

Case number: NAIH / 2019/1859

Subject: Partial decision granting the application

## DECISION

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

at the request of the applicant (hereinafter referred to as the Applicant), the [...] ([...])

the following decisions in the data protection authority proceedings against:

I. Infringement by the Authority of the right of the Requested to restrict access and processing request to establish

partially upheld as follows:

I.1. It finds that the Applicant did not inform the Applicant of the exercise of the rights of the data subject within one month of receipt of his requests

measures and the reasons for not taking measures.

I.2. It finds that the Applicant has violated the Applicant 's right of access by:

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did not provide the Applicant with a copy of the camera recordings

on which third parties and information covered by business secrecy may be obscured have been;

did not indicate, at the request of the Applicant, the exact legal references to which

has stored and manages the personal data of the Applicant with reference;

did not inform the Applicant whether the processing of his personal data is in progress in the minutes of [...], [...] and [...];

did not provide the Applicant with a copy of the circular dated 30 June 2017.

I.3. It finds that the Applicant has violated the Applicant's restriction on data processing  
the right of the Applicant to bring legal actions despite his request to that effect  
canceled at least three chamber recordings within the required time.

## II. The request

rejects, in respect of parts not referred to in point I,  
as the Applicant did not infringe the Applicant 's right of access when

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the camera recordings were not viewed by the Applicant, and

to listen back to sound recordings, as he is not to blame for failing to do so;

has not made a list of the sound recordings it manages as specified by the Applicant  
content;

did not provide the Applicant with any further information on the general information on the sound recordings  
data management practices;

did not inform the Applicant of the circumstances of the disappearance of his contracts  
in the absence of information;

not provided in the originals of the minutes recorded by [...], [...], [...] and [...]

and did not provide a copy.

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III. It instructs the Applicant ex officio to do so within 30 days of the decision becoming final  
within

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provide the Applicant with a copy of the camera recordings in such a way that the third

personal and business secrets will be withheld;

provide the Applicant with a copy of the circular dated 30 June 2017 and its business secret

and an extract from third parties that does not contain personal data!

ARC. Ex officio due to unlawful data processing the Applicant from the finalization of this decision

within 30 days

HUF 700,000, ie seven hundred thousand forints

data protection fine

obliges to pay.

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A III. to take the measures referred to in paragraph 1 from the date on which the decision becomes final

within 30 days of receipt of the supporting evidence.

to the Authority.

The fine is charged to the Authority's forint settlement account for the collection of centralized revenue

(1003200001040425-00000000 Centralized collection account IBAN: HU83 1003 2000 0104 0425 0000

0000). When transferring the amount, NAIH / 2019/1859. JUDGE. should be

to refer to.

If the Applicant fails to meet the obligation to pay the fine within the time limit, it shall be delayed

must pay a supplement. The rate of the late payment interest is the statutory interest, which is in arrears

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

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

Authority shall order the enforcement of the decision.

There is no administrative remedy against this decision, but it has been available since its notification

Within 30 days, an action brought before the Metropolitan Court may be challenged in an administrative lawsuit. THE

the application shall be submitted to the Authority, by electronic means, which shall forward it together with the file

to the court. The request for a hearing must be indicated in the application. The whole personal

for those who do not benefit from an exemption, the fee for the court review procedure is HUF 30,000;

subject to the right to record material duty. Legal representation is mandatory in proceedings before the Metropolitan Court.

## EXPLANATORY STATEMENT

### I. Procedure and clarification of the facts

(1)

I.1. On 15 January 2019, the Applicant submitted an application to the Magyar Nemzeti Bank, which received the Authority by referral on 1 February 2019.

(2)

In the application, the Applicant stated that on 14 June 2018, 22 August 2018 and 2018.

applications for leave to intervene lodged on 5 November 2006 ('the applications) to the Applicant, but not or only partially on these applications received an answer.

(3)

The Applicant's requests were complex, some of which were repetitive or very recurring were similar in the various applications for the exercise of the rights of the data subject.

3

(4)

In its application dated 14 June 2018, the Applicant requested information that the Applicant

what camera shots you handle about it, where and when they were taken, and what

on the basis of a request for a restriction on data processing or a legitimate interest

Requested. This request was repeated on 22 August and 5 November 2018

applications. In the applicant's application dated 22 August 2018, four, on 5 November

In its application, it requested data processing for eleven camera recordings

and requested that the Applicant not delete these recordings

lock for five years.

(5)

In its application dated 14 June 2018, the Applicant requested the 2013 Telecenter.

It was held from 25 November to 14 June 2018

a copy of the audio recordings and a list of the date of the conversation,

its exact start, the duration of the conversation, the name of the clerk, and the conversation

unique identifier. In its further applications, it extended that application to 22 August 2018 and then to 5 November. In his

application for June and August 2018, he requested this

auditions at the Applicant's branch. June 14, 2018

in its application is the same as above - except for the recordings at a bank branch

hearing - submitted an application with the Central Number of the Applicant in September 2015

Audio recordings of the interviews between 1 and 14 June 2018, as well as four

with regard to the recording of the conversation with the Applicant's dealers.

(6)

In his June application, the applicant requested information on private bank calls

the purpose of the processing of sound recordings, the legal basis, the duration of the data processing, the

the name and address of the data processor, its activities related to data management, if any

the purpose and legal basis for their transmission and any further circumstances relating to the processing,

including possible privacy incidents.

(7)

In its application dated 14 June 2018, the Applicant requested the application of 23 November 2013 and 2016.

a copy of the cash deposit receipts between November 30 and

insight. He also requested information about the Applicant's deposit

under what legal provision, for what purpose, for how long.

(8)

According to the Applicant, the dated 3 December 2013 disappeared from the Applicant's archives

USD and HUF account agreement, VISA bank card agreement and E-banking

contract. In this context, the Applicants requested information on the contracts

disappearance, its detection, documentation and date.

(9)

In his application dated 14 June 2018, the Applicant requested information on his personal data the legal basis for the processing of personal data, including in the case of mandatory data processing the precise indication of the law and the duration of the processing, and requested that if you process any of your personal data with the consent of the Applicant, its send him a copy of the consent document.

In this context, it indicated to the Applicant that it would withdraw its consent if with regard to any of his personal data would be the data management of the Requested and requests that this data be deleted after the information has been provided. Information also requested the source of his personal data processed by the Applicant, that he was personal which data processors are involved in the processing of their data, for what purpose and in what form have access to your personal information.

(10) In its application of June 2018, the Applicant requested the Applicant to provide a copy of the [...], [...], On the protocols entered into by [...] and [...] between 12 April 2016 and 14 June 2018, related to the administration at the Applicant's branches. On this requested information on the legal basis, purpose and purpose of the data processing in the context of the protocols duration. In respect of the minutes recorded by [...], he requested the original insight into Admitted by [...] in his August and November 2018 applications

4  
reiterated its above requests with regard to the protocols, extending it to 2018.  
until 22 August and then until 5 November 2018.

(11) A copy of the applicant's application dated 14 June 2018 and the originals between 5 February 2016 and 14 June 2018.  
instructions sent to the branch network to deny him the  
branch administration. He extended this request in his November 2018 request to 2018.

for a period ending 5 November 2017 and requested a copy on 30 June 2017 from the Applicant  
a photograph of him in a circular sent to the branch network. With the photo  
requested information about the source of the photo or requested that the photo be deleted.

(12) In its application of 14 June 2018, the Applicant also requested a copy, which was handled by the Applicant  
and the personal loan agreement dated 2 December 2013  
related to the debtor rating document. He also asked for information on  
that the proof of income submitted in connection with the above personal loan agreement  
when the Claimant destroyed it.

(13) The Applicant responded to the above requests on 18 December 2018, stating that  
informed the Applicant that his requests were being processed, but with due regard  
the huge amount of sound recordings and the technicalities involved in restoring them  
asks for your patience. It also informed the Applicant that  
will arrange a date for access to the camera footage, and  
maintains that some of the questions previously answered are repetitive  
due to its nature, it does not provide a new answer to them, but did not indicate it in this answer  
exactly what requests you meant here.

(14) In its application to the Authority, the Applicant requested that the Authority establish:  
on the protection of individuals with regard to the processing of personal data and  
on the free movement of such data and repealing Directive 95/46 / EC  
Infringement of the provisions of Regulation (EU) No 2016/679 (GDPR) of  
the Applicant did not or only belatedly complied with the right to exercise the rights of the data subject  
requests and the right to restrict access and processing  
the existence of an unlawful processing operation, if any,  
and a finding of breach of the principle of data accuracy. At the request of the Applicant:  
Act CXII of 2011 on the right to information self-determination and freedom of information. law  
(hereinafter: the Information Act) pursuant to Section 60 (1) of the NAIH / 2019/1859. case number

data protection authority proceedings have been initiated.

(15) I.2. In its order, the Authority requested information on the matter from the Applicant a to clarify the facts.

(16) The Applicant stated that it had considered the Applicant's requests, but that the the response is due to a process failure of the organization performing the related activities was not sent on time. This is because the Metropolitan Judgment Panel 32.Pkf.25.077 / 2018/2. as an interim measure of 14 February 2018 obliged the Applicant to, pending the final settlement of the dispute between the Applicant and the Applicant refrain from filing written statements for the Applicant with any content out of court relating to a previous contractual relationship between the parties.

(17) However, there were no data protection claims submitted by the Applicant in connection with the previous contractual relationship, therefore the Metropolitan Judgment Board applies to them does not cover the interim measure, but the Applicant did not differentiate between the between applications covered and non-covered by the measure until November 2018.

(18) On 8 February 2019, the Applicant replied by notary to the requests.

5

(19) In its reply dated 8 February 2019, the Applicant informed the Applicant which handles camera footage of it. He supplemented this statement on April 4, 2019 by stating that the wording of his reply of 9 February was not fortunate, as indicated therein recordings are those into which he could have had access at the times offered there to the Applicant. However, in addition to this, it handles camera recordings of the Applicant at Based on the applicant 's requests for restrictions on data processing. About these recordings in April 2019 He informed the Applicant by letter dated 4

(20) The Applicant shall provide a copy of the Applicant's camera recordings on the grounds that their business secrets and the image of third parties were rejected



also included. Two alternative times have been suggested for viewing the camera footage

In the reply of the Applicant dated 8 February 2019, however, they are not to the Applicant were adequate, did not appear on them.

(21) The Applicant requests a restriction on the processing of data submitted in connection with camera recordings

In connection with the applications of the data subject, the Applicant informed the Authority that in 2018.

according to its practice before July 2006, subject to the protection of persons and property,

and Act CXXXIII of 2005 on the Rules of Private Investigation. Act (a

hereinafter referred to as the Act) in force in June 2018 - official request

In the absence of a request for a restriction on data processing, the

camera footage.

(22) The above practice was changed by the Applicant in July 2018, ie it is fulfilled by the Applicant

requests to limit the handling of camera recordings to five years. The Applicant

in the case of five branch visits, after which he requested the management of the camera recordings

restriction from the Applicant, however, the recording was not made or could not be restored,

thus, the Applicant did not comply with the request for blocking in these respects.

(23) In its reply of February, the Applicant informed the Applicant that it had contacted the Applicant

to resume his conversations between November 25, 2013 and November 5, 2018

is in progress for the period, ensures that they are heard back by the Applicant or handed over to them

a copy of them after listening back to the recordings.

(24) However, it is not possible to listen to sound recordings and view camera recordings

took place as provided by the Applicant on 25 February and 4 March 2019 respectively

dates were not appropriate for the Applicant, did not appear on those which

indicated in advance to the Applicant. The Applicant accepted the Applicant's offer

April 11, 2019, however, the Applicant did not appear on it either. The Applicant a

informed the Applicant by letter dated 4 April 2019 of the manner of entering its registered office.

Applicant justified his absence on the grounds that he had reached the Applicant by telephone

a security guard on duty at his headquarters, appointed by the Applicant to record the sound recordings by listening back and inspecting the camera footage of who he claims to be

According to the statement that camera footage is not, only sound recordings are available and does not have a list of which recordings to

will be viewed. In addition, the security guard informed the Applicant that

upon his appearance at the Applicant 's registered office, he must sign a declaration issued by the

Applicant was found to be offensive and therefore decided not to appear

at your headquarters to learn about the recordings.

(25) Failure to listen to and view the recordings on 11 April 2019

the Applicant has informed the Authority that the Bank has taken the necessary steps

preparations to ensure the exercise of the rights of the data subject, prepared for this purpose

room, computer equipment, requested audio and video recordings, and

provided the necessary personal recordings, so the hearing / viewing of all

condition was given.

6

(26) The statement objected to by the Applicant contains the rules for staying in the bank building,

which is the notice on the “Rules for Staying at a Bank Branch” of the Requested Central

It also contains rules for visitors to its buildings, the most important of which

would have been presented to the Applicant in the statement as acceptance of the security rules

and compliance with it is a condition of staying in the bank building.

(27) The Requested shall listen to the audio recordings and view the camera recordings

accepted the date of 13 May 2019 offered by the Applicant in order to secure

(28) As an annex to the letter of 4 April 2019, the Applicant sent the

A copy of the audio recordings made between November 25, 2013 and March 26, 2019. THE

General information on sound recordings was last provided on 24 May 2018 by the

To the applicant.

(29) A copy of the cash deposit cash receipts was attached by the Applicant to the Applicant.

to its reply of 8 February 2019 and sent them to the Authority. 2018.

By letter dated 24 May 2006, the applicant informed the Applicant that the above documents had been retained legal provisions.

(30) The Applicant has disappeared with the Applicant's contracts, which cannot be found in the original informed the Authority in June 2017 that the Applicant

provided him with a copy of all his contracts and other paper

does not handle a document based on In the letter of the Applicant dated 4 April 2019 - statement

according to repeatedly - informed the Applicant that the contracts are unknown circumstances

became unavailable at an unspecified time. He wrote to the Applicant

In response, the Applicant drew the Applicant's attention to the contracts

in the case pending before the Metropolitan Court in Case No [...]

which was filed in the lawsuit with the above case number attached by the Applicant

preparatory documents and the minutes of the hearing - thus this request

is not obliged to answer it in the framework of complaint handling.

(31) According to the Applicant's statement, it informed the Applicant by letter dated 24 May 2018

the scope of the personal data processed about him or her and the transfers of data concerning him or her.

He attached the above letter in support of this.

(32) In its reply, the Applicant informed the Applicant that the security tasks were performed

the records taken by the service providers are used to certify the on-site disembarkation,

their completion is necessary for settlement between the Bank and the security service providers, therefore

they do not record customer data. In addition, the trustees who arrive at the branch alert do not

certify the person whose conduct led to the alert being issued from the account,

your data cannot be recorded. For this reason, the minutes are for internal administrative purposes

documents that do not qualify as personal data of the Applicant. The Requested

in contrast, the Authority stated that it had informed the Authority in October 2017

The applicant shall be required to draw up a report on the acts committed by him and the

The applicant may have an elementary interest in knowing against whom [...] had to act, so that the personal data may be processed by the Applicant.

(33) In its reply, the Applicant sent the Applicant a letter dated 30 June 2017.

a copy of the photograph in the circular operated by one of the Applicant's accounts

from a recording made by a camera system that is restricted by the Applicant

on the basis of a legitimate interest of the limited number of account managers concerned.

In this context, the Applicant stated to the Authority that on 5 October 2017

informed the Applicant by letter dated

the panic alarm should be delivered to the branch staff if for administrative purposes

appears in the Applicant's branch. Also in this letter also informed the

Applicant to enforce claims as well as fulfill their legal obligation and

7

in order to assert its legitimate interest, it must know against whom the

to act at its branches.

(34) The Candidate attached to its reply a copy of the specimen signature signed by the Applicant,

recorded on 7 December 2002.

## II. Applicable legal provisions

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

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

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

(Relevant) any relevant information; identifiable natural person who

directly or indirectly, in particular by means of an identifier such as a name, number,

location data, online identification or physical, physiological,

genetic, intellectual, economic, cultural or social identity

identifiable by several factors.

GDPR Article 12 (3): The controller shall, without undue delay, but

in any case within one month of receipt of the request

concerned in accordance with Articles 15 to 22. on the action taken in response to a request under Article. If necessary,

given the complexity of the application and the number of applications, this deadline is two more

may be extended by one month. The extension of the deadline by the data controller is a delay

within one month of receipt of the request, stating the reasons

concerned. If the person concerned has submitted the application electronically, the information shall be provided

shall be provided by electronic means unless the data subject requests otherwise.

GDPR Article 12 (4): If the controller does not take action on the data subject's request

without delay, but no later than one month after receipt of the request

inform the data subject of the reasons for not taking action and of the fact that the

the person concerned may lodge a complaint with a supervisory authority and have recourse to the courts

with the right.

Article 12 (5) GDPR: Information under Articles 13 and 14 and Articles 15 to 22 and Article 34

The information and action referred to in paragraph 1 shall be provided free of charge. If the request of the person concerned

clearly unfounded or, in particular due to its repetitive nature, excessive, the controller,

subject to the provision of the requested information or information or the requested action

administrative costs of making:

(...)

(b) refuse to act on the application.

Demonstration of the clearly unfounded or excessive nature of the request to the controller

burden.

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

whether your personal data is being processed and if so

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

get access to information:

(a) the purposes of the processing;

(b) the categories of personal data concerned;

(c) the recipients or categories of recipients with whom the personal data are held

have been or will be communicated, including in particular to third country consignees, and

international organizations;

8

(d) where applicable, the intended period for which the personal data will be stored or, failing that

possible criteria for determining this period;

(e) the data subject's right to request personal data concerning him or her from the controller

rectification, erasure or limitation of the handling of such personal data

against data processing;

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

(g) if the data were not collected from the data subject, all available sources

information;

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

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

comprehensible information on the significance of such data processing and the

the expected consequences for the data subject.

Article 15 (3) GDPR: The controller is the personal data which are the subject of the processing

make a copy available to the data subject. For further copies requested by the data subject,

the controller may charge a reasonable fee based on administrative costs. If that

submitted the application electronically, the information was widely used

shall be provided in electronic format, unless otherwise requested by the data subject.

GDPR Article 15 (4): Right to request a copy referred to in paragraph 3

it must not adversely affect the rights and freedoms of others.

GDPR Article 18 (1) (c): The data subject has the right to request the controller

restrict data processing if one of the following is met:

(c) the controller no longer needs the personal data for the purpose of processing the data, but the data subject requests them to bring, assert or defend legal claims.

Article 58 (2) (b), (c), (g) and (i) GDPR: The supervisory authority's power to correct acting:

(b) reprimands the controller or the processor if he or she is acting in a data-processing capacity has infringed the provisions of this Regulation;

(c) instruct the controller or processor to comply with this Regulation the exercise of his rights under this Regulation;

(g) order personal data in accordance with Articles 16, 17 and 18 respectively rectification or erasure of data and restrictions on data processing, as well as Article 17 (2)

order notification to the addressees in accordance with with whom or with whom the personal data have been communicated;

(i) impose an administrative fine in accordance with Article 83, depending on the circumstances of the case in addition to or instead of the measures referred to in this paragraph.

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

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

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

(a) the nature, gravity and duration of the breach, taking into account the processing in question

the nature, scope or purpose of the infringement and the number of persons affected by the infringement;

the extent of the damage they have suffered;

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

9

(c) the mitigation of damage caused to the data subject by the controller or the processor

any measures taken to

(d) the extent of the responsibility of the controller or processor, taking into account the

Technical and organizational measures taken pursuant to Articles 25 and 32;

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

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

the degree of cooperation to alleviate

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

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

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

in detail;

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

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

compliance with the measures in question;

(j) whether the controller or processor has complied with Article 40

approved codes of conduct or an approved certification in accordance with Article 42

mechanisms; and

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

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

or avoided loss.

5. Infringements of the following provisions, in accordance with paragraph 2, shall be imposed no later than 20

An administrative fine of EUR 000 000 or, in the case of undertakings, the previous



an amount not exceeding 4% of its total annual worldwide turnover for the financial year,

with the higher of the two:

(a) the principles of data processing, including the conditions for consent, in accordance with Articles 5, 6, 7 and 9;

appropriately;

(b) the rights of data subjects under Articles 12 to 22. in accordance with Article

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

shall apply with the additions provided for in

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

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

CL of the General Administrative Procedure Act 2016. Act (a

hereinafter referred to as the Act) with the additions specified in the Information Act

and derogations under the General Data Protection Regulation.

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

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

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

Requirements laid down in a binding act of the European Union

Article 58 of the General Data Protection Regulation

in particular by alerting the controller or processor.

LVI of 2018 on the protection of business secrets. Section 1 (1) of the Act: Business secrets of economic

is not known in its entirety or as a whole

or not easily accessible to the persons carrying out the economic activity concerned,

hence facts, information, other data of and value derived from property

a compilation in order to keep a secret the holder of the secret in a given situation in general

demonstrates expected behavior.

III. Decision:

III.1. Late fulfillment of the Applicant's request

(35) The Applicant submitted the applications for the exercise of the rights of the data subject on 14 June 2018, 22 August 2018.

and submitted it to the Applicant on 5 November. The Requested for the first time in 2019.

However, it replied to the applicant's requests by letter dated 18 December

in which he did not respond to the merits of any of the Applicant's requests or did not name them,

exactly in which applications it refuses to take action because of their repetitive nature,

Thus, this reply cannot be considered as a request under Article 12 (5) (b) GDPR

refusal to act on the basis of

(36) The Applicant submitted the application in accordance with the notarial deed dated 8 February 2019.

responded in a statement. Prior to that, it did not inform the Applicant about it and the

Nor did it comment to the Authority, given the complexity and number of applications

extended for another two months by one month as a general rule of the GDPR

deadline for reply. As a result, the above requests were received from one

within a month should have fulfilled or had certified that the Applicant

applications submitted are excessive, especially because of their repetitive nature, as this is the case

could have been refused action on the request.

(37) Between the last request of 5 November 2018 and the date of the Applicant's reply, more than

three months have elapsed, as a result of which the Applicant has applied for all three applications examined

infringed Article 12 (3) and (4) of the GDPR by failing to inform the Applicant of the

the action taken on its request within one month of receipt of the request,

and the reasons for not taking action. This omission was also acknowledged by the Applicant in

In a statement dated March 12, 2019.

### III.2. Violation of the Applicant's right of access

#### III.2.1. Access to camera footage

(38) In its reply of February, April and May 2019, the Applicant informed the Applicant which

manages camera shots of your account visits, where and when they were taken. The Requested

In his reply of May 2006, he informed the Applicant that all the recordings were subject to his lock, ie on the basis of a request for a restriction on data processing. However, this is in his previous reply letters was also presumed on the basis of the fact that the Applicant dated 11 January 2019 to the Applicant explicitly listed in the Applicant's February reply

requested a restriction on data processing for camera recordings. This is supported by the

The turn of the requested reply is also "December 3, 2018 (two thousand and eighteen).

(third) day [...] Bank Branch, 11: 51-12: 39 recording due to technical reasons the Bank is not available available to it. " He also informed the Applicant in his reply of April 2019 that "Azon

account visits for which recording was available, our request for blocking has been executed. "

(39) The Applicant cannot be accused of having, on the dates provided by it, of which 2019.

The date of 11 April was recommended by the Applicant himself - the Applicant did not appear. The Requested

informed the Applicant in advance of the method of entering its registered office and that

they will wait at the H gate. The Applicant does not refer to the oral statement of a person

appeared at the registered office of the Applicant, who did not have any relevant information on the case,

in the absence of the right of representation, he could not make a statement on behalf of the Applicant. Since the

Applicant did not appear in person at the Applicant's registered office, so not through no fault of his or her own

was able to see what recordings he had made for viewing and listening back to

Requested.

(40) The Applicant 's request that, in order to view the recordings, the

Applicant should nominate a person from the area of compliance and complaint handling not

may be interpreted as a request for access under the GDPR. The Applicant is subject to the rules of the GDPR

in the presence of the person or persons requested by the Applicant

11

provide him with access to and playback of the recordings, this a

Issue of work organization and division of tasks arising at the applicant.

(41) In view of the above, the Applicant did not infringe Article 15 (1) of the GDPR as the information provided by him covered all the circumstances requested by the Applicant, a and the applicant was not to blame for not viewing the recordings can be traced back to his behavior.

(42) The camera recordings requested by the Applicant Requested employees, clients, agents - are also included, i.e., the recordings are his their personal data as well as their additional personal data. The recordings are also a According to the applicant, they are considered business secrets.

(43) Even if the individuals concerned are not or not always known in the recording up, their faces are not remarkably listed, the recording may contain other personal data on the basis of which the data subject can be identified or identified (physique, movement, special identification tickets, etc.), so the rules on data protection in this case should also be taken into account.

(44) Providing access to recordings provides other types of personal access data or trade secret as a copy of the recording containing it to the Applicant provision. The inspection - in view of the fact that the Applicant was present at the during camera recording, and so met in person on the footage with third parties - to a lesser extent the third party in the recording the right of individuals to the protection of their personal data, in particular when they are covered up as a handover of a copy of the recordings to the Applicant.

(45) According to the Applicant 's statements, the Applicant would not have been able to identify it during the inspection original recordings without modification, only those on which the data to be protected and information has been obscured. Within the framework of the cover-up, the Applicant also has the opportunity in addition to the personal data of third parties, it obscures information which in their view, they are a trade secret. By concealing information that is a trade secret a recordings lose their trade secret character as they are in themselves in the Applicant's branch

movement is not considered a trade secret as this information has no property value

can't. The equipment of the part of bank branches open to customers,

the placement of customer surveillance cameras is also not a trade secret, as it is

information that is easily accessible to the economic operators concerned.

(46) Due to the above, as the protected data and information contained in the recordings are Applicant

can be prevented by properly covering the recordings - therefore

Applicant violated Article 15 (3) of the GDPR by copying the obscured recordings

did not make it available to the Applicant.

### III.2.2. Access to audio recordings

(47) The Authority 's requests for phonograms from the Applicant - Telecenter, a private bank

calls, called treasury calls by the Applicant - are examined uniformly.

(48) The Applicant provided the same dates for the retrieval of the sound recordings

For an applicant like to view camera footage, however, to the above

did not take place. The Authority has taken action to view camera recordings

its findings also apply to the retrieval of sound recordings.

12

(49) The Applicant will have a copy of the sound recordings dated 4 April 2019

sent to the Applicant attached to his letter, which was received by the Applicant on 10 April 2019.

(50) In view of the above, the Applicant did not infringe Article 15 (3) of the GDPR as

provided the Applicant with copies of the sound recordings.

(51) In addition to providing a copy of the sound recordings, the Applicant requested a list,

on the basis of which it requested a list of phonograms on the basis of the criteria which it relied on,

systematization. No information was provided during the official procedure that this was the case

The list would be available to the Applicant and, in the context of the exercise of the data subject 's right of access, to

the data controller is obliged to provide information about the data and information available to him and not

may be obliged to produce data with which it would not otherwise do so

has. The data controller is not obliged to further process personal data

within the framework of the exercise of the rights of the data subject.

(52) Consequently, the Applicant did not infringe Article 15 of the GDPR.

the right of access by not making a list of the content requested by the Applicant a

sound recordings and did not pass it on to the Applicant.

(53) The Applicant's request that the Applicant provide information to the private bank

for voice recordings made during a recorded call

data processing conditions, did not take place specifically between him and the Applicant

audio recordings of conversations, but the General of the Requested

practice. Given that, within the framework of the right of access, the data subject may receive it

information on whether your personal data is being processed and, if so,

its circumstances, so it does not cover only the general data management of the data controller

information on its practice. In this context, the Authority notes that

The data management of the Applicant, effective from 25 May 2018, is available on the Applicant's website

of which VII.3. shall inform the parties concerned of the handling of the phonograms

related practices. In addition, the Applicant filed on May 26, 2017 and May 2018

By letter dated 24 May, also certified to the Authority, the Applicant had previously informed the

on general data management practices for sound recordings.

(54) In view of the above, the Applicant did not infringe Article 15 of the GDPR.

right of access when he has not repeatedly informed the Applicant of the sound recordings

given that this request is for access

Article 12 of the GDPR

Under paragraph 5 (b).

III.2.3. Information on the circumstances of the termination of the Applicant's contracts

(55) The Authority issued a letter dated 14 March 2018, NAIH / 2018/218/9 / V. found in his file no.

that the Applicant had breached the Applicant's missing four contracts at the time

current Infotv. The data security requirements of Section 7 (2) and (3), as money laundering and terrorist financing did not preserve these contracts CXXXVI of 2017 on the prevention and deterrence of § 28 and 28 / A of the Act. § for eight years.

(56) By letter dated 27 November 2017, submitted by the Authority to the NAIH / 2017/164/62 / V. registered the Authority in June 2017

By letter dated 28 June 2003, it sent to the Applicant all the contracts which a were available to them. Not the exercise of the data subject's rights only in respect of those documents which was no longer handled at the time of the request. The disappearance of the four contracts explained an administrative error.

13

(57) The Applicant informed the Applicant that the original copies of the contracts were unknown circumstances and at an indefinite time.

(58) In the course of its proceedings in this regard, the Authority did not become aware of any such cases information from which it could be concluded that the Applicant has any additional information on the circumstances of the disappearance of the contracts.

(59) Given that the Applicant has no information on the disappearance of the contracts he is not obliged to provide further information on the circumstances of the case, of which he has also informed the Applicant provide information to the Applicant. As stated by the Authority in this decision explained that the controller is not obliged to make a new request in the context of the execution of the data subject's request for access data, as the right of access allows the data subject to what kind of data the data controller handles about it. Consequently, the Applicant did not infringed Article 15 of the GDPR by failing to provide additional information which was not available to it. information on the disappearance of the contracts to the Applicant.

III.2.4. Information on the legal basis and duration of the processing of the Applicant's personal data,

the source of your personal data, the identity of the data processors

(60) The Applicant last provided information to the Applicant by letter dated 24 May 2018

that, under their statutory retention obligation, the contracts between them

money laundering and terrorist financing for eight years from the end of

Act LIII of 2017 on the prevention and deterrence of Act of 2000 and the Accounting Act.

under Act C of 2006 - exactly which personal data you handle and which contracts

provided by the Applicant and informed the

the recipients of the transfer and the identity of the processors, indicating the purpose of the transfer.

(61) The information provided by the Applicant in its reply of 24 May 2018, although the GDPR

25 before it became applicable, the content of which corresponds to that of the GDPR

requirements and requiring the Applicant to process the Applicant's data

the relevant provisions of the law and the nature of the data processing remain unchanged

they remained.

(62) Consequently, the Applicant lawfully refused to reply by letter dated June 2018.

Pursuant to Article 12 (5) (b) of the GDPR,

as it was repetitive and had already been answered by the Applicant earlier.

(63) However, the Applicant's request of 14 June 2018 also covered that the Applicant's

if the legal basis for its processing is the fulfillment of a legal obligation - name the

the exact place of legislation requiring data management, which did not comply with the request of May 2018

Information provided in a letter dated 24

(64) The Authority therefore finds that the Applicant has infringed Article 15 (1) of the GDPR.

by failing to indicate at the request of the Applicant the exact legal

links to which you have stored and manage the Applicant's personal information.

III.2.5. Security at the Applicant

access to minutes

service



supplier

businesses

by

recorded

(65) The Authority decided on NAIH / 2018/218/9 / V. - which was also received by the Applicant at the NAIH / 2018/218/10 / V. registration number - found that previously [...] about his disembarkation draws up a report, but it is not intended to record personal data - that is, not it contains the personal data of the Applicant - to prove the disembarkation on the spot serves. This was also confirmed in the present proceedings by copies of the requested minutes.

14

(66) On the basis of the minutes annexed to the Applicant's statement, taken by [...], [...] and [...] it can be stated that they are not used to record personal data either, they are not included in them the name of the person whose conduct necessitated these undertakings procedure, so it does not contain the personal data of the Applicant.

(67) Accordingly, the Authority finds that the Applicant has not infringed the Applicant's The right of access under Article 15 of the GDPR by failing to inform the Applicant of the above the legal basis, purpose and management of the records kept by the security services and did not provide a copy or provide the original access to the documents as they do not contain the personal data of the Applicant.

### III.2.6. Access to account circulars

(68) The Applicant has only issued a certificate dated 30 June 2017 from the Applicant's headquarters acknowledged the existence of a letter addressed to the account managers, a copy of which was attached to the He provided the applicant with, but not a copy of, the letter also covered the Applicant's request.

(69) In addition, in the present and previous proceedings, the Authority did not find any evidence that that the letters and documents referred to by the Applicant as the alert circular exist in 2017.

with the exception of the letter dated 30 June. The Applicant has informed the

Applicant that such circulars will not be used.

(70) In view of the above, the Authority finds that the Applicant has infringed Article 15 of the GDPR.

(3) when he did not provide the Applicant with a copy of the

Circular dated 30 June 2017 and an extract therefrom, subject to

has the right to disclose information classified as a trade secret. To the original of the circular

In connection with the inspection, the Authority notes that if a document is processed by the controller

- in this case, the Applicant shall provide the data subject with a copy, as complete as possible

guarantees the right of access to a large extent, so in addition to issuing a copy, the provisions of the GDPR

shall not be required to provide access to the original documents unless specifically required to do so

not required by law.

### III.3. Fulfillment of the Applicant's requests for restrictions on data processing

(71) The Applicant did not request the blocking of new recordings by letter dated 14 June 2018

submitted, only confirmed his previous claims, it should not be considered as a new exercise of the rights of the data subject application. As a result, the Authority will be notified on 22 August and 5 November 2018

with regard to the camera footage identified in the application

the fulfillment of the request by the Applicant for the restriction of data processing.

(72) In a number of complaints and requests addressed to the Applicant, the Applicant alleges that

that it intends to file a data protection lawsuit against the Applicant in the future, so it is thorough

there is reason to believe that they are necessary for the submission of legal claims for camera recordings.

(73) The Applicant will be registered at the [...] branch on 26 June 2018 and at the [...] bank branch on 28 June 2018.

On the 29th, the management of camera recordings made at the [...] bank branch was regulated by the Act in force at that time.

limited to thirty days in accordance with the provisions of this Regulation and then, in the absence of an official request deleted camera shots.

(74) The Act its rules should be interpreted in the light of the GDPR. Although the Act in force in June 2018

Section 31 (6) provided that, in the absence of an official request, a restriction on data processing from a request for non-cancellation in the absence of an official request shall be deleted after thirty days. However, the GDPR does not provide for data management

15

the period of retention of personal data subject to the restriction shall not be limited by the request thirty days from the date of its assessment.

(75) The provisions of the GDPR are directly applicable to Hungarian legal entities from 25 May 2018, except those for the full application and implementation of each Member State's national additional provisions are required by its legislation. In addition, the GDPR limited, it gives Member States the opportunity to supplement or different rules, but the exercise of the rights of those concerned does not fall into this circle, therefore the Svv. The provisions of Section 31 (6) shall apply on 25 May 2018 were not applicable after.

(76) With regard to the above recordings, the Applicant infringed Article 18 (1) of the GDPR, whereas, as he acknowledges, the restriction on the handling of these recordings has not been enforced by law time required to submit claims.

(77) In its statement to the Authority, the Applicant did not indicate which were Applicant's branch visits which were not recorded and which were for which the recordings could not be restored. In connection with these recordings a The right of the applicant to restrict the processing of data and at the same time Article 18 (1) of the GDPR Infringement of paragraph 1 can only be established in relation to recordings which were not can be restored, as in cases where no camera recording of the account visit was made, no data processing has taken place, so the rights of the data subject cannot be exercised.

### III. 4. Legal Consequences

(78) III.4.1. The Authority grants the Applicant's request and Article 58 (2) (b) GDPR condemns the Applicant for violating Article 12 (3) and (4) of the GDPR;

Article 15 (1) and (3) of the GDPR and Article 18 (1) of the GDPR.

(79) Pursuant to Article 58 (2) (c) GDPR, the Authority will instruct the Applicant ex officio, to provide the Applicant with a copy of the branch circular dated 30 June 2017, subject to to protect business secrets.

(80) III.4.2. The Authority examined of its own motion whether it was justified in respect of the applicant 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 all the circumstances of the case. Given the case and that the Applicant did not infringe the GDPR for the first time therefore, the Authority found that the infringements detected in the present proceedings had taken place the warning is neither a disproportionate nor a dissuasive sanction and is therefore a fine required. The Authority took the following factors into account when imposing the fine take into account:

(81) In particular, the Authority took into account that the infringements committed by the Applicant a According to Article 83 (5) (b) of the GDPR, it belongs to the higher category of fines constitute an infringement as they infringed the rights of the data subject.

(82) In setting the fine, the Authority took into account the following factors:

□

the Applicant acted negligently when the Applicant did not reply within the deadline applications for the exercise of the rights of the data subject the Metropolitan Judgment Board [...] considered it relevant. dated 14 February 2018 in the order of the Metropolitan Arbitration Board obliged the Applicant to settle the dispute between the Applicant and the Applicant abstain from writing to the Applicant until such time as a final decision is made 16 out-of-court submissions of previous statements between the parties related to a contractual relationship;

□

a Request to restrict the processing of data on camera recordings

In connection with the applications, it took into account the provisions of the Act in force in June 2018.

the consistency of which was not ensured until April 2019

GDPR, and this legislative omission has created legal uncertainty

data controllers, including the Applicant;

□

the expiration of the deadline for performance of the Applicant in order to remedy the violation

largely complied with the Applicant's right to exercise rights

requests;

□

the Applicant has already sent to the Applicant in 2016 and 2017 a

A copy of the audio recordings of his conversations with the applicant is a

From 26 September 2013 to 2016 and from 1 May to 30 August 2017

time intervals, so their late delivery did not cause significant

infringement for the Applicant;

□

the Applicant is more complex, broadly repetitive, but smaller

filed an application for a different exercise of the rights of the data subject in detail - and

to the Applicant on an ongoing basis, making it almost untraceable that

which was the exact purpose of your application. Serial submission of these requests

makes it difficult for the Applicant to assess and fulfill his / her applications accurately and properly

on behalf of. In addition, the Applicant was left behind due to the Applicant's conduct

access to camera footage and sound recordings at its headquarters

listening back. The Applicant therefore behaves towards the Applicant

makes it more difficult for the Applicant to seek redress from the Applicant

assessment.

(83)

The imposition of a fine on the basis of the above is necessary in respect of the Applicant, its despite an infringement relating to the exercise of the rights of a single party in the present case it's about.

(84)

In view of the above, as well as the fact that the Applicant is consolidated in 2017

According to its report, its pre - tax profit was HUF [~ 50 billion]

The amount of the data protection fine shall be considered to be exceptionally low and shall not exceed maximum fine that may be imposed.

(85)

The amount of the fine shall be at the discretion of the Authority determined.

(86)

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

ARC. Other issues:

(87)

The powers of the Authority shall be exercised in accordance with Infotv. Section 38 (2) and (2a) defines its jurisdiction it covers the entire territory of the country.

(88)

The decision is based on Ákr. 80.-81. § and Infotv. It is based on Section 61 (1). The decision is Ákr. Pursuant to Section 82 (1), it becomes final upon its communication.

(89)

The Ákr. Pursuant to Section 112 and Section 116 (1) and Section 114 (1) a

There is an administrative remedy against the decision.

(90)

The rules of the administrative lawsuit are set out in Act I of 2017 on the Rules of Administrative Procedure (hereinafter: Kp.). A Kp. Pursuant to Section 12 (2) (a) a Administrative litigation against the decision of an authority falls within the jurisdiction of the court a Kp. Pursuant to Section 13 (11), the Metropolitan Court has exclusive jurisdiction. THE CXXX of 2016 on Civil Procedure. Act (hereinafter: Pp.) - the Kp. Applicable pursuant to Section 26 (1) - within the jurisdiction of the General Court pursuant to Section 72 legal representation is mandatory in litigation. Kp. According to Section 39 (6) - if it is a law unless otherwise provided - the filing of the application is an administrative act has no suspensive effect.

(91)

A Kp. Section 29 (1) and with this regard Pp. Applicable pursuant to Section 604, the of 2015 on the general rules of electronic administration and trust services CCXXII. Pursuant to Section 9 (1) (b) of the Act (hereinafter: the E-Administration Act) the client's legal representative is obliged to communicate electronically.

(92)

The time and place of the submission of the application is Section 39 (1). Information on the possibility of requesting a hearing can be found in Kp. Section 77 (1) - (2) based on paragraph The amount of the fee for an administrative lawsuit shall be determined in accordance with the 1990 Fees Act. year XCIII. Act (hereinafter: Itv.) 45 / A. § (1). The fee from the advance payment of the Itv. Section 59 (1) and Section 62 (1) (h) release the party initiating the proceedings.

(93)

If the Applicant does not duly prove the fulfillment of the required obligation, the The Authority considers that it has not complied with the obligation within the time limit. The Ákr. Section 132

if the debtor has not made the obligation contained in the final decision of the authority  
meet, it is doable. The decision of the Authority Pursuant to Section 82 (1) a  
becomes final upon communication. The Ákr. Section 133 enforcement - if you are a law  
Government decree does not provide otherwise - it is ordered by the decision-making authority. The Ákr.  
Under Article 134 of the Enforcement - if by law, government decree or municipal  
local government decree does not provide otherwise in an official matter - the state  
tax authority. Infotv. Pursuant to Section 60 (7) in the decision of the Authority  
to perform a specific act, to behave, to tolerate  
or in respect of an obligation to stop, the enforcement of the decision  
Authority.

Budapest, May 31, 2019

Dr. Attila Péterfalvi

President

c. professor