

Case number: NAIH-3211-14/2021.

Subject: decision

H A T A R O Z A T

The National Data Protection and Freedom of Information Authority (hereinafter: Authority) is SOS

Foundation for Children with Leukemia (headquarters: 2162 Órbottyán, Tó utca 113.) (hereinafter:

Foundation) for the purpose of examining the legality of its general data management practices, as well as [...]

affected (residential address: [...]; hereinafter: Affected) violation of his right to access, as well as the

In an official data protection procedure initiated ex officio to investigate the handling of the personal data of the affected person

makes the following decisions:

1. The Authority finds that the Foundation has violated natural persons a

on the protection of personal data in terms of processing and that such data is free

(EU) 2016/679 on the flow and repeal of Directive 95/46/EC

regulation (hereinafter: general data protection regulation or GDPR) Article 5 (1)

the principle of legality according to point a), paragraph 2 of Article 5 and, in view of these, Article 6

(1), since it was treated unlawfully by the future of the affected parties without a proper legal basis

personal data stored to contact you for the purpose of donation.

2. The Authority finds that the Foundation violated Article 5 (2) of the GDPR

by not confirming exactly what data and when the other was deleted

during the deletion of its database containing data from public sources, and no

verified the legality of the processing of personal data stored in this database.

3. The Authority finds that the Foundation violated the general data protection regulation

Paragraph 1 of Article 6, as he handled the donation he received earlier without a valid legal basis

payers' personal data, and thereby violated Article 5 of the General Data Protection Regulation.

the principle of legality according to Article (1) point a).

4. The Authority determines that the Foundation has violated the general data protection regulation

Article 12(1), Articles 13 and 14, and thus the general data protection

the principle of transparent data management according to Article 5 (1) point a) of the Decree, as it is untrue and provided conflicting information to those concerned, in its data management information a did not provide information on further data processing for direct marketing purposes, and by him the information contained in the information provided in the sent inquiry letters was also incorrect and reality.

5. The Authority finds that the Foundation violated the general data protection regulation Paragraph (1) of Article 12, as well as the provisions contained in Paragraph (1) of Article 15, since did not inform the Data Subject in the data subject application submitted on November 8, 2019 about reservations.

6. The Authority determines that the Foundation has violated the general data protection regulation The principle of accountability contained in Article 5 (2) by the Data Subject the legality of the processing of his personal data due to his own reprehensible conduct proved it, and also by not facilitating the Data Subject's right of access exercise, violated Article 12 (2) of the General Data Protection Regulation.

7. Based on points d) and g) of Article 58 (2) of the General Data Protection Regulation, the Authority instructs the Foundation that within 30 days of this decision becoming final within, delete stored for the purpose of contacting those concerned for the purpose of future donation your personal data!

.....

1055 Budapest

Falk Miksa utca 9-11

ugyfelszolgalat@naih.hu

www.naih.hu

Phone: +36 1 391-1400

Fax: +36 1 391-1410

8. Based on points d) and g) of Article 58 (2) of the General Data Protection Regulation, the Authority instructs the Foundation that within 30 days of this decision becoming final within, delete the personal contact information of those who previously paid a donation your data!

9. Based on Article 58 (2) point d) of the General Data Protection Regulation, the Authority a The Authority instructs the Foundation to harmonize its data management operations with the provisions of the General Data Protection Regulation and in the justification of this decision provide transparent, comprehensible and real information, taking into account the above about the most important information about your data management!

10. The Authority the Foundation HUF 500,000, i.e. five hundred thousand forints data protection fine obliged to pay.

The fine according to point 10 shall be paid within 30 days of this decision becoming final 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-3211/2021. FINE. number must be referred to. If that The data controller does not comply with his obligation to pay the fine within the deadline, a late fee is obliged to pay. The amount of the late fee is the legal interest, which is affected by the delay is the same as the central bank base rate valid on the first day of the calendar semester.

This decision is for the Data Controller to fulfill the obligations prescribed in points 7, 8 and 9 must be in writing within 30 days of its becoming final - the supporting evidence along with its submission - certify it to the Authority.

Non-payment of the fine and late fee, or according to points 7, 8 and 9 above in case of non-fulfilment of the obligation, the Authority orders the execution of the decision.

No procedural costs were incurred in the procedure.

There is no place for administrative appeal against this decision, but from the announcement within 30 days, with a letter of demand addressed to the Metropolitan Court in a public administrative case can be attacked. The letter of claim must be submitted electronically to the Authority in charge of the case forwards it to the court together with its documents. The request to hold the hearing must be indicated in the statement of claim must For those who do not receive the full personal tax exemption, the judicial review the fee for the procedure is HUF 30,000, the lawsuit is subject to the right to record fees. Before the Metropolitan Court legal representation is mandatory in the procedure

The Authority draws the attention of the Applicant that the decision is open to challenge until the expiry of the deadline for filing an action, or in the case of a public administrative lawsuit, until the final decision of the court a

data affected by disputed data processing cannot be deleted or destroyed.

The Authority

is published with the designation

this decision on the website of the Authority to the identification data of the Foundation

3

I N D O C O L A S

repeatedly

requested information from the Foundation

in relation to the data management issue

I. Procedure and clarification of the facts

I.1. History and procedure

I.1.1. On November 15, 2019, the Data Subject filed a report with the Authority, in which the Foundation objected to data processing. In his announcement, he stated that he was applying for support at the beginning of November 2019

received a letter and the accompanying check by mail from the Foundation, the letter requesting support

however, she used her maiden name, even though she has been using her married name since 2015. on November 8, 2019

within the framework of his right of access, he requested information from the Foundation, including the source of his data according to the Data Subject's statement, he never gave his data to the Foundation and has not previously donated to the Foundation in any form.

In response to the Data Subject's request (on November 12, 2019), the Foundation issued a data deletion sent a protocol, but did not provide information regarding the handling of his data.

The Data Subject thereafter

to its source

however, the Foundation still did not answer his question, but instead informed him that

to address your questions regarding data management to the separate company designated for this purpose, i.e. [...]

to Kft. The Data Subject did not find the data protection information in the Foundation's data management information information about the official. As stated in the fine print of the Donation Request letter

"The position of Data Protection Officer of our company is held by [...] Kft. Any European data protection in the decree

contact them with confidence,

their contact information can be found on the website www.wansteadit.hu".

Submitted by the Data Subject

prohibiting the release of your data registered in the address register for direct marketing purposes.

I.1.2. Since the Authority is already subject to data protection due to a similar violation of the Foundation official procedure

(case number: NAIH/2018/5476/H.), during which the Authority

condemned the Foundation, further considering that the available information

on the basis of which it emerged that the Foundation's data management still does not meet the natural requirements

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

(EU) 2016/679 on the free movement of goods and the repeal of Directive 95/46/EC

of the provisions of the Decree (hereinafter: General Data Protection Decree), the Authority a

NAIH/2020/8186. the data protection authority informed the Foundation in order no

about the initiation of an inspection and called on him to give a written statement in order to clarify the situation information on the questions asked therein.

I.1.3. Considering that it is probable based on the information revealed during the official inspection was that the Foundation violated the provisions of the General Data Protection Regulation, the Authority NAIH-3211-1/2021 dated March 5, 2021. in its order no., the official inspection was concluded and decided to initiate official data protection proceedings, in the framework of which the facts would be clarified also invited the Foundation to make a statement.

I.1.4. The Foundation responded by referring to the stay of the chairman of the board of trustees abroad requested an extension of the deadline, which request was granted by the Authority and for the response extended the guaranteed deadline until May 20, 2021. The Foundation is from May 17, 2021 responded to the Authority's invitation in the letter I received, to which response letter on May 26, 2021 sent an additional supplement.

I.1.5. In view of the fact that, despite the Authority's request, the Foundation provided a copy of its database did not attach, as well as incomplete answers to the Authority's questions, and the clarification related to them furthermore, that on November 12, 2019, he requested the personal data and carried on

4

he did not answer questions, so further clarification of the facts became necessary. The Authority a NAIH-3211-8/2021. therefore, in its order no.

also imposed a procedural fine of HUF 100,000, i.e. one hundred thousand forints, on the Foundation.

In addition to paying the procedural fine, the Foundation will respond to the issues contained in the Authority's notice a He replied in his letter received on July 7, 2021.

I.1.6. In order to fully clarify the facts, the Authority also referred to NAIH-3211-11/2021.

in order no

Within the Personal Registration and Administration Department of the Deputy State Secretariat, the Operative Service Department, requesting information about the Foundation's personal data of citizens and

in relation to his requests for group data provision from his address register.

The Department of Personal Registration and Administration answers the questions contained in the inquiry of the Authority
Personal Registration Data Provision and Licensing Department (hereinafter: BM) a

He answered in a letter issued on October 28, 2021 and sent to the office gate.

I.2. Revealed facts

The Authority is responsible for the data management of the Foundation between September 1, 2019 and November 17, 2020.
examined his practice.

I.2.1. The Foundation did not attach its data management information sheet for the period under review. The

Data management is currently available at <https://sosleukemia.hu/hu/adatkezelesi-tajekoztato-2>

according to the information in the prospectus, the date of its acceptance: January 14, 2021.

In its response letters of December 14, 2020 and May 17, 2021, the Foundation stated that

in relation to the purposes for which data is processed in connection with the fundraising

what personal data it collects, on which legal basis. The contents of these statements are correct

to the provisions of the data management regulations currently published on the Foundation's website. Accordingly:

- In the case of a goal named "Donation to the Foundation": Surname and first name -

identification, for contacting, documenting the donation and the legal invoice

required for its issuance (GDPR Article 6 (1) point e) and the management of non-governmental organizations, the

350/2011 on certain issues of fundraising and public benefit. (XII. 30.) Government decree

(hereinafter: Civil Government Regulation); E-mail address - contact (GDPR Article 6 (1) point e) and

350/2011. (XII. 30.) Government Decree); Other personal data (donation amount, postal

address, message content) – for documentation of donations, for the purpose of new donations

request (GDPR Article 6 (1) point e) and 350/2011. (XII. 30.) Government Decree); Billing

name and address – the issuance of the regular invoice, as well as the creation of the contract, its content

definition, modification, monitoring of its performance, the resulting fees

invoicing and enforcement of related claims (GDPR Article 6 (1)

paragraph c) and § 169 (2) of Act C of 2000 on accounting); The

date of donation - execution of a technical operation (GDPR Article 6 (1) point e).

and the Elker. TV. 13/A. § (3)); The IP address at the time of donation - technical operation implementation (GDPR Article 6 (1) point e) and Elker. TV. 13/A. § (3)).

- Request for the purpose of fundraising (not data from the person concerned

personal data processed in case of processing): name, postal address. The purpose of data management:

fundraising; legal basis for data management: Article 6, paragraph (1), point e) of the GDPR, 350/2011.

(XII. 30.) Government decree; Source of data: Provided by the Ministry

database, phone book.

The information included in the data management register attached by the Foundation to its reply letter

furthermore, the personal data of the donors until the deletion request of the affected person by the Foundation,

but at the latest until the purpose of the founding document is achieved.

5

In the data management information available on the Foundation's website during the examined data management period

as stipulated - by the Authority on December 2, 2019, February 7, 2020 and October 20, 2020

on the basis of a screen save made by - the purpose of the Foundation's data management:

-
-
-
-
-
-
-
-
-

identification of the data subject, contact with the data subject and

contact;

building a database;

compilation of target groups for each campaign;

fundraiser, or the Foundation

conduct;

compilation of letters of inquiry;

contacting the affected parties;

control and follow-up of campaign effectiveness;

fulfillment of statutory obligations.

awareness raising campaign

planning,

information sheet

as stipulated

data management available during the period

moreover it is

The examined

The legal basis for data processing is the consent of the data subject. "The Data Controller only collects the data of the data subjects

is managed based on the consent of the data subject. The consent is voluntary, the data subject gives his consent a by registering, entering your data, or as received from data management after being informed, you donate with the knowledge of data management."

The scope of the processed data according to the data management information for the identification of the data subject and data required for contact (name, address, phone number), which is the purpose of data management identification of the data subject, contact and contact. The legal basis for data management is the law provision, or the consent of the person concerned. If the person concerned donates, the Foundation records the amount donated, the purpose of which data management is to later, the Foundation, knowing the data, should be able to contact the stakeholders who can be expected to that they are interested in the given campaign. In this case, the legal basis for data management is the data subject

contribution.

I.2.2. The Foundation regarding the source of the acquisition of personal data and

stated that the source of the personal data is publicly available on the Internet

accessible phone book, as well as a database requested from the Ministry of the Interior.

According to his statement, however, about the collection of data from the public phone book, i.e. that the

They do not have any information about the collection method, from which public source, the Foundation

After receiving the relevant information from the former president, the Foundation will not

received, and the collection of data from public sources still belongs to the former president of the Foundation

it happened under his leadership. The Foundation previously collected data from public sources -

according to his statement - he deleted it, but no record of the deletion was made because they didn't know

indicate exactly from which source data is deleted.

Recruiter

furthermore, it does not have such a database - a

In addition to the data of 20,000 persons purchased from the Ministry of the Interior, which is the data of such persons includes those who have not yet donated.

The Foundation attached it during the official procedure initiated during the examined data management period

about campaigns (30.10.2019, 17.02.2020, 03.04.2020, 10.07.2020, 24.08.2020, 28.09.2020)

postal invoices, which, according to his statement, is the last "recruiting" campaign

was the campaign on 10/30/2019, after that only the mailings already sent to donors

newsletter on the way.

In contrast, the information on data management published in the examined period is from the Ministry of the Interior

did not provide any information about the data request at all, according to the information available therein

the Foundation did not send any letters,

6

"the Data Controller manages the data of the data subjects solely on the basis of the data provided by the data subject".

I.2.3. At the request of the Authority, the Foundation attached the 2019 document submitted to the Ministry of the Interior.

his request for data provision dated November 13. According to the application, the Foundation is supporting for the purpose of recruitment and direct marketing activities, 20,000 persons over the age of 18, requested the name and address data of a citizen with a Hungarian address.

In connection with this, the Foundation also attached the proof of the existence of its legitimate interest - that 2019 according to the last date indicated only on the page containing the signature of the President of the Foundation. dated January 5 - interest assessment documentation, with reference to which it is requested to provide data with a request

turned to the Ministry of the Interior. According to the balance of interests, the Foundation "necessarily handles the names of natural persons contacted for the purpose of fundraising and postal addresses, the data of which is made available by the Ministry of the Interior.", and "Here personal data subject to an interest assessment test must necessarily be available ensure that the Foundation, by contacting the Data Subject, a can adequately carry out the activities necessary for the performance of its public interest task (collecting donations and thereby supporting sick children with leukemia)."

According to the assessment of interests, the Foundation's data management is general

According to Article 6 (1) point e) of the data protection decree, it is a public interest task - sick children

help - necessary for its implementation. The Foundation can only receive donations by

that he contacts potential supporters, visits them by letter, provides information a

about the operation and goals of the organization. In order to make contact, it is necessary to contact the person concerned

data, the Foundation can only function in accordance with its purpose and purpose in this way, a

the need to provide a task of public interest - that is, helping sick children - comes before

the data subject's right to the protection of his personal data. According to the balance of interests, it is

The Foundation therefore has a legitimate interest in the management of the personal data of those concerned, since a this is the only way to help children with leukemia in accordance with its purpose.

As a result of its consideration of the interests of the Foundation,

found that the personal data

its interest in processing outweighs the interest in protecting the data subject's personal data

interests, since the personal data of the data subjects (name,

residential address) is managed by the Foundation

within the scope of the performance of its tasks and in order to fulfill its goals, it is absolutely necessary,

the data management does not cause a high degree of harm to the interests of those concerned, as well as the Foundation

services provided by and the data protection and data security measures of the subject personal

damage to interests caused by data management is reduced. The Foundation found that it is

the legal basis defined in point e) of Article 6 (1) of the General Data Protection Regulation is the relevant one

exists in relation to personal data.

I.2.4. It was sent by the Ministry of the Interior, attached to the Foundation's reply letter on a data carrier

requested copy of personal data. Database of postal check and money order donors

together, a copy of which database was also sent on the data carrier. His statement

database from other sources is not managed, nor is a newsletter database

are treated.

I.2.5. According to the Foundation's statement, the affected parties are informed by the Foundation by mail

about his activities, his work, his campaigns, the process of donating.

After donating by bank transfer, you can only take up the donation again with the people involved

contact, if the person concerned specifically provides their contact information in the notification section.

After donating by postal check, the amount of the donation is recorded and it

date of donation, and after 3 months, the donor sends another postal information letter

receive if you have not requested the deletion of your data.

7

Regarding the contact process in other cases, see the Foundation's reply letter

stated that about the basic conditions and some limitations of the economic advertising activity

XLVIII of 2008 pursuant to § 6 of the Act, the data subject in advance and expressly

can contribute to the Foundation

with its advertising offers and other mailings a

find it on the contact details provided during registration. Furthermore, the data subject may consent to

that the Foundation manages your personal data necessary for sending advertising offers. The

The Foundation does not send unsolicited advertising messages and without limitation or justification to the person concerned,

you can unsubscribe from sending offers free of charge. In this case, the Foundation is involved

all personal data necessary for sending advertising messages will be deleted from its records.

At the same time, in its previous reply, the Foundation stated that it is a subscription newsletter

there is no possibility.

In response to the Authority's question to find out the reason for this contradiction, the Foundation stated that

that the board of trustees has decided not to send an electronic newsletter.

I.2.6. Regarding the method of informing the affected parties, the Foundation submitted that the postal

The newsletter sent via the website contains information related to the management of the personal data of the data subjects

information. He attached several sample letters to support this.

- A sample of a February 2020 postal newsletter sent to prospective donors, on which the

the following information can be read: "Dear Donor! Your name and address will be included with your support

into our database and consent to your data being handled by our data processors.

Of course, you can request the correction or permanent deletion of your data by e-mail or by post

at the central address of the foundation. Fulfillment of requests within 30 days of receipt

happens. If you pay money using the check in this shipment

for the Foundation, the Post Office will send you the check slip with your details

forwarded by it

For a foundation. The purpose of data management is to inform you about the work of the Foundation, a

on the use of a paid donation. The Foundation does not forward the data to anyone.

Please make a payment only if you consent to data management, a

check payment, in the knowledge of this information, the Foundation as your consent

handles. Name and address data of the personal data and address of the citizens

took over from the records of the Personal Registration and Administration of the Ministry of the Interior

Based on the permission of his department, the LXVI of 1992. Act and CXIX of 1995 law

according to its provisions, taking into account that your data will not be used for such purposes

forbade it. The legal basis for data management is the provision of the referenced law."

The Foundation's contact information can also be found in the footer of the newsletter.

- A sample of a November 2020 newsletter sent to people who have already donated,

which contains the following information: "If you do not want any further information

to receive a letter about the work of our foundation, or if there has been a change in your data, please do so

by e-mail at adat@sosleukemia.hu or by post at 1300 Budapest, Pf. 75

let me know. For easier processing, please, in any case in your correspondence

indicate your payment ID as well! You can find our data management information on our website."

- The Foundation also attached a sample of a postal newsletter to its reply letter

sent to prospective donors whose information was collected from a public database.

The information in this newsletter is as follows: "Dear Donor! With the support of his name

and your address will be entered into our database and you consent to the processing of your data by our data processors

be treated. Of course, you can request the correction of your data, it is final

cancellation by e-mail,

by phone or by post at the foundation's central address. Fulfillment of requests from receipt

takes place within 30 days. If there is a check in this shipment

by using it to pay money to the Foundation, the Post Office uses your information on the check slip

forwards to the Foundation. The position of Data Protection Officer of our company is held by [...] Kft.

In relation to any data management issue covered by the European Data Protection Regulation

8

please feel free to contact them, their contact details can be found on [...] page."

conditions' and that

During the period under review - according to the screenshot taken by the Authority on October 20, 2020 - the

On the foundation's website, it was possible to subscribe to the newsletter by entering your e-mail address, and to pay a donation to our <https://sosleukemia.hu/tamogasson/tamogassa-alapitvany> and via <https://sosleukemia.hu/adomany/adomany>, which are also personal data is required. Management of personal data to be provided on these interfaces method, goals, according to the Foundation's statement, its legal basis is data management provides information to those concerned in its regulations, which the Foundation <https://sosleukemia.hu> page is available. In this regard, the Authority notes that the examined data management however, the information on data management available during the period does not provide information about this contain. In order to pay a donation via the linked website, the "I accept it" is required

General contract

"I accept the Data Usage Rules"

acceptance of checkboxes before declarations, via the hyperlink embedded in the declarations however, available information also does not contain, or did contain, the examined one period, information related to the donation, or the personal related to it regarding data management.

I.2.7. The "2020.

based on February's first inquiry'

information - "With your support, your name and address will be entered into our database and you agree that have your data handled by our data processors." - according to the Foundation's statement, it was used incorrectly instead of data controller, the term data processor, the Foundation does not use the term data processor for the registration of supporters' personal data. During its data management, the Foundation – a storage provider, as well as the courier service used to deliver the ordered products outside - no data processor is used, and joint data management is not implemented. The Foundation also for the production of postal checks - which is subject to a license - the activities of [...] Kft is used. However, regarding the provision of these activities by the Foundation - the Authority

despite his request - he did not attach any copies of documents.

In connection with the sending of letters asking for donations, it does not use the cooperation of partners, rather, he bought his own machines for the purpose of producing the newsletters, which he did at the Foundation's headquarters are operated.

I.2.8. The personal data of those concerned are stored on the Foundation's computer in the backend, Excel table, at a workplace physically protected by an external person, to which - according to his statement - only the president of the Foundation has access to it. If personal data is handled on a paper basis is digitized, then the rules governing digitally stored documents apply.

It does not have a register of prospective donors, only the data of "positive" donors who previously donated to the Foundation. Other personal data, "cold" address list - according to his statement - they do not treat.

The place of data management and data storage is the registered office of the Foundation (2162 Órbottyán, Tó utca 113.).

I.2.9. According to the Foundation's statement, the up-to-dateness of the personal data it stores "is provided by fulfilling stakeholder inquiries". The data subject is also entitled to, upon request the Foundation shall correct the inaccurate personal information relating to him without undue delay data, or in the case of postal inquiries, if the letter is returned with a "not searched" mark, that is the affected postal address will be deleted from the database.

I.2.10. Special administration regarding the fulfillment of requests for the exercise of data subject rights According to his statement, the Foundation has no order. Upon receipt of a contact request, it

9

appointing an official

without undue delay, but within 30 days at the latest. Affected request

those concerned have the opportunity to submit it by mail, e-mail and telephone. The requests

fulfillment is the responsibility of the Foundation.

In its response letter, the Foundation stated that requests received by post and e-mail 30 will be deleted within days, and a record will be taken, which will then be sent by mail or e-mail will be sent back. After that, the printed application and the corresponding protocol are closed stored in a cupboard for 1 year.

The Foundation submitted that data protection

in progress. The

in a donation request letter - attached to his reply letter to confirm the contents, 2020.

according to his statement dated December 8 - it was wrongly stated that the data protection officer

his position is held by [...] Kft.

By answering incoming e-mails and other administrative work - not data protection

as an official - [...] Kft. (formerly known as [...]) was commissioned by the Foundation, which is a company

he also performed the IT operation. This is also the part of the text at the bottom of the postal newsletters

formulated by Kft. According to the Foundation's statement, it has experienced omissions

in the field of IT work, the contract with [...] Kft. was terminated on November 28, 2019. THE

The Authority established that the 2019 contract with [...] Kft., attached to the Foundation's response letter,

the enterprise contract dated March 22 did not contain any provisions in this regard.

I.2.11. In its response, the Foundation stated that it did not, at the request of the Data Subject

answered, because the Foundation only learned from the Authority's order calling for clarification of the facts

that the Data Subject did not receive a response from [...] Kft.

According to its statement, the Foundation will store the Data Subject's personal data until November 12, 2019

managed when the data subject deleted his personal data (name, address) based on his deletion request. The

however, there is no information on the start date of the processing of the personal data concerned. The

When the foundation was taken over, the personal data did not receive relevant information from the previous management

regarding its source, and despite repeated official requests from lawyers for the whereabouts of the documents

response received.

I.2.12. In the BM's response letter, it was sent by the group authorized by the decision with registration number [...] the application and its attachments submitted by the Foundation in the matter of data provision. Statement of the BM as proof of the existence of the legitimate interest of the Foundation, he attached the founder's deed, to which 10/c. point, the Foundation is for public benefit public tasks that are classified as activities in the fulfillment of the contribution (facilitating their implementation) primarily own financial by using its resources. The Foundation will regularly contact you to ensure these potential sponsors. It is carried out for the purpose of, and within the framework of, this fundraising activity Foundation direct marketing activities. The Foundation in the matter of group data provision also attached the extract of the data stored in the forensic register, which is the BM proved that it has a legal status of public benefit.

According to the BM's point of view, the existence of the civil organization's legitimate interest was supported by the fact - a based on the attached founding document and the extract stored in the court register - that it is of public benefit as an organization, it carries out activities of public interest (various health-related tasks), for which the collection of donations and subsidies is a social interest. Thus, GDPR Article 6 (1) paragraph f) and the 1992 on the registration of citizens' personal data and residential address. year LXVI Act (hereinafter: Nytv.) the legitimate interest based on point a) of § 19, paragraph (1). its existence was considered verified by the BM.

According to the BM's statement, data processing for different purposes according to Article 6 (4) of the GDPR is original for data management purposes did not examine its existence, compatibility conditions

10

in view of the fact that the indicated direct business acquisition goal is recital (47) of the GDPR also mentions that the processing of personal data for direct business purposes is based on a legitimate interest

can be considered. The Authority also referred to NAIH/2019/4808/2. in its resolution with file no
to the provisions that the existence of the legitimate interest of civil organizations is strengthened by the fact that
as a non-profit organization, they carry out activities of public interest, for which they collect donations
their social interest. In view of this, according to the position of the BM, it could not be established in the case
data management for different purposes.

BM sent it

furthermore, from the data provision register concerning the Data Subject, a
a copy of the log extract of the data services provided from the personal data and address register,
from which, according to the BM's statement, it can be established that the Data Subject on October 18, 2016 and
between October 18, 2021

they have fulfilled

data provision for the Foundation.

period, not for direct business acquisition

II. Applicable legal regulations

Based on Article 2 (1) of the General Data Protection Regulation, the Foundation's data management
the general data protection regulation shall be applied to data management related to its practice.

CXII of 2011 on the right to information self-determination and freedom of information. law

(hereinafter: Infotv.) under the scope of the general data protection regulation according to Section 2 (2).

the general data protection regulation in the provisions indicated there

must be applied with supplements.

Recital (42) of the General Data Protection Regulation: If data management is the subject

is based on his consent, the data controller must be able to prove that it is

the data subject consented to the data processing operation. Especially with the written statement made in another case
in connection with guarantees, it is necessary to ensure that the person concerned is aware of the
the fact that you have given your consent and the extent to which you have done so. 93/13/EEC

in accordance with the council directive on the declaration of consent prepared in advance by the data controller

provides, which is understandable and easily accessible

made available in the form of

and its language must be clear and simple and must not contain unfairness

conditions. In order for the consent to be considered based on information, the data subject

you must at least be aware of the identity of the data controller and the purpose of processing personal data.

Recital (47) of the General Data Protection Regulation: The data controller - including that

also a data controller with whom the personal data can be disclosed - or the legitimate interest of a third party

can create a legal basis for data management, provided that the interests, fundamental rights and

your freedoms do not take priority, taking into account your relationship with the data controller

based on the reasonable expectations of the data subject. Such a legitimate interest can be discussed, for example, when

there is a relevant and appropriate relationship between the data subject and the data controller, for example such

in cases where the data subject is a client of the data controller or is employed by it. The legitimate interest

in order to establish its existence, it must be carefully examined, among other things

that the data subject is at the time and in connection with the collection of personal data

can you reasonably expect that data processing may take place for the given purpose. The interests of the data subject

and your fundamental rights may take precedence over the interest of the data controller if the personal

data is processed in circumstances where the data subjects do not matter

for further data processing. Since the task of the legislator is to define in legislation that a

on what legal basis can public authorities handle personal data, the data controller is legal

the legal basis supporting its interest cannot be applied, the performance of their duties by public authorities

for data management during Personal data absolutely for the purpose of fraud prevention

its necessary processing is also considered the legitimate interest of the data controller concerned. Personal data

its handling for the purpose of obtaining direct business can also be considered based on a legitimate interest.

11

Article 4, point 1 of the General Data Protection Regulation: "personal data": identified or identifiable

any information relating to a natural person ("data subject"), including name, address.

Article 4, point 2 of the General Data Protection Regulation: "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 way of making it available, coordination or connection, restriction, deletion, or destruction;

Article 4, point 11 of the General Data Protection Regulation: "the consent of the data subject": the will of the data subject voluntary, concrete and well-informed and unequivocal declaration by which it is indicates by means of a relevant statement or an act clearly expressing the confirmation that gives his consent to the processing of his personal data.

Article 5 (1) points a) and b) 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 conduct ("lawfulness, due process and transparency");

b) should be collected only for specific, clear and legal purposes, and should not be processed in a manner inconsistent with these purposes; in accordance with Article 89 (1) no is considered incompatible with the original purpose for the purpose of archiving in the public interest, scientific and further data processing for historical research or statistical purposes ("for purpose constraint");

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").

Processing of personal data according to Article 6 (1) of the General Data Protection Regulation

it is only legal if and to the extent that at least one of the following is fulfilled:

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) the data processing is for the vital interests of the data subject or another natural person
necessary for its protection;

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 the interests of the data subject take precedence over these interests
or fundamental rights and freedoms that require the protection of personal data,
especially if a child is involved.

Point f) of the first subparagraph cannot be applied by public authorities in the performance of their duties
for data management.

Article 7 (1) of the General Data Protection Regulation: If data management is based on consent,
the data controller must be able to prove that the data subject's personal data
contributed to its treatment.

Pursuant to paragraphs (1)-(5) of Article 12 of the General Data Protection Regulation: (1) The data controller
takes appropriate measures to ensure that the personal data is provided to the data subject
all the information referred to in Articles 13 and 14 and Articles 15-22 and 34.

12

each piece of information according to Article is concise, transparent, comprehensible and easily accessible
provide it in a clear and comprehensible form, especially addressed to children

for any information. The information in writing or otherwise - including where appropriate

the electronic way must also be specified. Verbal information can also be provided at the request of the data subject, provided
that

that the identity of the data subject was verified in another way.

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

in the cases referred to in paragraph 15-22, the data controller is the person concerned. to exercise his rights according to art
may not refuse to fulfill your request, unless you prove that the person concerned
cannot be identified.

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

informs the person concerned within one month of the 15-22. brought as a result of a request pursuant to art

measures. If necessary, taking into account the complexity of the application and the requests

number, this deadline can be extended by another two months. About the extension of the deadline

the data controller, indicating the reasons for the delay, from the date of receipt of the request

informs the person concerned within a month. If the person concerned submitted the application electronically, a

if possible, information must be provided electronically, unless the data subject requests otherwise

asks for

(4) If the data controller does not take measures following the data subject's request, without delay, but

informs the person concerned no later than one month from the date of receipt of the request

about the reasons for the failure to take action, as well as about the fact that the person concerned can submit a complaint to a
with a supervisory authority, and can exercise his right to judicial redress.

(5) Information provided under Articles 13 and 14 and Articles 15-22 and based on Article 34

all information and measures carried out must be provided free of charge. If the data subject's request

is clearly unfounded or - especially due to its repetitive nature - exaggerated, the data controller:

a) related to providing the requested information or information or taking the requested action

may charge a fee of a reasonable amount, taking into account administrative costs, or

b) may refuse to take action based on the request.

It is the responsibility of the data controller to prove that the request is clearly unfounded or excessive.

According to Article 13 of the General Data Protection Regulation:

(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 controller or a third party legitimate interests of a party;
- e) where appropriate, 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 for

and compliance of the Commission

existence or absence of its decision, or in Article 46, Article 47 or Article 49 (1)

in the case of data transfer referred to in the second subparagraph of paragraph

indication of guarantees, as well as the methods for obtaining a copy of them or that

reference to their availability.

(2) In addition to the information mentioned in paragraph (1), the data controller is the 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:

- 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 the personal data relating to him access to data, their correction, deletion or restriction of processing, and you can object to the processing of such personal data, as well as to the data portability concerned about his right;
- transmit personal data,

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 the 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 a legal or contractual obligation

is a basis or a prerequisite for concluding a contract, and whether the person concerned is obliged to the personal

to provide data, and what possible consequences the provision of data may entail

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 of this difference before further data processing

purpose and all relevant additional information mentioned 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.

According to Article 14 of the General Data Protection Regulation:

(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 the personal data relating to him from the data controller

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

against the processing of personal 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

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, 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) 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

14

member state

right that is affected

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

during the first contact with the data subject; obsession

c) if it is expected that the data will be communicated to other recipients, the personal data will come first at the latest

at the time of notification.

(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, you must inform the data subject before further data management

about the different purpose and 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

obsession

suitable for the protection of your legitimate interests

provides for measures; 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) of the General Data Protection Regulation, the data subject is entitled to receive feedback from the data controller regarding the handling of your personal data is ongoing, and if such data management is ongoing, you are entitled to have your personal data and get access to 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 the case possible aspects of 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;

h) 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) The data controller shall send a copy of the personal data that is the subject of data management to the relevant releases it. For additional copies requested by the data subject, the data controller shall charge the administrative costs

can charge a reasonable fee based on If the person concerned has submitted the application, the 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 adversely affect other many rights and freedoms.

Nytv. According to § 19, paragraph (1), data according to point a) of § 17, paragraph (2) service by any citizen, legal person or non-legal person

15

the

general

data protection

In addition to proving the purpose and legal basis of use, the organization is entitled to request:

- a) in order to enforce his right or legitimate interest,
- b) for the purpose of scientific research,
- c) sample required to start public opinion polls and market research, and
- d) *

Nytv. According to § 18, paragraph (4), instead of providing data, the applicant can contact any district office may request that, for the purpose of contacting the district office, the person designated by him, personal find a circle and

- a) request your written consent to have the name, address and notification address data of the applicant you can leave it at your disposal, or
- b) inform him that he should contact the applicant directly if he wishes to contact him buy.

Infotv. According to § 61, paragraph (1), point a), it was made in the official data protection procedure in its decision, the Authority is

Infotv. Data management defined in paragraph (2) of § 2

operations

defined in the decree

in context

may apply legal consequences.

Infotv. According to paragraph (2) of § 61, the Authority may order in its decision - the data controller, respectively disclosure by publishing the identification data of the data processor, if a decision affects a wide range of persons, it is a body performing a public task with his activity brought in connection, or the gravity of the infringement justifies disclosure.

Infotv. 75/A. §: The Authority is contained in Article 83, Paragraphs (2)-(6) of the General Data Protection Regulation exercises its powers taking into account the principle of proportionality, in particular by a relating to the processing of personal data - by law or by the European Union as a mandatory law in the case of the first violation of the regulations specified in the act, the violation for its remedy - in accordance with Article 58 of the General Data Protection Regulation - primarily the takes action with the warning of a data controller or data processor.

GDPR Article 58 (2) points b), d), i) and g): Within the corrective powers of the supervisory authority acting as:

b) condemns the data manager or the data processor, if data management violated the provisions of this regulation;

d) instructs the data manager or the data processor that its data management operations - where applicable in a specified manner and specified decree

with its provisions;

i) imposes an administrative fine in accordance with Article 83, depending on the circumstances of the given case in addition to or instead of the measures mentioned in this paragraph;

g) in accordance with the provisions of Articles 16, 17 and 18, orders personal data

rectification or deletion, or restriction of data processing, as well as Article 17 (2)

in accordance with paragraph and Article 19, orders the notification of the recipients with whom
or with which the personal data was disclosed.

All supervisory authorities based on Article 83 (1) of the General Data Protection Regulation
ensures that due to the violation mentioned in paragraphs (4), (5), (6) of this regulation, this article
administrative fines imposed on the basis of each case are effective, proportionate and
be deterrent.

According to Article 83 (2) of the General Data Protection Regulation, the administrative fines are
depending on the circumstances of a given case, Article 58 (2) of the General Data Protection Regulation a)
must be imposed in addition to or instead of the measures mentioned in points h) and j). When deciding whether
whether it is necessary to impose an administrative fine, and the amount of the administrative fine
- harmonize e

activity

in time

16

in each case, the following must be taken into account:

a) the nature, severity and duration of the infringement, taking into account the data management in question
nature, scope or purpose, as well as the number of persons affected by the infringement, as well as the
the extent of the damage they have suffered;

b) the intentional or negligent nature of the infringement;

c) mitigating the damage suffered by the data controller or the data processor
any action taken in order to;

d) the degree of responsibility of the data manager or data processor, taking into account the
technical and organizational, carried out on the basis of Articles 25 and 32 of the General Data Protection Regulation
measures;

e) relevant violations previously committed by the data controller or data processor;

f) with the supervisory authority to remedy the violation and the possible negative effects of the violation

extent of cooperation to mitigate;

g) categories of personal data affected by the infringement;

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

whether the data controller or the data processor reported the violation and, if so, how

with detail;

i) if against the relevant data manager or data processor previously - in the same a

subject matter - ordered referred to in Article 58 (2) of the General Data Protection Regulation

one of the measures, compliance with the measures in question;

j) whether the data manager or the data processor has observed general data protection

for approved codes of conduct according to Article 40 of the Decree or the general data protection

Regulation for approved certification mechanisms under Article 42; as well as

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

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

or avoided loss.

According to Article 83 (5) of the General Data Protection Regulation, the following provisions

violation - in accordance with paragraph (2) - up to EUR 20,000,000

with an administrative fine, and in the case of businesses, the previous financial year is a full year

shall be subject to an amount of no more than 4% of its world market turnover, with the provision that of the two

a higher amount must be imposed:

a) the principles of data management - including the conditions of consent - the general data protection regulation

in accordance with Articles 5, 6, 7 and 9;

b) the rights of the data subjects are set out in Articles 12-22 of the General Data Protection Regulation. in accordance with

Article;

c) personal data for a recipient in a third country or an international organization

44-49 of the General Data Protection Regulation. in accordance with Article;

d) IX of the general data protection regulation. according to the law of the member state adopted under chapter obligations;

e) according to Article 58 (2) of the general data protection regulation of the supervisory authority

instructions, or to temporarily or permanently restrict data processing or data flow

non-compliance with its suspension notice or general data protection

failure to provide access in violation of Article 58 (1) of the Decree.

CL of 2016 on the general administrative procedure for the official data protection procedure.

law (a

Defined in Infotv

hereinafter: Ákr.) rules shall be applied

17

with additions and deviations according to the general data protection regulation.

1995 on the management of name and address data for the purpose of research and direct business acquisition.

year CXIX Act (hereinafter: Katv.) according to Section 1 (1) the scope of this Act is extended

for those natural and legal persons, as well as those without legal personality

for organizations that use name and

residential address information is required and processed.

On the right of association, the legal status of public benefit, and the operation of civil organizations and

CLXXV of 2011 on support law (Civil tv.) § 2. 20. public benefit activity: all

an activity that directly or indirectly fulfills the public task specified in the founding document

it serves indirectly, thereby contributing to the common needs of society and the individual

to satisfy.

III. Decision of the Authority

III.1. The subject of the procedure and the Foundation's data management

III.1.1. The Authority received a notification regarding the Foundation's data management, in which it

The person concerned objected to the Foundation's request for support sent by post. Notification

according to a letter from the Foundation requesting support by post at the beginning of November 2019, that despite the fact that he never gave his data to the Foundation, he did not donate to it. The letter it was addressed to the Subject's maiden name, while since 2015 he has been using his married name. The For this reason, the person concerned applied to the Foundation with an access request on November 8, 2019, in which the requested information regarding the source of his data.

According to the court register of civil organizations and the foundation document, the Foundation It was founded on December 2, 1998. The purpose of the Foundation is to help people suffering from leukemia, cancer and support for families of other seriously ill children and children's departments in hospitals with money, tangible assets; medicines suitable for treating children with cancer, helping research and development of instruments.

According to the articles of incorporation, the Foundation is responsible for securing its own financial resources regularly searches for possible sponsors.

III.1.2. The Authority provides the available information for the examined data management period

(Foundation statement, attached documents, examined from the Foundation's website based on screenshots created during the data management period) established that the Foundation in order to secure financial resources, he sent inquiries by mail where possible supporters, in which he invited them to donate.

In order to contact the affected parties, the Foundation firstly requested name and address data from the BM, on the other hand, personal data was collected from the publicly available telephone book on the Internet. THE it can also be established from the data management information sheet for the examined data management period, that the Foundation also collects personal data based on the data service and registration of the data subjects handled.

The Foundation operates the website <https://sosleukemia.hu/kezdolap>, which via the website during the examined period, it was also possible to pay a donation, and it was possible to receive a newsletter also to sign up.

III.1.3. If the contacted person is the postman

check slip sent by mail

donated by making a payment, the post office will receive the check slip - thus the data of the parties making the payment - forwarded to the Foundation. After that, the Foundation is already paying donations

18

repeatedly sent direct marketing mailings to those concerned, inviting them to donate.

According to the Foundation's statement, it only stores the data of persons who have previously donated, and it also stores the name and address data of 20,000 persons requested from the BM.

At the request of the Authority, the Foundation attached a copy of both databases on a data carrier, specifically the files SOS_leuk out_191205.xlsx and SOSLEUKÉMIÁS.xlsx.

The database named SOS_leuk out_191205.xlsx contains the following personal data

for those concerned: gender, family name, given name, given name2, and

zip code, settlement, name, nature of public area, house number, building, stairwell, floor, door, or age group.

The database contains the personal data of 9,577 men and 10,423 women, all of them with a Budapest address. Broken down by age group, there are 5,130 people in the age group from 1959-1968, the 8023 persons in the age group from 1969-1978, 6845 persons in the age group from 1939-1988 your personal data is in the database.

SOSLEUKÉMIÁS.xlsx is a database containing 126247 rows, of which 126246 rows contain

relevant personal data. The columns of the table contain the following data: identifier,

full name, title (then name, which is not marked with a separate header), address, postal address, settlement, status, note, date, amount, other. Each of the names has a title. From line 126246

112,906 active, 1 suspended, 134 disabled, and 588 deleted persons are registered.

The comment, date, amount, other columns contain additional information and data

indicated as "Does not request a letter, refers", "group", "requests a letter not just an e-mail", "died", as well as amounts and dates for payment.

It is in the case of names, where company names (51 bt., 5 zrt. and 94 limited liability companies) are indicated.

III.1.4. By the Foundation in the previous points

with detailed data management operations

personal data handled in connection with: name, address, phone number, and donations

related data, such as the registration of amounts paid by those concerned.

The purpose of data management is to identify the data subject, with data subjects

contact and

contact, and the purpose of recording the amounts paid is that the Foundation is

with the knowledge of the data, you can find the stakeholders from whom the given campaign can be expected are interested in.

According to its statement, the Foundation does not send electronic direct marketing newsletters

continues, furthermore - despite the fact that in the examined data management period the Foundation

it was possible to do this via its website - no subscription to the newsletter, contact of those concerned

with the collection of donations and information about the use of the donation and more

it is sent by post in connection with a call for donations.

III.1.5. In the examined data management period - 2019 based on the attached document copies.

between March 22 and November 28, 2019 - the Foundation had a contractual relationship with [...]

Kft., which Kft., according to the Foundation's statement, provides IT operation and administration

he also provided assistance, including answering e-mails. During this period, so to the Data Subject

at the time of the information contained in the postal support request letter sent out - the Foundation

according to his statement - he wrongly listed Kft. as a data protection officer.

The Foundation also uses the activities of [...] Kft. for the production of postal checks

however, he did not provide any additional information or attach any documents.

III.1.6. The subject of the investigation is related to the Foundation's postal request for donations

its data management practices; by inviting those who donate to him to make further donations

related data management practices. The subject of the procedure is also the Foundation's Data Subject

procedure for fulfilling your access request.

III.2. General findings

After the GDPR became applicable, the substantive provisions of several domestic laws review and deregulation became necessary, given that direct business acquisition its legal basis in the system of the General Data Protection Regulation - in addition to consent - is Article 6 (1) may also form a legal basis according to paragraph f) if the appropriate conditions are met, such and for the regulation of the conditions of data management legal relationships, the Member State legislature - a beyond those specifically defined in the decree - he has no rights. Thus, since April 26, 2019, the Cat. its scope no longer extends to the purpose of making contact for direct business and for natural and legal persons requesting or processing residential address data, as well as legal entities to organizations without personality, and the Nytv. was also omitted from its provisions authorization for data requests for direct marketing purposes.

Due to the change in the regulatory environment, it is done for the purpose of direct business acquisition data management is no longer based on legal authorization, i.e. it is the responsibility of the data controller the choice of the appropriate legal basis regulated in paragraph 1 of Article 6. If that's what it's for the data controller considers the legal basis according to Article 6 (1) point f) to be applicable, its legitimate interest to support its priority, it must conduct an interest assessment.

According to the Authority's point of view, the first priority for civil organizations is to collect donations data management activities carried out by contact - the existence of other legal grounds, such as mandatory data management based on legislation, or in the absence of the data subject's consent - the data controller may be based on your legitimate interest supported by an appropriate interest assessment test. Consequently Nytv.19. Based on § (1) point a), they can request data under the conditions set out in Nytv.

The legitimate interest of civil organizations is strengthened by the fact that they are public benefit organizations they perform activities of public interest. (Section 2.20 of the Civil Code), for which collection of donations their social interest. At the same time, consideration of whether the applicant is based on a legitimate interest whether your request for data is considered properly substantiated, it is carried out by the body of the register, and thereon

no guarantee can be given in advance that the registry body sees the data request as justified

legitimacy. According to the current regulations, it is therefore based on the subjective value judgment of the registry body depends on whether Nytv. Does it fulfill the provision of data set out in point a) of paragraph (1) of § 19.

It is a suitable procedure that can be followed in order to ensure the legality of the additional requirements of data management

if the organization requesting the data does not require the provision of citizens' personal data a from the personal data and address register, but from Nytv. As explained in paragraph (4) of § 18

so-called initiates a contact procedure, during which the registration body contacts the designated circle of people, delivering the initiator's message to the recipients. The addressee,

in case of interest, he visits the initiating body himself, so it is from the NGO's side

in this case, the legal basis for data management will be the consent of the data subject.

III.3. Data management related to the Foundation's postal inquiry of prospective donors practice

III.3.1. Requesting data from the personal data and address register

According to the Foundation's statement, it is a solicitation for the purpose of fundraising

to stakeholders, in this case he sought out people who could potentially donate

could provide for. For this, the personal data was not collected directly from the data subjects, but

the data from Nytv. Based on § 17, paragraph (1), from the personal data and address register

20

required. However, according to his statement, such a "recruiting" campaign was conducted by mail in 2019.

launched on October 30.

for inquiry".

According to the Foundation's statement, "For the purpose of fundraising

related personal data managed by him: name, postal address; as the legal basis for data management

The Foundation complies with Article 6(1)(e) of the General Data Protection Regulation, as well as the Civil Korm.

marked a decree.

The Foundation attached it from the personal data and address register during the official procedure a copy of the application dated November 13, 2019, submitted for the data request. The Authority in this regard, notes that in the Foundation's most recent response letter dated July 2, 2021 according to his statement contradicting what is contained in the attached documents, the personal data and were last launched on October 30, 2019, using data requested from the address register "recruitment" campaign, after which only those who had already donated were contacted again. Based on the information indicated in the application, proof of the legal basis - Nytv. Section 19, paragraph (1), point a). contrary to what was stated - it was done by attaching the founding deed of the Foundation to the BM. This supported by the BM Personal Register and

Administration Department Registration

The Foundation's Data Provision and Authorization Department for group data provision his decision approving his application, file number [...], which, according to its contents, "applicant his right to conduct direct business acquisition activities for the purpose of recruiting supporters confirmed by its founding document", and in the statement of the BM in response to the Authority's inquiry - that I.2.12. as detailed in point - also confirmed the above.

In contrast, the examined data management period is available on the Foundation's website as stated in the data management information sheet, "The Data Controller only collects the data of the data subjects processed based on data provided by the data subject and based on the consent of the data subject."

III.2. however, as explained in point 2, civil organizations, including the Foundation, are data management activities performed with the first contact in order to collect donations appropriate consideration of interests

may be based on a legitimate interest which as a result of Nytv. Based on point a) of § 19, paragraph (1), you have the opportunity to request data a from the personal data and address register.

The Foundation is the attached documents (group data service dated November 13, 2019

application and the decision approving it dated November 20, 2019) on the basis of November 2019

When requesting data on the 13th, there was no interest assessment to support the existence of your legitimate interest attached. Among the submitted annexes, only the founding deed of the Foundation was indicated, and a the justification of the decision approving the request also referred only to the attached founding document, as with which the Foundation conducts direct business-like activities for the purpose of recruiting supporters proved his eligibility. Given that, since April 26, 2019, the legislator Nytv. Section 19 (1) highlighted the goal of direct business acquisition (direct marketing) among the provisions of paragraph the possibility of requesting data to compile a list, the Foundation accordingly only by proof of the existence of a legitimate interest supported by an appropriate consideration of interests could have requested personal data from the register.

The Foundation at the request of the Authority - as from the personal data and address register data request

attached to his proof

referred to as a document - subsequently attached a 2019

dated January 5

interest assessment test. For the first page of the document called the balance of interests test in its header is the notation "2021.", presumably the year.

The Foundation, in considering its interests, has always specifically taken into account Article 6 of the General Data Protection Regulation.

refers to Article (1) point e) as the legal basis - according to which legal basis is data management

it is legal if the data management is in the public interest or the data manager is authorized by a public authority to your request is the data request

supported by test

its legal basis

towards

vested interest

to the legality of the data controller with Article 6 (1) of the GDPR

necessary for the execution of a task performed in the context of its exercise -, this legal basis existed

carried out the interest assessment to support it.

Consideration of interests 1.4. according to the first sentence of point "In this case, Article 6 (1) of the GDPR

According to paragraph e), data management is necessary for the performance of a task of public interest.", while

according to the last sentence of the same point, "The Foundation therefore has a legitimate interest in the Data Subject

to manage your personal data, as it only knows children with leukemia in this way

to help in accordance with its purpose."

As a result of its consideration of interests - its 1.2.3. as detailed in point - the Foundation

came to the conclusion that Article 6 (1) e) of the General Data Protection Regulation

The legal basis specified in point 1 exists in relation to the data management by him, because a

to manage personal data

surpasses the personal data of the data subject

interests related to its protection, as it is the processing of the personal data (name, address) of the data subjects

As part of the performance of the Foundation's tasks and in order to fulfill its goals, it is essential

necessary, the data processing does not cause a high degree of harm to the interests of the data subject, as well as

Services provided by the Foundation and data protection and data security measures a

harm caused by the handling of personal data is reduced.

Based on the definition of the GDPR, the name and address of the data subject's personal data, while

any operation performed on data, such as collection, recording, storage of data,

its organization and use is considered data management.

Data management

must have a corresponding legal basis for data management.

Regarding the legal grounds, the Authority emphasizes that there is basically only one basis for data processing

may have a valid legal basis. It is not acceptable if for the same data management purpose - in this case

for data management for the purpose of recruiting supporters - it assigns different legal bases

data controller, the simultaneous application of several legal bases violates transparency and fairness

principle of procedure.

The Foundation is therefore specifically the legal basis for data management for the purpose of recruiting supporters

indicated the legal basis according to Article 6(1)(e) of the General Data Protection Regulation, i.e

that the data management is in the public interest or is a public authority entrusted to the data controller

driver's license

graduated as part of his practice

necessary to perform the task, and in addition

textually emphasizes that the Foundation has a legitimate interest in data management.

In addition, the information available during the examined data management period is the legal basis for data management

indicated the consent of those concerned.

The Authority a

(attached data management register,

assessment of interests, information on data management) and statements, established that it is

Foundation for the purpose of donation by those concerned

the search is not the general one

data protection regulation Article 6 (1) f) (legitimate interest), but to point e) (by law

data management related to the performance of an installed public task), and the data management information

according to point a). Legislation, however, which fulfills the public task of the Foundation

prescribed for him, he did not indicate, because the legislation he refers to (Civil Government Decree) is such

it does not prescribe a task, nor has it verified the consent of the parties involved.

As the Authority in III.2. he explained in point, according to his point of view, it is for civil organizations

The data controller performs data management activities by first contacting the data subjects

may be based on his legitimate interest supported by an appropriate consideration of interests.

available documents

In the case of data management based on point f) of Article 6 (1) of the General Data Protection Regulation, the data controller must carry out an interest assessment. This is supported by the general data protection regulation

22

(47) as well, according to which the existence of the legal basis of legitimate interest must be determined by weighing the interests

prove. In this context, the data controller must examine the necessity of data management. The personal data processing must be directly related to the goal to be achieved: the goal is precisely,

it must be examined with a complex and fact-based analysis, especially in this context whether there is less restrictive means for the desired goal, are there other alternatives, the private sphere of those concerned

less restrictive means. The legitimate interest of the data controller and the third party must be determined as precisely as possible, a fact-based, specific investigation of the given data manager

Based on. The interest must be real and current. It is a fundamental element of the consideration of interests

assessment of stakeholder interests and expectations, attention must be paid to the status of the stakeholders, legal and their actual situation, as well as their reasonable expectations regarding data management. The

interest assessment is a detailed analysis of why the controller restricts proportionally

its legitimate interest, the rights of the data subjects, and why it follows from the revealed facts that it is in the interest of the data controller

its primacy over the rights of those concerned. In the absence of such a consideration of interests, it is subject to consideration to the detriment of the principle of accountability - there can be no question of legal and transparent data management. The

in the balance of interests, the person of the data controller and the data controller must be clearly defined

it is his responsibility and task to accurately document and justify the above.

According to the constant and consistent practice of the Authority, the data controller is responsible for what he has done for the legality of data management. Article 6 (1) point f) of the General Data Protection Regulation

due to the nature of the legal basis, in the case of this legal basis, the data controller must

be able to indicate the legitimate interest of the data controller in the processing of specific personal data

establish it and, in view of this interest, why the data management is necessary, at the same time prove,

you must also be able to prove that the legitimate interest of the person concerned takes precedence, it is personal against your right to data protection.

The Authority points out that according to Article 5 (2) of the General Data Protection Regulation,

essentially the data management objective

increased care requirement

arising from the basic requirement of formulating accountability, the data controller a

obligation to prove that the conditions for the legality of data management - data management

from the beginning - they exist continuously. The data controller can only reasonably trust that

all

verification

can fulfill its obligations, and also for the Authority, the trial court, and the person concerned

can demonstrate the existence of these conditions objectively and in a manner that provides sufficient certainty.

in terms of data management

legal requirements if on this

responsibility and

It follows that if the data controller cannot prove that the data subject has objected

its data management would have met the data protection requirements during the examined period, it does not

fulfills the basic requirement of accountability, thereby violating general data protection

Article 5 (2) of the Decree. For data controllers, it is from the planning of data management

through the start of data management, up to the managed personal data

all until deleted

they must implement a data management operation in such a way that they can prove at any moment

how they complied with data protection regulations. The principle of accountability, so not only

generally, it can be interpreted at the process level, all specific data management activities, one

it also applies to the management of the personal data of specific data subjects.

Pursuant to Article 5 (2) of the General Data Protection Regulation, accountability is

the data controller is obliged to document and record the data processing in such a way that its legality can be proved afterwards. An important requirement arising from the principle of accountability is that a documentation regarding the data controller and its data management should be prepared, a the mere literal adoption of legal texts does not reveal that it is given why data management is necessary.

The Authority examined the existence of a legitimate interest according to Article 6 (1) point f).

on the basis of the data controller's declarations and the attached consideration of interests, and on the basis of them established

that the document lacks consideration of the rights and freedoms of those concerned, is

23

change in the meantime

also collected personal data. Personal information is accurate

analysis of the impact of data processing on the affected parties, and its demonstration and justification,

why the interests of the Foundation take precedence over these. The consideration of interests

therefore, it only identifies the Foundation's own interests, but does not compare interests at all

doesn't do it. Accordingly, it does not meet the requirements of the general data protection regulation

requirements, so the Foundation is Article 5 (2) of the General Data Protection Regulation

could not prove that its data processing was legal, transparent and with an appropriate legal basis

would have

Based on the above, the Authority found that the Foundation violated the general

Article 5 (2) of the Data Protection Regulation and, in view of these, Article 6 (1)

because it handled personal data illegally and in a non-transparent manner without a proper legal basis.

III.3.2. Data collection from a public database

According to the Foundation's statement, the previous foundation management is publicly available on the Internet from phone books

to its source

however, no information is available from the former head of the Foundation.

According to the Foundation's statement, the personal data from this unknown source

he deleted the database containing

could have indicated the exact source from which the data was deleted.

The Authority found that the Foundation - regardless of whether the Foundation

in the person of its leader

happened - insulted the general

the principle of accountability contained in Article 5 (2) of the Data Protection Regulation, as no

he confirmed exactly which data and when he deleted it, and he did not confirm this

the legality of the processing of personal data stored in the database.

III.4 Data management related to inviting those who previously paid donations to make additional donations
exercise

According to the Foundation's statement, the affected parties were informed by the Foundation by mail

about his activities, his work, his campaigns, the process of donating. Those concerned are entitled to III.3.1.

they all had the opportunity to pay the donation after their postal inquiry explained in point

by paying the sent check slip by post, as well as by transferring the amount. The

In case of check payment, the foundation sent another information letter by post after 3 months

donors, if they have not previously requested the deletion of their personal data. By bank transfer

however, in the case of a completed payment, the Foundation only knew the affected parties in that case

to be contacted again by mail, if it was specified in the comment section during the transfer

their personal data necessary for this.

The examined data management

as stipulated

if the person concerned donated, the Foundation kept a record of when and how much

donated. The purpose of data management is for the Foundation to use the data later on

find stakeholders who can be expected to be interested in the given campaign.

The Foundation made the donation in the first solicitation letter sent by mail

information about further inquiries after the donation. Information contained in the letter

according to its text, if the person concerned pays money to the Foundation using the check,

the person concerned thereby automatically gives his consent to the fact that the Foundation is personal

process your data for the purpose of informing the donor about the work of the Foundation, the

about the use of the paid donation, as well as inviting you to make further donations.

data management available during the period

information sheet

24

In the data management information sheet available on the Foundation's website during the examined data management period

in this regard, the following information was included:

that you donate to the Data Controller after receiving clear information about

that after donating, your data will be managed by the Data Controller for contact and fundraising purposes

purpose. In the latter case, the data subject donates, the Data Controller manages the data of the data subject. In this

in this case, after payment by check, Magyar Posta will provide the name and address of the person concerned

forwards a check slip to the Data Controller, which handles it for further information,

for fundraising purposes. [...]“.

The Foundation therefore indicated the consent of the data subjects, i.e. the data subjects

as a legal basis for your inquiry after donation.

Consent is valid according to Article 4, point 11 of the General Data Protection Regulation

one of the most important conditions is that it is preceded by adequate information, and the person concerned a

to manage your personal data

declaration of consent or confirmation

by means of an unmistakably expressive statement.

Recital (42) of the General Data Protection Regulation also states that the data controller

you must provide a pre-formulated declaration of consent, which is understandable and easy

it must be made available in an accessible form, and its language must be clear and

must be clear and must not contain unfair terms.

5/2020 on consent according to Regulation (EU) 2016/679. guideline no., as well as

the one published as its predecessor, Data Protection

created

They were also explained in the Data Protection Working Group's guideline No. WP259 on consent

confirm that the statement or act expressing the confirmation unmistakably a

a prerequisite for regular consent.

According to the Authority's point of view, the donation of the affected persons by check payment is not

can also be considered for data management for the purpose of calling for further donations

as valid consent, i.e. the will of the affected parties cannot be considered concrete and clear

declaration. Check deposit for stakeholders as a way to complete your donation

refers to the person concerned making a payment or donation to the Foundation. in order to

that the Foundation provides the personal data of the persons concerned during the payment

in addition to data processing related to donation payments, it is also used for the purpose of the data subjects

after donation

call, that is

Information about the foundation's activities and the use of the paid donation

for the purpose of providing information, the express consent of those concerned is required.

According to the Authority's point of view, the legality of processing the personal data of the data subjects is then

can be determined if the data controller processes the personal data for all data management purposes

has a valid legal basis for its treatment. The personal data of the persons concerned are indicated above

the fairness and legality of its processing for the purpose can also be established if

the person concerned received adequate information and the opportunity to make a decision regarding whether a

for which personal data will be processed. It cannot be disputed

the choice of those concerned to freely decide on whether to donate

whether they wish to receive further information about the activities of the Foundation.

Furthermore, based on Article 7 (1) of the General Data Protection Regulation, to the data controller

must be able to prove that for the processing of the data subject's personal data

contributed. On the one hand, this obligation includes a kind of registration obligation

arising from the principle of accountability, on the other hand, the data controller must be able to prove that a

contribution some

information, volunteering, a

conceptual elements - as appropriate

Based on Article 29 of the Directive

for further donation

search again

25

clarity of consent – were properly enforced during consent.

In view of the fact that these conditions of consent are not met, the Foundation

violated Article 7 (1) of the General Data Protection Regulation.

According to the Authority's point of view, the Foundation is created after donations from the concerned parties

for the purpose of seeking it, it treated those who previously paid donations to it without a valid legal basis

personal data, as the consent required for its validity was missing

content elements, thereby violating Article 6 (1) of the General Data Protection Regulation.

and legality according to Article 5 (1) point a) of the General Data Protection Regulation

principle.

III.5. Untrue information in the data management information sheet

The Authority established that the data management presented in the Foundation's statements

information contained in the information sheet and the information contained in the attached data management register are

different

presented the data management in terms of both purposes and legal grounds, therefore no they showed the image of a well-thought-out data management, they did not provide real information about the data management.

Based on the above, the Authority established that the Foundation violated the general concise, transparent, understandable and easy according to Article 12 (1) of the Data Protection Regulation providing information in an accessible form, clearly and comprehensibly formulated obligation, as well as Article 5 (1) point a) of the General Data Protection Regulation principle of transparent data management, as he provided untrue and contradictory information to the affected parties, in such a way that the affected parties could not reasonably understand it based on this essence of data management.

The Authority also found that since the Foundation is the donation of those involved postal inquiry of the data subjects regarding data processing for the purpose of follow-up inquiries did not provide adequate information, thereby violating the general data protection the provisions of Article 13 of the Decree.

Accordingly, in the data management information published on the Foundation's website, a it would have been necessary to present the data management in accordance with reality. Data management its legal basis assigned to the individual data types and purposes handled in a clear and comprehensible manner must be determined. It is exhaustively listed in Article 6 (1) of the General Data Protection Regulation Each type of personal data for each purpose must be based on one of the legal bases management, which must clearly stand out from the data management information. The data management the data management operations presented under individual subheadings of this information can be precisely identified be, thereby helping the transparency of the data controller's data management.

The Authority also found that in the letters of inquiry sent by the Foundation the information in the provided information did not correspond to reality either, as required legal basis indicated with respect to data, i.e. "The legal basis for data management is the referenced law provision" of I.2.6. described in point III.2. untrue based on what was explained in point

and provided contradictory information to those concerned and the source of the data

and did not provide adequate information about the purpose of data management,

thereby violating Article 14 of the General Data Protection Regulation.

III.6. Violation of the Data Subject's right of access

On November 8, 2019, the Data Subject requested information from the Foundation as part of his right of access,

26

in which, among other things, he inquired about the source of his data. The Foundation on November 12, 2019

in response, he sent a data deletion protocol to the data subject regarding the processing of his data,

that is, he did not provide information about the contents of his access request. 2019 after that.

on November 12, he repeatedly requested information from the Foundation about the source of his personal data

regarding, however, he still did not receive an answer regarding the source of his data, but the

Foundation with the questions of the Concerned [...] Kft., which also performs data protection tasks during this period

directed him to Information regarding the contact information of the indicated company

however, it was not found in the Foundation's data management information.

Based on Article 15 of the General Data Protection Regulation, the data subject is entitled to his personal data

in connection with its management, to ask the data controller to indicate, among other things, which

personal data, for which purpose, with what legal basis and for how long it is processed, as well as the data management

from which source you obtained your personal data.

Based on paragraphs (3)-(4) of Article 12 of the GDPR, the data controller is obliged to respond to this request within one

month

to answer meaningfully. In this, you must inform the person concerned about the measures taken and

if he does not take measures, then about the reasons for not taking measures, as well as about

must provide information that the person concerned can file a complaint with a supervisory authority, and

you can exercise your right to judicial remedy.

The Foundation responded to the Authority's question as to why the Data Subject did not comply

access request, submitted that the Foundation is only calling for the Authority to clarify the facts

he learned from his order that the Data Subject did not receive a response from [...] Kft. He further submitted that by answering received e-mails and other administrative work, furthermore

entrusted [...] Kft. with IT operation. However, since in the field of IT work

the contract concluded with the Foundation, Kft. on November 28, 2019, experienced omissions opened it.

The personal data did not receive information from the previous management of the Foundation, so the Data Subject did not regarding the source of your personal data.

The Authority emphasizes that if the data subject exercises his right of access, as a consequence an obligation to provide information appears on the data controller – in this case the Foundation's – page, and the data controller is obliged to respond appropriately to the access request of the data subject. It's common according to the data protection regulation, information about data management is a fundamental stakeholder right, which the data controller is obliged to perform as detailed in the general data protection regulation.

If the data subject requests information about information that the data controller does not have, or are no longer available, Article 12 of the General Data Protection Regulation is still required (1) to provide transparent information to the data subject.

Article 12 of the General Data Protection Regulation stipulates that the data controller is the data subject submitted to it is obliged to respond to the request, if it does not take measures, then it must inform it affected, among other things, the failure to take action, in this case the access request about its rejection and the reasons for it. The Foundation did not comply with this legal obligation enough.

Based on the above, the Authority found that the Foundation violated the general

Article 12 (1) and Article 15 (1) of the Data Protection Regulation provisions, since - despite the request being indicated twice - no

informed the Data Subject about the contents of the data subject application submitted on November 8, 2019, instead of fulfilling his request, he misinformed the Data Subject or incorrectly

informed him.

27

III.7. Legality of the Foundation's handling of the Data Subject's personal data

According to the Data Subject's statement, at the beginning of November 2019, a direct mail inviting donations received a marketing letter from the Foundation, despite the fact that it was previously sent to the Foundation did not make a payment, i.e. did not donate.

According to its statement, the Foundation only purchased the data of 20,000 persons in its database from BM stores, as well as the data of people who have previously donated. According to his statement, in the examined period, their last campaign in which prospective donors were contacted by mail út, started on October 30, 2019, after which it was only sent to those who had already donated newsletter by mail.

During the official procedure, the Authority also requested information from the BM to the effect that Regarding the data subject, what kind of data was provided from the personal data and address register.

In this regard, the BM

provided information - the data services are attached

a copy of his diary extract - that the Data Subject has had direct contact with him retroactive to October 18, 2016 did not provide data to the Foundation for the purpose of acquiring business.

Based on all of this, the Authority established that the source of the Data Subject's personal data is not the

The personal data and address register maintained by BM, as well as the personal data of the Data Subject

It also did not contain a database copy attached by the foundation. The reason for this may be that the Foundation, and according to the documents attached by the Data Subject, the Data Controller is the Data Subject deleted his personal data from his register on November 12, 2019.

According to the Foundation's statement, the former foundation's management shared personal data on the Internet from publicly available phone books - presumably before the public phone book available on DVD - the foundation also collected accurate information about this

they did not receive at the time of receipt and after. For this reason, the database containing this personal data

was deleted, however, according to the Foundation's statement, a data deletion protocol was not prepared for the reason that they could not indicate where data from is being deleted.

Based on the above, the Authority determined that the Data Subject's personal data is not in the above listed

from sources (BM data service, own data compiled from previously donated

register), but came from other sources other than those for which the Foundation has to give an account

he could not. Furthermore, the fact that it is a letter sent to the person concerned by post, inviting them to donate

It was addressed to the person's maiden name, used several years ago, and indicates a serious anomaly.

Based on all of this, the Authority established that the Foundation is the Data Subject's personal data

due to his own reprehensible behavior, he could not prove the legality of his treatment,

thereby violating Article 5 (2) of the General Data Protection Regulation

principle of accountability.

Furthermore, by the fact that the Foundation did not promote the Data Subject's right of access

did not ensure the exercise of the rights of the affected parties, violated it

the provisions of Article 12 (2) of the General Data Protection Regulation.

III.9. Legal consequences

III.9.1. The Authority based on Article 58 (2) point b) of the General Data Protection Regulation

found that the Foundation - because without a proper legal basis, illegally and not

handled transparently, it was stored for the purpose of contacting those concerned for future donations

your personal data - violated Article 5 (1) point a) of the General Data Protection Regulation,

Paragraph 2 of Article 5 and, in view of these, Paragraph 1 of Article 6 and Article 14.

28

Because the Foundation's database contains data from other public sources

in connection with its deletion, it did not confirm exactly what data it deleted and when, furthermore

did not verify the legality of the handling of the personal data stored in the database, the Authority did

based on Article 58 (2) point b) of the General Data Protection Regulation, established that

Foundation has violated Article 5 (2) of the General Data Protection Regulation

principle of accountability.

The Authority based on Article 58 (2) point b) of the General Data Protection Regulation

established that the Foundation handled it without a valid legal basis

the personal data of those who previously paid a donation, violated the General Data Protection Regulation 6.

(1) of the General Data Protection Regulation, Article 5 (1) point a) of the General Data Protection Regulation was violated

according to the principle of legality.

The Authority based on Article 58 (2) point b) of the General Data Protection Regulation

established that the Foundation violated Article 5 (1) of the General Data Protection Regulation

the principle of transparent data management according to paragraph a) and concise according to Article 12 (1)

in a transparent, comprehensible and easily accessible format, clearly and easily understood

the requirement to provide information, as he provided untrue and contradictory information

to those concerned.

Furthermore, the Foundation, in its data management information, aims for direct marketing

did not provide information on data management, violated Article 13 of the General Data Protection Regulation.

article, and by the information provided in the letters of inquiry sent by him

the information included did not correspond to reality either, it violated general data protection

also Article 14 of the Decree.

The Authority based on Article 58 (2) point b) of the General Data Protection Regulation

established that the Foundation, by informing the Data Subject of the contents of the Data Subject's application

did not inform him, and also by the legality of the processing of the Data Subject's personal data

due to his own reprehensible behavior, he did not justify or facilitate access to the Data Subject

exercising his right, violated Article 12 (1) and (2) of the General Data Protection Ordinance,

the provisions contained in paragraph (1) of Article 15, and also contained in paragraph (2) of Article 5

principle of accountability.

Due to the above violations, it became necessary to establish a legal consequence, which the Authority

decided by acting in discretion based on legislation.

The Authority instructs on the basis of points d) and g) of Article 58 (2) of the General Data Protection Regulation the Foundation to delete it for the purpose of contacting the affected persons for future donations stored your personal data, because they were stored without a proper legal basis, illegally and non-transparently handled it.

Furthermore, the Authority based on points d) and g) of Article 58 (2) of the General Data Protection Regulation instructs the Foundation to delete the personal data of those concerned who previously paid donations to it data, as it was processed without a valid legal basis.

III.9.2. The Authority examined whether a data protection fine against the Foundation 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. considered all the circumstances of the case based on §. Given the circumstances of the case a The authority found that in the case of the violation discovered during this procedure - Infotv. 75/A. §-the according to - the warning is not a proportionate and dissuasive sanction, therefore the imposition of a fine required.

The Authority considered the following as aggravating circumstances when imposing fines:

- the violations committed by the Foundation are considered to be more serious violations

29

are classified based on points a) and b) of Article 83 (5) of the General Data Protection Regulation

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

- The Foundation has committed several legal violations, and the process of its entire data management is problematic

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

- The Foundation is seriously negligent in the violation of rights caused by data processing without a legal basis caused by your conduct and data management practices [GDPR Article 83 (2) point b)];

- the Foundation has already been condemned for violating Article 15 of the GDPR, since it

Foundation NAIH/2019/4127. did not comply with the decision no

to a request for the exercise of a stakeholder right - right of access - which is not in the decision

a fine has been imposed [GDPR Article 83(2)(e) and (i)];

- the Authority is procedural due to the Foundation's lack of cooperation during the procedure

imposed a fine against the Foundation [GDPR Article 83 (2) point (f)].

During the imposition of the fine, the Authority took into account the fact that the Foundation

NGO, the purpose of which is stated in its founding document is to help people suffering from leukemia, cancer and

support for families of other seriously ill children and children's departments in hospitals

with money, tangible assets; medicines suitable for treating children with cancer,

assisting research and development of instruments [GDPR Article 83(2)(k)].

When imposing the fine, the Authority did not consider GDPR Article 83 (2) c), d),

circumstances according to points g), h) and j), as they cannot be interpreted in relation to the specific case.

Based on the above, the imposition of a fine is necessary specifically for the Foundation, and a

Authority in determining the amount of the imposed fine in addition to the special purpose of litigation

he also paid attention to the general preventive goal to be achieved with the fine, with which - the Foundation is newer

in addition to refraining from infringement - the enforcement of the right to the protection of personal data

wants to achieve.

According to the Foundation's 2020 report, its annual income was HUF 249 million, of which

the amount of subsidies was HUF 211 million. The Foundation's income in 2019 was HUF 125 million,

of which the amount of subsidies is HUF 125 million.

The Authority would impose a higher fine due to the nature and gravity of the violations committed

justified, however, given that the imposition of fines is to the detriment of the donated persons

would become the name of the Foundation instead of the imposition of a higher fine by the Authority

considers its disclosure justified.

The amount of the fine was determined by the Authority acting within its statutory discretion.

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

ARC. 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. 82.

Based on paragraph (1) of § §, it becomes final upon its communication. The Akr. § 112, § 116, paragraph (1), and based on § 114, paragraph (1), the decision can be challenged through an administrative lawsuit as a remedy.

* * *

30

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 point a) of section 12 (2), the Authority the administrative lawsuit against his decision falls under the jurisdiction of the court, the lawsuit is referred to the Kp. Section 13 (11)

based on paragraph 1, the Metropolitan Court is exclusively competent. On the Civil Procedure Code solo CXXX of 2016 to the law (hereinafter: Pp.) - the Kp. Based on § 26, paragraph (1).

legal representation in a lawsuit within the jurisdiction of the court based on § 72 obligatory. Cp. According to § 39, paragraph (6) - if the law does not provide otherwise - the statement of claim its submission does not have the effect of postponing the entry into force of the administrative act.

The Kp. Paragraph (1) of § 29 and, in view of this, Pp. According to § 604, the electronic one is applicable CCXXII of 2015 on the general rules of administration and trust services. Act § 9

According to point b) of paragraph (1), the client's 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 on the re-introduction of certain procedural measures valid during a state of emergency 112/2021. (III. 6.) According to Paragraphs (1)-(3) of Section 36 of the Government Decree during the period of enhanced protection

the court acts outside of a trial, including remedial proceedings. If holding a hearing there would be room, or either party requested it, or the hearing has already been scheduled, in the line of the trial court notifies the parties of the fact of the out-of-court settlement and provides an opportunity to a

parties may present their statements in writing. If the trial is outside the time of the enhanced defense a trial should be held, the plaintiff may request that the court adjudicate outside of a trial instead, postpone the trial to a date after the termination of the enhanced protection, if a) a the court did not order the suspensory effect of the administrative act at least partially, b) a the initiation of a lawsuit has a suspensive effect, and the court did not order the lifting of the suspensory effect, c) no interim measure was ordered.

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.

Budapest, December 22, 2021.

Dr. Attila Péterfalvi
president

XCIII of 1990 on fees.

the amount of his fee is

c. professor