

Case number: NAIH-4137-8/2022

(NAIH-4935/2021)

Subject: rejecting the application,

ex officio finer

decision

[...]; the

hereinafter: Applicant's) authorized representative

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

(Home address:

[...] lawyer

by ([...])#cegkapu) on May 13, 2021 [...] with an obstetrician-gynecologist specialist

business seat: [...]; hereinafter: Respondent) against the Applicant healthcare

in the official data protection proceedings regarding access to its documentation,

makes the following decisions:

I. In the Authority's decision

I.1. rejects the Applicant's requests.

I.2. The Authority ex officio determines that the Respondent violated the natural

on the protection of persons with regard to the management of personal data and such

on the free flow of data and the repeal of Directive 95/46/EC

Regulation (EU) 2016/679 (hereinafter: General Data Protection Regulation) Article 5 (1)

point a) of paragraph 12, paragraph 2 of Article 13 and points a)-b) of paragraph 1 of Article 13.

I.3. I.2. due to the violations established in point

600,000 HUF, i.e. six hundred thousand forints

data protection fine

obliged to pay.

II. In an order, the Authority terminates the part of the procedure that aimed to a

Authority to establish the Civil Code. 2:51 a.m. § (1) point a) violation.

The data protection fine shall be imposed within 30 days from the date of the finalization of this decision

Authority's centralized revenue collection target settlement HUF account (10032000-

01040425-00000000 Centralized direct debit account IBAN: HU83 1003 2000 0104 0425

0000 0000) must be paid. When transferring the amount, NAIH-4137/2022. FINE. for number

must be referred to.

If the Respondent does not fulfill his obligation to pay the fine within the deadline, he is in default

is obliged to pay an allowance

to pay. The amount of the late fee is the legal interest, which is a

corresponds to the central bank base rate valid on the first day of the calendar semester affected by the delay

yes.

I.3. in the case of non-payment of the fine and the late fee, the Authority

orders the execution of the decision.

There is no place for administrative appeal against this decision and order, but it is

within 30 days from the notification, with a letter of claim addressed to the Capital Court

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can be challenged in an administrative lawsuit. The claim must be submitted to the Authority,

electronically,<sup>1</sup> which forwards it to the court together with the case documents. The complete personal

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

is subject to the right of material levy record. Legal representation in proceedings before the Metropolitan Court  
obligatory.

## I N D O C O L A S

I. The course of the procedure:

stored

in or out of the system

I.1. On May 13, 2021, the Applicant submitted an application to the Authority, in which he presented  
that in a registered letter sent on January 15, 2021, through its representative, it requested from the Application  
It rained between January 1, 2020 and September 20, 2020, for maternity care  
issue of your complete medical documentation. Due on March 4, 2021  
he repeated his request in his letter sent as a consignment, the requests were sent to the [...] clinic [...] sent to postal address. Your application sent with a return receipt was returned with a "not searched" mark  
to it. He did not receive a response from the Application, nor did he receive a copy of the Requested documents  
provided.

In the letters sent, the Applicant requested private obstetrics and gynecology from the Applicant  
under care during your pregnancy care - either at the [...] clinic or elsewhere locally -

generated, electronic

full health

including the consent form, patient information sheet, imaging

documentation,

recordings, expert opinion, written/electronic communication with the Applicant.

The Applicant asked the Authority to establish the violation, Eütv. of § 24

violation of the Civil Code 2:51 a.m. Based on § (1) point a), oblige the Applicant to a

To fulfill the applicant's request for the issuance of documents, as well as against the Application  
impose a fine.

about law and that

## I.2. The Applicant

CXII of 2011 on freedom of information. Act (hereinafter: Infotv.) Section 60 (1)

based on paragraph NAIH-4935/2021. case number on May 14, 2021, data protection authorities proceedings have been initiated.

In order to clarify the facts, the Authority called on him to make a statement on June 7, 2021 the Applicant.

I.3. The legal representative of the Respondent is a client of [...] individual lawyer ([...]#cegkapu) - eg all healthcare workers - due to workload, NAIH-4935-4/2021. for number in its letter dated July 14, 2021, the response deadline is thirty days requested its extension, which was issued by the Authority on July 29, 2021 allowed.

I.4. The Respondent's response to the invitation to clarify the facts was received on August 11, 2021 and NAIH-4935-6/2021. was registered. information self-determination at his request

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

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

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I.5. NAIH-4935-7/2021 order of the Authority dated in order to further clarify the facts. was sent on September 21, 2021, and the Applicant sent it on October 4, 2021 took over.

I.6. The Respondent's response to this call was received on October 18, 2021, NAIH-4935-8/2021. registration number.

I.7. NAIH-4935-9/2021. mailed on October 27, 2021 and by the Applicant in 2021.

In its order received on November 2, the Authority requested the Applicant's statement on the above by answering questions and sending documents.

I.8. The Applicant's statement received on November 5, 2021 is NAIH-4935-10/2021. number was filed.

I.9. The Authority deemed it necessary to further clarify the facts, to this end NAIH-4935-11/2021. sent an order to the Respondent on November 18, 2021, which Received on December 6, 2021.

I.10. The Respondent responded to the order in a letter received on December 23, 2021, and Authority NAIH-4935-12/2021. registered.

I.11. The Authority supplemented the procedure with an examination of the Respondent's general practice, this Application was issued on March 28, 2022 and received by him on April 11, 2022 informed him in his order, and at the same time called on him to make another statement.

I.12. The Applicant NAIH-4137-2/2022. Your answer was registered on April 27, 2022 arrived.

I.13. Acting administrator NAIH-4137-3/2022. his note no. dated May 4, 2022.

I.14. On May 26, 2022, the Authority notified customers that the proof procedure completed and clients can see the documents of the procedure. The Authority at the request of the Applicant On June 9, 2022, he sent it to a party that did not originate from him and did not originate during the procedure copies of all documents sent by making the protected data unknowable.

## II. Clarification of the facts

II.1. In his reply given through his legal representative, the Respondent submitted the following:

The [...] clinic operating as the location of your order is a fictitious name for the purpose of the order he rents premises based on a verbal agreement from [...] an obstetrician-gynecologist, who you cannot attach a document relating to the legal relationship. To manage your patient's data the relevant data controller is the Requested person, the submission of data subject requests provides the possibility at the registered office of the individual entrepreneur - [...] - as well as the data management information sheet and the sole proprietorship register.

In relation to the examined access request, he provided information that the request

together with many other doctors regularly provides health care services at his address, however, he only carries out medical prescription activities there, and for the sake of administration a no one is employed on site. He did not receive the requests from the stakeholders, to respond to them he didn't know either.

According to the statement, the Applicant also performs health and medical tasks in both

[...] In a teaching hospital, both in private practice. The last one

culminating

period

4

The coronavirus epidemic also required an increased effort from the application to provide patients with professional services and in order to provide adequate care, he was forced to prioritize his tasks due to the workload, thus primarily, in accordance with his medical oath, all his capacity to care for patients translated. Due to these circumstances, it could happen that with the appropriate administration on the other hand, he focused on the care of the patients, thus - despite all his efforts, by him also acknowledged - minor administrative deficiencies may have occurred in its activities.

You have attached a copy of your data management policy to your reply.

II.2. Questions asked in the following order sent to the Authority during the clarification of the facts

during his response, the Respondent submitted that the Authority was sent to the [...] clinic addressee's letter was delivered in such a way that the related notice was ordered by someone else there he received it from a colleague, who, seeing that it was an official document, took it in good faith at the post office. The Requested does not send inquiries related to data management to this address is accepted, as only one room is rented at the place of order during the order period for its duration, so it cannot ensure the reception of inquiries there. With the assistant is in a contractual relationship, his task is to give the appointment based on a telephone request, is not present on the order. You have no other agreement with the lessor apart from renting the premises, there is no joint administration at the given address. Patients are informed about data management in Data Management

it is informed by means of the information contained in the information sheet, which can also be found on its website ([...]), and

a

it is also available at the place of order at the time of ordering. The data management information sheet has the

He cannot prove that he was acquainted with the applicant.

The Authority is the Respondent

at his request - in which the Authority is the Applicant

requested the part of his documentation on which the first data collection took place, or on which

there is an official signature - he checked his records, however, it concerns the Applicant

no documentation found. The reason for the administrative shortcoming was the previously mentioned

he cited workload caused by the coronavirus epidemic, according to which the patients are adequate

spent its limited capacities on health care and the fight against the epidemic, and

in such a medically and humanly difficult situation he considered that the administration

secondary

important. Despite all this, administration and documentation

aware of its importance and regretted the omission.

II.3. The Authority invited the Applicant to make a statement, and the maternity care

to attach a copy of your booklet, in which information about the data controller –

date of care, name of healthcare provider providing care, doctor's seal, etc.

- its visibility had to be ensured. This was sent by the Applicant, his statement is further

and informed the Authority on which dates ([...]) he carried out the

She requested her pregnancy care as part of a private order at the [...] clinic. performed by

that on the occasion of these meetings, ultrasound examinations were also carried out, the data of which a

they were recorded in a maternity care booklet, written with a pen, signed and sealed. [...]-

he was received by the Applicant at the [...] Hospital, the results of the examination were recorded in the outpatient card

for recording. On [...], at the clinic on [...] street, he determined that the fetus was no longer there

heartbeat.

According to the Applicant's statement, the Applicant submitted the results of the examinations, ultrasound examinations, as well as the dates of the next meetings and check-ups in the pregnancy care book recorded, signed and sealed.

Attached by the Applicant from the Electronic Health Services Area (EESZT) requested documentation, in which during the private ordering occasions indicated above generated data, findings are not found. She also stated that her pregnancy care during, on examinations and ultrasound examinations carried out within the framework of the Respondent's private order did not receive findings or test results either on paper or in electronic form, a

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After the stitches were removed, the Respondent became unavailable to him, and he had no contact with him he couldn't move, he didn't answer his messages, he didn't answer his phone calls.

II.4. At the Authority's further request, the Respondent submitted that the patient data of the procedure recorded by means of the "Condition assessment form for patients" document already sent during which is recorded on paper. (The Authority notes that this document has not been published to be sent to the Authority.) He stores the patient documentation at his headquarters, that's it place of data management, and if necessary uploads it to the EESZT system. Electronic does not keep records.

At the request of the Authority, it inspected its records, however, in relation to the Applicant no documentation is included. The Applicant's test results in the maternity care recorded in a book, as he did in other cases.

The cause of the documentation deficiencies was the previously explained epidemic situation cited difficulties and asked the Authority to understand that the case take this into account when considering your circumstances. At the request of the Authority, he attached [...] a certificate signed by the chief physician of the department, in which the chief physician certifies that the Applicant intensively participates in the increased patient care in the ward, as well as before not a few, the number of patients on duty has also increased significantly.



II.5. In the Authority's next order, the Respondent answered the question that - subject to his statement of December 21, 2021, according to which he does not keep electronic records - in the absence of electronic records, how does it comply with the requirements for recording in the EESZT submitted in response to his obligation, according to which, clarifying his previous statement, the EESZT in addition to the mandatory electronic data upload, other electronic records doesn't drive. Therefore, according to his point of view, there is no contradiction in the Data Management Information 6.1.4. between his point and his actual practice according to his statement dated December 21, 2021 regarding the electronic registration of data.

By the wording "if necessary" written in your previous answer, you mean that the data it is uploaded to the EESZT if required by law. The Authority to his question about the detailed information regarding the Electronic Health Services Area 39/2016 on rules. (XII. 21.) to the regulation according to § 19 (2) of the EMMI Decree how and in which cases it complies, he did not give an answer.

It was sent by the "Condition assessment sheet for patients". document sample, he declared that the information before the already sent Data Management information from January 2020 applied - a copy of which was also attached - which information was made available on its website, moreover, he was also available at the place of the order at the time of the order, and stated that He treated 68 patients in 2020 and 196 patients in 2021 in private practice, of which its income was HUF 1,220,000 in 2020 and HUF 3,962,000 in 2021, the he also attached an extract from the relevant tax return.

### III. Legal provisions applicable in the case:

On the protection of natural persons with regard to the management of personal data and on the free flow of such data, as well as outside the scope of Directive 95/46/EC Regulation (EU) 2016/679 (hereinafter: General Data Protection Regulation) for data management under the scope of Infotv. According to Section 2 (2), general data protection regulation shall be applied with additions in the provisions indicated there.

## The General Data Protection Regulation

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According to point 1 of Article 4, "personal data": identified or identifiable natural any information relating to a person ("data subject"); the natural person can be identified, who directly or indirectly, in particular an identifier such as name, number, location data, online identifier or physical, physiological, one concerning your genetic, intellectual, economic, cultural or social identity can be identified based on several factors;

According to point 15 of Article 4, "health data" means the physical state of a natural person personal data regarding your mental health, including the natural person also data relating to the health services provided to him, which information carries about the state of health of the natural person;

Based on Article 4, Clause 2

"data management": you are on personal data any operation performed on data files in an automated or non-automated manner or set of operations, such as collection, recording, organization, segmentation, storage, transformation or change, query, insight, use, communication, transmission, distribution or otherwise by making available, coordinating or connecting, restriction, deletion or destruction;

According to point 7 of Article 4, "data controller": the natural or legal person, public authority body, agency or any other body that aims to manage personal data and determines its assets independently or together with others; if the purposes of data management and its means are determined by EU or member state law, the data controller or the data controller special aspects regarding the designation of the EU or too can define;

member state

law

According to Article 5 of the General Data Protection Regulation:

(1) Personal data:

a) handling legally and fairly, as well as in a transparent manner for the data subject

must be carried out ("legality, due process and transparency");

b) it should be collected only for specific, clear and legal purposes, and not those

be treated in a manner inconsistent with these purposes; of Article 89 (1).

accordingly, the public interest is not considered incompatible with the original purpose

for archiving purposes, for scientific and historical research purposes or for statistical purposes

further data processing ("target binding");

c) they must be appropriate and relevant in terms of the purposes of data management, and

they must be limited to what is necessary ("data sparing");

d) they must be accurate and, if necessary, up-to-date; all reasonable measures

must be done in order to ensure that it is inaccurate in terms of the purposes of data management

have personal data promptly deleted or corrected ("accuracy");

e) must be stored in a form that allows the identification of the data subjects only a

enables the processing of personal data for the time necessary to achieve its goals; the

personal data may only be stored for a longer period of time if

insofar as the processing of personal data is in accordance with Article 89 (1).

for the purpose of archiving in the public interest, for scientific and historical research purposes or for statistical purposes

will take place for the purpose of protecting the rights and freedoms of those affected in this regulation

prescribed in order to be appropriate

too

subject to ("limited shelf life");

to implement measures

technical and organizational

f) must be handled in such a way that it is appropriate

technical or organizational

adequate security of personal data should be ensured by applying measures, that is

unauthorized or illegal processing, accidental loss or destruction of data

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

(2) the data controller is responsible for compliance with paragraph (1), and must also be able

to demonstrate this compliance ("accountability").

Pursuant to Article 12 of the General Data Protection Regulation

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(1) The data controller takes appropriate measures to ensure that the data subject

for the processing of personal data referred to in Articles 13 and 14

all information and 15-22. and each information according to Article 34 is concise,

transparent, understandable and easily accessible

form, clearly and comprehensibly

provide it in writing, especially in the case of any information addressed to children.

The information in writing or in another way - including, where applicable, the electronic way -

must be given. Verbal information can also be given at the request of the data subject, provided that it is done in another way

the identity of the person concerned was verified.

(2) The data controller facilitates the relevant 15-22. the exercise of his rights according to art. The 11.

in the cases referred to in paragraph (2) of Article 15-22, the data controller your rights under Art

may not refuse to fulfill your request for exercise, unless you prove that

that the person concerned cannot be identified.

(3) The data controller without undue delay, but in any case the request

within one month of its receipt, informs the person concerned of the 15-22 according to article

on measures taken following a request. If necessary, taking into account the request

complexity and the number of requests, this is the deadline

two more months

can be extended. Regarding the extension of the deadline, the data controller explains the reasons for the delay

indicating within one month from the receipt of the request

concerned. If the person concerned submitted the request electronically, the information is possible

must be provided electronically, unless the data subject requests otherwise.

(4) If the data controller does not take measures following the data subject's request, it is a delay

without, but at the latest within one month from the receipt of the request

data subject about the reasons for the failure to take action, as well as whether the data subject complained

can submit it to a supervisory authority and exercise its right to judicial remedy.

Based on Article 13 of the General Data Protection Regulation:

Information to be made available if personal data is collected from the data subject

(1) If personal data concerning the data subject is collected from the data subject, the data controller a

at the time of obtaining personal data, provides the data subject with a

all of the following information:

a) the identity of the data controller and - if any - the data controller's representative and

your contact information;

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

Based on Article 15 of the General Data Protection Regulation:

(3) The data controller shall provide the data subject with a copy of the personal data that is the subject of data management

makes available. For additional copies requested by the data subject, the data controller is responsible

may charge a reasonable fee based on administrative costs. If it is affected

submitted the application electronically, the information was widely used

must be made available in electronic format, unless the data subject requests otherwise.

(4) The right to request a copy referred to in paragraph (3) shall not be affected

adversely affect the rights and freedoms of others

According to Article 39 of the General Data Protection Regulation:

Duties of the data protection officer

(1) The data protection officer performs at least the following tasks:

a) the data manager or the data processor provides information and professional advice, and for employees performing data management, this regulation, as well as other EU or in relation to their obligations according to the data protection provisions of the Member States;

b) checks the compliance with this regulation and other EU or Member State data protection regulations provisions, as well as personal data of the data controller or data processor compliance with its internal rules regarding its protection, including responsibilities designation, raising the awareness of personnel involved in data management operations and training, as well as related audits; \*

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c) upon request, provides professional advice regarding the data protection impact assessment, as well as monitors the performance of the impact assessment in accordance with Article 35; \*

d) cooperates with the supervisory authority; and

e) in matters related to data management - including the preliminary notice referred to in Article 36 consultation - serves as a point of contact for the supervisory authority, as well as given consults with him on any other issue.

(2) The duties of the data protection officer are the risk associated with data management operations taking into account the nature, scope, circumstances and purpose of data processing also takes into account

CLIV of 1997 on health. the relevant provisions of the Act (Eütv.):

§ 3 f) healthcare provider: regardless of the form of ownership and provider, all

for the provision of health services and issued by the state health administration body

individual healthcare entrepreneur, legal person or legal entity entitled on the basis of an operating license entity without personality;

The Eütv. Paragraph (2) of § 26 states that the patient - if his state of health enables - obligates the abilities of the healthcare workers involved in its care and to your knowledge cooperate as follows:

a) informing them of everything necessary to establish the diagnosis is appropriate to create a treatment plan and carry out interventions, so especially everything about your previous illness, medical treatment, medicine or medicinal product about its use and health-damaging risk factors.

The Eütv. § 24 (1) The patient has rights in the health documentation prepared for him to learn about the contents - taking into account the provisions of § 135. (2) The patient's related to your relevant personal data for natural persons a

on the protection of personal data in terms of processing and that such data is free flow, as well as repealing Regulation 95/46/EC (general data protection

Regulation) of April 27, 2016 (EU) 2016/679 of the European Parliament and of the Council, and on the management and protection of health and related personal data the provisions of the Act on to the rights of

(3) The patient is entitled

a) upon discharge from the inpatient hospital according to point a) of Section 137 to receive a final report,

b) according to the provisions of point b) of § 137 a outpatient specialist care activity

receive an outpatient care card upon completion.

§ 136. (1) Data related to the examination and medical treatment of the patient is included in medical documentation. Medical records must be kept in such a way that

so that it reflects the care process in accordance with reality.

(2) It must be indicated in the health documentation

a) on the treatment of the patient's health and related personal data

and personal identification data specified in the Act on Protection,

b) in the case of a patient capable of acting, the person to be notified, and - if the patient requests - a

the name, address and contact information of the supporter according to the Act on Supported Decision-Making,

also a minor,

completely restrictive

in the case of a patient under guardianship, the name, address and contact information of the legal representative,

or you are partially incapacitated

c) medical history, medical history,

d) the result of the first examination,

e) examination results establishing the diagnosis and treatment plan, a

the date of the examinations,

f) the name of the disease justifying the treatment, which serves as the basis for its development

disease, accompanying diseases and complications,

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g) other diseases that do not directly justify care, or risk factors

name,

h) the time of the performed interventions and their results,

i) medicinal and other therapy and its results,

j) data on the patient's drug hypersensitivity,

k) the name of the healthcare worker making the registration and the date of the registration,

l) information provided to the patient or other person entitled to information

recording its content,

m) the consent [15. § (3)], or the fact of refusal (§ 20-23), as well as



their date,

n) all other data and facts that may influence the patient's recovery.

(3) The following must be kept as part of the health documentation:

a) the findings of each examination,

b) documents generated during medical treatment and consultation,

c) nursing documentation,

d) recordings of imaging diagnostic procedures, as well as

e) tissue samples taken from the patient's body.

§ 137 The healthcare provider

a) at the end of a connected care process consisting of several sub-activities or inpatient

after hospital care, a final report summarizing the care data,

b)

outpatient specialist care

at the end of the activity, with the care of the patient and

in paragraphs (2)-(3).

outpatient care sheet containing summary data related to medical treatment

prepares and - with the exception of the case specified in Section 14 (1) - hands it over to the patient.

The Eütv. According to paragraph (2) of § 126, the doctor - provided that his professional competence and

he is entitled to do so based on his preparation - he examines the patient who comes to him. Paragraph (3).

pursuant to which the examination of the patient covers everything brought to the attention of the attending physician

complaint, medical history and individual circumstances affecting the patient's recovery

to explore. THE

to deviate from the provisions only for the patient's life

may be necessary in the case of interventions that cannot be postponed (§ 126 of the Eütv.

(4)).

The Eütv. Pursuant to § 77, paragraph (3), all patients - to use care

regardless of its legal title - with the care expected from those involved in its care, as well as a must comply with professional and ethical rules and guidelines.

On the management and protection of health and related personal data

XLVII of 1997 according to law (Eüak.):

35/B. § (1) To connect to the EESZT through its authorized IT system

obliged

a) for the provision of health services by the state health administration body

based on an issued operating license, a health service provider who is financing

obliged to submit a report or provide electronic data,

b) the pharmacy,

c) the state ambulance service,

d) state administrative bodies and other organizations specified by the minister in a decree,

e) the distributor of medical aids with a price subsidy contract.

(2) Data controllers belonging to the health care network and not covered by paragraph (1).

they can join the EESZT under the conditions specified in the minister's decree.

About the detailed rules related to the Electronic Health Services Area

39/2016. (XII. 21.) pursuant to the EMMI decree

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§ 2 (1) The Eüak. 35/B. According to point d) of § (1) of the EESZT, information technology

state administrative bodies obliged to join the system:

a) the National Health Insurance Fund Manager,

b) the Ministry of Human Resources,

c) the National Center for Public Health,

d) the National Pharmaceutical and Food Health Institute.

(1a) The Eüak. 35/B. Others required to join pursuant to point d) of paragraph (1) of §

organization is Eüak. 35/B. Medical or not falling within the scope of § (1) point a).

healthcare provider with an operating license for dental work.

§ 22. (1) Obligations related to joining

f) the health care provider according to § 2, paragraph (1a) is obliged until January 1, 2020 complete.

Section 19 (1) Health registered through the EESZT and specified in Annex 4

within the framework of the obligation to provide information regarding documents, the joined data controller

a) transmits in accordance with the technical requirements published by the operator a documents, or

b) in case of compliance with the technical requirements published by the operator a of documents from the health IT system of the connected data controller provided by forwarding a link that enables direct access.

(2) Data provision specified in this § relating to the transmission of documents obligation

a) in the case of a document handed over to a patient, handing over the document to the patient,

b) in the case of a document not handed over to the patient, the approval of the document,

c) already in the EESZT register

in the case of a forwarded document

change

immediately after, but no later than in Annex 4 in relation to individual documents must be completed within a specified period of time.

(3) From the register of health documents, the operator is Eüak. Section 4 (1)

is only entitled to access the data for the purpose specified in paragraph a)-d).

provides sector users with access to the relevant healthcare to document.

Annex 4 to 39/2016 (XII. 21.) to EMMI decree

Record of health documents

1

THE

B

Document type

Deadline

C

Document

forwarding

3 The Eütv. According to point b) of § 137

1 hour

obligatory

outpatient card

11

development and healthy

26/2014 on maternity care. (IV. 8.) EMMI regulation:

§ 1 (1) The purpose of prenatal care is to preserve the health of the pregnant woman and the fetus

healthy

facilitating the birth of, a

risks and the prevention of complications, as well as in a timely manner

recognition, as well as for childbirth, the child's early attachment, breastfeeding and

preparation for infant care.

(2) Antenatal care begins when the obstetrician-gynecologist is on the uterus

determines intrauterine pregnancy, carries out the risk classification and informs the pregnant woman accordingly

gives proof.

Section 4 (1) An obstetrician-gynecologist or midwife who, in Section 1 (2)

takes care of the pregnant woman after the prescribed classification and is considered a responsible person.

(2) The responsible person in the care book of the expectant mother according to Annex 1 (a hereinafter: pregnancy care book) in Appendix 1, point 1.1.2. referred to in subsection indicates data and provides his signature.

§ 10. Apart from the provisions of paragraphs (2)-(4) of § 4, the responsible person:

a) informs the pregnant woman against the other fees specified in the professional guidelines about the possibility of available tests,

b) records in the pregnancy care book that the information according to point a) has been provided, and the pregnant woman confirms with her signature that she has received the information,

c) performs the necessary examinations and their results in the pregnancy care book document it.

Act V of 2013 on the Civil Code (Ptk.)

2:51 a.m. § [Sanctions independent of prosecution]

(1) A person whose personal rights are violated, based on the fact of the violation - during the statute of limitations within - you can demand based on the circumstances of the case

a) the court finding that the violation has occurred;

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

in order to enforce it, the Authority, at the request of the person concerned, data protection initiates official proceedings.

Infotv. Pursuant to § 60, paragraph (2), for the initiation of official data protection proceedings request in the case specified in Article 77 (1) of the General Data Protection Regulation can be submitted.

In the absence of a different provision of the General Data Protection Regulation, the request was initiated for official data protection procedure CL of 2016 on the general administrative procedure. the provisions of the Act (hereinafter referred to as the Act) specified in Infotv shall be applied with differences.

The Akr. According to § 17, the authority's powers and jurisdiction are all the proceedings examines ex officio in the If you notice a lack of one, and without a doubt the authority with jurisdiction over the case can be determined, the case will be transferred to it in its absence, the application is rejected or the procedure is terminated.

The Akr. According to paragraph (1) of § 35, the request is a declaration by the client with which the official request the conduct of a procedure or a decision of the authority for his right or legitimate interest in order to enforce it.

The Akr. According to § 35, paragraph (3), a decision made on the subject at the client's request until it becomes final.

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The Akr. According to paragraph (4) of § 62, the authority freely chooses the method of proof, and evaluates the available evidence according to his free conviction.

ARC. Evidence taken into account during the Authority's decision and their evaluation:

IV.1. In accordance with the contents of the application, the Authority examined whether the Applicant whether the Applicant's healthcare provided in the framework of a private order was legal for the issuance of medical documentation created during directed access request during its assessment, and whether the Applicant must oblige the Applicant to comply with the Applicant's access request to fulfill. The requested documentation concerns the Applicant's pregnancy care, which pregnancy ended in the death of the fetus. The Authority also ex officio investigated the You requested your general data management practices.

IV.2. The fact of data management, the person of the data controller

Based on the definition of the general data protection regulation, for the health of the data subject and the data relating to your health care are personal data, including personal data as data constituting a special category of data, any processing performed on personal data operation is considered data management.

A data controller according to Article 4, point 7 of the General Data Protection Regulation, who is there has substantive decision-making authority as defined - the purpose of data management and its means may also be defined by member state law - and at the same time it bears responsibility for the fulfillment of legal obligations related to data management. So, among other things, it is the data controller must satisfy the data subject's demand for the exercise of rights [general data protection decree 12-23 article].

According to the Respondent's statement, the patient data is included in the "Condition Assessment Sheet for Patients" recorded by means of a document, which is registered on a paper basis. The patient documentation is a it is stored at its headquarters, this is the place of data management, and if necessary, it is uploaded by the EESZT into your system. No electronic records - or required by law except for uploading data, no - leads.

According to Article 2 (1) of the General Data Protection Regulation, the regulation must be applied a for the processing of personal data in a partially or fully automated manner, as well as for the non-automated handling of data that is part of a registry are part of a system or are intended to be part of a registration system.

The concept of data management is defined in point 2 of Article 4. The General Data Protection Regulation According to preamble paragraph (15), personal data is the protection of natural persons in addition to processing by means of automated means, it also applies to manual processing if a personal data is stored or intended to be stored in a registration system. Documents that and groups of documents and their cover pages that are not organized are specified aspects, they do not fall under the scope of the regulation. Among these provisions are the following they follow.

The general data protection regulation includes manual data processing restrictive provision. Manual, i.e. non-automated (in other words: paper-based) in the case of data management, the scope of the regulation only covers data that are part of a registration system or are managed for registration purposes.

What constitutes a registration system is determined by Article 4, Point 6 of the GDPR, according to which registration system personal data in any way – centralized, decentralized or according to functional or geographical aspects – its staff which

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widely

defined

can be interpreted, it can be considered any list or list in which the data is of any kind they can be searched and grouped according to criteria.

accessible based on knowledge criteria. The register

idea

so

In view of what has been described, private health care is provided by the Applicant about the data of his patients

during the general data protection regulation on a paper-based, manually kept record

applicable. The maintenance of this record is Article 4, Point 2 of the General Data Protection Regulation

according to data management, e

regarding the Applicant is the general

according to Article 4, point 7 of the Data Protection Regulation, it is considered a data controller.

activity

Among the other institutions and persons involved in the procedure, the "[...] clinic" is not legal

person, and thus cannot be classified as a data controller, rents the premises of the clinic to the Respondent

tax [...] does not participate in data management, so it is not considered a data controller either. Furthermore, the

The activity performed by the respondent during publicly funded care was not the application

subject, so it arose in the course of the Applicant's activities at the [...] Teaching Hospital

documents are not included in the procedure, so the institution is not considered in the procedure either

data controller.

IV.3. Handling the access request



Pursuant to the provisions of Article 12 (2) of the General Data Protection Regulation, data manager facilitates the concerned 15-22. the exercise of his rights according to art. Article 15 provides for the details of the right of access, including the data in Article 15 (3). establishes the right to a copy.

As stated above, the provision of healthcare services includes patients in general, and also in the present case [...] an individual entrepreneur is considered a data controller, as a health care provider who is the personal and health data of the patients concerned during the care provided by him on a paper basis, and the mandatory data upload regarding is electronically documented, the fact of the quality of the data controller is also the statement of the Requested records.

According to the introduction of the Data Management Information of the Requested Party dated 2020, "[...] individual entrepreneur (headquarters: [...]; tax number: [...]; medical registration number: [...]; individual business registration number: [...]) (hereinafter: Doctor) for its data management activities related main regulations", while the 2021 Data Management information sheet a according to the introduction, "[...] individual entrepreneur (headquarters: [...]; tax number: [...]; medical registration number: [...]; individual entrepreneur registration number: [...]) (hereinafter: Doctor) details the main regulations related to its data management activities.

In point 9 of both information sheets, there is a provision on how to ensure the rights of stakeholders, a 9.1. discusses the exercise of the right to access. The regulations do not at this point provides for the method and address of submission of requests, which is the general data protection does not meet the requirements of Article 12 (1) of the Decree.

According to point 10 of both information sheets, data protection officer [...], address: [...]; e-mail: [...]; and can be found as an explanation that "with data protection issues or questions the above you can contact a data protection officer". However, according to the Authority's point of view, it is not it follows that the data subject's requests must also be sent to the data controller in this way, or that

according to Article 39 of the General Data Protection Regulation, it is not responsible for data protection either providing officials with measures taken following stakeholder requests.

In addition to public health care, the Applicant is covered by the [...] clinic [...]

visited him several times in the context of pregnancy care, private healthcare

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service at this location. You sent your affected access requests to this address

twice, indicating the Applicant who regularly provides services there as recipient.

returnable

According to the Respondent's statement, he did not fulfill the access request because a

did not become aware of the request. He did not become aware of the request because a

addressed to the place of your private order, recommended, then

mailed in the form

he did not receive shipments.

According to Article 5 (2) of the General Data Protection Regulation, the data controller is responsible for (1)

for compliance with paragraph and must also be able to demonstrate this compliance

("accountability").

In the present examined case, the Respondent could not prove, according to the contents of his statement,

that the Applicant was familiar with the data management information, so the Applicant was not

in possession of the information on the address of the business headquarters of the service provider providing it,

where you could have otherwise sought the data protection officer. On the Applicant's website a

In the "Contact" menu item, at the time of initiation of the official procedure, the "Place of order:

[...] surgery - [...]." designation was listed as the only title, so the Applicant from this source

nor was he able to learn about the place where the claims were submitted.

The Applicant does not include a copy of the pregnancy care book attached by the Applicant

business headquarters, such as receiving data protection problems, questions, or requests

the indication of the reporting address. That the Applicant

could be familiar with the stakeholder requests

the address and method of submission, the Applicant could not verify, to the place of the order

and he did not ensure the reception of the submitted request.

According to the Authority's point of view, the data subject does not have to be aware that it is

healthcare provider

operates in the form of its corporate headquarters

does it match the place of the order. If the person concerned, about the address for submission of applications

does not receive explicit and verifiable information, it is reasonable and unobjectionable if the request

it will be delivered to the address where you regularly visited the doctor for medical care.

legally what it is

The data controller's duty to facilitate the exercise of rights includes that

the data controller must cooperate with the data subject, in addition to the general data protection regulation

according to the data controller does not have the possibility to limit the rights of the data subject

the way of presentation.

verifiably disclosed data management

If with the affected person

information sheet

contains the address of submission of data subject requests, in which case the data controller

you can claim to have been helped by the person concerned

enforcement of rights. If not

is included, or the data subject was not familiar with it, organizational measures must be taken

to help the data subject in order to receive his request properly.

According to the above findings of the Authority, the rights of the stakeholders were not ensured

the possibility of effective exercise in relation to the Applicant, thereby the Applicant

violated Article 12 (2) and Article 13 (1) of the General Data Protection Regulation

paragraph a-b).

Based on the inspection carried out on May 4, 2022, the Authority found that the Applicant on its website after the initiation of the procedure, as the address for correspondence/claims a business address.

#### IV.4. Management of health documentation, management of the Applicant's data

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regulation on data management and data management

General data protection

concept of

when defining it, it clearly states that the person who is personal is considered a data controller

manages data. The fulfillment of stakeholder requests regarding the subject of data management is general

Article 12 of the Data Protection Regulation is the body or person performing data management activities

makes it an obligation.

The 2020 data management information sheet of the requested party 6.1.4. point contains the following:

"6.1.4. Management of relevant data generated during the provision of medical services:

Relevant data generated during the provision of the medical service Data manager closed IT

are recorded in its algorithm-protected system, for which only in point 8.1

specific persons have access rights.

If the given data is recorded on paper, in that case

Data manager in a properly lockable building from a security point of view

is located

premises, is systematically guarded, and only by the persons specified in point 8.1

have access rights.

The data controller reserves the right to make the data recording paper-based

also make a digital copy of the document. In such cases, the data is closed by the Data Controller,

are recorded in its system protected by an IT algorithm, for which only the 8.1

persons specified in point have access rights.

The data required by law are also included in the Data Controller's Patient "Pregnancy Care Book".  
records. "

The 2021 Data Management Information of the Requested 6.1.4. clause provides as follows:

"6.1.4. Management of relevant data generated during the provision of medical services:

Relevant data generated during the provision of the medical service Data manager closed IT  
are recorded in its algorithm-protected system, for which only in point 8.1  
specific persons have access rights.

If the given data is recorded on paper, in that case

Data manager in a properly lockable building from a security point of view  
is located

premises, is systematically guarded, and only by the persons specified in point 8.1  
have access rights.

The data controller reserves the right to make the data recording paper-based  
also make a digital copy of the document. In such cases, the data is closed by the Data Controller,  
are recorded in its system protected by an IT algorithm, for which only the 8.1  
persons specified in point have access rights.

In addition to the above, the Data Controller - fulfilling its legal obligations - is the law  
also records specific data in the EESZT. [...] The data required by law is the Data Manager  
It is also recorded in the patient's "Pregnancy Care Book". "

However, according to the Respondent's statement in its records regarding the Applicant  
no documentation is included. The "Condition Assessment Sheet" cannot be found on the Applicant either, and the  
he also failed to enter his examination results in his records. The Applicant  
she only recorded her test results in the Applicant's pregnancy care booklet.

Nor is the Applicant in relation to the care of the Applicant during pregnancy care  
did not create electronic or paper-based documentation, data on the Applicant's care  
was not forwarded to the EESZT, while according to the pregnancy care book, a

He provided healthcare services to the applicant at the times indicated there.

The data generated during the tests and the results of the tests shall be provided by the Applicant a recorded in the pregnancy care book, which is a document in the pregnant woman's own treatment there is, in addition, according to the Applicant's statement at the end of the investigation, the Respondent's finding is not given and did not transmit the data to the EESZT system. The EESZT by the Applicant

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among the documents downloaded from the system during the Respondent's private order, the specified documentation created at test times was not included.

Consistent with this, the Respondent's statement states that the Applicant is a no data or documents can be found in its records.

The data subject's rights and their exercise can only be interpreted if there is data management which however, it was not in the specific case. As a result, the Respondent did not violate the

The applicant hereby waives its right to issue a copy pursuant to Article 15 (3) of the GDPR in relation to recorded patient data, since the "Condition assessment sheet" kept by the Applicant For patients" there was no data in the paper-based register that could be copied and there is no other data that could be ordered to be released.

decree

rules

For this reason, the Eütv cannot be established. Violation of the provisions of § 24 - which section is it general data protection

order to apply the health

regarding access to documentation and providing copies.

As a result, the Authority rejected the Applicant's request that the Authority oblige a

Request for a copy of the documentation containing your health information

rejects it, since - in the absence of documentation - the Respondent does not

has documents containing such data.

in the information sheet

does, in addition to all this

The Authority may examine compliance with the general data protection regulation, Civil Code. 2:51 a.m. §

It does not have the authority to determine what is contained in point a) of paragraph (1), therefore a

in the relevant part of the application, the procedure is referred to in Art. on the basis of § 17, terminates it in an order.

#### IV.5. Findings regarding the documentation practices of the Applicant

Due to the present case, the data management information provided by the Respondent does not cover the reality

practice, because it states in its information that it keeps paper-based records,

creates an electronic record based on its own decision, it is its legal obligation

sufficient for electronic data transmission

happens a

entry in the maternity care book as well.

The Applicant is the data controller

states that the data a

registers it in the pregnancy care book, which also means that you are aware of

that you have to record the data in another form, and also your patients about this practice

informs.

On the contrary, it refers to the processing of data concerning the Applicant during the discovery of the facts

information did not arise, the existence of data management concerning the Applicant could not be verified.

Furthermore, the Respondent made a contradictory statement in the present proceedings when earlier

stated that he does not keep electronic records, later the mandatory data upload

acknowledged the fact of electronic data management in demanding cases. However, he did not comment

in detail about which cases

complies with electronic data transmission

obligation, what is considered a necessary case. The Respondent therefore approached the Authority

also amended its declaration, which basically affects its data management

it referred to circumstances, thereby making its real practice difficult for the Authority exploration.

As for the Authority, the Respondent is not transparent for the affected parties either practice. Based on all these circumstances, the Authority concludes that a

Requested in Article 5 (1) point a) of the General Data Protection Regulation

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"in certain cases"

did not ensure the enforcement of the basic requirement of transparency, and the Respondent is could not fully prove the legality of its data processing.

The Applicant stated that it was professional due to the emergency situation caused by the coronavirus because of his additional tasks, he considered administration a task of secondary importance, for this reason administrative failures may have occurred in its operation. So does the Respondent himself says that

omissions occurred, which the Authority

in its interpretation, it does not only mean the involvement of one person.

The Authority's position regarding administrative tasks is that the coronavirus

certain additional tasks due to an emergency may result in certain data management

postponement of the documentation obligation, however, this cannot mean the professional

according to regulations, the documentation required in the Eütv to be kept about the patient/patients

complete neglect of the obligation, therefore, the complete management of health documentation

leaving.

practice related to the performance of a

Documentation obligation of the Applicant

It had an impact on the processing of the applicant's data and his rights, as the data subject is exercising his rights is closely related and made it impossible, so the Authority for this reason the facts

examined the issue during clarification.



To the bodies and persons involved in pregnancy care, in the pregnancy care book

26/2014. (IV. 8.) EMMI decree prescribes for the purpose of

that for the bodies providing care for pregnant women (specialists, family doctors, nurses, midwives) the care process information is summarized in a document.

However, according to the Authority's point of view, the fulfillment of this requirement does not mean that the Eütv. § 137 b) of the issue of findings according to point 39/2016. (XII. 21.) EMMI Decree § 19, paragraph (2).

according to, after the mandatory connection of the private service provider after January 1, 2020, the

The obligation to provide data to the EESZT system as a data controller requirement a omission.

According to the Authority's point of view, the management of health documentation required by law a

during a coronavirus emergency, it cannot be considered an obligation that can be pushed into the background. Any the patient's treatment history is essential for the doctor treating the affected person,

medical history study in the Eütv. Expected care according to § 77, paragraph (3) and a

for the sake of a professionally founded procedure, which cannot be ensured in the event that

the person concerned does not receive the prescribed documentation about his treatment, so it may be a it cannot be forwarded to another doctor later on.

The Eütv. Paragraph (2) of § 26 also mentions the patient's medical history as an obligation and information about medical history, which the patient cannot fully comply with,

if he does not have the appropriate documentation for his care.

In the case of maternity care, data on the life and health of the mother and fetus

are the subject of medical documentation. In this case, during the private order

the processes leading to the tragedy by failing to fully record the generated data

documentation was lacking, for which the Applicant was not aware of the data subject's rights

practice and did not get hold of your important health data.

The fact that the Respondent, as a health care provider, is required to apply to him professionally according to the rules

in connection with the

no documentation other than entries in the pregnancy care booklet

led, did not give a finding to the provided Applicant at the end of the supply events, or a

findings were not forwarded to the EESZT system, it is not the authority of the Authority to judge.

did he act when the

pregnancy care

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The examination of this question - the management of the Requested health documentation

monitoring the fulfillment of its obligations and related legal requirements - a

It is initiated ex officio by the authority at NEAK.

IV.6. The Authority rejected the Applicant's request for a data protection fine

application, as the application of this legal consequence affects the right or legitimate interest of the Applicant

does not directly affect him, such a decision of the Authority does not create a right or obligation for him

arises, as a result of which this legal consequence falls within the scope of enforcing the public interest

the Applicant is not qualified for the imposition of a fine

for the client, the Ak. Based on § 10, paragraph (1). Since the Ákr. § 35, paragraph (1) no

corresponds, there is no place to submit an application in this regard, this part of the application

cannot be interpreted as a request. Application for the imposition of a data protection fine by the Authority

in connection with - preambular paragraphs (148) and (150) of the General Data Protection Regulation, 58.

and Article 83 (2) - further points out that the Supervisory Authority - the

depending on the circumstances of a given case - he is entitled to decide ex officio in his discretion

in order to protect personal data against the data manager/data processor

effective, proportionate and dissuasive measures to be applied, or instead of them

in addition to sanctions, such as the need to impose an administrative fine, and its imposition

in case of its extent.

V. Legal consequences:

revealed

during this procedure

V.1. The Authority rejected the Applicant's requests, established a violation ex officio, and a

On the basis of Article 58 (2) point b) of the GDPR, the Applicant is condemned for having violated it

Article 5 (1) point a), Article 12 (2) of the General Data Protection Regulation,

and points a)-b) of Article 13 (1).

V.2. The Authority rejects the Petitioner's request for the imposition of a fine

examined ex officio whether a data protection fine against the Application was justified

due to the established violations.

In this context, the Authority is in accordance with Article 83 (2) of the General Data Protection Regulation and Infotv.

75/A. considered all the circumstances of the case based on §. Given the circumstances of the case a

Authority found that the

in the case of a violation of the law

a warning is not a proportionate and dissuasive sanction, therefore the imposition of a fine

required.

Above all, the Authority took into account that the violation committed by the Respondent was

according to Article 83 (5) point b) of the General Data Protection Regulation, the higher amount

is considered a violation of the fine category, since it is the basic provision and

involved a violation of the rights of stakeholders.

According to the Authority's point of view, it is otherwise regularly there at the place of order

service provider through organizational measures (postal redirection, shipment

giving an order for on-site collection, delivery notification of registered shipment

forwarding to, etc.) ensure the receipt of stakeholder letters received, they did not depend on the

from the difficulties caused by the coronavirus emergency, as the measure is not intended to be regular

activity and did not cause an increase in the daily tasks of the data controller. From this

as follows, when the Authority determines the amount of the fine presented by the Respondent,

increased workload conditions on this

he did not take it in violation of the law

into account.

During the imposition of fines, the Authority considers the following circumstances as circumstances that increase the fine rated by:

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- the violation is considered serious because the Respondent is exercising the rights of the affected person

made it difficult, hindered or did not provide. Protection of personal data a

to be interpreted in the context of the private sector. It has a special weight on them

the protection and lawful handling of data, which is particularly the case in the private sector

sensitive

fall into its territory. The pregnancy, the loss of the fetus and this

its circumstances are so deeply and sensitively tied to the private sphere that the law

does not ignore [GDPR Article 83 (2) point a)];

- the lack of data also limits the possibility of further legal enforcement of the data subject

limit [GDPR Article 83(2)(a)];

- the infringement was proved in the case of one person in this procedure, but at the same time

Findings regarding data management information are general for the Respondent

their practice is affected [GDPR Article 83 (2) point a)]

- the fact that the Respondent asserts the rights of the affected party indicates serious negligence

did not ensure it with appropriate practical measures [Article 83 (2) GDPR

point b)];

- the established data protection law violation refers to special categories of personal data

had an impact on the exercise of rights [GDPR Article 83 (2) point (g)];

When imposing fines, the Authority considers the following circumstances as mitigating circumstances

rated by:

- on the website of the Applicant, the address for correspondence/claims is already listed

the address of your business headquarters

- the Respondent violated it for the first time in a data protection official procedure

established that he did not comply with the provisions of the GDPR, he had not previously committed a relevant violation of law  
el [GDPR Article 83 (2) point (e)].

- the period of the COVID-19 emergency [GDPR Article 83 (2) point (k)].

- the Authority exceeded the procedural deadline prescribed for it

- The Authority also took into account

- that the Obligee was cooperative in responding to orders within the deadline

with his given but at the same time contradictory statements, he made it difficult to reveal the facts

[GDPR Article 83(2)(f)]

- income data provided by the Respondent.

The amount of the fine was determined by the Authority based on its statutory discretion

yes. The fine is 0.007% of the maximum fine that can be imposed.

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

V.3. During the procedure, the Authority exceeded Infotv. One hundred and fifty according to § 60/A paragraph (1).

day administrative deadline, therefore the Ákr. Based on point b) of § 51, HUF 10,000, i.e. ten thousand

HUF is due to the Applicant - at his choice - by transfer to a bank account or by post

with voucher.

## VI. Other questions

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

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

Based on § 82, paragraph (1), it becomes final upon its publication. The Ákr. Section 112, Section 116 (1)

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paragraph, and on the basis of § 114, paragraph (1), a public administrative lawsuit against the decision

there is room for legal redress.

\* \* \*

The rules of the administrative trial are set out in Act I of 2017 on the Administrative Procedure hereinafter: Kp.) is defined. The Kp. Based on § 12, paragraph (1), by decision of the Authority the administrative lawsuit against falls within the jurisdiction of the court, the lawsuit is referred to in the Kp. Section 13 (3) Based on subparagraph a) point aa), the Metropolitan Court is exclusively competent. The Kp. Pursuant to § 27, paragraph (1) point b) in a lawsuit within the jurisdiction of the court, the legal representation is mandatory. The Kp. According to paragraph (6) of § 39, the submission of the statement of claim a does not have the effect of postponing the entry into force of an administrative act.

The Kp. Paragraph (1) of § 29 and, in view of this, Pp. According to § 604, it is applicable of 2015 on the general rules of electronic administration and trust services CCXXII. According to Section 9 (1) point b) of the Act, the client's legal representative is electronic obliged to maintain contact.

The time and place of submitting the statement of claim is set by Kp. It is defined by § 39, paragraph (1). THE information on the possibility of a request to hold a hearing in Kp. Section 77 (1)-(2) based on paragraph The amount of the administrative lawsuit fee is determined by the 1990 Law on Fees XCIII. Act (hereinafter: Itv.) 45/A. Section (1) defines. The fee is in advance from the payment of the Itv. Paragraph (1) of § 59 and point h) of § 62 (1) exempt it party initiating the procedure.

If the obliged customer does not adequately certify the fulfillment of the prescribed obligations, a The authority considers that the obligations have not been fulfilled within the deadline. The Akr. § 132 according to, if the obligee has not complied with the obligation contained in the final decision of the authority, is enforceable. The Akr. Pursuant to § 133, enforcement - if you are a law government decree does not provide otherwise - it is ordered by the decision-making authority. The Akr. 134. pursuant to § the execution - if it is a law, government decree or municipal authority the decree of the local government does not provide otherwise - the state tax authority

undertakes.

Dated: Budapest, according to the electronic signature

Dr. Attila Péterfalvi

president

c. professor