

Case number: NAIH-167/2021.

History: NAIH / 2020/7449.

Administrator: [...]

Subject: Partial decision granting the application

## DECISION

The National Data Protection and Freedom of Information Authority (hereinafter: the Authority) [...] Law Office

Of 14 October 2020 concerning the lawfulness of the processing of personal data of the applicant (hereinafter referred to as the Applicant), represented by [...], an administrative lawyer [...], hereinafter referred to as the Representative).

following an application lodged on 1 June 2021, as amended on [1 June 2021],

company registration number: [...], hereinafter referred to as the "Requested").

make the following decisions in the proceedings.

In the decision of the Authority, the application submitted by the Applicant

partially corrects.

I. It is established that the Applicant transmitted the Applicant's personal data without a proper legal basis

details (name, amount owed, date and amount of each partial performance) with the Applicant

to a non-commissioned solicitor, thereby violating the natural

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

Regulation (EU) 2016/679 on the flow of waste and repealing Directive 95/46 / EC

hereinafter referred to as the GDPR).

II. In addition, the Authority shall reject the application.

III. The Authority will issue a warning to the Applicant for the breach identified in point I.

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

He may be challenged in an administrative lawsuit before the Metropolitan Court within 30 days.

The application must be submitted to the Authority, electronically<sup>1</sup>, together with the case file

forward it to the court. The request to hold a hearing must be indicated in the application. The entire

for those who do not receive personal tax exemption, the fee for the administrative lawsuit is HUF 30,000, the lawsuit for

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

## EXPLANATORY STATEMENT

### I. Procedure

On 5 October 2020, the Applicant submitted a request for the conduct of a data protection authority procedure live.

In its order of 30 November 2020, the Authority clarified the facts requested clarification from the Applicant (document NAIH / 2020/7449/2).

The Applicant shall address the issues contained in the Authority's fact-finding order on 17 December 2020

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The administrative lawsuit is initiated using the form NAIH\_K01: Form NAIH\_K01 (16/09/2019) The form is the general can be filled in using a form filling program (ÁNYK program).

.....

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(NAIH / 2020/7449/3).

The Authority contacted Budapest twice in connection with the contents of the applicant's declaration

District Court (hereinafter referred to as the General Court) in order to clarify whether the present

whether the personal data which are the subject of official data protection proceedings are a relevant fact a

[...] Plaintiff and [...] defendant pending before the General Court (present data protection proceedings)

applicant) (NAIH-167-2 / 2021, NAIH-167-3 / 2021).

The Budapest District Court responded to the Authority's request on 21 February 2021 (document NAIH167-4 / 2021).

The Authority referred the matter to the Court of Justice in a case pending before the General Court [...]

and his legal representative, [...] lawyer (document NAIH-167-5 / 2021, NAIH-167-6 / 2021).

NAIH-167-7 / 2021, on behalf of [...] 's client's lawyer, also responded to the Authority's request.

subheading).

By order of the Authority dated 20 April 2021, the Applicant and the Applicant

to exercise the right of access to the file (NAIH-167-8 / 2021, NAIH-167-9 / 2021, subheading

documents).

The right of access to the file was exercised by both parties, and the Authority

sent to the applicant (documents NAIH-167-15 / 2021, NAIH-167-16 / 2021).

After exercising the right of access to the file, through the representative of the Applicant 01.06.2021. on the day

submitted a statement which, on the basis of its content, the Authority amended the application

(NAIH-167-17 / 2021).

The Authority informed the Applicant of this amended data protection authority in view of the amended application

on the change of the subject of the procedure, which is the personal data of the Applicant as a result of the amended application

in addition to the transfer to an unauthorized third party

whether it registers its outstanding claim against the Applicant on an appropriate legal basis (document NAIH167-18 / 2021).

After the Applicant has exercised the right of access to the file and has been informed of the amended application

submitted a statement (document NAIH-167-19 / 2021, document NAIH-167-20 / 2021).

## II. Clarification of the facts

1. In the application submitted by the Authority on 14 October 2020 (hereinafter:

application) presented the following.

(2) Litigation is pending before the Budapest District Court between the Applicant and [...].

(3) [...] 's legal representative, [...] lawyer, contacted the Applicant in June 2020 to comment:

about the financial situation of the Applicant as an individual for the Applicant

between 2005 and 2007.

(4) The Applicant has complied with the provisions of the request, and the Chief Accountant of the stated that the Applicant had paid HUF 16,500,000 to the Applicant, the attached to the certificate a statement including each partial performance.

(5) The issued certificate was used by [...] lawyers before the Budapest District Court 21.P.29.317 / 2009. on the division of property and other obligations pending litigation (hereinafter: division of property litigation).

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(6) The Applicant's legal representative shall receive the application on 4 August 2020 contacted the Applicant in writing on the basis of which authorization the Information about the applicant to an unauthorized third party.

(7) In its reply of 17 August 2020, the Applicant did not indicate that the legal provision on which the data release was based. It is stated that [...] is its legal representative was aware of the terms of the agreement, the request quoted the exact content of the agreement, and Applicant did not transmit data to third parties without authorization, only a the reality of the agreement referred to in the question relevant to it appropriate fact.

(8) According to the Applicant, the Applicant violated Article 6 of the General Data Protection Regulation. Article 1 (1) by handing it over to the [...] lawyer for payment by the Applicant a certificate containing the relevant information.

(9) In the opinion of the Applicant, without the consent of the Applicant, the Applicant was not entitled, a conclusion can be drawn from the data on the economic situation of the Applicant, which is the personal data of the Applicant, and Article 6 of the General Data Protection Regulation. There is no legal basis for data processing as set out in Article 1 (1).

(10) The Applicant requested that the Authority:

1. establish the fact of unlawful data processing,
2. impose a fine on the Applicant.

(11) According to the Applicant's statement

i.

the purpose of data management is the management of receivables, debts incurred to the data controller  
data management related to recovery, data storage,

ii.

the legal basis for the processing is the legitimate interest of the controller in Article 6 (1) (f) GDPR  
based on

iii.

the planned time for data processing until the data subject is deemed to be entitled to protest or the debt  
until settlement,

arc.

scope of data processed: name, date of birth, mother's name, place of residence,

v.

the data of the Applicant is stored in printed form at the registered office of the company, for administrative purposes  
does not store in the system,

vi.

in matters of data protection, the Executive Director, in the case of requests from lawyers, the  
the owner of the company acts on the instructions of the managing director,

vii.

the owner of the company instructed the company to inform the managing director  
to comply with the request of the chief accountant of the [...] lawyer,

viii.

has not received a court request in connection with the Applicant's payments,

ix.

the Applicant considered the request for information that [...] was aware of the  
the content of the agreement concluded between the Applicant in 2005 (the Applicant and

It was established on 10 June 2005 and approved by the Metropolitan Court

agreement (hereinafter the agreement) between the Applicant and [...]

during the division of property procedure, the Applicant would provide the same data to the  
for the court,

x.

the "Transfers to [...]" document attached to the certificate on paper, a

Store in the paper file of the case with the applicant at the company's registered office,  
restricted access (document NAIH / 2020/7449/3).

(12) In its reply to the Authority 's request, the General Court informed the Authority that

the conclusion of the agreement and the amount and performance of the installments paid under the agreement  
NAIH-167-4 / 2021, subheading 2.

page last paragraph).

(13) In his reply to the Authority's request, [...]'s lawyer explained that the division of assets

An essential issue in litigation is whether one of the spouses is in arrears on a separate debt

whether it used common property or made separate property at the expense of common property

payment. Given that plaintiff filed a division of property lawsuit

hearing of the defendant (the applicant for the present data protection authority proceedings) on the loan amounts

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and requested the defendant to hold related documents in court

However, the defendant did not comply with this, it was necessary for the [...] manager

the fact of the payment obligation undertaken by the Applicant, its

inform the General Court of the manner, amount and date of performance. In this

referred to the provisions of Article III of the Code of Civil Procedure of 1952,

to fulfill the burden of proof pursuant to Section 164 of the Act (NAIH167-7 / 2021), page 1, last paragraph, page 2, paragraphs  
4-5, page 3, paragraphs 5, 7 8.

paragraph).

(14) According to the closing statement submitted by the Applicant's representative on 1 June 2021

i.

it is not disputed that the "Applicant versus Applicant" (correctly: the Applicant

against the Applicant) on which the parties have agreed

and the debt was settled on 25 January 2007,

ie as of January 25, 2007, the Applicant has no existing and limited

claim against the Applicant,

ii.

the data management information attached by the Applicant 2.10. point provides for receivables

on the storage of data relating to the processing of personal data

until the data subject protests or the debt is settled,

iii.

as the debt has been settled, the Applicant shall, after the debt has been settled, 13

is not entitled to process the applicant's data for one year,

arc.

the data management information 2.8. states that the legal basis for data processing may be

management of individual contracts. In this context, the data management information shall state that:

"The Data Controller enters into specific financial and commercial agreements for special needs,

to deal with disputes. "The scope of the data processed in this area is debt, agreement

subject,

v.

Section 9 of the Data Management Information states that the data obtained shall be processed by the controller a

It shall not be passed on to third parties other than those referred to in point 8. Sem

[...] and the lawyer [...] acting on his behalf is not covered by point 8 of the Data Protection Notice.

third parties to whom it is assigned

was not lawful under either the GDPR or the Requested Data Protection Policy

release of requested data (document NAIH-167-17 / 2021).

(15) In its statement dated 8 June 2021, the Applicant stated the following:

i.

By application lodged at the Registry of the General Court on 7 July 2020, [...]

it also refers to the agreement it had previously attached.

ii.

By application lodged at the Registry of the Court of First Instance on 7 April 2021,

it can be stated that the data provided by the applicant are pending before the General Court

served as documentary evidence in the proceedings and there is no information that a

The applicant would have objected to the use of the agreement as evidence.

iii.

[...] Attorney states in his application that the Applicant as a defendant by the plaintiff

did not comply with the requests made as a motion for proof and is therefore evidence

heard a witness in respect of the transaction in question

and that the hearing of a witness may be waived if the necessary documents are available

shall be made available and may be submitted to the General Court.

arc.

According to [...] 's lawyer, clarification of performance in accordance with the content of the agreement

the vital interests of the Applicant's former spouse under Article 6 (d) of the GDPR

the protection of his legitimate interests under point (f)

and the burden of proof under point (c) has been fulfilled.

v.

[...] lawyer, dated 24 June 2020, addressed to the Applicant's manager

informed the Applicant in his request between the Applicant and his ex-spouse

pending litigation and as a Witness of the Requested Prospect

hearing or submitting a document which cannot be testified. The request is



referred to an accurate knowledge of the content of the agreement, literally quoting its elements.

vi.

The settlement was approved by the Metropolitan Court in 4.P.631.262 / 2005/2. s. approved by order of the  
the order approving it became final and enforceable on 14 February 2006.

vii.

Referred to the old Pp. § 190 (3), § 193.2

2

old Pp.

§ 190. (3) If the document is in the possession of a person who does not participate in the lawsuit, the latter person shall be  
questioned as a witness and

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viii.

ix.

x.

He pointed out that the Applicant was exempted from hearing the witness  
provided factual information concerning the authentic instrument concerning him.

In his view, the fact that the court in the lawsuit did not oblige the  
Applicant for encouragement shall not be assessed as a document affecting the Applicant  
communicated on the basis of knowledge of its use as evidence  
would be against the law.

According to the Applicant, the document used in the court proceedings  
the provision of data, of which the Applicant is a subject, shall not infringe the  
the rights of the other party to the agreement to the protection of personal data, as the  
It is in the applicant's legitimate interest to use the agreement he has entered into as evidence  
with a view to exploring real performance.

Data processing of the Requested pursuant to Article 6 (1) (b), (c) and (f) of the GDPR

was lawful (NAIH-167-19 / 2021).

(17) Declaration of the Applicant dated 16 June 2021 in view of the amended application

according to the Applicant has unpaid, expired under the settlement agreement

debt. It does not correspond to the reality that the debt will be settled on January 25, 2007

the debt was not extinguished, only the applicant terminated the repayment on 25 January 2007.

after the day. The procedure of the Applicant is contrary to the provisions of the General Administrative Procedure Act 2016.

year CL. with the provisions of Section 6 (1), (2) of the Act (NAIH-167-20 / 2021).

subheading).

### III. Applicable legal requirements

Pursuant to Article 2 (1) of the GDPR, the GDPR applies to this data processing.

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

According to Article 4 (1) of the GDPR, personal data are "identified or identifiable as natural

any information relating to the person ("data subject") [...]"

GDPR Article 4 2. "data processing" means whether or not personal data or data files are automated

any operation or set of operations carried out in an automated manner, such as collection, recording,

systematization, articulation, storage, transformation or alteration, querying, viewing, use,

by communication, transmission, distribution or otherwise making available, coordination or

linking, restricting, deleting or destroying;

GDPR Article 4 6. "registration system" means personal data in any form - centralized, decentralized

or functionally or geographically, which is defined by specific criteria

available on the basis of;

GDPR Article 4 7. "controller" means a natural or legal person, public authority, agency or

any other body which independently or for the purposes and means of processing personal data

together with others; if the purposes and means of the processing are governed by Union or Member State law

the controller or the specific criteria for the designation of the controller

may be determined by Union or Member State law;

Article 6 (1) GDPR: The processing of personal data is lawful only if and to the extent that

if at least one of the following is met:

(a) the data subject has consented to the processing of his or her personal data for one or more specific purposes;

(b) processing is necessary for the performance of a contract to which one of the parties is a party; or

necessary to take steps at the request of the data subject before concluding the contract;

(c) processing is necessary for compliance with a legal obligation to which the controller is subject;

(d) the processing protects the vital interests of the data subject or of another natural person

necessary;

be required to produce the document during the interrogation.

§ 193 The court may omit other evidence in respect of a fact which can be proved by a document.

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(e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority

vested in the controller;

(f) processing is necessary for the protection of the legitimate interests of the controller or of a third party,

unless the interests or fundamental rights of the data subject take precedence over those interests

and freedoms which necessitate the protection of personal data, in particular where they are concerned

child.

Point (f) of the first subparagraph shall not apply to the processing of data by public authorities in the performance of their tasks.

According to Article 58 (2) of the GDPR, "Acting in the corrective capacity of the supervisory authority:

(b) reprimand the controller or the processor if his or her data processing activities have infringed this

provisions of this Regulation; "

According to Article 77 (1) of the GDPR, 'Without prejudice to other administrative or judicial remedies, all

the person concerned has the right to lodge a complaint with a supervisory authority, in particular the normal one

in the Member State of residence, employment or the place of the alleged infringement, if any

considers that the processing of personal data concerning him or her infringes this Regulation. "

The right to self-determination of information covered by the GDPR and the

CXII of 2011 on freedom of information Act (hereinafter: the Information Act) 2. § (2)

the GDPR shall apply with the additions set out therein. Infotv. Section 60 (2)

application for the initiation of an official data protection procedure pursuant to Article 77 (1) of the GDPR

may be submitted in the case provided for in

Infotv. According to Section 60 (1), "the exercise of the right to the protection of personal data

the Authority shall, at the request of the data subject, initiate a data protection authority procedure".

Unless otherwise provided by the GDPR, the Ákr.

shall apply with the exceptions specified in the Information Act.

Infotv. Pursuant to Section 61 (1) (a), in its decision in a data protection official procedure, the Authority

As defined in the GDPR in relation to data processing operations covered by the GDPR

may apply legal consequences.

Pursuant to Article 58 (2) (b), (c) and (d) of the General Data Protection Regulation, the supervisory authority

reprimands the controller or the processor for

its activities have infringed the provisions of this Regulation; instruct the controller or processor,

to comply with the data subject's request to exercise his or her rights under this Regulation; instructs the

the controller or processor to carry out its data processing operations, where appropriate in a specified manner

and within a specified period, in accordance with the provisions of this Regulation.

Infotv 75 / A. The Authority shall exercise the powers provided for in Article 83 (2) to (6) of the GDPR

proportionality, in particular by providing personal data

Article 58 of the GDPR in order to remedy, for the first time, a breach of the rules laid down in law or in a binding act of the

European Union

in particular by alerting the controller or processor.

Ákr. § 51. If the authority

(b) the administrative time limit was exceeded and there was no need to take a decision with pending effect,

the amount corresponding to a fee or charge for the conduct of the proceedings, failing which ten thousand forints

pays the applicant client, who is also exempt from paying the costs of the proceedings.

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

(18) The Authority took it into account as evidence in the present data protection authority proceedings

(a) Annexes K / 1 to K / 5 to the request for an official data protection procedure

(NAIH / 2020/7449 documents),

(b) the statement and annexes of the Applicant dated 17 December 2020, in particular

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c)

d)

e)

f)

g)

having regard to the Data Management Information Sheet and the Interest Balance Test (NAIH / 2020/7449/3).

subheading),

the reply of the Budapest District Court to the request of the Authority (document NAIH-1674/2021),

[...] The application lodged at the Registry on 7 April 2021 by NAIH-1677/2021,

the statement of the Applicant dated 1 June 2021 (document NAIH-167-17 / 2021),

the statement of the Applicant dated 8 June 2021 (document NAIH-167-19 / 2021),

the statement of the Applicant dated 16 June 2021 (document NAIH-167-20 / 2021).

(19) The Applicant amended his application in his statement dated 1 June 2021, therefore the subject of the present data protection authority proceedings was the unauthorized third party of the Applicant's personal data.

In addition to the transfer to the

whether it keeps a record of its outstanding claim against the Applicant (document NAIH-167-17 / 2021).

ARC. Findings

IV.1. Personal data of the Applicant

(20) Certificate dated 2 July 2020, annexed to the application K / 2 (hereinafter referred to as the certificate)

contains the name of the Applicant and the address of the Applicant Company for the repayment of the debt the amount paid (HUF 16,500,000). It is entitled "Transfers to [...]" attached to the certificate (hereinafter: table) of the total amount (HUF 16,500,000) on the certificate

After comparing it with the amount in Table 1, it can be concluded that the two amounts are the same, The amount of partial performances in Table 1 may correspond to the amount on the certificate. The certificate contains the name of the Applicant, hence the date and amount of each partial performance also personal data that can be linked to the Applicant, personal data according to Article 4 (1) of the GDPR.

#### IV.2. Registration system

(21) Application K / 5. According to the Applicant's declaration in Annex No. (...) Referred to fact which is relevant to the agreement in the matter which is relevant to it. "

(22) According to the Applicant's statement

i.

"The Applicant shall store the data in printed form at the registered office of the company. Details of the Applicant does not store it in its administrative system. "

ii.

The document "Transfers to [...]" attached to the certificate on paper a Store in the paper file of the case with the applicant at the company's registered office, restricted access. "

(Document NAIH / 2020/3, pages 2, 5)

(23) The Authority notes that the table shows in a structured way what happened to the Applicant the date of the transfers and the forint amounts belonging to each date are also recorded in aggregate.

The document is a printed version of the Applicant Payments table, which is manual

"Tickings" and the and 22.02.2006 manual "bank" for item dated

contains a comment. From the fact that [...] lawyer filed his request on June 24, 2020 a

Applicant has fulfilled, it can be concluded that the dates of payments and payments

the amount was searchable in connection with the Applicant, it changed as a result of a successful search

allow the lawyer's request to be complied with and, according to the Applicant's statement, "is true communication of facts '. The Authority points out that a structured spreadsheet stored outside the administrative system, whether partly computer-printed or partly handwritten - is in line with Article 4 of the GDPR. shall be deemed to be a separate stock registration system in accordance with Article 6 (6).

#### IV.3. The position of data controller

(24) According to the Applicant's statement, "The Applicant is responsible for data protection issues the Director, as the Data Protection Manager, and the Owner of the Requested shall make decisions. The Daily is operational matters in the Applicant's manager, while in legal areas, official or lawyer's inquiries

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In that case, the owner shall act on the instructions of the administrator. ' '[...] Informing the Applicant's manager instructed him to comply with his request. "

(25) The header of the certificate shall contain the name and registered office of the legal entity requested, the certificate signed by the Chief Accountant at the time of the data transfer the Company's stamp stamp.

(26) Pursuant to paragraphs 24 to 25, the Authority finds that the Applicant

An independent data controller within the meaning of Article 4 (7), the purpose of the processing (execution of the lawyer's request) and

(forwarding the date and amount of the Applicant 's payments, issuing a certificate to the the amount of the payments, the instruction to comply with the lawyer's request shall be given to the Applicant chief accountant).

#### IV.4. The data management activity and its legal basis

##### IV.4.1. Data transmission

(27) By issuing and transmitting the certificate upon [... 's] request, the applicant referred to Article 4 of the GDPR. carried out a data transfer operation within the meaning of Article For data transmission, however, did not have an appropriate legal basis for the data processing activity because the requesting a lawyer who is not in a legal relationship with the Applicant - does not fall within the scope of data processing,

whose personal data of the Applicant could have been lawfully transferred to the data management information

8.

(28) According to the applicant, it relates to the document used in the court proceedings

the provision of information, one of the subjects of which is the Applicant, may not infringe the other subject of the settlement

rights to the protection of personal data, as the Applicant has a legitimate interest in the settlement

exploration of actual performance with respect to its use as evidence. In the opinion of the Authority

however, the transfer was not necessary for the legitimate interests of the Applicant because

the subject-matter of the proceedings pending before the General Court between the Applicant and his ex-spouse

division of property in which the Claimant is a non-litigant. The Authority would like to point out here that a

The Applicant's intention is to release the Applicant's employee by attaching the certificate

from the obligation to testify cannot be complied with under Article 6 (1) (f) of the GDPR.

the applicant 's own legitimate interest, because the court decides on the ordering of the testimony if the

parties shall submit a request for proof in this regard. The transfer is a third party (a

the plaintiff's lawyer was therefore unlawful

because the data was not transmitted through the appropriate 'channel', the attached certificate shall be

could have been lawfully attached by the Applicant to the lawsuit in the litigation.

(29) With regard to data transmission

i.

the Applicant does not have a statement of consent from the Applicant,

ii.

the transfer was not necessary to fulfill the terms of the agreement,

iii.

there was no data transmission to fulfill the legal obligation of the Requested Data Controller

necessary because, according to the Applicant's statement, the General Court did not provide information

received an invitation

arc.



the transfer of data is in the vital interest of either the Applicant or his / her spouse (life, physical health) was not necessary,

v.

the Requested Data Controller does not have a public authority license,

the Applicant has no legal basis as defined in Article 6 (1) of the GDPR.

#### IV.4.2. Data storage

(30) The fact that the Applicant has settled the debt and the Applicant does not have the

Outstanding claim against the applicant since 25 January 2007, present only

in the data protection proceedings (document NAIH-167-17 / 2021), Annex K / 4 to the application

According to the applicant's request dated 4 August 2021), only the legal basis for the transfer

requested information from the Applicant in this context.

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(31) According to the Applicant's statement, the Applicant has an unpaid, overdue debt. "It simply came to our notice then

the statement of the Applicant that the debt of the Applicant to the Applicant,

for which the parties reached an agreement was settled on 25 January 2007. The reality is

that the debt was only partially settled, the debt was not canceled, only the Applicant a

terminated the repayment after 25 January 2007. " (Declaration NAIH-167-20 / 2021).

(32) In view of the fact that, according to the

unpaid debt, it shall be lawfully recorded by the Applicant for lawful data processing purposes

(receivables management), a legitimate interest of data controllers within the meaning of Article 6 (1) (f) GDPR

supported by the balancing test which it attached.

#### IV.5. Part of the application rejected

(33) The Authority rejected the Applicant's request for a data protection fine on the grounds that this

the application of a legal sanction does not directly affect the rights or legitimate interests of the Applicant, a

Such a decision by the Authority does not create a right or an obligation and, as a result,

the imposition of a fine with regard to the application of a sanction falling within the scope of enforcement

the Applicant does not qualify as a customer in accordance with Ákr. § 10 (1), and since the Ákr. Does not comply with Section 35 (1), there is no place to submit an application in this regard, a This part of the application cannot be interpreted as an application.

(34) However, the Authority examined of its own motion whether it was 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. §A considered ex officio all the circumstances of the case and found that in the present proceedings The imposition of a fine in the event of an infringement is not proportionate or necessary, given that No violation of the requested GDPR has previously been identified.

(35) According to the information provided to the Authority by the General Court, the conclusion of the the amount of the installments paid on the basis of and the date of their payment is the subject of the property lawsuit (NAIH-167-4 / 2021).

(36) According to the information provided to the General Court, the conclusion of the settlement, the the amount of installments and the date of their performance are considered relevant facts in the property lawsuit in terms of deciding.

(37) In the light of the information provided by the General Court and by the applicant referred to in the old Pp. provisions concerning evidence (Section 164, Section 190 (3), Section 193), a Personal data of the Applicant during the request made by the Applicant to [...] a lawyer the right of the Applicant to personal data is minor damage that, in addition to the finding of an infringement, the Authority only considered it appropriate to impose a sanction.

#### V. Legal consequences:

V.1. The Authority grants the Applicant's request in part and Article 58 (2) (b) GDPR condemns the Applicant for violating Article 6 § 1 of the GDPR.

As to whether the imposition of a data protection fine is justified, the Authority Article 83 (2) of the Data Protection Regulation and Infotv.75 / A. § considered the matter ex officio and found that, in the case of the infringement found in the present proceedings,

warning is a proportionate and dissuasive sanction, so no fine is necessary. The Authority

In the present case, the warning is a proportionate and dissuasive sanction because

Applicant has not previously violated the provisions of the GDPR, the violation found is not affected

special categories of personal data, personal data transmitted by the Applicant without a legal basis

in an action for division of property pending before the General Court, to rule on the substance of the dispute

apply.

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

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V.2. In the course of the procedure, the Authority exceeded the Infotv. One hundred and fifty days according to Section 60 / A

(1)

administrative deadline, therefore Ákr. Pursuant to Section 51 b), it pays ten thousand forints to the Applicant.

VI. Other issues

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

covers the whole territory.

The decision is based on Ákr. 80-81. § and Infotv. It is based on Section 61 (1). The decision is based on Ákr. Section 82 (1)

shall become final upon its communication pursuant to paragraph The Ákr. § 112, § 116 (1) and § 114.

§ (1), there is a right of appeal against the decision through an administrative lawsuit.

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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), it is against the decision of the Authority

administrative lawsuit falls within the jurisdiction of the court, the lawsuit is subject to the Kp. Section 13 (3) (a) (aa)

the Metropolitan Court has exclusive jurisdiction. A Kp. Pursuant to Section 27 (1) (b) a

legal representation is mandatory in litigation falling within the jurisdiction of the tribunal. A Kp. Pursuant to Section 39 (6) a

the filing of an application does not have suspensory effect on the entry into force of the administrative act.

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. Section 9 (1) of the Act

The client's legal representative is required to communicate electronically in accordance with paragraph 1 (b).

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

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

the amount of the fee for an administrative lawsuit in accordance with Act XCIII of 1990 on Fees. Act (hereinafter: Itv.)

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

Section 62 (1) (h) exempts the party initiating the proceedings.

Budapest, August 27, 2021

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Dr. Attila Péterfalvi

President

c. professor