data management in this case.

Recital (63) GDPR: (...) If the data controller processes a large amount of information on the data subject regarding, you can ask the data subject to clarify what his request is before the disclosure of the information information or which data management activities it applies to.

Article 4 point 1 GDPR: "personal data": for an identified or identifiable natural person ("data subject")

any information relating to; can be identified as a natural person who, directly or indirectly,

in particular an identifier such as a name, number, location data, online identifier or a

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

identifiable on the basis of one or more relevant factors;

GDPR Article 5 (1) point f): Personal data must be handled in such a way that it is appropriate

by applying technical or organizational measures, ensure that the personal data is adequate

security, unauthorized or illegal handling, accidental loss or destruction of data

or protection against its damage ("integrity and confidentiality").

Article 15 (1) and (3) GDPR: (1) The data subject has the right to receive feedback from the data controller

regarding whether your personal data is being processed and, if so, such data processing

is in progress, you are entitled to access your personal data and the following information

get:

a) the purposes of data management;

b) categories of personal data concerned;

c) recipients or categories of recipients to whom the personal data was disclosed

or will be communicated, including in particular third-country recipients and international organizations;

d) where appropriate, the planned period of storage of personal data, or if this is not possible,

criteria for determining this period;

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

rectification, deletion or restriction of processing and may object to such personal data

against treatment;

f) the right to submit a complaint addressed to a supervisory authority;

g) if the data were not collected from the data subject, all available information about their source;

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

also profiling, as well as, at least in these cases, the applied logic and that

understandable information about the significance of such data management and what it is like for the data subject has expected consequences.

(3) The data controller shall make a copy of the personal data subject to data management available to the data subject for free. For additional copies requested by the data subject, the data controller shall charge administrative costs based on the number of copies. The data controller may charge a reasonable fee. If the person concerned submitted the application electronically, it shall be free. Information should be made available in a widely used electronic format unless it is otherwise requested.

Article 32 (1) and (2) of the GDPR: The data manager and the data processor are the state of science and technology and the costs of implementation, as well as the nature, scope, circumstances and purposes of data management, as well as a risk of varying probability and severity to the rights and freedoms of natural persons taking into account appropriate technical and organizational measures in order to a level of security corresponding to the degree of risk [...]. For the appropriate level of security the risks resulting from data management must be specifically taken into account when determining in particular, personal data transmitted, stored or otherwise processed is accidental or unlawful from its destruction, loss, alteration, unauthorized disclosure or that they result from unauthorized access to them.

GDPR Article 58 (2) point a), b), d), point f): Acting within the corrective powers of the supervisory authority:

b) condemns the data manager or the data processor if his data management activities violated e

the provisions of the decree;

c) instructs the data controller or the data processor to fulfill the data subject's rights according to this regulation

your request for exercise;

d) instructs the data manager or the data processor that its data management operations - where applicable

in a specified manner and within a specified time - bring it into line with the provisions of this regulation;

Article 77 (1) GDPR: Without prejudice to other administrative or judicial remedies, all

data subject has the right to file a complaint with a supervisory authority - especially the one of habitual residence

place, place of work or in the Member State where the alleged violation occurred - if the judgment of the person concerned

according to which the processing of personal data relating to him violates this regulation.

Infotv. Section 2 (2): Personal data is defined by Regulation (EU) 2016/679 of the European Parliament and of the Council

(hereinafter: general data protection regulation) under the scope of the general data protection

decree III-V. and VI/A. In Chapter 3, as well as § 3, 4, 6, 11, 12, 13, 16, 17, 21, 23-24

point, paragraph (5) of Section 4, paragraphs (3)-(5), (7) and (8) of Section 5, paragraph (2) of Section 13,

§ 23, § 25, § 25/G. in paragraphs (3), (4) and (6) of § 25/H. § (2), 25/M. § (2)

in paragraph 25/N. § 51/A. in paragraph (1) of § 52-54. §, § 55 (1)-(2)

in paragraph 56-60. § 60/A. (1)-(3) and (6) of § 61, § 61 (1) a) and c)

point, paragraphs (2) and (3) of § 61, point b) of paragraph (4) and paragraphs (6)-(10), paragraphs 62-71

§, § 72, § 75 (1)-(5), § 75/A. § and defined in Annex 1

must be applied with supplements.

Infotv. In order to assert the right to the protection of personal data based on § 60, paragraph (1), a

An authority may initiate official data protection proceedings ex officio. The general procedure for data protection authorities

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CL of 2016 on public administration. the rules of the Act (hereinafter: Act) shall be applied

with additions specified in Infotv. and deviations according to the general data protection regulation.

CL of 2016 on the general administrative procedure for the official data protection procedure. law (a

hereinafter: Ákr.) rules shall be applied with the additions specified in the Infotv. and the general with deviations according to the data protection regulation.

CLIX of 2012 on postal services. Act (hereinafter: Postatv.) Section 2, point 40: return receipt

service: additional service - can be used for registered items - postal

additional service, on the basis of which the postal service provider provides the day of delivery and the name of the authorized recipient

and a document recording his signature or, in the case of a contract for this purpose, a digitized version thereof to the sender

returns or provides the sender with the data created with the technical device for recording the signature

he forgives;

The postal service related to the provision of postal services and official documents is detailed

rules, as well as the general contractual conditions of postal service providers and excluded from the postal service

or 335/2012 on conditionally deliverable consignments. (XII. 4.) Government Decree Section 22 (5b) (a

hereinafter Postal Govt.

posted mail

at the time of delivery, as proof of receipt of the shipment, corresponding to the return receipt or the return receipt

an electronic document must contain the readable name of the receiving person, as well as the recipient

in addition to his own handwritten signature - unless the consignment is received by the recipient - the title of receipt must also be indicated.

with additional service

reg.): Receipt of payment

A. Decision

V.1. Scope of the request, violation of the right of access

Sound recordings

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At the request of the Authority, the Applicant identified several documents and an audio recording,

by failing to make them available, the Respondent violated the

right of access. The Authority of the Requester's fulfillment of the Requester's access request examines its compliance only in relation to these documents and audio recordings. This is because, that in the official procedure initiated on the request, the request is submitted to the Authority with its contents and must be judged on the basis of reasons, the applicant bears the burden of proving the violation of rights. The Applicant in his request for a data protection official procedure submitted by his representative, in which among other things, he indicated that he "requested the audio recordings" as the behavior that carried out the violation edition, which were not fully delivered to him." The Authority NAIH-6580-4/2021. no in his order, he invited the Applicant to fill in the gaps, to clarify the perpetrator of the violation behavior description, and if the Applicant's access request by the Respondent is incomplete object to its performance, state which audio recordings you requested to be made available, and Which of these did you get? In his response to the call to make up the gap, the representative said: stated that the Applicant requested the sending of all audio recordings in all complaint cases, but he did not receive all of them, including those for which he is unknown called from a phone number. He also explained that, in his opinion, the Respondent should know search for all calls that are identified and can therefore be linked to the Applicant, regardless of the caller from side connection numbers and their hidden nature. The Authority NAIH-6580-7/2021. no in his order, he called on the Applicant to indicate exactly which recordings he did not made available to you by the Applicant and asked you to provide such information -

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telephone number or the time of the call - on the basis of which the Authority can identify the missing recording. He also warned the Applicant that the identification and marking of these missing recordings in its absence, it will not be able to oblige the Applicant to make them available. The Applicant In his reply letter dated October 16, 2021, his representative listed only 2021 as a missing entry. marked the audio recording of the telephone conversation on February 8 and noted that a Each time, the respondent "can identify the caller, so the audio materials have the

during complaint handling, they should be available even if the call came from an unknown number."

Therefore, considering that the Applicant did not specifically indicate, despite the Authority's invitation, which copies of the audio recordings of his calls were not provided by the Respondent a available, according to his point of view, and the occurrence of further calls, as well as what was made of them did not make it likely that the audio recordings would not be released during the procedure, so the audio recordings In connection with this, the Authority exclusively examined in the present procedure that the February 8, 2021 whether the Applicant was given access to the audio recording of the conversation.

Based on the attached data carriers and the Applicant's statement, it can be established that the Applicant a As part of the applicant's response of 27 April 2021 to the request for access dated 16 February 2021 did not provide the Applicant with a copy of the audio recording made on February 8, 2021, thereby violating the Applicant's right of access according to Article 15 (3) of the GDPR.

(32)

Document copies

(33)

The Respondent's response to the Applicant's access request dated April 27, 2021 did not attached copies of the Applicant's documents handled by him - and later, in his letter of June 17, 2021 incorrectly informed the representative that they had been sent to him. As a result, the

In connection with the validity of the requirement of data security, the applicant referred to the fact that it is not it is possible to know to whom and in what way the Applicant sent the copies of the documents, since they are not they did not reach him or his representative.

In this regard, the Authority concludes that the Respondent violated Article 15 (1) and (3) of the GDPR paragraphs when he provided the copies in his access request dated 16 February 2021 he did not attach it to his answer, and he later wrongly informed the Applicant about sending them.

Furthermore, considering that the document copies until October 14, 2021, for those in the internet bank were not sent to the Applicant until they were uploaded, so in connection with their sending - that prior to the official data protection procedure



up the data security

breach of requirements.

period - did not dive

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Documentation on the termination of the safe contract

The safe contract was concluded between the Applicant and [x], and then it was terminated before [...]

[...]. Therefore, although the Respondent did not enter into the safe rental legal relationship as a party, the legal relationship

handled a document related to its termination, and its letter dated January 31, 2022

was also made available to the Respondent as an attachment. Given that this document

its data content is considered the Applicant's personal data, and the Applicant has previously a

The "Agreement to amend the safe rental contract" was made available to the applicant

document, i.e. he was aware that it was also handled by the Applicant in connection with the safe pass

personal data, therefore the Authority concludes that the Respondent has violated Article 15 of the GDPR

(3), when the document related to the termination of the safe deposit contract is not

sent to the Applicant attached to his letter dated April 27, 2021.

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The Authority considers it necessary to note in connection with the contents of paragraphs (32)-(34) - no

affecting the validity of the findings - that the Applicant in the access letter dated February 16, 2021

did not expressly request a copy of his or her personal data in his application

about the documents containing, but requested information in general, managed by the Respondent

about your personal data. The Applicant has a long-standing customer relationship with the Application,

or was with [x] before [...], maintains several accounts with the Respondent, and has a number of different

uses a service, i.e. the Respondent manages a large amount of personal data about it, however a

Although the Respondent asked him to clarify his request, the Applicant did not do this, it did not work

together with the Application in order to ensure that your application is delivered with the content you want for fulfillment.

Copies of owner contracts

(37)

Upon the Applicant's access request, the Respondent did not make it available to the copies of contracts concluded with holders, which he or [x] concluded with them in their own right, since according to his point of view, these contracts as unified documents are not the Applicant, but they are considered the personal data of the persons in possession, and they have been extracted at most could be made available to the Applicant. As a result, the Applicant did not release the

The contract between [...] and [x] is available to the Applicant, as well as with the Applicant [...] a copy of your signed contract. The Authority shares the Respondent's position that a independently concluded contracts with holders are considered their personal data. [x] and [...] in the contract concluded between, only the account number, name and signature, while the identifier of the framework contract in the contract between the Applicant and [...], a name and account number of the payer are considered personal data of the Applicant. The Authority according to his point of view, the Applicant received at his request about the processing of these personal data information, was aware of the handling of this data.

The Authority emphasizes that a copy of the personal data is available to the data subject release is not an independent right, different from the right of access, but the right of access a way of ensuring. This means exercising the right according to Article 15 (3) of the GDPR it cannot lead to a broadening of the scope of the right of access. According to Article 15 (3) of the GDPR a copy of the personal data subject to data management must be available to the data subject to release, i.e. for information and data that cannot be requested based on this authorization access to which the data subject cannot access with reference to Article 15 (1) of the GDPR, so the scope of the rights is the same. As a result, the data controller cannot be obliged to do so for the provision of information and documents unrelated to data management, and no

is not obliged to automatically hand over a document in its entirety, in which it is managed

personal data of the data subject, but otherwise the document as a whole cannot be considered the data subject

your personal data. The exceptions to this are, of course, the documents that

are considered the personal data of the data subject in their entirety.

The right to access a copy of personal data does not necessarily mean personal data

provision of copies of original documents containing - if a

the document as a whole is not personal data - or a copy of the personal data is

its transfer in context, in the form in which it is managed by the data controller - e.g.

a screen save taken from the registry - i.e., where appropriate, for a copy of personal data

the right of access to the compilation of personal data managed by the data controller,

can also be completed with a summary.

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(40) Based on all of this, the Authority concludes that the Respondent has not violated the

his right of access when he did not make available the contracts concluded with the holders

copies.

Access to complaint files

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in his access request dated February 16

The Applicant in 2021.

stated that

"I request information about the personal data handled (NAIH/2019/167/13)! I would like information on

about complaints (02.01.2017 - 02.16.2021), about all the data of all complaints." In this regard, the

The Applicant's representative stated that during this time the Applicant submitted the entire file of the complaint cases

understood. According to the Authority's point of view, the words from the wording of the Applicant's request

according to its general meaning, the content attributed to it by the Applicant did not follow. THE in relation to complaints, the Applicant only mentioned copies of audio recordings in his application, not a copy of the documents, in fact the Applicant of the data of the complaints, not with his complaints requested information about personal data processed in connection with it.

In general, it can be said that, according to the Authority's point of view, data controllers are only are obliged to fulfill access requests by providing copies of documents, if it is requested by the person concerned, either expressly or the request can be clearly read from the request, and a there are no other obstacles to performance. Otherwise, however, the data controller is bound by the GDPR you can freely choose to provide information by means of document copies to the treated personal data or chooses another way to fulfill the request.

(43) Based on all of this, the Authority concludes that the Respondent has not violated the his right of access when he did not make available to him the complete documents of all his complaints a Based on your request dated February 16, 2021. According to the Authority's point of view, the Respondent cannot at his expense, and it is not the responsibility of the Requester that the Requester's access request was not sufficiently specific and precisely formulated, or that it was not clear from it clearly what the Applicant actually wanted to access. The Authority notes that the Applicant did not subsequently indicate to the Respondent that the position of his application covered the entire file of the complaints and the personal data processed in connection therewith, and would like to receive a copy of the documents.

## V.2. Data security requirement

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According to the Applicant, the Respondent violated the principle of secure data management when dated June 17, 2021, sent with return receipt, addressed to the Applicant's representative The Respondent did not provide the CD containing copies of the audio recordings attached to his letter with encryption.

According to Article 5(1)(f) of the GDPR, personal data must be processed in such a way that

to be ensured by the application of appropriate technical or organizational measures

adequate security of personal data, with unauthorized or illegal processing of data,

including protection against accidental loss, destruction or damage.

According to paragraphs (1) and (2) of Article 32 of the GDPR, the data controller is the affected natural persons

you must plan your data management taking into account the risks to your privacy

measures. When determining the appropriate level of security

security applied

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the risks resulting from data management for personal data must be taken into account

result from unauthorized access.

The Postal Govt. order. According to § 22, paragraph (5b), the return receipt is sent by post with additional service

upon delivery of the consignment as proof of receipt of the consignment to the return receipt or a

an electronic document corresponding to the return receipt must contain the receiving person

legible name, as well as the recipient's handwritten signature - unless the recipient is the recipient

takes over - the legal title of the takeover must also be indicated. As a result, it has been returned

consignments may not be handed over to a person who does not have the appropriate capacity to receive them

with legal title.

In addition, the rules and regulations laid down in the GDPR aim at technological neutrality,

i.e. stricter data security is not necessary just for that reason alone

measures

to undertake for the data controllers, because e.g. certain during the fulfillment of the access request

data are made available to the data subject in electronic form on a data carrier, while

for example, the paper-based letter accompanying the data carrier also contains information about the data subject

personal data. Of course, this does not mean that there is never, in any case

data carriers containing the data subject's personal data must be encrypted with a password

protection, however, in the specific case, it is intended as a registered mail for the Representative

delivery was deemed to be an appropriate data security measure commensurate with the possible risks.

The Authority determines that the requirement of data security has not been violated in the specific case, a

the consignment was received by the Representative's staff member, its contents are the Applicant's unauthorized person

according to his statement, he did not recognize him.

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V.3. Decision on the Applicant's requests

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The Authority grants the applicant's request and finds that the Applicant has violated the

Your right of access according to Article 15 (1) and (3) GDPR.

The Authority will consider the Applicant's request to establish that the Respondent did not do so

everything that can be expected of him for the sake of secure data management, he rejects IV.2. contained in point

Based on.

The Authority accepts the Applicant's request to oblige the Applicant to manage its own data

to comply with its regulations, rejects the fact that such a legal consequence is Article 58 of the GDPR

(2) does not know.

The Petitioner's request that the Authority instruct the Petitioner to file a complaint is complete

to provide its documents, the Authority rejects IV.1. point Complaints

access to its documents based on findings under the subheading.

The Applicant's request that the Authority instruct the Applicant to provide the missing audio recordings and

documents - copies of documents, copy of the holder's contract, on the termination of the safe deposit contract

prepared documentation - to be sent, the Authority rejects, considering that IV.1. in point

subject to what has been written, the Applicant will already make these available to the Applicant during the procedure

he forgave

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#### V.4. Legal consequences

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The Authority granted the Applicant's request on the basis of Article 58 (2) point b) of the GDPR

condemns the Applicant for violating Article 15 (3) of the GDPR.

Based on the above, the Authority decided in accordance with the provisions of the statutory part.

#### VI. Other questions

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The competence of the Authority is set by Infotv. Article 38, Paragraphs (2) and (2a) defines it, the jurisdiction of the country covers its entire territory.

The decision is in Art. 80-81 § and Infotv. It is based on paragraph (1) of § 61. The decision is in Art. Section 82

Based on paragraph (1), it becomes final upon its communication.

The Akr. § 112, and § 116, paragraph (1), respectively, based on § 114, paragraph (1) with the decision and the a termination order can be appealed through an administrative lawsuit.

The rules of the administrative trial are set out in Act I of 2017 on the Administrative Procedure

hereinafter: Kp.) is defined. The Kp. Based on § 12, paragraph (1), by decision of the Authority

the administrative lawsuit against falls within the jurisdiction of the court, the lawsuit is referred to in the Kp. § 13, subsection

(3) a)

Based on point aa), the Metropolitan Court is exclusively competent. The Kp. Section 27, paragraph (1).

Based on point b), legal representation is mandatory in a lawsuit within the jurisdiction of the court. The Kp. Section 39

(6) of the submission of the claim for the administrative act to take effect

does not have a deferral effect.

The Kp. Paragraph (1) of § 29 and, in view of this, Pp. According to § 604, the electronic one is applicable

CCXXII of 2015 on the general rules of administration and trust services. law (a

hereinafter: E-administration act) according to § 9, paragraph (1), point b) of the customer's legal representative

obliged to maintain electronic contact.

The time and place of submitting the statement of claim is set by Kp. It is defined by § 39, paragraph (1). The trial

information about the possibility of an application for holding the Kp. It is based on paragraphs (1)-(2) of § 77. THE

the amount of the fee for an administrative lawsuit is determined by Act XCIII of 1990 on fees. law (hereinafter:

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

paragraph and § 62 paragraph (1) point h) exempts the party initiating the procedure.

Budapest, April 13, 2022.

Dr. Győző Endre Szabó

vice president