

File number:

Previous case number:

NAIH-3684-1/2023

NAIH-7885/2022

Subject: decision

H A T A R O Z A T

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

..... (head office: .....; hereinafter: Customer)

information about data management and the Customer's data management activities

its legal grounds took place in the period between May 25, 2018 and the date of initiation of this procedure

on the subject of legal compliance on October 12, 2022 ex officio data protection authority

initiated proceedings under case number NAIH-7885/2022. The Authority in the official data protection procedure

makes the following decisions:

I. The Authority determines that the Client did not provide transparent and accurate information during the period under review

information to those concerned about the individual data management purposes and the related ones

in relation to legal bases, and indicated an inappropriate legal basis in the justification

detailed in relation to the following data management:

- by the data subject of the website of the Data Controller (.....; hereinafter: Website).

data processing based on consent given by browsing,

- on the protection of natural persons with regard to the management of personal data

and on the free flow of such data, as well as outside the scope of Directive 95/46/EC

Regulation 2016/679/EU on the placement of data (hereinafter: general data protection regulation)

Data processing related to sound recording based on point (c) of paragraph (1) of Article 6,

which were carried out outside the scope expressly defined in the legislation,

- contact based on point (c) of Article 6 (1) of the General Data Protection Regulation

data management in cases other than consumer protection complaint handling,

- data processing based on the data subject's consent in the course of claims management activities during the first contact with the debtor, and thereby violated Article 6 (1), Article 12 (1) of the General Data Protection Regulation paragraph and point c) of Article 13 (1).

II. The Authority based on Article 58 (2) point d) of the General Data Protection Regulation ex officio instructs the Customer to provide appropriate information to those concerned in relation to its data management, for this a explained in his justification modify the content of your data management information in accordance with requirements.

III. The Authority is the Client due to the data protection violation established in point I above ex officio this decision HUF 1,000,000, i.e. one million forints data protection fine obliged to pay.

The II. the fulfillment of the obligation prescribed by the Customer towards this decision must be in writing within 30 days of the expiration of the legal remedy deadline - the supporting document together with the presentation of evidence (content and availability of the amended information) - certify to the Authority the content and availability of the modified data management information by sending his ways.

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The III. fine according to point 30 days after this decision becomes final within the Authority centralized revenue collection target settlement HUF account

(10032000-01040425-00000000 Centralized direct debit account IBAN: HU83 1003 2000 0104 0425 0000 0000) must be paid. When transferring the amount, "NAIH-3634/2023

FINE." number must be referred to.

If the Customer does not fulfill his obligation to pay the fine within the deadline, he is in default must pay an allowance. The amount of the late fee is the legal interest, which is due to the delay is the same as the central bank base rate valid on the first day of the relevant calendar semester.

Non-payment of the fine and late fee, or the above II. obligation according to point in case of non-compliance, the Authority orders the implementation of the decision.

There is no place for administrative appeal against the decision, but only from the announcement within 30 days from the date of issue, with a letter of claim addressed to the Capital Tribunal can be challenged in a lawsuit. The claim must be submitted to the Authority electronically<sup>1</sup>, which forwards it to the court together with the case documents. The request for the holding of the trial is submitted by the must be indicated in the application. For those who do not receive full personal tax exemption the fee for the administrative lawsuit is HUF 30,000, the lawsuit is subject to the right to record the fee. The capital city Legal representation is mandatory in court proceedings.

## I N D O C O L A S

The course of the procedure and the clarification of the facts

I.

### I.1. The History Case

1.1. The Authority within the framework of background investigation case No. NAIH-6289/2022 (hereinafter: Background Case) on July 6, 2022, launched an ex officio investigation to establish that the Does the customer's general data management practice comply with the general data protection regulation? of its provisions, as the Authority became aware ex officio, is available on the Website about the content of the data management information ("data protection statement"), and doubts based on it have arisen regarding legal compliance.

1.2. Based on the examination of the state of the Website on June 30, 2022, the Authority noticed that according to its data management information (.....), the Customer a in addition to company information services, it also provides, among other things, claims management services.

It is related to both claims management and registration for the company information service

in the case of data management, the information is not clear about the legal bases for each specific purpose and

with regard to data types and data processing times for each legal basis, and that

in the case of data processing based on the consent of the data subject, it is not clear whether it is appropriate

legal basis, and in relation to personal data managed on the basis of legal obligations

nor does it provide sufficiently specific information. Definitions of "data subject" and "data subject".

the necessity of its separate election was also not clear. According to the data management information

furthermore, in the case of data processing based on the consent of the data subject, the Customer reserves the right,

that in case of withdrawal of the consent by the person concerned, it will be further handled by the personal

data, the purpose and legal basis of which would be provided afterwards. He didn't mark it

1 The NAIH\_K01 form is used to initiate the administrative lawsuit: NAIH\_K01 form (16.09.2019) The form is

can be filled out using a general form filling program (ÁNYK program).

3

the information clearly states which type is specifically required by law

data is processed based on exactly which legal places and for how long, except for credit institutions and

CCXXXVII of 2013 on financial enterprises. Act (hereinafter: Hpt.) § 288

audio recording (however, the paragraph referred to here was wrong, the statutory five years

instead, a one-year retention period is indicated, and it is based on consumer protection legislation

there was no mention of a similar obligation to make a sound recording). Not even that, among other things

the information determines that the processing of the data subject's citizenship a

exactly why it is necessary during claims management. The information concerns people under the age of 16

handling the data of the person charged (which, according to the information, only includes parental supervision

it is possible in the case of the practitioner's consent), however, it is not revealed which Website

the data of a person under the age of 16 may arise in connection with its service

his treatment. The "data collection from other sources" section does not reveal which one is different

it's about sources and how to do this for identification if you don't know beforehand

identify whose additional data should be obtained. The statute of limitations also raises questions adequacy of unlimited debtor data management beyond time. Data management is difficult to interpret the statement of information that "failure to provide personal data voluntarily in which case the service cannot be performed" refers to the legal basis for data management.

1.3. In order to clarify the above questions, the Authority is contacted during the Background Case In the customer's reply letter received on August 8, 2022, sent under number NAIH-6289-3/2022 made the following statements relevant to the decision:

(i) The services provided by the Customer and the data management purposes therein is detailed in Chapters 4 and 5 of the data management information. This is also in tabular form was displayed as follows (this table did not include the previous June 30, 2022- in information saved in state i):

Claims management

Personal data

Purpose of data management

Legal basis

Affected role (debtor,

guarantor, etc.), name, date of birth

name, date of birth, date of birth

place, mother's name,

nationality

To the person of the debtor

identification, with the debtor and

with other stakeholders

contact and

contact

(GDPR Article 6 (1))

paragraph point f) -

legitimate interest on a legal basis

Email address, phone number

Creditor's name, address, a

basis of claim

related to legal relationship

data, claim amount,

has expired

contact,

Contact

Article 6 (1) a)

point.

The exact amount of the claim

exploration

(GDPR Article 6 (1)

paragraph point f) -

legitimate interest on a legal basis

4

The affected payment

willingness, promise to pay,

agreed payments,

payments made, that is

concerned - existing data

Based on

established

payment

skill and ability

relevant data

—

Willingness to pay and payment

ability exploration, the Principal

information about the outstanding amount

about treatment, the done

on measures with the debtor

preparation of agreement a

in order to settle a debt,

if necessary, the claim

legal procedure for recovery

preparation.

Name, email address, phone number

are affected

The

his treatment

complaints

Name, email address, phone number

Those involved continued

communication

verifiability and

its traceability

provision

Contact,

contact with the debtor

preparation of agreement a

in order to settle a debt,

complaint handling

Name, voice of the affected person

Registration on the ..... page

(GDPR Article 6 (1)

paragraph point f) -

legitimate interest on a legal basis

Article 6 (1) c)

point and a

on consumer protection

solo CLV of 1997.

Act 17/A. Section (7)

paragraph.

Article 6 (1) c)

point and a

on consumer protection

solo CLV of 1997.

Act 17/A. Section (7)

paragraph.

Article 6 (1) c)

point and a

on consumer protection

solo CLV of 1997.

Act 17/A. Section (7)

paragraph.



Personal data

Purpose of data management

Legal basis

Surname first name

Identification

Article 6 (1) a)

and point b).

E-mail address

contact,

service provision

Article 6 (1) a)

and point b).

Contact number

Keeping in touch

Password

To the user account

is safe

for entry.

Article 6 (1) a)

point.

Article 6 (1) a)

and point b).

5

Name and address

Direct accounting

obligations

fulfillment

Name, voice of the affected person

Complaint handling

Company information service

Article 6 (1) c)

point and a

about accounting

Act C of 2000

Paragraph (2) of § 169

Article 6 (1) c)

point and a

on consumer protection

solo CLV of 1997.

Act 17/A. Section (7)

paragraph.

Personal data

Purpose of data management

Legal basis

Name, address,

His mother's name

Customer data

Company information

provision of services

for the company's customers

(GDPR Article 6 (1)

paragraph point f) -

legitimate interest on a legal basis

Personal data

Purpose of data management

Legal basis

Article 6 (1) b)

and point c), a

resulting from a contract

demands

in case of validation of

Civil

About the law book

Act V of 2013

6:21 a.m. §-the

Services

fulfillment of contracts,

accounting

obligations

fulfillment

Services,

contact

Article 6 (1) a)

and point b).

Keeping in touch

Article 6 (1) a)

point.

Customer name, address, contact person

name

Customer email address

Customer phone number

Sale of company information data for direct marketing purposes

Personal data

Purpose of data management

Legal basis

Registered name, Company

email address (if private

email address provided by

in the company gazette).

Company information

provision of services

for the company's customers

for direct marketing purposes

(GDPR Article 6 (1)

paragraph point f) -

legitimate interest on a legal basis

6

(ii) The "affected person" and the "affected person" were defined separately because of the previous (1.1.2. above)

detailed in point, without a specific date, based on the introduction, after May 25, 2018

applicable) in the data management information sheet, because the "data subject" is claims management

during the concretization of the person concerned for the given case. According to the customer's opinion, in several cases

it is also called customer or customer, this is not misleading, but it is still in question

point was corrected.

(iii) Handling of the personal data of minors related to claim management

possible during data management (not during company information), however, the Customer according to his statement, this has not happened in practice so far (he did not indicate that the debtor or specifically how a creditor can be a minor).

(iv) Data management information 4.2. the voluntary provision of the data referred to in point they are necessary for possible registration, service performance, and invoicing.

Detailed information on this can be found in the data management information sheet 5.2 available on the website. point contains in tabular form (this table did not include the previous June 30, 2022 in information saved in the state):

5.2.1 Personal data provided during registration (username, personal e-mail address, password, phone number, address) starts with registration and its until it is deleted upon request. [...]

#### 5.2.4. Purpose and legal basis of data management

Services

Fulfillment of direct accounting obligations

Legal basis: contract performance, data subject's consent, legal for the data controller fulfillment of obligation.

Personal data

Purpose of data management

Legal basis

Surname, first name Service provision

Article 6 (1) a)

and point b).

E-mail address

contact,

service provision

Article 6 (1) a)

and point b).

Contact number

Keeping in touch

Password

Name and address

To the user account

is safe

for entry.

Direct accounting

obligations

fulfillment

Name, voice of the affected person

Complaint handling

Article 6 (1) a)

point.

Article 6 (1) a)

and point b).

Article 6 (1) c)

point and a

about accounting

Act C of 2000

Paragraph (2) of § 169

Article 6 (1) c)

point and a

on consumer protection

solo CLV of 1997.

paragraph.

7

(v) The legitimate interest has the following substantive duration with regard to personal data processed with a legal basis considerations of interest were attached to the Customer's response:

-  
-  
-

Data management based on legitimate interests, company information service and credit rating for purpose;

Data management based on legitimate interest for direct marketing purposes;

Data management based on legitimate interest for the purpose of claims management (email address, phone number or citizenship data will be deleted in case of protest).

(vi) Data acquisition from other sources means the public online telephone directory.

If the data subject does not agree to the processing of the data at the beginning of the phone call, it is not recorded and managed. According to the Customer's point of view, the legal basis is the consent of the affected person, which he gives by making it available in the online directory the data. You will be informed about the collection of data from other sources at the beginning of the phone call concerned. The purpose of managing the phone number is to validate the claim.

(vii) 5.1.4 of the data management information as of June 30, 2022. data listed in point during claims management for the purpose of identification, contact and claim collection are necessary. For the sake of better transparency, the information sheet was expanded with a table in this round.

(viii) The Customer needs the nationality data of the persons concerned in order to a during contact, help with communication and work organization, the linguistic deal with problems in advance, this is also in the interest of the person concerned. The data may come from your client To a customer, which will be deleted if the data subject objects. This data is the payment order

a request for its issuance can be submitted on a form if the executors of the payment order delivery is requested. It may be relevant if the principal requests the intervention of the Client a to submit an application for the issuance of a payment order.

(ix) 5.1.4 of the data management information as of June 30, 2022. listed in point

all contact data (permanent address, mailing address, place of residence, telephone, e-mail address) are handled at the same time if they are available. It may happen that some data like the e-mail address and telephone number are not available, but it is a matter of interest based on the data subject's consent, these are also part of the data that can be handled by the Customer until its withdrawal. Based on this, it is handled in all cases for contact the Customer's name, permanent address, mailing address and place of residence data are general on the basis of Article 6 (1) point f) of the Data Protection Regulation.

(x) The Customer continues the CLV of 1997 on consumer protection. law (hereinafter:

Fgytv.) 17/B. § (3) and on credit institutions and financial enterprises

CCXXXVII of 2013 telephone within the scope of § 288, paragraph (2) of the Act

customer service activities and fulfills its 5-year retention obligation. About this

provides verbal information at the beginning of the call. The script of the call is based on the Customer's statement below:

brief information about the recording of the call and the corresponding identification number;

-

- a definite question about whether you consent to the recording of the conversation;

-

brief information that the purpose of the recording is the content of the administration is stated

accurate recording of statements;

- for accessing detailed data management information about the purpose and time of recording information (website);

- if requested by the client, this can be read out to him;



-

- if the debtor consents to the recording of his telephone number, exactly what it is

brief information on how long the audio will be stored (5 years);

you wish to provide a telephone number for the purpose of contact;

8

-

-

-

information before recording the phone number that you can request it at any time

deletion, on any of the contact details;

information that if you do not request the deletion of the phone number, then

it is handled until the end of our collection activities at the latest (case closure);

brief information about the management and processing of the given telephone number

information was also placed on the website;

- knowing all this, it is a definite question whether you agree to record the

phone number in the system for contact purposes.

(xi) 5.1.4 of the data management information as of June 30, 2022. information written in

according to which "deletion of the data is governed by the instruction given by the client" the data controller is entitled

in the case of claim management purposes based on your interest

governing, since 5.1. point a

it's about claims management. This applies to cases where the Customer

participates in the data management process as a data processor, to the client

reference refers to this.

(xii) Beyond the statute of limitations (which can be 5 years for claims) the accounting and legal

due to obligations, it is necessary for the Customer to store the data further, where this time is 8

year, or 5 years in case of sound recording. At the same time, the possible statute of limitations of the claim does not apply

a claim invalid, illegal and void. The possible statute of limitations is only a  
there may be an obstacle to the enforcement of a claim through the courts  
in the event of a successful referral. In the absence of this, with regard to data management, in principle a  
a legitimate interest may exist.

(xiii) 5.1.4 of the data management information as of June 30, 2022. the last of his point  
the sentence that "If it is for the processing of the data  
despite the withdrawal of the consent of the data subject, the data controller is entitled, and the data management  
the principle of purposefulness  
also applies, the data controller is the data subject  
you can manage it even if you withdraw your consent." according to the Customer's statement  
means that the consent is no longer processed for the purpose affected by the consent  
data affected by revocation, only if the data is some other, no  
is also processed for consent-based purposes. This could be, for example, according to the Customer,  
when someone revokes the management of their e-mail address during claims management, but this  
the address is given as contact information at the company court. The Customer's practice that  
shows who consents to data management for the purpose of claims management (such data  
email and phone number), the cooperative and does not withdraw later. If it is affected  
still withdraws its consent, the Customer shall inform it with the form letter below  
concerned that it no longer processes this data for claim management purposes, but it is a legitimate interest  
continues to process it with a legal basis for other purposes.

(xiv) 5.2 of the data management information as of June 30, 2022. of his point on that  
subject definition that "In relation to the services available on the website"  
applies to data processing carried out, the Customer interprets it as only a  
company information  
applies to  
the

there is only information about claims management, it cannot be accessed through the Website.

(xv) 5.2.1 of the data management information as of June 30, 2022. the sentences of point

that "Personal data provided during registration (name, username, own e-mail

address, password, telephone number, residential address) starts with registration and upon request

until it is deleted. In the case of non-mandatory data, the data management is the provision of the data

from the date until the data in question is deleted upon request." the Customer understands that

the deletion of non-mandatory data does not need to be requested separately, they are a request to delete the registration services

database

to your data

under construction

9

data management as of June 30

are deleted in practice. The Client is the Authority for this wording

clarified in the text of the information after his inquiry.

(xvi) The 2022

information 5.2.4. in point a

provision of services and the fulfillment of legal obligations are legal grounds (not from each other separate) according to the Customer's statement, the contractual legal basis is a

For the purpose of providing services that can be linked to payment on the website, in accordance with the law obligation with a legal basis is necessary for the fulfillment of direct accounting obligations

handles data. According to the Customer, the contract is necessary for both legal bases

to manage the data for 8 years from the date of termination, because the contract is fulfilled

it entails cash flow, thus also an accounting obligation. As of June 30, 2022

data management information in the same point under "in case of consent until withdrawal"

it also indicates the processing time, although at this point it is specifically based on the contractual and legal obligation

is about data management based on

(xvii) According to the Customer's point of view, he asks to record the call at the beginning of the phone call consent, because his previous practice was to treat it based on consent acquired data, but since this is already a legal obligation, if the recording after communicating the fact, the data subject can decide that he does not want to receive a call be recorded, the Customer cannot fulfill his legal obligations in this regard, therefore a call is dropped.

(xviii) Due to an IT error at the beginning of the data management information as of June 30, 2022 the Customer's former registered office address is listed instead of the current one. Postal from previous address redirection is in effect, so it will also receive stakeholder requests arriving at the previous address Customer.

1.4. In view of the statements made by the Customer in the History Case, Infotv. Section 55 (1)

On the basis of paragraph a) sub-point b) the necessity arose that the Authority a instead of an investigation, proceed with the procedure in the form of a data protection official procedure.

I.2. This data protection official procedure

2.1. In this data protection official procedure, the Customer, upon request of the Authority, 2022.

received on October 26 on ePaper, sent under NAIH-7885-2/2022 (on October 27, 2022

received on ePaper, with supplement sent under number NAIH-7885-3/2022)

in his reply letter, he made the following statements relevant to the decision:

(i) The Customer reserves the statements made during the History Case by stating that each summary table of data management purposes and legal bases for questions raised by the Authority amended with the following content for better transparency (which on this

The second significant amendment of the information on the subject began to be examined by the Authority in 2022. compared to data management information as of June 30):

Data management related to the use of the service

Personal data

Purpose of data management

Legal basis

Surname first name

Services

Article 6 (1) point b).

E-mail address

contact,

service provision

Article 6 (1) point b).

10

Contact number

Keeping in touch

Article 6 (1) point b).

Password

Name and address

To the user account

is safe

for entry.

Article 6 (1) point b).

Direct accounting

fulfillment of obligations

Article 6, paragraph 1, point c), and

C of 2000 on accounting.

law

Paragraph (2) of § 169

The purchase/registration

Time

Technical operation

implementation.

IP at the time of purchase/registration

title

Technical operation

implementation.

Registration (creating a user account)

the

the

and

GDPR Article 6 (1) b)

electronic

point

services,

commercial

as well as

informative

with society

connected

about some issues of services

CVIII of 2001 law (a

hereinafter: Elker tv.) 13/A. §

Paragraph (3).

Personal

data

Purpose of data management

Legal basis

Last name,

first name

Identification, secure access to the user account

for entry.

Article 6 (1) a) and

point b).

E-mail address

Keeping in touch, sending system messages,

login to user account

Article 6 (1) a) and

point b).

Notification

telephone number

Identification, contact

Article 6 (1) a) and

point b).

Password

Secure access to the user account

serves.

Article 6 (1) a) and

point b).

Billing

name and address

Issuance of the regular invoice, as well as a

creating a contract, defining its content,  
modification, monitoring of its performance, that is  
invoicing fees derived from it, as well as with it  
enforcement of related claims.

Article 6 (1) c)

and about accounting

C. of 2000

Act § 169 (2)

paragraph

Complaint handling

Personal data

Purpose of data management

Legal basis

Surname and first name

Identification, contact.

E-mail address

Phone number

Keeping in touch.

Keeping in touch.

Article 6 (1) c)

point and a

11

Identification, the ordered

related to products

arising quality objections,

questions and problems



his treatment.

on consumer protection

CLV of 1997. Act 17/A.

(7) of §

Billing name and address

Customer data

Personal data

Purpose of data management

Legal basis

Customer name, address, contact person

name

Service provision contracts

performance, accounting obligations

fulfillment

Customer email address

Service provision, contact

Customer phone number

Keeping in touch

Article 6, paragraph 1

points b) and c), a

resulting from a contract

demands

validation

in the case of Civil

About the law book

solo V. of 2013

Law 6:21. §-the

Article 6, paragraph 1

points a) and b).

Article 6, paragraph 1

points a) and b).

(ii) According to the Customer's statement, its main profile is the company information service as such, uses public databases in the public interest to provide services such as company search, transfer price or marketing database. The primary source of the data is Hungarian Newspaper publisher, from which, based on contract, the Client receives the company newsletter with daily updates data content. Among the data, there are those that correspond to personal data definition, but without exception, the legislator made them public in the public interest. On this data can be used for the decision-makers of some companies in other companies or to map your registered relationships in the past, or companies based on fields of activity sort and export relevant information for the purpose of business acquisition, such as company name, contact information, name authorized to sign the company. The Customer does not carry out such activities in this area data collection, which would not affect the scope of public data in the public interest, so it does not order added to these data from other sources, for example with the consent of the data subject managed data.

(iii) The Customer recorded approximately 300 debtor telephone numbers from a public database

consent given during the call in connection with the claim management activity

Based on.

(iv) According to the Customer's point of view during the registration - in the case of stakeholders to whom

purchase not yet binding - the purpose of data management is to create a user account, log in,

identification, and the legal basis for this changes to general data protection after purchase

legal basis according to Article 6 (1) point b) of the Decree. So far, 1 pc has been affected on the website

there were people who bought company certificates without registration.

(v) According to the Customer's statement, he does not send to private individuals in the course of his business practice, and to your previous online customers to the contact information provided by them, a newsletter or any other inquiries. In these cases, it is only available in public databases

use contact details (email addresses) with the address "Dear Madam/Sir".

It only accepts inquiries from companies. The Customer does not continue as such nor the practice of asking the data subject for their consent during the provision of a service, to be able to contact you with other offers in the future for what is considered personal data contact details.

(vi) According to the Customer's point of view, it does not manage company information for the purpose of obtaining direct business

personal data included in the database, those of its customers (those who buy it from the Customer this information) can be used even for this purpose. The name of the company for this service, contact information, name of decision-maker covers data and performed by others on the market service.

(vii) The Customer in the year 2021 .....hundred million.... It achieved sales revenue of HUF.

2.2. In the Customer's ePaper response to the Authority's invitation on November 11, 2022

made the following statements relevant to the decision:

number

.....hundred thousand.

in magnitude

(i) For the company registration included in the company database and taken into account in the marketing query are eligible

THE

The service available at the link ..... will be available from June 2022.

During the service, the Client has the original goal - which is to protect creditors and is safe

is aimed at making deals - he keeps in mind.

(ii) According to the Customer's point of view, the names of those entitled to register are public data in the public interest, which is also your company, but at the same time this cannot mean that the person concerned is complete lose your right to self-determination over the data as a whole. The data management purpose is a it is related to the business-like economic activity of the person authorized to sign the company name, which is similar conducted by NAIH 2018/5233/4/V. case number (<https://naih.hu/files/NAIH-2018-5233-4-V.pdf>), which supports the fact that business acquisition or business sold for contact purposes (as these are for business-like economic activity are connected) in the public interest, public data is not covered by general data protection decree. The same is supported by preamble 14 of the general data protection regulation. paragraph: "The scope of this regulation does not cover personal data processing that is legal persons, and which applies in particular to businesses that are legal created as a person, including the name and form of the legal entity and the legal personal contact information".

(iii) For the marketing inquiry, the company's registration number, name, headquarters, principal its activity, the name and position of its official, the company's tax number, and 45 of the company register. section or, in its absence, the email specified as the contact email address on the company's website address, the last year's sales and headcount data, as well as the company's phone number for transfer by the Customer to the customers of this service.

(iv) In addition to the public company register, from the company's website or public online telephone the public telephone number of the companies is obtained from the directory, or as the contact information of the companies specified email address. No other data source is used to serve marketing queries are used.

(v) For the provision of company information services by several ministries and state authorities a database made public in the public interest is used as a source.

### 2.3. CL of 2016 on the general administrative procedure. Act (hereinafter: Act)

Based on § 76, no such evidence or statement arose in the Case of the Past and the present during the procedure, which would not come from the Customer, the Authority will make further declarations informed the Client about its possibility in all calls, so the Authority is the Client concluded the evidence without inviting him to make a repeated statement.

### I.3. Data management of certain activities carried out by the Customer and advertised on the Website

3.1. Among the activities advertised by the Customer through the Website, the Authority includes company information, it examined receivables management and marketing activities, as it arises in these handling of personal data. In addition to the above, during all of the Customer's services the handling of arising complaints is also a separate data management purpose.

3.2. As part of the company information service, it is possible to provide public information via the Website obtaining data from the company register even with prior registration (creating an account a for later use of an easier service), or without it. In this circle, name, address, contact data and password management can be implemented, as well as the service technical information resulting from its use is linked to the user, thus these data also become personal data (registration, date of purchase, IP address). THE provided personal data according to the company register of persons registered in the company register personal data in addition to company information.

3.3. The claim management activity cannot be used directly on the Website only information can be found there. In this context, the Customer with legal and natural persons cooperates in the out-of-court collection of receivables. About that, it is the following personal data can be processed: role of the person concerned (debtor, guarantor, etc.), debtor email address, telephone number, name and address of creditor, with the legal relationship underlying the claim related data, claim amount, expiration date, willingness to pay of the person concerned.

3.4. For the purpose of direct marketing, within the scope of the sale of company information data in a given sector active and belonging to a group that can be selected according to other criteria, active and investigated

provides the contact details of creditworthy companies listed in the company register

in quantity the Customer. In this circle, the name of the person authorized to sign the company may appear as personal data up, as well as the contact email address, if it belongs not only to a company, but it is also personal data (for example, if it contains a personal name).

3.5. During complaint handling, the Customer's customer service can handle the name of the complainant, the complaint depending on the source, the email address, phone number, and in the case of a telephone complaint, the complainant his voice due to the recording of the phone call.

II.

Legal provisions applicable in the case

According to Article 2 (1) of the General Data Protection Regulation, the general data protection regulation must be applied to personal data in part or in whole in an automated manner processing, as well as the non-automated processing of data that are part of a registration system or which are a registration system want to be part of.

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According to recital (14) of the General Data Protection Regulation, the natural persons in relation to the management of their personal data on the basis of this regulation protection regardless of their nationality and place of residence. General data protection the scope of the decree does not cover the processing of personal data for legal entities, and which especially applies to businesses that were brought as legal entities created, including the name and form of the legal entity, as well as the contact information of the legal entity relevant data.

According to recital (15) of the General Data Protection Regulation, the serious protection of natural persons in order to avoid the risk of avoidance it must be technologically neutral and cannot depend on the technical solutions used.

The protection of natural persons personal data is carried out by means of automated means

in addition to processing, it also applies to manual processing if personal data is registered stored or intended to be stored in the system. Such documents or groups of documents and those its cover pages, which are not organized according to specific criteria, are not fall under the scope of this regulation.

You are identified as "personal data" on the basis of Article 4, point 1 of the General Data Protection Regulation any information relating to an identifiable natural person ("data subject"), including also the online ID.

According to Article 4, point 2 of the General Data Protection Regulation, "data management" is personal any performed on data or data files in an automated or non-automated manner operation or a set of operations, such as collection, recording, organization, segmentation, storage, transformation or change, query, insight, use, transmission of communication, by means of distribution or other means of making available, coordination or connection, restriction, deletion or destruction.

Pursuant to Article 4, point 11 of the General Data Protection Regulation, it is "the consent of the data subject". of the will of the person concerned, based on voluntary, specific and adequate information and clear declaration by which the relevant statement or confirmation is unambiguously expressed indicates by action that he gives his consent to the processing of his personal data.

According to Article 6 (1) point a) of the General Data Protection Regulation, it may be legal to processing of personal data, if the data subject has given his consent to a or for its management for several specific purposes.

According to Article 6 (1) point b) of the General Data Protection Regulation, it may be legal to a processing of personal data, if data processing is necessary for the fulfillment of a contract, in which the data subject is one of the parties, or was the data subject prior to the conclusion of the contract necessary to take steps at your request.

According to Article 6 (1) point f) of the General Data Protection Regulation, it may be legal to processing of personal data, if the data processing is authorized by the data controller or a third party

is necessary to assert its interests, unless it takes precedence over these interests

interests or fundamental rights and freedoms of the data subject that are personal

data protection is necessary, especially if the person concerned is a child.

According to recital (47) of the General Data Protection Regulation, the data controller –

including the data controller with whom the personal data may be disclosed - or one

the legitimate interest of a third party can create a legal basis for data processing, provided that the data subject is involved

interests, fundamental rights and freedoms do not take priority, taking into account that

reasonable expectations of the data subject based on his relationship with the data controller. About such a legitimate interest

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it can be the case, for example, when there is a relevant and appropriate relationship between the data subject and the

between data controllers, for example in cases where the data subject is a customer of the data controller

is in its application. In any case, to establish the existence of a legitimate interest

it must be carefully examined, among other things, that the data subject is personal data

at the time of its collection and in connection with it, can you reasonably expect that

data may be processed for the given purpose. The interests and fundamental rights of the data subject take precedence

may enjoy against the interest of the data controller if the personal data are in such circumstances

between which the data subjects do not expect further data processing. Since

it is the task of the legislator to define in legislation what the public authorities are like

can process personal data on a legal basis, supporting the legitimate interest of the data controller

no legal basis can be applied, carried out by public authorities in the course of performing their duties

for data management. Personal data is absolutely necessary to prevent fraud

its handling is also considered the legitimate interest of the data controller concerned. Personal data direct

its processing for the purpose of acquiring business can also be considered based on legitimate interest.

Based on Article 12 (1) of the General Data Protection Regulation, the data controller is compliant

takes measures in order to allow the data subject to process personal data

all relevant information mentioned in Articles 13 and 14 and Articles 15-22 and Article 34



according to each information is concise, transparent, comprehensible and easily accessible

provide it in a clear and comprehensible form, especially to children

for any information received.

Based on Article 13 (1) and (2) of the General Data Protection Regulation, if the personal

data were obtained from the data subject, the data controller makes the data available to the data subject

following information:

a) the identity of the data controller and, if any, the representative of the data controller and

your contact details;

b) contact details of the data protection officer, if any;

c) the purpose of the planned processing of personal data and the legal basis of data processing;

d) based on point f) of Article 6 (1) of the General Data Protection Regulation

in the case of data management, the legitimate interests of the data controller or a third party;

e) where applicable, recipients of personal data, or categories of recipients, if any;

f) where appropriate, the fact that the data controller is in a third country or international

organization wishes to forward the personal data to, and the Commission

the existence or absence of a compliance decision, or general data protection

regulation in Article 46, Article 47 or Article 49 (1) second

in the case of data transfer referred to in subsection, the appropriate and suitable guarantees

designation, as well as the methods for obtaining a copy of them or those

reference to your contact information;

g) on the duration of storage of personal data, or if this is not possible, on this

aspects of determining the duration;

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

access to data, their correction, deletion or restriction of processing, and

it can object

against the processing of such personal data, as well as the data subject

about your right to data portability;

i) point a) of Article 6 (1) of the General Data Protection Regulation or Article 9 (2)

in the case of data processing based on point a) of paragraph 1, the consent at any time

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the right to withdraw, which does not affect consent before the withdrawal

the legality of data processing carried out on the basis of;

j) on the right to submit a complaint to the supervisory authority;

k) about the provision of personal data

statutory or contractual

whether it is based on an obligation or a prerequisite for the conclusion of a contract, as well as whether the person concerned

are you obliged to provide personal data,

possible

failure to provide data may have consequences;

and what it's like

l) automated referred to in Article 22 (1) and (4) of the General Data Protection Regulation

the fact of decision-making, including profiling, and at least in these cases

understandable information on the applied logic and that such data management

what significance it has and what expected consequences it has for the person concerned.

and

variable

reported

conditions

severity

probable

freedoms

Based on Article 13(4) of the General Data Protection Regulation, Article 13(1)-(3)

it does not have to be applied if and to what extent the data subject already has the information.

Based on Article 24 (1) of the General Data Protection Regulation, the data controller is

the nature, scope, circumstances and purposes of data management, as well as the rights of natural persons

and

risk

taking appropriate technical and organizational measures into account

for the purpose of ensuring and proving that the processing of personal data in accordance with this regulation

is done in accordance. These measures are reviewed by the data controller and are necessary

updates it if necessary.

Based on Article 26 (3) of the General Data Protection Regulation, the data subject is (1)

agreement referred to in paragraph

independently of each data controller

in relation to and against each data manager according to this regulation

rights.

For data management under the scope of the General Data Protection Regulation, the information

CXII of 2011 on the right to self-determination and freedom of information. law (a

hereinafter: Infotv.) according to Section 2 (2) of the general data protection decree there

shall be applied with the additions contained in the specified provisions.

Infotv. On the basis of Section 55 (1) point a) point b) if the Authority during the investigation

states that it is defined in the general data protection regulation and this law

in connection with the exercise of rights, a violation has occurred or there is an immediate threat of such violation

exists, then the investigation is closed, and - if necessary - the data protection authority according to § 60

initiates proceedings.

Infotv. Validation of the right to the protection of personal data based on § 60, paragraph (1).

in order to do so, the Authority initiates an official data protection procedure at the request of the data subject and

may initiate official data protection proceedings ex officio.

Infotv. According to § 61, paragraph (1), point a), it was made in the official data protection procedure in its decision, the Authority issued Infotv. Data management defined in paragraph (2) of § 2 operations in connection with general data protection defined in the decree may apply legal consequences.

Infotv. Pursuant to § 71, paragraph (2), the Authority lawfully obtained during its procedures can use documents, data or other means of proof in other proceedings.

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Infotv. 75/A. Based on § 83 of the General Data Protection Regulation, Article 83 (2)–(6)

exercises its powers in accordance with the principle of proportionality,

especially with the fact that you are in the law regarding the handling of personal data

The regulations defined in the mandatory legal act of the European Union are being implemented for the first time

in case of violation, to remedy the violation - with Article 58 of the General Data Protection Regulation

in accordance with - takes action primarily with the warning of the data manager or data processor.

It is ordered by the Authority based on Article 58 (2) point d) of the General Data Protection Regulation

the data manager or the data processor to perform its data management operations - where applicable

in a specified manner and within a specified period of time - harmonized by this regulation

with its provisions.

On the basis of Article 58 (2) point i) of the General Data Protection Regulation, the Authority has the 83.

imposes an administrative fine in accordance with Article, depending on the circumstances of the given case

in addition to or instead of the measures mentioned in this paragraph.

Based on Article 83 (1) of the General Data Protection Regulation, all supervisory

authority ensures that due to the violation mentioned in paragraphs (4), (5), (6) of this regulation

the administrative fines imposed on the basis of this article are effective in each case,

be proportionate and dissuasive.

According to Article 83 (2) of the General Data Protection Regulation, administrative fines

depending on the circumstances of the given case, Article 58 (2) of the General Data Protection Regulation must be imposed in addition to or instead of the measures mentioned in points a)-h) and j) of paragraph

When deciding whether it is necessary to impose an administrative fine or a sufficiently in each case when determining the amount of the administrative fine the following should be taken into account:

- a) the nature, severity and duration of the infringement, taking into account the one in question the nature, scope or purpose of data processing, as well as the number of data subjects affected by the breach affected, as well as the extent of the damage they suffered;
- b) the intentional or negligent nature of the infringement;
- c) damage suffered by data subjects on the part of the data controller or data processor any measures taken to mitigate;
- d) the extent of the responsibility of the data controller or data processor, taking into account the technical and organizational measures;
- e) relevant violations previously committed by the data controller or data processor;
- f) the remedy of the violation with the supervisory authority and the possible negative nature of the violation extent of cooperation to mitigate its effects;
- g) categories of personal data affected by the infringement;
- h) the manner in which the supervisory authority became aware of the violation, in particular whether the data controller or the data processor has reported the breach, and if so, in what detail;
- i) if against the relevant data manager or data processor previously - in the same a subject matter - ordered referred to in Article 58 (2) of the General Data Protection Regulation one of the measures, compliance with the measures in question;
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- j) whether the data manager or the data processor has observed general data protection

for approved codes of conduct under Article 40 of the Decree or the general

for approved certification mechanisms under Article 42 of the Data Protection Regulation; as well as

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

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

or avoided loss.

In the absence of a different provision of the general data protection regulation, the data protection authority

for procedure in the Acr. provisions shall be applied with the deviations specified in Infotv.

The Hpt. In the case of telephone complaints based on § 288, paragraph (2), the financial

telephone communication between the institution, independent intermediary and the client in the financial

the institution records it with an audio recording and keeps the audio recording for five years. About this, the customer a

must be informed at the start of telephone administration. At the customer's request, a

listening to the audio recording, as well as twenty-five free of charge - according to your request

the certified record of the audio recording must be made available within days

or a copy of the audio recording.

The Hpt. Pursuant to § 288, paragraph (4), the financial institution and the independent mediator are the complaints

cannot charge the consumer a separate fee for its investigation.

The Fgytv. 17/A. On the basis of paragraph (7) of § §, the company shall record the record of the complaint and the

must keep a copy of the answer for three years, and it to the inspection authorities

present at their request.

The Fgytv. 17/B. Based on paragraph (3) of § §, customer service operated by telephone access, or

in the case of telephone access provided for pre-booking the administration date

must be ensured from the date of successful recovery of the call initiated by the consumer

receiving a call within the calculated waiting time of five minutes and starting the substantive administration,

unless it is not possible due to unavoidable reasons beyond its scope of activity, provided that

that the business acted as is generally expected in the given situation. The business

identification of the consumer is required to choose live voice administration related to the complaint

without advertising - without the transmission of advertising - the customer service operated by telephone access to the first place in the menu order. On all incoming calls to customer service made a verbal complaint, as well as the customer service and telephone

communication must be audio recorded. If the audio recording contains the 17/A. § (5)

content elements according to paragraph - this does not include the place of submission of the complaint, a

the list of evidence presented by the consumer, the signature of the person taking the minutes,

as well as the place and time of recording the minutes - the recording of the minutes is done by the consumer

can be waived with your consent. The audio recording must be provided with a unique identification number and must be kept for five years

must be preserved.

Act V of 2013 on the Civil Code (hereinafter: Civil Code) 6:21. on the basis of §

the statutory deadline for exercising rights and asserting a claim has passed

it results in loss of rights if this is specifically ordered by law. If the deadline is not void, the statute of limitations shall apply.

III.

III.1. The importance of appropriate data management information

between consumer

Decision

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1.1. According to Article 12 (1) of the General Data Protection Regulation, the Customer - as a

data controller responsible for data management under investigation - obligation to take appropriate measures

in order to ensure that, for the data subjects, the 13.

and all the information mentioned in Articles 14 and 15-22. and each according to Article 34

information in a concise, transparent, understandable and easily accessible form, clearly and

provide it in a comprehensible way.

1.2. The system of appropriate information in the general data protection regulation serves to so that the data subject can be aware of which personal data, which data controller and for which purpose, with which legal basis, for how long will it be processed. It is essential for it to be so be in a position to be able to meaningfully exercise your stakeholder rights.

1.3. Article 6 (1) point a) of the General Data Protection Regulation (the person concerned consent) in the case of data management based on Article 4 11 of the General Data Protection Regulation. point, not only the initiation of data management, but also the obtaining of consent before the data controller is obliged to provide information based on informed consent can be given, which is not possible under the general data protection regulation on data management in the absence of the basic information listed as an example in Article 13. In this case, it is general it is also necessary to comply with additional conditions according to Article 7 of the Data Protection Regulation.

#### 1.4. General data protection

based on the consent of stakeholders according to the decree regarding data management, it is important to emphasize that it is not intended to be the data controller applies it as a general authorization regardless of other legal conditions to be able to handle any personal data without limits at any time and for any reason.

The data subject's consent to data processing can only be valid if it is specific for purpose(s) - which can be specified separately for each purpose - and appropriate information is provided beforehand, which puts the person concerned in such a position that he can make an appropriate decision to consent and complies with all other provisions of the General Data Protection Regulation validity requirement. Article 12 (1) of the General Data Protection Regulation

According to

can exercise his/her rights as a data subject in an informed manner.

1.5. As explained above, the obligation to provide information is not a mere "paperwork" is an obligation in the General Data Protection Regulation. All in preamble 2

contained, all the articles of the general data protection regulation require the achievement of results



when determining the obligations of a data controller, not just a specified minimum

proof of effort on the part of the data controller.

1.6. Based on points b) and f) of Article 6 (1) of the General Data Protection Regulation

in the case of data management, the factor that significantly affects legality is also the appropriate, transparent and non-contradictory information.

1.7. Incomplete or unclear information - especially, but not exclusively, the purpose and

in terms of legal basis - it may directly affect the enforceability of the rights of the affected parties

ability. In the case of some legal grounds, the rights of the affected parties that can be exercised may differ and

if more than one legal basis is indicated, it may happen that they are not mutually exclusive

are compatible, so none of the related rights actually applies. That he gave

in connection with data management, what rights the data subject has in terms of the legal basis

can be decided

designation is such

legal basis is clear, per purpose

so the

2 For example, the first half of Recital (39) of the General Data Protection Regulation: "The processing of personal data shall be lawful and

it should be fair. For natural persons, it must be transparent that the information concerning them is personal

how their data is collected and used, how it is viewed or in what other way it is handled, as well as

in connection with the extent to which personal data is or will be managed. [...]"

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a minimum requirement that cannot be missing or cause difficulties under any circumstances

its understanding by the person concerned.

1.8. In particular, but not exclusively, the above statement applies to general data protection

in the case of a legal basis according to Article 6 (1) point c) of the Decree, in which special attention should be paid

it is necessary that the limitation of the data subject's rights is only required by law

to be realized to the extent and duration, and to receive specific information about its scope

the data subject in addition to the fact that data management is mandatory based on a specific law.

### III.2. The examined data management information

2.1. The Authority in the History Case is available on the Customer Website as of June 30, 2022

examined its data management information (.....), which was dated May 2018

It shows the content of information for the period between June 25 and 30, 2022, and this period

regarding this, the Authority is also based on this in the current data protection official procedure

findings regarding legal compliance. No statement or document to the contrary

received from the Customer. Subsequent modification of the information to the information of the previous period

its legal compliance is not affected.

2.2. The Authority is the current data protection authority procedure after June 30, 2022

for the period up to the date of its initiation (October 12, 2022), the Customer has the

Received in Case History on August 8, 2022, received under NAIH-6289-3/2022

I.1.3 above, sent in your reply letter data management information detailed in point

was based on.

2.3. After the Customer initiates this data protection official procedure, the data management

changes made in the information of the examined (May 25, 2018) and this data protection

between the date of the initiation of the official procedure) of the legality of providing information

they are not relevant for your assessment. However, the Authority's previous data management

when substantiating information deficiencies, as well as a

legal consequences

for its determination, it took into account the amended I.2.1 above after the period under review. and

I.2.2. also the content of data management information detailed in points.

### III.3. Problems identified in the Customer's data management information

3.1. Data management information as of June 30, 2022

(i) The information sheet follows the following structure: introduction and name of data controller (no

serial number), definitions (no serial number), data management principles and guidelines

legislation (serial numbers 3.1-3.8), listing the purposes of data management (4.1), data management

listing of its legal grounds (4.2.), collection and processing of data and duration of data management (5.1.

claim management, 5.2. ensuring the provision of services available on the Website, 5.3.

company information data, without a separate serial number at the end of the direct based on legitimate interest

data management for marketing purposes).

(ii) In general, it can be said that the breaking up of text-only information and

based on its transparency, it already makes it difficult in its structure for the affected person to be given by it

you can easily find all the essential conditions of the data management you are looking for, one by one

in terms of data management purposes, you cannot do this in one place, from several different chapters

must gather all the data subject's information for a given data management. The "right

data management for the purpose of interest-based direct marketing" does not differ in substance

formally from information about the company information service. Individual goals are not

are sufficiently specifically indicated when presenting the legal grounds and other conditions, a

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information 4.1. instead of the goals listed in point 2, more abstract goals are combined

and in the later points, for which he concluded with several - if applicable, different legal grounds

- goal is associated, and the determination of the individual data management times was only listed one after the other

listed, from which the data subject must select the information he needs. This is the Authority

in his opinion, Article 12 (1) of the General Data Protection Regulation does not comply

of the conditions for the provision of concise, transparent and understandable information.

(iii) Definitions include "affected": "any specified,

identified or - directly or indirectly - identifiable on the basis of personal data

natural person", and "the person concerned", whose definition is that

"the data subject is the person whose data the Customer uses in order to collect the claim

handles. [...] The affected person may be another person who can be associated with the claim,

as well as the visitor of the Website.". The two are slightly different - but easily can be confused - the definition is, according to the Authority's point of view, suitable for that it confuses the person concerned in the interpretation of the information, so this is not the general rule transparent and accurate information according to Article 12 (1) of the Data Protection Regulation.

(iv) Data management information 3.4. according to point, a person under the age of 16 only the person of legal age exercising parental supervision over the personal data concerned can be processed with your consent. This is only in the case of certain legal grounds or so, for example a in the case of data processing based on legal obligations, age does not matter, on the other hand, a The target audience of the services available on the website is not minors, nor is the Authority upon inquiry, the Customer was also unable to indicate a specific case when he was a minor it is necessary to process your personal data in the course of claims management activities (see the declaration according to point I.1.3.(iii) above). In addition to all this, general data protection based on Article 12 (1) of the Decree, it is not clear what this information means and who is the recipient.

(v) They are a mere list of all purposes and all legal bases of data management connecting individually and the duration etc. clear case-by-case addition of information without it is not sufficiently transparent and does not comply with Article 12 (1) of the General Data Protection Regulation and Article 13 (1) point c), the data subject will not be in it in a position to easily identify exactly which of your data is being processed and given for which purpose which legal basis belongs to the purpose. This interpretation was confirmed by, among others, the French data protection authority also in its decision against Google LLC in January 20193.

According to the Authority's point of view, the later points of the examined information sheet do not remedy this either problem, the legal bases for the given type of data cannot be clearly identified, and gathering information means extra work for the average person concerned, which should have been carried out by the data controller based on the general data protection regulation and hand it over to the person concerned in the appropriate form.

(vi) The information did not clearly indicate that it was based on a legal obligation

specifically, which types of data are processed and for how long based on which legislation. THE

Hpt. In addition to the reference to § 288 (incorrect paragraph), the period of data management is incorrect - 5

instead of 1 year - you specified a time, and only Hpt. mandatory data management according to is mentioned in

information, Fgytv. no mandatory audio recording according to The Customer's statement –

according to which the correct 5-year time is spoken during the telephone conversation

information - only adds to the controversy as the online information marked on the phone

after possibly reading it, the person concerned will have two strongly different pieces of information for the same a

to fact. This does not comply with Article 12 (1) of the General Data Protection Regulation

3 [https://edpb.europa.eu/news/national-news/2019/cnils-restricted-committee-imposes-financial-penalty-50-million-euros\\_hu](https://edpb.europa.eu/news/national-news/2019/cnils-restricted-committee-imposes-financial-penalty-50-million-euros_hu)

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an obligation based on which it is necessary to provide transparent and accurate information,

as a result of which the information cannot be misleading or inaccurate.

(vii) The information sheet does not indicate the handling of the relevant citizenship data

and for what exact purpose it is needed. Presented by the Customer during the procedure

arguments - the choice of the language of the first communication and the payment order

in case of delivery by executor, marking on the form - where appropriate

they can base the processing of this data for the shortest time necessary to achieve the goal, which

it lasts until the first successful contact, however, due to the sensitive nature of the data, it is accurate

it is necessary to define its conditions and framework in a clear and comprehensible manner for those concerned

in personal information. This was missing from the examined information.

(viii) 5.1.3 of the prospectus. is not indicated in the "data collection from other sources" section

and specifically and exhaustively (just as an example) from which other sources you can obtain it

specifically, what type of data does the Customer use, for what purpose, for how long, and that's all

optional data that can be processed until the interested party objects. Given this and the fact that the service providers

in the telephone number database and therefore opt-out and not in the online inquiries based on it

the opt-in system works, contrary to the Customer's claim, the mere lack of objection does not can be considered as an active consenting act of the data subject, which is the general data protection one of the conditions of validity based on point 11 of Article 4 of the Decree. The specific data management consent cannot be given without knowledge, Article 6 (1) of the General Data Protection Regulation on the basis of paragraph a) ("one or more specific goals" are required, which are known by the affected at the time of consent). The European Data Protection Board on consent 5/2020 Guidelines<sup>4</sup> (hereinafter: 5/2020 Guidelines) in paragraph 75 significantly records that the General Data Protection Regulation makes it clear that consent requires a statement or confirmation from the person concerned to an unmistakably expressive act, which means that it is always an active act or must be given by declaration. It must be clear that the data subject has consented to it for given data management. Because of all this, the first call cannot be based on the person concerned consent, only in the legitimate interest of the Customer in making contact, is appropriate in addition to information and consideration of interests. Due to the above, the examined information was not satisfactory and the appropriate and accurate required for stakeholder consent based on the above information requirement, thus violating Article 12 (1) of the General Data Protection Regulation paragraph.

### 3.2. Data management information after June 30, 2022, before October 12, 2022

necessity and

(i) As a result of the Authority's procedure, the Customer realized that its data management information is not sufficiently transparent, so in the History Case it arrived on August 8, 2022, NAIH-6289-3/2022 in his reply letter specifically to increase transparency for this purpose, he grouped the individual in tabular form in a significantly different way than before information about data management. Among others, this Authority is present procedure findings according to

substantiates its validity regardless of whether the Customer is to increase transparency

how many results did its activities have

(ii) The amended contract sent by the Client to the Authority on August 8, 2022

information in the "Customer details" section "Customer name address, contact name"

data is processed for several purposes, these purposes are indicated together ("Service provision

fulfillment of contracts, fulfillment of accounting obligations"), and it is clear to them

without separation as a legal basis the (general data protection regulation) "6. Article (1) paragraph b)

and point c), in the case of enforcement of claims arising from the contract, the Civil

having

part

4 [https://edpb.europa.eu/sites/default/files/files/file1/edpb\\_guidelines\\_202005\\_consent\\_en.pdf](https://edpb.europa.eu/sites/default/files/files/file1/edpb_guidelines_202005_consent_en.pdf)

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Act V of 2013 on the Code of Laws 6:21. §a" legal grounds were indicated. THE

mixing and unclear separation of service provision and legal obligation

it makes it difficult to exercise related stakeholder rights, as it is partially different or different

scope of stakeholder rights can be exercised in the case of individual legal grounds. This is a blur

unnecessary and confusing, they are two completely separate goals. Acts 6:21. § also the bankrupt

describes the nature of the deadline, it does not establish any legal obligations based on which

The customer would not have a choice regarding the continuation of data management, so it is not clear

based on Article 6 (1) point c) of the General Data Protection Regulation

The Customer performs mandatory data management in this context. The same problem, the corresponding clear

lack of separation exists with regard to the "Customer email address" data, where the legal basis is a

"6. Article (1) paragraphs a) and b)" was marked without indicating which

for more specific purposes, which legal basis is applicable, i.e. not for the provision of the contract

necessary email address data, which is handled by the Customer for communication on a specific topic

with consent. The more specific goals with a specific legal basis and the ones that belong to them

the lack of a proper and clear presentation of the legal basis, so the full was preserved in this round as well in the examined period.

(iii) The amended contract sent by the Client to the Authority on August 8, 2022

in the information "Registration at ..... page" section for more data

(general data protection regulation) "6. also a legal basis according to Article (1) points a) and b)".

indicated at the same time (Surname, first name - purpose: identification, E-mail address - purpose:

Maintaining contact, providing services, Password - purpose: To the user account

serves for secure entry). In the above cases, it is not clear what exactly belongs

to the category essential for the provision of the service and for which purpose, and what for which a

consent can be revoked at any time with any legal consequences (for example, the service

without impossibility). By the Customer's statement presented in point I.2.1.(iv) above

in a substantiated manner, some services (such as the purchase of a company statement) registration and

they also work without creating an account, in this case the registration on the Website is only

convenience, optional option, cannot be based on Article 6 (1) of the General Data Protection Regulation

paragraph b) This is supported by the European Data Protection Board 2/2019

also paragraphs 23-25 of its guidelines<sup>5</sup> (hereinafter: 2/2019 Guidelines). All

for data management related to a service that does not require registration,

only general data processing related to the provision of the service itself can be carried out

on the basis of Article 6 (1) point b) of the Data Protection Regulation, the optional convenience

registration must be clearly marked as such and with registration and account management

data management based on consent must be clearly separated from the service

from provision, for which registration is not required. Where it is not technically possible to

provision of services in the absence of registration, this must be clearly indicated there, and such

in this case, the data management cannot be based on the general

Article 6 (1) point a) of the Data Protection Regulation. The different purpose (service

convenience that can be used even without providing or currently ordering a service



function) and rights-based data management must be clearly separated from each other, since for example

withdrawal of consent or protest is not interpreted for the service

essential in the field of data management, so the data subject rights are easy and the data subjects

this is particularly relevant from the point of view of its comprehensible enforceability. More specifically,

objectives with a specific legal basis and the corresponding legal basis are appropriate and clear

the lack of its presentation thus persisted in this circle as well during the entire examined period.

5 2/2019 guidelines for personal data according to Article 6(1)(b) of the General Data Protection Regulation

about treatment

in the context of:

[https://edpb.europa.eu/sites/default/files/files/file1/edpb\\_guidelines-art\\_6-1-b-adopted\\_after\\_public\\_consultation\\_hu.pdf](https://edpb.europa.eu/sites/default/files/files/file1/edpb_guidelines-art_6-1-b-adopted_after_public_consultation_hu.pdf)

services

are affected

for

provided

online

the

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(iv) The Authority established, based on the revealed facts, that the Customer does not perform

data processing for the purpose of direct business acquisition and transferred by him for use for this purpose

personal data in the company register are related to the company (manager's name and public

contact information), the data management for the purpose of obtaining business is carried out by those customers of the

Customer for whom

the public data of the company register is sold by the Customer. The Authority considers it important in this regard

to clarify the error in the Customer's statement detailed in point I.2.2.(ii) that the

it would not cover personal data found in the company register that is public in the public interest

scope of the general data protection regulation. The Authority NAIH 2018/5233/4/V. case number, Customer

also cited by the resolution expressly states that "These data are provided by Infotv. of § 3

According to point 6, public data in the public interest, which, however, in this a

they retain their personal data quality in addition to "The data management

therefore, with regard to the personal data of individual entrepreneurs, the aim is business-like economic

must be related to an activity. Consequently, sole traders are personal

during the processing of your data, you must also pay attention to the fact that data processing is necessary

be limited to a certain extent.". According to this, from the public interest to the public interest during the management of public data

based on established legitimate interests, data processing takes place, the General Data Protection Regulation

of all its relevant provisions - especially, but not exclusively, the purpose limitation

in addition to the validity of its principle. Management of personal data made public in the public interest

for this reason, non-personal data cannot be considered to be handled without legal restrictions, its other, a

not compatible with economic participation

dependent, not on the economic entity, but

its use for private individuals is illegal. For the Customer's customers who on this

data are bought, the rules of the general data protection regulation must be observed, esp

with regard to the principle of purposefulness.

3.3. The Authority is outside the examined period of the Customer's data management information, the above

However, it did not evaluate the merits of its later amendment presented in point I.2.1.(i).

taken into account as support for this decision and obligation to amend the prospectus

when considering the need for the Customer to inform the examined period

the still inadequate information sheet has again made significant changes compared to

in text (rearrangement of the table, collection of complaint handling in a separate section, etc.). This one too

shows that it was not thought through, carefully planned and documented during the period under review

data management, the Customer tries to see through it himself afterwards and present it in an understandable form. The

5/2020, based on paragraph 121 of the Guidelines, the application of one of the six legal bases

must be established prior to data management activities and in connection with a specific purpose, and to communicate this to the person concerned, who, in the period under review, was subject to III.3. of this decision. in point

based on detailed information, it was not done with sufficient thoroughness. Recording is important also a clear separation of mandatory and non-mandatory cases, since the person concerned does not matter from the point of view of whether it is done on the basis of legislation or the data controller's own discretion making a sound recording and for what purpose it can be used later.

3.4. Without affecting the legality of the data management information for the examined period, III.3.3 above.

for the purposes explained in point I.2.1.(i) above, the Authority established that

in the table, the information about the audio recording was omitted during the complaint handling (and the Hpt. and Fgytv. clarification of obligations in this regard). THE

In the case of claims management, the phone number or email address is the first contact

for the purpose of legitimate interest-based treatment, the telephone number or email is expressed by the person concerned processing after the first inquiry based on your consent, as well as the telephone call

The three different legal bases for the data management of the mandatory recording are still not mutually exclusive clearly separated. Registration and service provision are still not clear

separated, neither function nor legal basis (General Data Protection Regulation Article 6 (1) paragraph a) and point b) and the section entitled "customer data" does not clarify the general

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data processing based on points a), b) and c) of Article 6 (1) of the Data Protection Regulation

the differences between them, their specific goals and the legal basis for each goal is average

for the person concerned, they still cannot be separated from each other in an easily understandable way, the more different data management merges in the information sheet. It was founded on the consent of the person concerned

in the case of data management, the consent must be easily revoked and for the given purpose

data management cannot continue after the withdrawal of consent, and this is the specific purpose

must appear clearly in the information provided to the data subject. Each

the required duration of data processing is not clearly indicated in the table, which is separate it is difficult to compare with textual information. The data processing periods are much longer they would be more transparent when marked next to the goals and legal bases than independent of the table in the text part, not linked to the more general target designations according to the table. THE data processing related to a contractual legal basis is usually for the termination of the contract until a relative deadline, data management based on the legal obligation is limited to a until a tentatively determined deadline (which is usually the creation of the accounting obligation, not the termination of the contract), data processing based on consent is consent until its withdrawal (e.g. request to delete an account), their clear definition and its delimitation is missing from the examined information, although data management is mentioned in them about his time.

3.5. Based on the above, it can be established that the Customer did not give during the examined period transparent and accurate information to those concerned about the individual data management purposes and the in relation to the legal bases belonging to them, thereby violating the general data protection Regulation, Article 12 (1) and Article 13 (1) of the General Data Protection Regulation point c) of paragraph

#### III.4. Invalidity of some legal bases used in the period under review

4.1. Data management information as of June 30, 2022 4.2. according to point a consent by the person concerned by using the Website, registering, and the data enter it voluntarily. This information is untrue by using the Website regarding, as the consent is based on Article 4, point 11 of the General Data Protection Regulation based on voluntary, specific and appropriate information and clear of the will of the data subject must be declared, it cannot be done by simply browsing the Website and the services give valid consent to data management with your order. In point III.3.1.(viii) above in relation to paragraph 75 of the 5/2020 Guidelines, they are explained here as well are guidelines. Furthermore, paragraph 81 of the 5/2020 Directive states that the data controller

you must also ensure that consent cannot be obtained by the same act, such as consent to a contract or a general contract for a service acceptance of its terms. Paragraph 86 of Directive 5/2020 states that (32) activities such as scrolling or on the website based on recital read-through or similar user activity under any circumstances they do not meet the requirement of a clear and affirmative act: such activities are difficult to distinguish from other activities of the user or interactions, therefore it is not possible to determine whether the consent is clear. Furthermore, in such a case, it will be difficult to provide the user with such an easy way to to withdraw consent rather than to give it. Because of all these, it is affected the data management based on the consent of the above rules

are carried out in violation based solely on the browsing of the relevant Website

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consent, they violate Article 6 (1) of the General Data Protection Regulation, furthermore therefore, the related information is also incorrect.

4.2. In the data management information after June 30, 2022, before October 12, 2022, the Customer already indicated by Fgytv. 17/A. mandatory data management according to §, however, both with this related data management activities ("Claims management" and "Registration on the Website")

in the case of sound recording, the Fgytv. 17/A. § (7) as legal

place of legislation imposing an obligation, which is not accurate, as it is found in the other lines applicable protocol is about recording and recording data in it, and that

Fgytv. 17/B. § paragraph (2).

requires audio recording and 5-year retention

as an obligation, in relation to the purpose of handling complaints. In addition to the above factual error, Hpt.

according to the mandatory audio recording is not included in the table, it is included in the text section

mention, and it is not clear and unambiguous that the Customer's receivables management activity in which case exactly for which purposes is the audio recording made and under what conditions (e.g. Hpt. or Fgytv. complaint handling or both, and outside of complaint handling cases yes, based on what). Relating to claims management in the information table, the purposes of data management are also the "Contact, maintaining contact, preparing an agreement with the debtor in order to settle the debt, complaint handling" was marked in relation to the handling of the audio recording, of which alone in the case of complaint handling, the legal basis indicated in the table (with incorrect numbering) exists, other purposes, it cannot be distributed by the Customer. The above together is not clear, not accurate and not they provide clear information to those concerned, who may not be aware of it with the exact reason and conditions of data processing. In this area, therefore, not during the entire period under review given appropriate, transparent above the is marked as invalid by Fgytv outside of complaint handling. obligation according to fulfillment as the legal basis for data management. Because of all this, it applies to that recording data management, which Fgytv. with regard to activities outside the scope of Making a reference to Fgytv violates Article 6 (1) of the General Data Protection Regulation paragraph, and therefore the related information is also incorrect. the Customer provides information to those concerned about this does it happen and if and "The are affected his treatment" complaints

4.3. In the amended information sent by the Client to the Authority on August 8, 2022

it is not clear what the difference is between the name, email address, and phone number of the affected person "Az  
are affected

communication

ensuring its verifiability and traceability' among the objectives, since both

the same data, on the same – Fgytv. arising from an obligation under - legal basis

is treated by reference, however, Fgytv. specifically only a record of the complaint

imposes a data management obligation, so the raison d'être of the second purpose above and

its legal basis is questionable, it is not clear. For all these reasons, contact information

relevant data management, which Fgytv. out of scope

activities

with reference to Fgytv violates general data protection

Article 6 (1) of the Regulation, as well as the related information

wrong.

carried on

with claims management

4.4. In the data management information after June 30, 2022, before October 12, 2022, the Customer

the

"Contact,

When indicating the purpose of "contact", the consent of the data subject indicated the legal basis (general

Article 6 (1) point a) of the Data Protection Regulation. Based on the revealed facts, this is only the first

after contact exists after actual consent, "contact" does not

is done with the prior consent of the person concerned. The Customer - explained in point I.1.3.(vi) above

in connection

telephone number

e-mail,

the

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- claims that the Customer consents by appearing in the online phone book

for data processing for the purpose of contact related to claims management

upper

It is wrong for the reasons already explained in point III.3.1.(viii). The Customer is presented in point I.1.3.(ix) above

according to his statement, by considering interests and not by collecting consent in advance

the Customer based this data management, and for the reply sent on August 8, 2022

attached consideration of interests regarding claims management as the legitimate interest of the Customer

presents the handling of the email address and telephone number for the purpose of contact by the person concerned

until protest, not withdrawal of consent. Based on the practice of the Authority, the legitimate interest

with proper consideration and information, it may be an appropriate legal basis for the first call, however

for this, it is essential to provide the appropriate information about which data the Customer provides and why

and based on what it treats. Exercising the right to object is not the same as withdrawing consent,

the information is not merely a "paperwork" of the data management, it is an arbitrary information

by providing, but the goal is to eliminate the data subject's lack of information, the real, concrete

presentation of data management. The templated, not relevant to the given data management, is blurred

no information

condition. In this round, the Customer is therefore the first

invalidly based contact on the consent of the data subject, which violates the

Article 6 (1) of the General Data Protection Regulation, and for this reason, herewith

related information is also incorrect.

perform on this

ARC. Legal consequences

1. The Authority complies with Article 58 (2) point i) and Article 83 (2) of the General Data Protection Regulation

may impose a data protection fine instead of or in addition to the other measures.



In case of violation of the General Data Protection Regulation, Article 58 of the General Data Protection Regulation.

on the basis of Article (2) point d), the data controller must be obliged to

bring data management into line with the general data protection regulation. In view of this, the above

III.3. and III.4. in point - with particular regard, but not exclusively, to III.3.3. and III.3.4. in points –

on the basis of what has been explained, the Authority, according to the relevant part of the data management information

obliged the Customer to amend it in order to remedy the lack of transparency,

especially but not exclusively with regard to purposes and legal bases. General data protection

on the basis of the regulation, an appropriate review and clear communication of this prior to data processing

it is the Client's obligation to provide specific information to the Authority - the Client's operation

in the absence of practical knowledge - it is not defined, however, it is explained in this decision

the existence of principles of transparency and comprehensibility is checked by the information provided by the Customer

in case of.

2. On the question of whether the imposition of a data protection fine is justified, the Authority

made a decision based on statutory discretion, taking into account Infotv. Section 61 (1)

to paragraph a), Infotv. 75/A. 83 of the General Data Protection Regulation.

(2) and Article 58 (2) of the General Data Protection Regulation, which

based on this, the conviction in itself would not be a proportionate and dissuasive sanction, therefore

a fine must be imposed.

3. Regarding the necessity and amount of the fine, the Authority took into account that

Client's 2021 net sales .....hundred million.... It was Ft. The maximum possible fine is –

considering that the violation affected Articles 12 and 13 of the General Data Protection Regulation

– It was 20,000,000 euros.

4. When determining the amount of the data protection fine, the Authority as a mitigating circumstance

took into account the following:

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(i) The violation is a relatively small number, other than the bulk sale of business register data

was realized with respect to the person concerned. (general data protection regulation Article 83 (2) paragraph a)  
point)

(ii) The breach was negligent. (Article 83 (2) of the General Data Protection Regulation  
point b)

(iii) The Authority has not previously established any relevant data protection provisions against the Client  
infringement and did not order any measures. (General Data Protection Regulation Article 83 (2)  
paragraph e)

(iv) In order to mitigate the possible negative effects of the violation, the Customer is the Authority  
during his procedure, he tried several times to remedy the errors in the information, although he was not completely  
successful.

(General Data Protection Regulation Article 83 (2) point f)

(v) The violation did not affect the sensitive or special personal data of the persons concerned.

(General Data Protection Regulation Article 83 (2) point g)

5. When determining the amount of the data protection fine, the Authority as an aggravating circumstance  
took into account that

(i) Data processing continued for a longer period of time. (general data protection regulation 83.  
Article (2) point b)

(ii) The Customer manages an extremely large number of public data for its main activity  
in addition, it also carries out activities related to receivables management, thus  
a high level of knowledge of data protection requirements would be expected of him and  
provision. (General Data Protection Regulation Article 83 (2) point k)

6. The imposition of fines serves both special and general prevention, since if a  
Authority is the right one

information would not be consistently required by the authorities

in its decisions, then it could result in the data controllers not considering it as such

of fundamental importance, as it is necessary to protect the right to self-determination of information

in order to For the sake of general prevention, the Authority also issues this decision published on its website in an anonymized form.

#### A. Other questions

1. Infotv. According to § 38, paragraph (2), the Authority is responsible for the protection of personal data, and the right to access data of public interest and public interest control and promotion of the validity of personal data in the European Union facilitating its free flow within. Infotv. According to Section 38 (2a), the general tasks and powers established for the supervisory authority in the data protection decree general data protection for legal entities under the jurisdiction of Hungary is exercised by the Authority as defined in the decree and this law. The Authority its jurisdiction covers the entire territory of Hungary.

2. The Art. Based on § 112, subsections (1) and (2), § 114, subsection (1) and § 116, subsection (1) the decision can be appealed through an administrative lawsuit.

\* \* \*

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3. The rules of the administrative procedure are laid down 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. Section 13, paragraph (3).

Based on point a) subpoint aa), the Metropolitan Court is exclusively competent. The Kp. Section 27 (1) according to paragraph 1, legal representation is mandatory in administrative proceedings before the tribunal. The Kp. According to paragraph (6) of § 39, the submission of a claim is an administrative act does not have the effect of postponing its entry into force.

4. The Kp. Paragraph (1) of Section 29 and, in view of this, CXXX of 2016 on the Code of Civil Procedure. applicable according to § 604 of the Act, electronic administration and trust services CCXXII of 2015 on its general rules. according to § 9 (1) point b) of the Act, the

the client's legal representative is obliged to maintain electronic contact. The submission of the statement of claim time and place of Kp. It is defined by § 39, paragraph (1). Request to hold the hearing information about the possibility of the Kp. It is based on paragraphs (1)-(2) of § 77.

5. The amount of the fee for the administrative lawsuit is determined by the XCIII of 1990 on fees. law (hereinafter: Itv.) 45/A. Section (1) defines. From the advance payment of the fee the Itv. Paragraph (1) of § 59 and point h) of § 62 (1) exempt the person initiating the procedure half.

6. If the Customer does not adequately certify the fulfillment of the prescribed obligations, the Authority considers that the obligations have not been fulfilled within the deadline. The Akr. According to § 132, if the Customer did not comply with the obligation contained in the Authority's final decision, that is can be executed. The Authority's decision in Art. according to § 82, paragraph (1) with the communication becomes permanent. The Akr. Pursuant to § 133, enforcement - if you are a law government decree does not provide otherwise - it is ordered by the decision-making Authority. The Akr. 134. pursuant to § the execution - if it is a law, government decree or municipal authority the local government decree does not provide otherwise - the state tax authority undertakes. Infotv. Based on § 61, paragraph (7), contained in the Authority's decision, to carry out a specific act, for specific behavior, you are patient regarding the obligation to stop, the Authority will implement the decision undertakes.

dated: Budapest, according to the electronic signature

Dr. Attila Péterfalvi

president

c. professor