

Case number:

Antecedent:

NAIH-197-6/2022

NAIH-2762/2021

Subject: For a request

decision

partially correct

H A T A R O Z A T

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

Request by [...] (hereinafter: Applicant) represented by lawyer (hereinafter: Lawyer 1)

on February 19, 2021, an official data protection procedure was initiated against the Applicant's personal data regarding the processing of your data with [...] represented by [...] lawyer (hereinafter: Lawyer 2) (the hereinafter: Respondent).

I. The Authority to the request of the Applicant in the above data protection procedure part space,

and finds that the Respondent has violated the personal data of natural persons regarding its protection and the free flow of such data, as well as a

Regulation 2016/679/EU on the repeal of Directive 95/46/EC (hereinafter:

General Data Protection Regulation and GDPR)

- the principle of transparency according to point a) of Article 5, paragraph (1),
- paragraph 1 of Article 6,
- paragraph (1) of Article 12,
- point c) of Article 13 (1),
- Article 13 (2) points a), b), c), d).

II. The Authority ex officio determines that the Respondent has violated the GDPR

- point c) of Article 14, paragraph (1),

- Article 14 (2) points a), c) and e) and
- the principle of transparency according to Article 5 (1) point a).

III. The Authority obliges the Applicant to submit the 30th day after the decision becomes final days, its data management operations will be brought into line with the general data protection regulation with its provisions by

- in relation to data management related to the products it sells
- Article 12 (1), Article 13 and Article 14 of the General Data Protection Regulation

2021 makes information available to those concerned in accordance with its provisions.

information sheet effective from July 1 - III.2.3 - III.2.5 of the justification for this decision.

of what is written in points - with appropriate modification, and

.....

1055 Budapest

Falk Miksa utca 9-11

ugyfelszolgalat@naih.hu

www.naih.hu

Phone: +36 1 391-1400

Fax: +36 1 391-1410

- regarding camera data management:
- with adequate information, in compliance with the relevant legal provisions

operate the security cameras,

- or if you do not wish to continue data management despite maintaining the cameras, do so

clearly towards the outside world (for example by clearly covering the cameras, well from the outside with visible notices, dismantling of the cameras, etc.)!

ARC. The Authority to the personal data of the Applicant

its treatment without a legal basis

to determine, to delete the Applicant's personal data, to prohibit data processing, concerned the Applicant is required to complete the application and in the part relating to the imposition of fines your request

e l u t a s í t j a.

The III. the fulfillment of the obligation of the Respondent from the time the measure is taken

You must confirm it in writing within 15 days, together with the presentation of supporting evidence to the Authority. In case of non-fulfillment of the obligation, the Authority shall issue a decision implementation.

There is no place for an administrative appeal against the decision, but it is subject to notification

Within 30 days, with a claim addressed to the Capital Court in a public administrative case can be attacked. The claim must be submitted to the Authority, electronically¹, which is the case forwards it to the court together with its documents. Those who do not benefit from the full personal tax exemption for him, the fee for the administrative lawsuit is HUF 30,000, the lawsuit is subject to the right to record the fee. The capital city

Legal representation is mandatory in court proceedings.

I N D O C O L A S

I. Procedure and clarification of the facts

On February 18, 2021, the Applicant requested to initiate data protection official proceedings turned to the Authority.

I.1. Content of the request

In July 2020, the Applicant purchased a washer-dryer from [...] electronic through the online interface of a commercial portal. The distributor or supplier of the product

Store named [...] operated by the applicant.

The device was found to be unfit for its intended use

for delivery, which

to remedy it, the Applicant contacted the Application several times by e-mail, however due to ineffective communication, the Applicant contacted the Applicant personally

in its business. The Respondent forced the Applicant out of the store, who is he returned to the premises together with notified police officers. The Applicant then requested the Respondent from its employees a copy of the recordings of the installed cameras, on which it could be seen

1 The NAIH_KO1 form is used to initiate the administrative lawsuit: NAIH KO1 form (16.09.2019) The form it can be filled out using the general form filling program (ÁNYK program).

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violent action. The Respondent informed the Applicant that the camera system was not it works.

The Applicant, as a senior official of a business company, being aware of the effective with data protection rules, requested the presentation of the camera regulations and additional personal data asked questions related to his treatment (e.g. telephone conversations and e-mails with him recording, audio material, their retention period, data management related to handling your complaint with regard to its manner and form) - according to the request - unsuccessfully.

The Applicant can then use the data management policy available on the Applicant's website tried to find out.

According to the Applicant's point of view, the regulations are unlawful in that they are general contractual conditions c. was placed in the document, and also because it is wrongly not the general one refers to the data protection decree, but to the law that has lost its effect. The Applicant also objected that the brochure did not contain provisions placed in the store about cameras, aspects of handling personal data, and during complaint handling on the management of acquired data.

The Applicant provided all these activities through the regulations attached to the application violated the

12, 13, 14 and 15-22 of the GDPR regarding the processing of the applicant's personal data. regulations laid down in articles

In his application, the Applicant requested the following from the Authority:

i. Determine that the Respondent complies with Article 12 (1) and Article 13 (1) and (2) of the GDPR

appropriate as prescribed in paragraphs

without legal basis

the purchase described in the application handles the Applicant's personal data illegally,

in connection with delivery, contact, complaint handling and camera surveillance.

adequate in the absence of information

ii. Order that the Respondent unlawfully handled all personal of the Applicant

permanently delete your data - paper and electronic - from your records.

iii. Ban the Applicant from all personal data of the Applicant that has been unlawfully processed

from further illegal processing.

arc. Order that the Respondent inform the Applicant of exactly what it is

your personal data is managed by the purchase named in the application and related to it

in connection with delivery, contact, complaint handling and camera surveillance.

v. Impose a fine for the illegal data management activity and procedure of the Applicant

because of his (practice).

The Applicant attached to the application the one in effect at the time of the Purchase of the Applicant

data protection and data management regulations (hereinafter: Regulations), which the Applicant

It was part of your document entitled "Purchase Rules and Conditions".

The Regulations contain the following information relevant to this procedure:

I. Personal and material scope

II. Purpose of regulation

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phone number, etc...)

III. Concept definitions (personal data, data management, data processing, data transmission,

disclosure, data processor, data erasure, concept of machine processing, data controller:

requested)

Technical options for correcting data entry errors:

Data entry errors before sending the contractual statement

by

tools provided to identify and correct: - the contents of the "Basket" at any time

can be checked, changed or even deleted. – personal data (e.g. billing address,

Delivery Address,

its content can be checked and changed at any time

in the data change menu item.

ARC. Scope of processed personal data

A. The legal basis, purpose and method of data management

Data management for users of the internet content on the [...] website

is carried out on the basis of voluntary registration based on adequate information. Data management

its legal basis is on the protection of personal data and the disclosure of data of public interest

LXIII of 1992 TV. (Avtv.) § 3 (1) par. "Voluntary consent of the person concerned" according to point a).

The purpose of data management is necessary to use the services provided by [.....]

purpose-bound storage of data (customer data) and data required for sending newsletters

storage.

VI. Principles of data management

VII. Guidelines applied during data management

VIII. Duration of data management

The data provided by the user will be stored as long as the user

does not perform its deletion, or does not request it from the data controller. The date of cancellation is no later than

5 working days from the receipt of the user's cancellation request.

IX. Disposal of personal data

A change in personal data or a request to delete personal data

with a written statement sent via the service's internal mail system

communicable. The sending of newsletters can be canceled by clicking on the link at the bottom of the newsletter.

After the request for data deletion or modification has been fulfilled, the previous data will not
can be restored.

X. Data processing

XI. The possibility and obligation of data transfer based on legal requirements

XII. Legal enforcement options:

The user's legal enforcement options are set out in Avtv., as well as in TV V of 2013. (Cap.)

can exercise it in court based on, and also related to any personal data

you can also ask for help from the data protection commissioner.

I.2. Declaration of the Applicant

In its order with case file number NAIH-2762-2/2021, the Authority invited the

Applicant and asked for information on whether the Applicant applied to the Respondent for a cancellation

with a request, whether you objected to the further processing of your personal data, or whether you requested access

information about which of your personal data is being processed in the application

specific purchase and related delivery, contact, complaint handling and

about camera surveillance.

In its response recorded under case file number NAIH-2762-3/2021, the Applicant informed the Authority about

informed him that he did not wish to use these rights, he considered them completely unnecessary. Your answer

supplemented by verbally asking the Respondent these questions in the store,

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to which the Respondent did not respond, he only commented on camera data management

so that it does not have a camera policy.

I.3.1. Requested statement: data management in connection with purchases

The Applicant is the registered seller of [...]. In the subject matter, the economic represented by the Applicant

company, as a customer, placed an order for a tumble dryer on [...]. The Applicant attached the

purchase-related invoice, on which [...] (hereinafter: Company) is listed as the customer.

According to the contract between the Applicant and [...], the orders placed on [...]

with regard to personal data managed on the basis of contracts established on the basis of [...] and a

The requested joint data controller. The said contract of sale is the Applicant's company and

was created between [...] The Respondent provided the address of the business company represented by the Applicant, as

billing address, as well as the name of the Applicant and the delivery address provided by him. THE

Additional data provided by the Applicant is the Applicant's e-mail address and delivery address

his address is different from his address.

According to the Respondent's statement, it was known to the buyer represented by the Applicant that

personal data will be sent to the Requested Party, as the [...] data management

information states that personal data will be forwarded to the [...] partners. THE

in the relevant case: name, delivery address, telephone number.

As the legal basis for data management, the Respondent defined the legitimate interest, by a

when performing a contract with a business association, only through a natural person

possible to keep in touch. The legitimate interest of the parties is the conclusion of contracts, contracts

facilitating communication during its performance.

The Respondent also informed the

Authority according to which the legitimate interests of the Applicant and the Respondent are favored by the company

against the personal data of the executive (Applicant), since the ordered product is a

was delivered to an address other than the company's registered office/site.

According to the Respondent's statement, the processing of the Applicant's address and e-mail address is also legitimate

it was done on the basis of interest, which on the one hand is communication related to the performance of the contract, or

handling the related complaint. According to the Respondent, in this case too, the consideration of interests

on the basis of which the obligation related to the accessories warranty has an advantage

fulfillment. The

interest assessment test was attached to the Respondent's answer as an attachment.

According to the Respondent, no request has been received from the Applicant to manage his personal data

matter, neither orally nor in writing.

According to the Respondent, if such a request had been received, the Respondent is the Applicant after checking his identity, after receiving the request, is unjustified without delay but no later than 25 days in a format appropriate to the request – unless the Applicant requests it in a different format - he would have fulfilled it.

According to the Applicant, the data management information is available on the website and in the store. The data management information has been updated.

According to the Respondent, no cancellation request was received from the Applicant, however, the Respondent informed the Authority that the Applicant's personal data cannot be deleted by

According to Article 17 (3) GDPR, because the Applicant's data are partly accounting documents

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qualify, or partly because the warranty claim is pending criminal proceedings in connection with the assessment and thus for the presentation and enforcement of the legal claim and the are necessary for protection.

I.3.2. Declaration of the applicant: issue of camera data management

According to the Respondent's statement, there is no camera surveillance, there are fake cameras in the store are equipped.

I.4. Clerk's statement

The Authority contacted the competent clerk to check camera data management, [...] City

Addressed to the chief clerk of your municipality, sent under file number NAIH-2762-8/2021

with its execution.

With the involvement of the clerk's IT specialist, he performed the on-site inspection by dismantling the false ceiling for the information of the Authority. According to what was seen during the inspection, none of the cameras work were moored.

I.5. Declarations following inspection of documents

The Authority NAIH-2762-13/2022. and NAIH-2762-14/2022. notified in its orders no

Applicant and the Applicant that the evidence procedure in the data protection official procedure was completed and called the Applicant and the Respondent that the uncovered evidence is document inspection additional proof they can make motions and statements.

In response to the above order, both the Applicant and the Respondent exercised their right to inspect documents, but this only the Applicant made a statement as follows:

According to his point of view, the evidence procedure conducted by the Authority and its result additional evidence revealed clearly supports that the data management of the Respondent - neither at the time of the purchase by the Applicant (July 9, 2020), nor at the time of the next personal meeting (January 12, 2021) - in any way did not meet, could not meet the requirements of the GDPR, because the requirements of the GDPR are met by the Applicant literally completely ignored/unfamiliarized and unapplied. The Applicant

14.03.2020 data management information about the essential data management conditions effective from did not provide any information, in fact, Articles 13-14 of the GDPR on additional relevant information recorded in Article did not inform the parties involved, including the Applicant.

The numerous legal grounds indicated by the Respondent in his application (GDPR Article 6 (1) a), b), point c), f), and also Infotv. Section 5 (1) point b), Act C of 2000, CL of 2017. TV. and Ektv. provisions), according to the Applicant's point of view, the information is not transparent, the customer is not see that personal data related to purchases through the system of [...].

which legal place serves as the actual legal basis for its treatment. According to the Applicant's point of view the data controller may not refer to more than one legal basis during data processing, the Authority already does so drew the attention of data controllers on numerous occasions, because if for the same data management different legal grounds are assigned by the data controller, it violates the principles of transparency and fairness, as that happened in the present case as well.

Regardless of what the Respondent referred to in its submission to the Authority, it is

taking into account they can get to know and

of its rules

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purchase made

sure that by the Applicant

at the time of the effective data management

in the information sheet, there was not a single sentence about joint data management, even though the GDPR (79)

recital and Article 26(2) require that the agreement between joint data controllers

the substance of the agreement must be made available to the person concerned. Information with such content is provided by

It is not included in the currently valid data management information of the requested party.

The Applicant disputes the Respondent's claim that the Respondent is the Applicant

processed your personal data only for delivery and contact purposes. According to the Applicant, there is none

the significance of the fact that he did not contact him with any stakeholder request, nor does he

the importance of how you fulfill the various inquiries on your website from July 1, 2021

available information, the customer's company data does not fall under the scope of the GDPR.

According to the Applicant, the Respondent's data management information is for the Applicant's purchase

at the time it was not incomplete, but completely "unsuitable" according to the regulations of the GDPR.

In connection with the on-site inspection carried out by the notary, the Applicant submitted the following:

- The Respondent intentionally provided the Authority with information that did not correspond to reality

for, because the installed cameras are not dummy cameras, but preview and fixed image (recording)

real cameras suitable for making both, on the other hand

- the cameras were not working at the moment (at the time of the inspection) because the previous one

connecting them (obviously not by accident) - sometime before the on-site inspection -

was terminated (stipulated), furthermore

- based on what is recorded in the protocol, the Applicant is neither in the store nor the online store

did not inform those concerned about the camera surveillance in its data management information

in connection with all the information about which pursuant to Article 13 of the GDPR should have. The pictogram displayed by the Applicant is obviously not suitable for the GDPR for the information provided in Article 13.

- It is impractical that the Applicant did not have access to the installed cameras, because no one installs such a camera in such a way that if necessary in any way can't use it. The possibility of connecting to the recording unit and the Internet the possibility of contact was available to the Applicant.
- The Respondent's credibility was undermined with reference to the fake cameras after a protocol clearly stated that the installed cameras were not fake cameras.

II. Applicable legal provisions

Based on Article 2 (1) of the General Data Protection Regulation, the general data protection regulation must be applied to the automated processing of personal data in whole or in part processing, as well as the processing of those personal data in a non-automated manner for handling, which are part of a registration system, or which are a they want to make it part of the registration system.

Based on Article 99 (2) of the General Data Protection Regulation, the general data protection decree shall apply from May 25, 2018.

Informational self-determination for data management under the scope of the General Data Protection Regulation CXII of 2011 on law and freedom of information. Act (hereinafter: Infotv.) Section 2 (2) according to paragraph of the general data protection regulation in the provisions indicated there must be used with specific additions.

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assumed

supporting allegations of infringement

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

in order to do so, the Authority will initiate a data protection official procedure at the request of the data subject.

Infotv. According to § 60, subsection (5), point d), the application is about the general administrative order
solo 2016 CL. Act (hereafter: Act) contains more than those specified
between the
facts and those
his evidence.

In the absence of a different provision of the General Data Protection Regulation, data protection initiated upon request
for official procedure, the Acr. provisions shall be applied with the deviations specified in Infotv.

The Acr. According to § 17, the Authority's authority and competence in all stages of the procedure
investigates ex officio. If you notice the absence of one of them, and it can be established beyond doubt in the case
competent authority, transfers the case, failing which, rejects the request,
or terminate the procedure.

The Acr. According to § 36, the request is submitted by the customer in writing or in person
statement, with which you request the conduct of an official procedure or the decision of the authority of your rights or
in order to assert its legitimate interest.

The Acr. Based on § 46, paragraph (1), point a), the Authority rejects the request, the procedure
the legally defined conditions for its initiation are missing.

The Acr. Pursuant to point a) of § 47, paragraph (1), the Authority terminates the procedure if the application
should have been refused, but the reason for that came after the initiation of the procedure
to the knowledge of the authority.

Infotv. According to § 60, paragraph (2), the request to initiate the official data protection procedure
it can be submitted in the case specified in Article 77 (1) of the General Data Protection Regulation.

Infotv. Pursuant to § 60, paragraph (5) point b) for the initiation of official data protection proceedings
in addition to what is specified in the Ákr, the application includes the perpetrator of the alleged violation
a description of a specific behavior or condition.

Infotv. On the basis of § 71, paragraph (1b), the local government shall contact the Authority
its notary checks the conduct in the area of competence indicated by the Authority in the request

the actual circumstances of data management, so in particular the scope of personal data handled, the personal operations performed with data and the means of these operations, as well as those used by the data controller technical and organizational measures.

Based on Article 5 (1) of the General Data Protection Regulation, personal data:

a) must be handled legally and fairly, as well as in a transparent manner for the data subject carry out ("legality, due process and transparency").

Article 4 1-2 of the General Data Protection Regulation. according to points:

1. "personal data": relating to an identified or identifiable natural person ("data subject").

any information; can be identified as a natural person who, directly or indirectly,

in particular an identifier such as a name, number, location data, online identifier or a

physical, physiological, genetic, intellectual, economic, cultural or social natural person

can be identified based on one or more factors relating to its identity;

2. "data management": automated or non-automated on personal data or data files

any operation or set of operations carried out in such a way as collection, recording, systematization,

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technical and organizational

segmentation, storage, transformation or change, query, insight, use, communication

by means of transmission, distribution or otherwise making it available, coordination or

connection, restriction, deletion or destruction;

According to Article 5 (1) point (e) of the General Data Protection Regulation, personal data

storage must take place in such a way that only personal data can be used to identify the data subjects

allows for the time necessary to achieve its treatment goals; personal data is longer than this

may be stored for a period of time only if the processing of personal data is governed by Article 89.

in accordance with Article (1) for the purpose of archiving in the public interest, scientific and historical research

purpose or for statistical purposes, the rights of the data subjects in this regulation and

appropriate prescribed to protect your freedoms

provisions

subject to its implementation ("limited storage capacity").

Based on Article 6 (1) of the General Data Protection Regulation, data processing may be lawful if

if any of the following conditions are met:

a) the data subject has given his consent to the processing of his personal data for one or more specific purposes for its treatment;

b) data management is necessary for the performance of a contract in which the data subject is one of the parties, or to take steps at the request of the data subject prior to the conclusion of the contract required;

c) data management is necessary to fulfill the legal obligation of the data controller;

d) data management is to protect the vital interests of the data subject or another natural person necessary due to;

e) the data management is in the public interest or for the exercise of public authority delegated to the data controller necessary for the execution of the task carried out in the context of;

f) data management to enforce the legitimate interests of the data controller or a third party necessary, unless such interests of the data subject take precedence over these interests fundamental rights and freedoms that require the protection of personal data, in particular, if the child concerned.

Based on Article 13 GDPR:

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 is the personal one provides the following information to the data subject at the time of data acquisition

all of them:

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

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

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

d) in the case of data management based on point f) of paragraph (1) of Article 6, the data manager or a third party your legitimate interests;

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

f) where appropriate, the fact that the data controller is a third country or an international organization wishes to forward the personal data to, as well as the Commission's compliance decision existence or lack thereof, or in Article 46, Article 47 or Article 49(1)

in the case of data transmission referred to in the second subparagraph, the appropriate and suitable guarantees designation, as well as the methods for obtaining a copy of them or those contact information.

(2) Mentioned in paragraph (1).

In addition to information, the controller is personal data at the time of acquisition, in order to ensure fair and transparent data management ensure, informs the data subject of the following additional information:

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a) on the period of storage of personal data, or if this is not possible, this period aspects of its definition;

b) the data subject's right to request from the data controller personal data relating to him/her access, their correction, deletion or restriction of processing, and may object to such against the processing of personal data, as well as the data subject's right to data portability;

c) based on point a) of Article 6 (1) or point a) of Article 9 (2)

in the case of data management, the right to withdraw consent at any time, which it does not affect the legality of data processing carried out on the basis of consent before the withdrawal;

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

e) that the provision of personal data is based on legislation or contractual obligations or whether it is a prerequisite for entering into a contract, as well as whether the data subject is obliged to provide personal data

to be given, and also what it is like

the provision of data may have possible consequences

failure to do so;

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

also profiling, and at least in these cases to the applied logic and that

comprehensible information regarding the significance of such data management and the data subject

looking at the expected consequences.

(3) If the data controller performs additional data processing on personal data for a purpose other than the purpose of their collection

wish to perform, you must inform the data subject about this different purpose before further data processing and all relevant additional information referred to in paragraph (2).

(4) Paragraphs (1), (2) and (3) do not apply if and to what extent the person concerned is already involved has the information.

Based on Article 14 GDPR:

Information to be made available if the personal data was not obtained from the data subject
yes

(1) If the personal data were not obtained from the data subject, the data controller is the data subject provides the following information:

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

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

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

d) categories of personal data concerned;

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

f) where appropriate, the fact that the data controller is a recipient from a third country

wishes to forward personal data to an international organization, and a

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

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

to indicate appropriate and suitable guarantees and to obtain copies thereof

reference to the means or their availability.

(2) In addition to the information mentioned in paragraph (1), the data controller makes available to the data subject

is necessary to ensure fair and transparent data management for the data subject

following additional information:

a) the period of storage of personal data, or if this is not possible, this period

aspects of its definition;

b) if the data management is based on point f) of paragraph (1) of Article 6, the data controller or a third party

about your legitimate interests;

c) the data subject's right to request access to the personal data relating to him from the data controller

access, their correction, deletion or restriction of processing, and the personal may object

against the processing of data, as well as the data subject's right to data portability;

d) based on point a) of Article 6 (1) or point a) of Article 9 (2)

in the case of data management, the right to withdraw consent at any time, which is not

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affects the legality of data processing carried out on the basis of consent before withdrawal;

e) the right to submit a complaint addressed to a supervisory authority;

f) the source of the personal data and, where applicable, whether the data is publicly available

whether they come from sources; and

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

also profiling, as well as, at least in these cases, the applied logic and that

understandable information about the significance of such data management and what it is like for the data subject

has expected consequences.

(3) The data controller provides the information according to paragraphs (1) and (2) as follows:

a) taking into account the specific circumstances of personal data management, personal data

within a reasonable time from its acquisition, but within one month at the latest;

b) if the personal data is used for the purpose of contacting the data subject, at least with the data subject on the occasion of the first contact; obsession

c) if it is expected that the data will be shared with other recipients, personal data for the first time at the latest when announcing

(4) If the data controller uses the personal data for a purpose other than the purpose of their acquisition wishes to carry out data management, he must inform the data subject before further data management on a different purpose and on all relevant additional information mentioned in paragraph (2).

(5) Paragraphs (1)–(4) shall not be applied if and to the extent that:

a) the data subject already has the information;

b) the provision of the information in question proves to be impossible or disproportionate it would require a great effort, especially for public interest archiving, scientific and historical for research or statistical purposes, the conditions and guarantees contained in Article 89 (1).

in the case of data management taking into account, or if in paragraph (1) of this article

said obligation would probably make it impossible or seriously jeopardize this

achieving the goals of data management. In such cases, the data controller must take appropriate measures

- including making information publicly available - the rights of the data subject,

to protect your freedoms and legitimate interests;

c) the acquisition or disclosure of the data is expressly required by the EU law applicable to the data controller

Member State law on appropriate measures to protect the legitimate interests of the data subject

has; obsession

d) professional confidentiality of personal data prescribed by an EU or member state law

on the basis of an obligation, including the obligation of confidentiality based on law, as confidential must stay.

According to Article 15 (1) - (4) of the General Data Protection Regulation

(1) The data subject is entitled to receive feedback from the data controller regarding whether

whether your personal data is being processed, and if such data processing is underway, you are entitled to get access to personal data and the following information:

- a) the purposes of data management;
- b) categories of personal data concerned;
- c) recipients or categories of recipients with whom or with which the personal data communicated or will be communicated, including in particular to recipients in third countries, or international organizations;
- d) where appropriate, the planned period of storage of personal data, or if this is not possible, criteria for determining this period;
- e) the data subject's right to request personal data relating to him from the data controller rectification, deletion or restriction of processing and may object to such personal data against treatment;
- f) the right to submit a complaint addressed to a supervisory authority;
- g) if the data were not collected from the data subject, all available information about their source;

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h) the fact of automated decision-making referred to in paragraphs (1) and (4) of Article 22, including also profiling, as well as, at least in these cases, the applied logic and that understandable information about the significance of such data management and what it is like for the data subject has expected consequences.

(2) If personal data is transferred to a third country or international organization is transmitted, the data subject is entitled to receive information about the transmission about the corresponding guarantees according to Article 46.

(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 administrative may charge a reasonable fee based on costs. If the person concerned submitted it electronically the application and information must be available in a widely used electronic format

to forgive, unless the person concerned requests otherwise.

(4) The right to request a copy referred to in paragraph (3) may not be adversely affected by others rights and freedoms.

According to Article 17 of the General Data Protection Regulation, the data subject is entitled to, upon request, data controller to delete the personal data concerning him without undue delay, the data controller and is obliged to provide the personal data concerning the data subject without undue delay delete if any of the following reasons apply:

a) the personal data are no longer needed for the purpose for which they were collected or otherwise treated in a manner;

b) the data subject withdraws it pursuant to point a) of Article 6 (1) or point a) of Article 9 (2) point, the consent that forms the basis of the data management, and the data management has nothing else its legal basis;

c) the data subject objects to data processing based on Article 21 (1) and * has no priority enjoying a legitimate reason for data processing, or the data subject objects on the basis of Article 21 (2) against data management;

d) personal data were handled unlawfully;

e) the personal data is legal as prescribed by EU or member state law applicable to the data controller must be deleted to fulfill an obligation;

f) to collect personal data with the information society referred to in paragraph 1 of Article 8 took place in connection with the offering of related services.

(2) If the data controller has disclosed the personal data and pursuant to paragraph (1) it is obliged to delete it, taking into account the available technology and the costs of implementation the reasonably expected steps - including technical measures - in order to inform the data controllers handling the data that the data subject has requested the said data from them links to personal data or a copy or duplicate of this personal data deletion.

(3) Paragraphs (1) and (2) do not apply if data management is necessary:

a) for the purpose of exercising the right to freedom of expression and information;

b) EU or Member State law applicable to the data controller, which prescribes the processing of personal data fulfillment of the obligation according to, or in the public interest or public authority entrusted to the data controller for the purpose of performing a task performed in the context of exercising a driver's license;

c) in accordance with points h) and i) of Article 9 (2) and Article 9 (3)

on the basis of public interest in the field of public health;

d) in accordance with Article 89 (1) for the purpose of archiving in the public interest, scientific and for historical research purposes or for statistical purposes, if the right referred to in paragraph (1).

would likely make this data management impossible or seriously jeopardize it; obsession

e) to present, enforce and defend legal claims.

According to Article 21 (1) - (6) of the General Data Protection Regulation:

(1) The data subject has the right to protest at any time for reasons related to his own situation

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against the processing of your personal data based on points e) or f) of Article 6 (1), including

also profiling based on the aforementioned provisions. In this case, the data controller is the personal one

data may not be processed any further, unless the data controller proves that the data processing is as such

justified by compelling legitimate reasons that take precedence over the interests and rights of the data subject

and freedoms, or for the submission or enforcement of legal claims

are related to its protection.

(2) If personal data is processed for direct business acquisition, the data subject is entitled

to object at any time to the processing of his personal data for this purpose,

including profiling, if it is related to direct business acquisition.

(3) If the data subject objects to the processing of personal data for direct business acquisition

against, then the personal data can no longer be processed for this purpose.

(4) The right referred to in paragraphs (1) and (2) during the first contact with the data subject at the latest

its attention must be specifically drawn, and the relevant information must be clear and complete must be displayed separately from other information.

(5) In connection with the use of services related to the information society and a

Deviating from Directive 2002/58/EC, the data subject has the right to protest based on technical specifications you can also practice with automated tools.

(6) If personal data are processed in accordance with Article 89 (1) scientific and

is carried out for historical research purposes or for statistical purposes, the data subject is entitled to have his/her own for reasons related to your situation, you may object to the processing of your personal data, unless the data management is necessary for the execution of a task carried out for reasons of public interest.

Based on Article 26 of the General Data Protection Regulation:

Joint data controllers

(1) If the purposes and means of data management are jointly determined by two or more data controllers, they are considered joint data controllers. The joint data controllers were established in a transparent manner shall be determined in an agreement,

in particular by exercising the rights of the data subject and the information referred to in Articles 13 and 14 the distribution of their responsibilities related to their tasks related to the provision of

that case and to the extent that, if and to the extent that the distribution of responsibility for data controllers is determined by EU or Member State law applicable to them. The parties involved in the agreement a contact person can be designated for him.

(2) The agreement referred to in paragraph (1) must be reflected by the joint data controllers

their role vis-à-vis stakeholders and their relationship with them. The essence of the agreement is the person concerned must be made available.

(3) The person concerned is everyone, regardless of the terms of the agreement referred to in paragraph (1).

in relation to the data controller and against each data controller, he can exercise the procedures according to this regulation rights.

Article 58 (2) of the General Data Protection Regulation

b) the supervisory authority, acting in its corrective powers, condemns the data controller or the data processor, if his data management activities violated the provisions of this regulation.

d) instructs the data manager or the data processor that its data management operations - given in a specified manner and within a specified period of time - harmonized by this regulation with its provisions.

According to Article 77 (1) of the General Data Protection Regulation, all data subjects are entitled to file a complaint with a supervisory authority if, in the opinion of the data subject, it concerns him processing of personal data violates the general data protection regulation.

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Paragraphs (1) – (2) of Section 169 of the 2000 Accounting Act (hereinafter: Accounting Act)

Based on:

(1) The entrepreneur prepared an account of the business year, the business report, as well as those supporting inventory, evaluation, ledger extract, as well as the log book, or other, as required by law must keep records that meet its requirements in a legible form for at least 8 years.

(2) The accounting document directly and indirectly supporting the accounting (including the ledger accounts, analytical and detailed records as well), must be read for at least 8 years form, to preserve it in a retrievable way based on the reference of the accounting records.

III. The Authority's decision

III.1. Subject of the investigation (requested and ex officio investigation)

The Authority is related to the Applicant on the one hand with shopping, and on the other with camera surveillance examined its data management based on the request.

The Applicant attached to his application to the Respondent in effect during the affected period data management information, which, however, the Requested during the official data protection procedure amended (on July 1, 2021.) Considering that the Authority has the it had to examine a suspected violation of law, and therefore it is the subject of the investigation of the procedure initiated at the request

not the amended information on data management, but the July 2020 complaint by the Applicant
data management information was in force and I.1. Regulation according to the reference according to point
Compliance with GDPR.

Due to the above, the amended data management information was examined ex officio by the Authority.

III.2. Personal data handled in connection with purchases and related information

III.2.1. Personal data of the Applicant affected by the investigation

The Applicant shall use the address of the business company represented by the Applicant as the billing address,
and manages the name of the Applicant and the delivery address provided by him. By the Applicant
additional data provided is different from the Applicant's e-mail address and delivery address
residential address.

Pursuant to Article 4, Point 1 of the GDPR, the billing address of the business entity is not considered personal
data, but the Applicant's e-mail address and home address are considered personal data, moreover
the storage of personal data is considered data management based on Article 4, point 2 of the GDPR.

III.2.2. Data controller

Pursuant to Article 4, point 7 of the GDPR, a data controller is a natural or legal person [...] that a
determines the purposes and means of processing personal data independently or together with others
[...].

According to the Respondent's statement, according to the contract between the Applicant and [...], [...] personal data managed on the basis of contracts created based on orders placed on the website
in relation to [...] and the Requested, it is considered a joint data controller.

The Authority established that the data management information of the Respondent does not contain this
information. According to the Authority's point of view, it is not practical to be so agentic anyway

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in the case of a contract, such as that of the Applicant, the provider of the interface [...] is informative
would have an obligation that would cover data management by the actual seller of the product. THE

For this reason, the authority did not examine the referred joint data management, since it can be established without it,

that the Data Controller's quality clearly exists.

Based on the above, with regard to the handling of personal data related to the investigation, the Authority a

Based on Article 4, point 7 of the GDPR, the Applicant was considered a data controller.

III.2.3. Information about the purchase

The so-called on data subject rights - in relation to which the data controllers are obliged at the request of the data subject to take action or to inform about the reason for not taking action - paragraphs 15-22. articles have.

Article 12 regulates the form in which the information must be provided and the fact that it is

how data controllers are obliged to comply with requests for data subject rights. The 15-22.

A common feature of the rights of stakeholders regulated in articles is the express request of the data subject creates the obligation of the data controller. The two jurisdictions are essential in this case demarcation.

About the scope of information to be made available and data management conditions, which are data controllers are obliged to make it available to the data subjects even in the absence of the data subject's request, above mentioned Articles 13 and 14 provide. In this case, the Authority is the enforcement of Article 12 (how to in addition to providing the information), examines the enforcement of Articles 13 and 14 in view of the fact that certain personal data of the Applicant came through an intermediary, the [...] service provider

In possession of the applicant (Article 14: information to be provided if the personal data not obtained from the data subject), and certain personal data were shared by the Applicant himself with the Application (Article 13: information to be provided, if personal data collected from the person concerned).

The Authority established that the information provided by the Respondent does not indicate personal data its source, so it does not make it clear how the people involved got there, so the Applicant is personal for your data. The Respondent does not clarify whether the personal information came through [...]. data, and does not mention that it sometimes also handles personal data, which can be obtained directly from the relevant parties, so just as the Applicant's e-mail address does not have [...] through, but during the complaint handling. For this reason, it can be established that the Applicant

its data management is not transparent, so it violated Article 5 (1) point a) of the GDPR.

III.2.3.1. Availability of information

The Authority finds that the Respondent has violated Article 12 of the General Data Protection Regulation.

(1), because the Respondent did not make the Regulations available separately to the
for those concerned - and the Applicant - but it is called the Purchase rules and conditions
was part of the document.

Article 29 Working Party on Transparency under Regulation (EU) 2016/679

The guidelines state that the "concise and transparent" information provided to those concerned
information and communication requirement means that the information
in order to avoid overload, data controllers must proceed in an efficient and concise manner
information/communication. This information must be clearly separated from other, no
from information related to data protection, for example from contractual provisions or
from general conditions of use.

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too

can be used

for multiple purposes

(ordered item

III.2.3.2. Content of the information - purpose and legal basis of data management

III.2.3.2.1. The Respondent is Article 13 (1) point c) of the General Data Protection Regulation and
did not provide adequate information on the information according to Article 14 (1) point c).
by wrongly stating the consent of the data subject as the legal basis for data processing
in the aggrieved data management information sheet, despite the statement sent to the Authority
does not handle personal data exclusively with reference to this legal basis.

The Authority emphasizes here that in the information sheet it is added to each category of personal data
the purpose(s) and legal basis(s) of the data management must be specified. A specific personal data, e.g. the

customer name

delivery,

contact, direct marketing activity), and the legal basis must be indicated for all purposes

(fulfilment of contractual obligations, legitimate interest, etc.). The affected data management information

does not meet this requirement, and also because it does not provide exhaustive information

about the purpose and legal basis of all processed personal data, and is therefore incomplete.

By the fact that the Respondent did not provide all the personal data handled by him in terms of purpose and legal basis

clear information about the most important circumstances of data management, violated Article 12 of the GDPR

(1) paragraph.

III.2.3.2.2. The Authority with information applied after the amendment of the Regulations (from July 1, 2021)

establishes the following ex officio:

The amended data management information does not fully comply with general data protection

of Article 12 (1) of the Decree due to the following:

It must also meet the requirement of transparent information in that regard

to the data controller that the purpose and legal basis of the processing of personal data is in the information sheet

be clearly defined, so 'abstract' or 'ambiguous' terms should be avoided

use. In this connection, it can be objected that the Respondent puts it like this

for personal data that is "Typically" handled personal data or is exemplified instead of

would list them clearly. It is also not acceptable that the modified data management information

He mentions his point V as typical cases of data management. It is not necessary to list the typical cases,

rather, information on the specific data management must be provided to those concerned.

Nor, according to the Authority's findings, did the Respondent in the statement sent to the Authority

indicated a suitable legal basis, because there he referred to the legitimate interest, since, according to his claim, the parties

its legitimate interest is the conclusion of contracts and communication during the performance of contracts

promotion, as well as the fulfillment of the obligation related to the warranty of accessories. If it is

the data controller claims that some personal data is necessary for the performance of the contract,

then it is not a legal basis according to Article 6 (1) point f) of the General Data Protection Regulation, but based on the legal basis according to Article 6 (1) point b) of the General Data Protection Regulation to be handled. The Applicant is also required to fulfill the obligation related to the supply warranty refers to, which is also not Article 6 (1) point f) of the General Data Protection Regulation legal basis, but according to Article 6 (1) point c) of the General Data Protection Regulation legal basis, since the obligations related to the accessory warranty are from legal provisions they arise.

Regarding some personal data, the Respondent still mentions several legal grounds a amended data management information sheet IV.1-2. point, then in certain cases of point V. These following: telephone number, electronic contact. However, this is not acceptable because if the performs data management with reference to Article 6, paragraph (1) point a) GDPR, then it is unnecessary and it is also misleading to refer to another legal basis. The data controller must choose between the two legal bases

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among them, given that each legal basis requires different conditions.

If the Respondent designates a legal basis before the start of data processing, then you must consistently adjust your entire data management process to what it is in this case means that in the case of consent-based data processing, the reference to the fulfillment of the contract is not acceptable.

It is also not clear how personal data processing is based on legitimate interest manages data, because the data management information 1.3. lists the name, phone number and e-mail e-mail address, and then refers to GDPR Article 6 (1) point f) and explains that the during the conclusion of contracts, its legitimate interest is to facilitate communication. However, after that in the same point also to the retention obligation based on the Accounting Act refers to, which is not GDPR Article 6 (1) point f) but GDPR Article 6 (1) c) legal basis according to point

It is also not acceptable that the Respondent also refers to Infotv

refers to, even though the GDPR applies to the management of personal data from May 25, 2018

regarding.

The Authority also established - the III.2.3. in accordance with what was written here also here - that the Applicant its information does not indicate the source of the personal data, so it does not make it clear how accessed the data of the persons concerned. The Respondent does not make it clear whether it came through [...] for personal data, nor does it mention the joint data management declared to the Authority, and does not mention that it sometimes also manages personal data for which it is received directly from the affected parties, so it is not sent to the Applicant's e-mail address via [...] reached, but during the complaint handling. For this reason, it can be established that the data management of the Respondent it is not transparent, so it violated Article 5 (1) point a) of the GDPR.

III.2.4. Content of the information - duration of data management

The Authority finds that the Respondent has violated Article 13 of the General Data Protection Regulation. point a) of paragraph (2) of Article 14 and point a) of Article 14 paragraph (2) by not marking and the duration of personal data processing.

"The data provided by the user will be stored as long as the user is there does not perform its deletion or does not request it from the data controller." sentence based on consent only can be interpreted in the case of managed personal data, so in the case of data management referred to another legal basis the exact duration must be given and it must be justified if it is based on a legal provision, then the place of the legislation must also be indicated.

When determining the duration, the legal principle of limited storability must be taken into account, which states that personal data must be stored in a form that is suitable for the data subjects identifies it only for the time necessary to achieve the goals of personal data management possible. Duration is always a finite period of time.

III.2.5. The content of the information sheet - the rights of the stakeholders

The Respondent did not provide information pursuant to Article 13 (2) b) of the General Data Protection Regulation

point and point c) of Article 14 (2) with the fact that within the data subject rights only the provided for the right to rectification and deletion, and did not inform the data subjects that they can request access to their personal data from the data controller, and restriction of processing and can object to the processing of their personal data, as well as about the right of data subjects to data portability.

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Based on the above, the Respondent violated Article 13 (2) b) of the GDPR and Article 14 point c) of paragraph (2).

III.2.6. Content of the information - the right to appeal to the supervisory authority

The Respondent complies with Article 13(2)(d) and Article 14(2) of the General Data Protection Regulation a supervisory authority did not inform those concerned about the contents of paragraph e). on the right to submit a complaint to the authority. The legal institution of the Data Protection Commissioner a Ceased with the establishment of the Authority, in case of probable data protection violations, to the Authority you can file a complaint.

Based on the above, the Respondent violated Article 13 (2) point d) of the GDPR and Article 14 point e) of paragraph (2).

III.3. Camera data management and information about it

Statement of the Applicant and the Respondent regarding camera data management

is opposed, since according to the Applicant, data processing was carried out, the Respondent denied this, so the two none of the conflicting statements can be accepted as clear evidence.

According to the Authority's point of view, the following camera systems were previously functional because of:

- Based on the photos sent by the clerk, the appearance, cabling, and viewing angle of the cameras proves it. So this is what he refers to in the photographs taken during the inspection conducted by the clerk a visible cable channel built for a wall-mounted tube camera, running from the external camera to the inside and visible continuation of cabling on the inner wall as well as down from the ceiling of the inner room

dangling cable of many Ethernet types, therefore suitable for operating a camera system.

-

The sign "Area monitored by camera" also refers to this.

- The Authority agrees with the Applicant's position that it is impractical to a

with such a construction of a camera system, the system would not have been in operation before, he denies this

the Respondent did not substantiate his claims with anything. Furthermore, with the claim of the Respondent

in contrast, the cameras are not fake cameras, because the inspection carried out by the township clerk

according to the prepared protocol, the cameras located at the Applicant's place have been locked, currently

they are not working, which is not the same as fake cameras.

- The camera system - as stated by those present at the inspection - is the inspection

was not working at the time, however, the previous functionality of the camera system

supported by the following:

The recording unit forming the center of the camera system, or other network devices,

which could supply any camera with power, was not found during the on-site inspection.

However, this recording unit had to be an integral part of the system

construction visible in photographs, based on technical content, and also at any time

can be replaced, put into the system, and also the lack of power supply that was missing at the time of the inspection

can be eliminated, so their absence does not prove that it was not in operation at an earlier time

would be the camera system.

Having evaluated the evidence individually and as a whole, based on the above, the Authority

after weighing the evidence he concluded that the camera system previously

was functional, from which the Authority also drew the conclusion that camera data management

conducted by the Applicant with him. It is not viable that the Applicant at a rather large cost

build a complete – functional – camera system, including its complete cabling,

then, by cutting the cables, it is only used as a fake camera, because installing a fake camera -

can be solved with significantly less cost and work effort.

The Respondent did not acknowledge the camera data management, and consequently did not invoke a legal basis and was not certified, therefore Article 6 (1) of the GDPR was violated, and it was also violated by it the basic principle of transparency according to Article 5 (1) point a) of the General Data Protection Regulation, since a did not provide information on camera data management to those concerned.

fulfillment,

III.4. The legal basis for processing personal data collected in connection with the purchase

The General Data Protection Regulation provides data controllers with 6 types of legal basis for personal data general, i.e. special, as well as non-criminal data

in the case of personal data. The legal basis can be the consent of the data subject, performance of a contract, legal obligation

vital interest, public interest or entrusted to the data controller

the exercise of a public authority, as well as the legitimate interest of the data controller or a third party. THE

legislator burdens the data controller with an obligation to provide information, failure to do so

however, it does not make data processing illegal in all cases. In case of consent a

The conceptual elements of contribution include information, as it is generally understood

is required by the data protection regulation, according to which the consent is only valid if the volunteer,

specific, informed and clear (GDPR Recital 32). It is vital

in case of interest, e.g. however, when there is a threat to life, there is no time to provide complete information

to provide, therefore the information is not an element of its validity, similarly in the present case

nor is it valid for the application of the legal basis under Article 6 (1) point (f) of the GDPR examined

information is a condition. Of course, the data controller is also obliged to inform in this case

data subject, the violation of which constitutes a violation of the right to information, however

its absence does not entail the illegality of the data management as a whole.

When the Authority establishes the legality of data management, each individual piece of personal data

examines the purpose and legal basis of data management and assesses which data

can be considered personal data.

In the present case, it is clear from the Respondent's answer and the attached documents that that the Applicant is a registered executive registered in the company register, who is the legal acted on behalf of a person. The Applicant therefore handled the product on behalf of [...] Company upon purchase.

According to the legal interpretation of the General Data Protection Regulation, the data of natural persons are also considered personal data during their professional activities. So the Applicant's name, e-mail address, recordings made of him, etc. Article 4, point 1 of the GDPR are considered personal data Based on.

According to the Respondent's statement, the legal basis for data management is all personal data in relation to the legitimate interest, and in addition with product warranty and complaint management he also referred to the fulfillment of a related obligation.

Contrary to what the Applicant refers to, the Authority is the Applicant's personal data the legal basis of its processing is Article 6 (1) point b) of the GDPR (data processing is a contract necessary for the fulfillment of which the person concerned is one of the parties, or the conclusion of the contract necessary to take steps at the request of the data subject) Article 6 of the GDPR

Point b) of paragraph (1) is applicable in the present case, because the Applicant is not here contracting party (purchased the product on behalf of the company he represents), however, the specified address, it is necessary to manage your home address, which is necessary for the fulfillment of the contract required.

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According to the Authority's point of view, Article 6 (1) of the GDPR in relation to the personal data of the Applicant paragraph c) (legal obligation) cannot be applied due to the already mentioned fact, that the contracting party is not the Applicant, as the Applicant only acts as a representative, the contracting party namely the company represented by the Applicant. The legal obligations (including accessories warranty) are the same does not apply to the Applicant.

do

According to the Authority's point of view, the processing of the Applicant's data - for the above purpose and on the basis of the legal basis -

processing is legal, because both the Applicant's name, postal and e-mail address and telephone number are

They are necessary for taking the steps specified by the applicant (for delivery).

Pursuant to the above, therefore, in order to fulfill the contract (steps defined by the Applicant

to perform) no data management necessary

would be unlawful if the data management

there are gaps in the information, as the problems related to the information are due to this

are to be evaluated separately.

Due to the above, the Authority does not establish that due to the shortcomings of the right to information a

The Respondent would have unlawfully handled the Applicant's personal data. The Authority is the Applicant

rejected his request for this.

III.5. Elements of a request to remedy a violation

III.5.1. According to the Authority's point of view - because of what was explained in the previous point - the Respondent is not

handled the Respondent's personal data illegally, the Authority only handled it illegally

can order deletion with regard to personal data, for this reason the Applicant is responsible for the deletion

his request was rejected by the Authority.

III.5.2. Similar to what was explained in the previous point, according to the Authority's point of view, the Respondent is not

handled the Respondent's personal data unlawfully, so the object of the ban is the unlawfully handled

the range of data cannot be interpreted in this regard. For this reason, the Authority refers to the Applicant

his request was rejected by the Authority.

III.5.3. The Applicant did not exercise its rights of interest towards the Respondent, because it was deemed unnecessary in

writing

held, and did not justify the making of his previous oral request, thus the position of the Authority

according to GDPR 15-22, the Respondent is the Applicant. did not violate the rights of stakeholders protected in Articles

yes.

Based on the above, the Applicant did not submit to the Respondent - in accordance with Article 15 GDPR -

did not verify a data subject request or its existence, therefore the Authority is required to comply with Article 58 (2) of the GDPR

based on paragraph c) it is not possible to instruct the Applicant that the Applicant

provide information on the matters mentioned in the application submitted by the Applicant to the Authority.

In this context, the Authority is able to order that the Respondent is such

publish a data management information sheet that is in line with the provisions of the GDPR. About this

Authority provided in the operative part of its decision.

III.5.4. The Authority rejects the Applicant's request for the imposition of a data protection fine,

since the application of this legal consequence does not directly affect the right or legitimate interest of the Applicant

affected, such a decision of the Authority does not create any right or obligation for him, from this

therefore falling within the scope of enforcing the public interest

application of legal consequence

regarding the imposition of fines, the Applicant is not considered a customer under Art. Section 10

Based on paragraph (1). Since the Ákr. It does not comply with paragraph (1) of § 35, in this regard

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

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Authority in relation to the request for the imposition of a data protection fine - general data protection

on the basis of preamble paragraphs (148) and (150), Article 58 and Article 83 (2) of the Regulation –

also points out that the Supervisory Authority - depending on the circumstances of the given case -

ex officio is entitled to decide in its discretion in order to protect personal data

effective, proportionate and dissuasive against the data manager/data processor

of measures, or instead of or in addition to these, the imposition of a sanction, such as an administrative fine

its necessity and, if imposed, its extent.

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

imposition. In this context, the Authority is in accordance with Article 83 (2) of the General Data Protection Regulation and Infotv.75/A. On the basis of §, he ex officio considered all the circumstances of the case and found that a in the case of a violation discovered during this procedure, it is not necessary to impose a fine, since the discovered breach of law was largely eliminated by the Respondent without calling the Authority, furthermore has not previously been convicted of a violation of the General Data Protection Regulation Requested.

ARC. Legal consequences

IV.1. The Authority the Applicant

- he was convicted on the basis of Article 58 (2) point b) of the General Data Protection Regulation, because he its data management activity violated the following provisions of the General Data Protection Regulation:

- Article 5, paragraph (1), point a),
- paragraph 1 of Article 6,
- paragraph (1) of Article 12,
- point c) of Article 13 (1),
- points a), b), c), d) of Article 13 (2),
- point c) of Article 14, paragraph (1),
- Article 14, paragraph (2), points a), c) and e).

furthermore

- instructed based on point d) of Article 58 (2) of the GDPR that the data management aligns its information with the provisions of the GDPR.

IV.2. The Authority exceeded Infotv. administrative deadline according to § 60/A.(1), therefore 10,000

HUF, i.e. ten thousand forints, is due to the Applicant - at his choice - by bank transfer or bank transfer with a postal order to the Akr. Based on § 51, subsection (1), point b).

* * *

Infotv. According to § 38, paragraph (2), the Authority is responsible for the protection of personal data, as well as for learning data of public interest and public in the public interest law

control and promotion of its validity, as well as personal data within the European Union facilitating its free flow. Infotv. According to Section 38 (2a), general data protection the tasks and powers established for the supervisory authority in Hungary with regard to legal entities under its jurisdiction in the general data protection regulation and e it is exercised by the Authority as defined by law. The jurisdiction of the Authority is Hungary covers its entire territory.

The Akr. Based on § 112, paragraph (1), § 114, paragraph (1) and § 116, paragraph (1) with the decision and there is room for a legal remedy against the order on the merits through an administrative lawsuit.

* * *

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. § 13, subsection (3) a)

Based on point aa), the Metropolitan Court is exclusively competent.

The Kp. According to Section 27 (1), legal representation in administrative proceedings before the tribunal obligatory. The Kp. According to paragraph (6) of § 39, the submission of the claim is administrative does not have the effect of postponing the entry into force of the act.

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

The time and place of submitting the statement of claim is set by Kp. It is defined by § 39, paragraph (1). THE regarding the decision, information on the possibility of a request to hold the hearing is available in Kp. 77.

It is based on paragraphs (1)-(2) of § Regarding the order, the court is in a simplified trial proceeding outside the trial of the Kp. § 124, paragraph (2) point c) and Kp. Section 124 (5) based on paragraph

The administrative lawsuit
law

(hereinafter: Itv.) 45/A. Section (1) defines. It is from the advance payment of the fee

Itv. Paragraph (1) of § 59 and point h) of § 62 (1) exempt the party initiating the procedure.

If the Respondent does not adequately certify the fulfillment of the prescribed obligation, the Authority considers that the obligation has not been fulfilled within the deadline. The Akr. According to § 132, if a the obligee has not complied with the obligation contained in the final decision of the authority, it can be enforced. THE Authority's decision of the Acr. According to § 82, paragraph (1), it becomes final with the communication. The Akr. 133. Pursuant to §, the execution - unless otherwise provided by law or government decree - a ordered by a decision-making authority. The Akr. Pursuant to § 134, the execution - if it is a law, government decree or, in the case of municipal authority, a local government decree otherwise does not have - the state tax authority undertakes. Infotv. Based on § 60, paragraph (7) a

In the authority's decision reserved, to perform a specific act, defined the decision regarding the obligation to conduct, tolerate or stop its implementation is undertaken by the Authority.

XCIII of 1990 on fees.

the amount of his fee is

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During the procedure, the Authority exceeded Infotv. One hundred and fifty days according to paragraph (1) of § 60/A administrative deadline, therefore the Ákr. On the basis of point b) of § 51, he pays HUF ten thousand to the Applicant. dated: Budapest, according to the electronic signature

Dr. Attila Péterfalvi

president

c. professor