

Case number: NAIH-523-9 / 2021.

Subject: Decision rejecting the application

## DECISION

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

on the basis of the application submitted by the applicant (hereinafter: the Applicant) on 11 January 2021

with regard to the unlawful management of his account number with [...] (hereinafter: the Requested)

the following decision in the data protection authority proceedings against

I. The Authority shall request the applicant to:

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the Authority shall determine the right to information self - determination and the

CXII of 2011 on freedom of information Act (hereinafter: the Information Act) § 16 (1) and

(2) and the processing of personal data of natural persons

and the free movement of such data, and

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

hereinafter referred to as the GDPR or the General Data Protection Regulation), Article 6 (1),

infringement of Article 14 (1) and Article 14 (1) and (2),

in case of unlawful data processing, the Authority shall oblige the Applicant to handle the unlawfully processed data

to delete personal data,

rejects.

II. The Authority finds of its own motion that the Applicant has breached the general data protection rules

Article 6 (4) and Article 13 (3) of that Regulation.

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There is no administrative remedy against this decision, but from the date of notification

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

can be challenged. The application must be submitted to the Authority, electronically, which is the case

forward it to the court together with his documents. Indicate the request for a hearing in the application

must. For non-personal tax exemptions, judicial review

the fee for the proceedings is HUF 30,000, the lawsuit is subject to the right to record fees. Before the Metropolitan Court

legal representation is mandatory in these proceedings.

## EXPLANATORY STATEMENT

### I. Procedure

I.1. At the request of the Applicant, the Infotv. Pursuant to Section 60 (1) on 12 January 2021

data protection authority proceedings have been initiated.

I.2. The Authority, in its order, invited the Applicant to make a statement to clarify the facts

with reference to Act CL of 2016 on General Administrative Procedure. Act (a

hereinafter: Ákr.), to which the Applicant's reply was received on 10 February 2021

to the Authority (NAIH-523-3 / 2021).

On the basis of the Applicant's statement, the Authority considered that the clarification of the statement

it is again necessary to invite the Applicant to make a statement in order to clarify the facts,

and considered that it was essential to explore the circumstances of the case

In answering the questions, the Applicant did not detail the objections raised by the Applicant

data processing operations and informing the Applicant of new circumstances

examination of the facts became justified and was therefore again called upon to clarify the facts

in its order of 11 March 2021, to which the Applicant applied to the Authority a

He sent his statement by letter received on 30 March 2021 (NAIH-523-6 / 2021).

I.3. The Authority has issued NAIH-523-7 / 2021. s. notified the Applicant that the evidence

procedure was completed and a copy was forwarded to the Applicant with reference to this

Statements sent to the Authority, as well as with reference to Ákr. § 5 (1) - (2),

and § 63 to send it to the Authority with the evidence presented

a statement or comment in this regard. In response, the Applicant addressed the Authority in 2021.

sent a statement received on May 5 (NAIH-523-8 / 2021).

## II. Clarification of the facts

### II.1. In his application, the applicant stated the following:

He was employed by the Applicant from 1 January 2019 to 13 September 2020.

The Applicant employed the Applicant as a Compliance Officer. Employment of the Applicant terminated at its request.

As an employee of the Applicant, the Applicant had to open a payment account with the Applicant, that their payment will be deducted, so this account number was provided by the Applicant to the Applicant.

On the day of his last employment, ie 11 September 2020, he was terminated by the Applicant a payment account opened with the Applicant.

No settlement was made with the Applicant on the day of his / her last job, and a even at the time of account termination, it was not returned to the Applicant, which had previously been unlawful deducted from your account.

On November 26, 2020, the Applicant transferred HUF 1,958 turnover commission to the Applicant.

to the payment account number of [...], notwithstanding the fact that this account number was never provided by the Applicant to the Applicant. The Applicant according to this data was obtained illegally, used, it was prohibited from another system by obtaining data.

According to the Applicant, the personal data of the Applicant obtained unlawfully from the Applicant the Applicant has not complied with its obligation to provide information.

The Applicant shall examine the Applicant's data management and data protection in connection with the above requested the Authority to:

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the Authority shall determine the Infotv. Section 16 (1) and (2) and the General

Article 6 (1), Article 7 (1), Article 14 (1) and (2) of the Data Protection Regulation

breach of paragraph 1,

in the event of unlawful data processing, oblige the Applicant to pay a data protection fine and the erasure of unlawfully processed personal data.

II.2. The Requested NAIH-523-3 / 2021. s. According to the statement in the file:

II.2.1. The source of the Applicant's personal data is the Applicant, as it is the Applicant's disposition the reference was made on the basis of

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II.2.2. Legal basis for data processing: Article 6 (1) (c) GDPR, legal basis for the Applicant obligation. The legal obligation is represented by the legal provisions indicated in the order of the Magyar Nemzeti Bank of 5 November 2020 - [...].

II.2.3. Purpose of data management: to fulfill the refund due to the Applicant

II.2.4. Data retention period: on the prevention of money laundering and terrorist financing and prevention of LVIII of 2017. Section 56 (1) of the Act (hereinafter: Pmt.) and Pmt. Section 57 (1)

The Applicant was in an employment relationship until 13 September 2020 a

With the Applicant, open an account with the Applicant for the purpose of transferring the salary. The Requested Last on 11 September 2020, his account was terminated, and - a

Contrary to the applicant's claim - the settlement took place on that day. This clearing certified by the applicant with a copy of the receipt. The Applicant himself before the termination of the account transferred the amount in his terminated bank account to [...] bank account.

Act CXVI of 2012 on the Financial Transaction Tax, which entered into force on 1 January 2019, Act XLI of 2018 amending the Act. law, significantly amended the transaction fees applicable rules. It does not give rise to a financial transaction tax an obligation to transfer HUF 20,000 per item from an individual's account non-advanced part.

The amount of HUF 1,958 had to be returned to the Applicant because the Hungarian National

By order of 5 November 2020 (No. [...]), the Bank ordered the Applicant to

will refund the erroneously charged transaction fee to all customers by November 30th.

As in the case of the Applicant, it was available to the Applicant - as explained above

according to the source from the Applicant - the account number kept with [...], therefore the

Applicant has made the refund for this, so the Applicant has claimed the Applicant

unlike any other system, it was not obtained by the Applicant through "prohibited data acquisition"

bank account number. In this context, Pmt. Section 56 (1) of the Pmt. § 57

(1), the Applicant referred to the bank account number of the Applicant

must be kept for 8 years after the transaction is closed.

The Applicant did not contact the Applicant with his complaint, the Applicant is the data controller

became aware of the infringement by order of the Authority.

II.3. The Requested NAIH-523-6 / 2021. s. document filed

The [...]. MNB Order No. "Purpose of Investigation" and II. it was clear from

what legal obligations are imposed on the Applicant. This was assessed by

He requested that he be able to precede a supervisory decision that could be assessed as a legal obligation

if it reimburses the amount unduly deducted to the persons concerned, inter alia

Also for the applicant. The Applicant considered this to be a legal basis "equivalent to a legal obligation".

The Applicant referred to Article 6 § 4 of the GDPR, in accordance with this provision a

used in a manner compatible with the primary purpose of managing the bank account number

bank account number at the time of transfer on November 26, 2020, as the Applicant's bank account

The primary purpose of the treatment was to provide the Applicant with any title

amount of money can be paid by bank transfer.

The fact that the Applicant is a Pmt. stored the Applicant's bank account number due to the

that it handles it for this single data processing purpose. For this reason, the Authority does not only have the Pmt. according

to

data management, but the data management designated as primary by the Applicant

the implementation of the purpose limitation principle must also be examined in terms of purpose. The Requested  
in its view, the primary target and the target for the reference made on 26 November 2020

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compatible, as both involve the Applicant to the Applicant  
transfer the appropriate amount.

II.4. Upon receipt of the notification of the termination of the evidentiary procedure, the Applicant

In a statement sent to him, he stated that his personal data was an unduly deducted amount

In connection with the treatment of the Pmt. Section 56 (2) and Section 57

The reference to paragraph 1 is not acceptable in his view. The referenced

According to the wording of the provision, personal data processed exclusively for money laundering and terrorism  
for the purposes of the tasks to be carried out in order to prevent and deter the financing of  
they are known to the extent necessary to supply them, they are not for purposes other than Pmt  
can be used.

III. Applicable legal provisions

The GDPR should be applied to personal data in a partially or fully automated manner  
non-automated processing of personal data

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

intended to be part of a registration system. For data processing covered by the GDPR, the

Infotv. Pursuant to Section 2 (2), the GDPR shall apply with the additions indicated therein.

Pursuant to Article 6 (1) (c) GDPR, the processing of personal data is lawful,

if necessary to fulfill a legal obligation to the controller.

Pursuant to Article 6 (4) of the GDPR, if the processing is for a purpose other than that for which the data were collected  
is not based on the consent of the data subject or on any Union or Member State law which  
is a necessary and proportionate measure in a democratic society in accordance with Article 23 (1).

to achieve the objectives set out in paragraph 1, to establish that it has a different purpose

whether the processing is compatible with the purpose for which the personal data were originally provided

collected, the controller shall take into account, inter alia:

(a) between the purposes for which the personal data are collected and the purposes for which they are intended to be further processed

possible contacts;

(b) the conditions for the collection of personal data, in particular the data subjects and the relationships between data controllers;

(c) the nature of the personal data, in particular that they are personal data within the meaning of Article 9 whether it is a matter of dealing with special categories or whether it is a matter of criminal liability the processing of data relating to the identification and detection of criminal offenses in accordance with Article 10;

(d) the possible consequences of the data for data subjects planned further treatment;

(e) the existence of appropriate safeguards, which may include encryption or pseudonymisation.

Article 7 (1) of the GDPR

if the processing is based on consent, the

the controller must be able to prove that the data subject's personal data contributed to the management of

Pursuant to Article 13 (3) of the GDPR, if the controller collects personal data

intends to carry out further data processing for a purpose other than that for which it was intended, prior to further data processing

it shall inform the data subject of this different purpose and of all relevant information referred to in paragraph 2 additional information.

Under Article 14 (1) to (2) of the GDPR:

1. Where personal data have not been obtained from the data subject, the controller shall be the data subject provide the following information:

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

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

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

(d) the categories of personal data concerned;

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

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

intends to transfer personal data to an international organization; and

The existence or absence of a Commission decision on compliance, or in Article 46, Article 47

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

to indicate appropriate and suitable guarantees and to obtain a copy thereof

reference to the methods used or their availability.

2. In addition to the information referred to in paragraph 1, the controller shall make it available to the data subject

necessary to ensure fair and transparent data processing for the data subject

the following additional information:

(a) the period for which the personal data will be stored or, if that is not possible, that period

aspects of its definition;

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

the legitimate interests of a party;

(c) the data subject's right to request personal data concerning him or her

access, rectification, erasure or restriction of access, and may object to

against the processing of personal data and the right of the data subject to data portability;

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

in the case of data processing, the right to withdraw the consent at any time, which

does not affect the lawfulness of the processing carried out on the basis of the consent prior to the withdrawal;

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

(f) the source of the personal data and, where applicable, the fact that the data are publicly available

whether they come from sources; and



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

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

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

its expected consequences.

Pursuant to Article 17 (1) GDPR, the data subject has the right to request the controller

delete personal data concerning them without undue delay and the data controller

shall be required to provide the personal data of the data subject without undue delay

delete if one of the following reasons exists:

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

treated;

(b) the data subject withdraws the authorization provided for in Article 6 (1) (a) or Article 9 (2) (a);

consent to the processing, and there is no consent to the processing

other legal basis;

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

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

protests against data processing on the basis of

(d) personal data have been processed unlawfully;

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

must be deleted in order to fulfill an obligation;

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

in connection with the provision of related services.

Pursuant to Article 17 (3) of the GDPR, paragraphs 1 and 2 do not apply if

data management required:

(b) the Union or Member State law applicable to the controller governing the processing of personal data

or in the public interest or in the exercise of official authority vested in the controller

to perform a task performed in the exercise of a license;

Under the corrective power of the supervisory authority under Article 58 (2) (b) GDPR

acting:

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

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has infringed the provisions of this Regulation;

Other administrative or judicial remedies under Article 77 (1) GDPR

all persons concerned shall have the right to lodge a complaint with a supervisory authority, in

in the Member State of residence if the data subject considers that the personal data concerning him or her

breach of this Regulation.

Infotv. Pursuant to Section 38 (2b), the Authority shall provide personal data in Section (2)

litigation for the purpose of litigation and

in non-litigious proceedings, by a court in accordance with the rules applicable to them

data processing operations shall not be covered by paragraph 3

exercise their powers.

Infotv. § 60. (1) In order to enforce the right to the protection of personal data a

At the request of the data subject, the Authority shall initiate an official data protection procedure and of its own motion

initiate proceedings against the data protection authority.

Infotv. Pursuant to Section 71 (1), during the proceedings of the Authority - for the conduct thereof

to the extent and for the time necessary - may process all personal data as well as by law

data covered by the obligation of professional secrecy and professional secrecy

which are dealt with in order to ensure the efficient conduct of the proceedings

required.

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

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

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

Requirements laid down in a binding act of the European Union

Article 58 of the General Data Protection Regulation

in particular by alerting the controller or processor.

Section 80 (1) - (2) of Act I of 2012 on the Labor Code (hereinafter: Mt.)

Based on:

(1) Upon termination (termination) of the employee's employment, his / her job shall be as prescribed is obliged to hand over properly and settle accounts with the employer. Job transfer and accounting the employer is obliged to provide the conditions.

(2) Upon termination of employment with notice at the latest in the last job the fifth day after the end of the employment relationship on the working day, the employee shall be paid his salary and other emoluments, and issued in accordance with the employment regulations and other legislation certificates.

Pursuant to Section 56 (1) of the Pmt, the service provider shall perform its duties under this Act assisting manager, assisting family member and employee for the purposes of this Act, and in the performance of an obligation under the law by which it is empowered personal data obtained, including information on the source of funds and assets solely for the purpose of preventing and combating money laundering and terrorist financing to the extent necessary for the performance of its tasks get to know and manage.

Pursuant to Section 57 (1) of the Pmt, the service provider - in the register kept by it - obligation under the law and the law based on its authorization non - personal data obtained in the course of the performance of his duties, including electronic identification of information obtained during it, as well as any other business the data generated in connection with the relationship from the termination of the business relationship, or shall be kept for eight years from the execution of the transaction order.

The Ákr. Pursuant to Section 10 (1), the customer is the natural or legal person, other an organization whose right or legitimate interest is directly affected by the matter, to whom the official register contains data or is subject to official control drawn.

The Ákr. Pursuant to Section 35 (1), the application is a statement by the client by which it is official the exercise of his right or legitimate interest in order to.

ARC. Decision:

IV.1. Infotv. Section 16 (1) and (2)

application

Following the entry into force of the General Data Protection Regulation, the Infotv.

the scope of its provisions relating to the protection of personal data. "Infotv

Amending the European Union in connection with data protection reform and other related laws

XXXVIII of 2018 on the amendment of promulgated by the Act (hereinafter: Amending Act) - 2018.

Section 2 (2), which has been in force since 26 July, stipulates that personal data is general

for the treatment covered by the Data Protection Regulation, the General Data Protection Regulation

Infotv. with the additions specified in its provisions. Not among them

the provisions referred to in the Applicant's application are included.

Given that this part of the Applicant 's application is manifestly unfounded, as it is

Infotv. provisions of the Applicant that are supposed to be violated by the Applicant - Infotv. Section 16 (1) - (2)

- the Applicant did not have to apply it to the data processing that is the subject of the request, therefore the Authority rejected this part of the application.

IV.2. Legal basis for data processing and data processing for purposes other than the original purpose

IV.2.1. According to the Applicant's statement, the Applicant's bank account number is kept

obligation of the Pmt. Section 56 (1) of the Pmt. Section 57 (1) provides that

has not yet expired, so the GDPR treats it with reference to Article 6 (1) (c)

this personal data of the Applicant is still available.

The Authority has accepted this legal basis and considers this processing to be lawful.

Based on the above, the deletion of the Applicant's personal data is therefore Article 17 (3) GDPR

Not applicable due to point b). In view of the above, the Authority rejected the applicant's request

to instruct the Applicant to delete his bank account number.

IV.2.2. Article 6 (4) of the General Data Protection Regulation allows for personal data

data shall be processed by the controller for purposes other than the original purpose of the processing, provided that:

the data processing is compatible with the original purpose of the data processing for which it is personal

data were originally collected. In this case, the data controller must consider several aspects

of which the General Data Protection Regulation is exemplary in Article 6 (4)

highlights the circumstances in which it considers it most important to consider.

In the present case, it can be stated that the Applicant is different from the original data processing purpose

also managed the Applicant's bank account number for this purpose. It should have applied for that purpose

Article 6 (4) of the General Data Protection Regulation and should have been

determine whether the original and different purposes of the data processing are compatible. The Requested

In a statement sent to the Authority, it stated that, in accordance with that provision,

used in a manner compatible with the primary purpose of managing the bank account number

bank account number at the time of transfer on November 26, 2020, as the Applicant's bank account

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The primary purpose of handling the number was to provide the Applicant with any title

amount of money can be paid by bank transfer.

However, the Authority does not agree with the Applicant's position, as the Applicant when

used the Applicant's bank account number, then

no longer for the purpose of transfer

was able to manage it as the Applicant's employment was terminated on 13 September 2020

the settlement must take place with the Applicant and pursuant to Section 80 (1) - (2) of the Civil Code,

no later than 5 days after the termination of the legal relationship, which is the statement of the Applicant and according to the attached documents. Article 6 (4) of the General Data Protection Regulation

The purpose of the data processing at the time of consideration under paragraph 1 shall be compared in the future applicable in the context of the reference made on 26 November 2020

When considering under Article 6 (4) of the General Data Protection Regulation, the Pmt.

had to be based on the purpose of its data processing and to compare the purpose of the transfer.

In the Applicant's statement that the management of the bank account number

used the bank account number in a manner consistent with its primary purpose in 2020.

at the time of transfer on November 26, because the Applicant's bank account number is the primary management

the purpose was to be able to transfer the amount of money due to the Applicant on any title by transfer

to fulfill, a contradiction can be discovered, as he also stated that "As before

our letter was also included in our answer to question 3, Pmt. § 56 (1) and Pmt. 57.

Subject to § (1), [...] may not delete the data on the transfers - thus the Applicant's bank account number with [...] - for 8 years.

Consequently, the requested 2020.

On 26 November, he also had the account number of the Applicant for which September 2020

He made a referral on the 11th. "

Based on the above, the Pmt. the purpose of the data processing carried out in accordance with

should have been compared with the new data processing purpose, ie the amount unduly deducted

for data processing purposes related to the transfer of Incompatible data management purposes

and in the case of new data processing is clearly not possible, as it is appropriate and valid

there is no legal basis. However, the Applicant did not carry out this assessment as Article 6 of the GDPR.

the primary purpose of the assessment under Article 4 (4), that is to say, existing at the time of the transfer

The "original" data processing purpose was not properly identified.

IV.2.3. The provisions of the previous point do not exclude that the Applicant is compliant

had a legal basis for the data processing complained of, as it was general

after due consideration under Article 6 (4) of the Data Protection Regulation

notwithstanding the finding that the Financial Transaction Tax Act 2012

CXVI. Act XLI of 2018 amending the Act. an amount unduly deducted under the law

there is a legal obligation to return the data and, in this context, the data processing is lawful

interest can be established, and thus in order to fulfill its obligation to return, Pmt.

personal data stored on the basis of the data for the purpose of refunding the amount unduly deducted.

The two objectives covered by the discretion are therefore linked to the fulfillment of a legal obligation, although

for the “original” purpose existing at the time of the return (performed in accordance with the provisions of the Pmt

data processing), which should be compared with the new purpose, is specifically related to data processing

it is an obligation, whereas the purpose of the obligation to return is not

the legal obligation related to data processing, but also from the obligation to return

a legitimate interest in data processing can be inferred from Article 6 (4) GDPR

shall apply.

In view of the above, the Authority rejected the part of the Applicant's application that:

to establish that the Applicant by transferring to the Applicant's bank account

infringed Article 6 (1) of the General Data Protection Regulation. Furthermore, in view of the

that the legal basis for the processing of the Requested Data is not the legal basis of Article 6 (1) (a) GDPR

Article 6 (1) (c) of the GDPR, the Authority therefore

The part of the applicant's application also sought a declaration that Article 7 (1) of the GDPR

infringement of paragraph 1. However, the Authority found of its own motion that the Applicant

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in breach of Article 6 (4) of the General Data Protection Regulation

included.

#### IV.3. Obligation to provide information

##### IV.3.1. Obligation to provide information at the time of obtaining personal data

As stated above, the number of the Applicant's bank account with [...].

It was made available to the Applicant by the Applicant as the Applicant referred to it last

the amount due to him on his day at work.

The obligation to provide information is set out in Article 13 of the GDPR in this context.

According to the Authority, the data management information is available on the Applicant's website provides information on the data management required by Article 13 (1) to (2) of the GDPR in general circumstances.

The Applicant referred to the law in its data management information (Section 3.2)

Article 6 (1) (c) of the GDPR and data retention

in relation to time, the Pmt. § 57 (1), on the basis of which the Applicant is personal

also handles data concerning its data, ie its bank account number, and lists that

which processes personal data and provides information to the

in the context of data transfers and the rights of data subjects.

The Applicant, with the data management information published on its website, which contains the above,

the acquisition of the Applicant's personal data, ie his bank account number, has been complied with

general information in accordance with Article 13 (1) to (2) of the GDPR

obligation. Given that the source of the Applicant's personal data is the Applicant

therefore Article 14 of the GDPR does not apply in this case, as it provides in that case

the obligation to inform the controller if personal data are not from the data subjects

therefore the Authority rejected the Applicant's request to

Infringement of Article 14 (1) to (2) of the GDPR.

In addition to the Data Protection Information of the Applicant, the Applicant, as affected by Article 15 of the GDPR

could have requested additional information from the Applicant, however, the Applicant's statement

no such request was received and the Applicant did not attach any documents

which could have refuted this.

IV.3.2. Information obligation related to data processing for different purposes

The Authority found that the Applicant should have informed the Applicant of the

After carrying out the assessment under Article 6 (1) of the GDPR, the new data processing purpose and for this purpose



Article 13 (3) of the General Data Protection Regulation.

pursuant to paragraph

Given that the Applicant failed to comply with Article 6 § 4 of the GDPR

information related to the new data management purpose

therefore, the Authority concluded of its own motion that the Applicant

infringed Article 13 (3) of the General Data Protection Regulation.

#### IV.4. Application for a data protection fine

IV.4.1. The Authority rejected the Applicant's request for a data protection fine,

whereas the application of this sanction does not directly affect the right or legitimate interest of the Applicant

does not give rise to any right or obligation on the part of the Authority

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the application of this legal consequence, which falls within the scope of the public interest

With regard to the imposition of fines, the Applicant shall not be considered a customer in accordance with Ákr. § 10

(1), and since the Act on Does not comply with Section 35 (1) in this regard

there is no place to file an application, this part of the petition cannot be interpreted as an application.

IV.4.2. However, the Authority has examined of its own motion whether it is justified to

imposition of a data protection fine. In this context, the Authority will comply with Article 83 (2) of the GDPR and

Infotv.75 / A. § considered ex officio all the circumstances of the case and found that

the imposition of a fine for the infringement found in the present proceedings is disproportionate and unnecessary,

given that the violation of the Requested GDPR has not previously been established

row.

#### IV.5. Legal consequences

The Authority rejects the Applicant's request and ex officio Article 58 of the General Data Protection Regulation.

condemns the Applicant under Article 2 (2) (b) for violating the General Convention

Article 6 (4) and Article 13 (3) of the Data Protection Regulation.

#### V. Other issues:

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

The decision is based on Ákr. 80.-81. § and Infotv. It is based on Section 61 (1). The decision is based on Ákr. 82. § (1), it becomes final with its communication. The Ákr. Section 112 and Section 116 (1) and § 114 (1) by way of an administrative action against the decision there is room for redress.

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The rules of administrative litigation are laid down in Act I of 2017 on the Procedure of Administrative Litigation (a hereinafter: Kp.). A Kp. Pursuant to Section 12 (1) by decision of the Authority

The administrative lawsuit against the court falls within the jurisdiction of the court Section 13 (3) a)

Pursuant to point (aa) of the Act, the Metropolitan Court has exclusive jurisdiction. A Kp. Section 27 (1)

Legal representation shall be mandatory in proceedings falling within the jurisdiction of the General Court under paragraph 1 (b).

A Kp. Pursuant to Section 39 (6), the filing of an application is an administrative act has no suspensive effect.

A Kp. Section 29 (1) and with this regard Pp. Applicable in accordance with § 604, electronic

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

hereinafter referred to as the Customer's legal representative pursuant to Section 9 (1) (b) of the E-Administration Act obliged to communicate electronically.

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

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

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

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

Itv. Section 59 (1) and Section 62 (1) (h) shall release the party instituting the proceedings.

Budapest, June 6, 2021

Dr. Attila Péterfalvi

President

c. professor

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