

Case number: NAIH / 2020/32/4

History: NAIH / 2019/6885

Subject: Decision

:

DECISION

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

Dr. Gábor Erőss, former Chairman of the Board of Directors, [...]

With János, Budapest VIII. with the municipal representative of the district and the current deputy mayor

([...]; Hereinafter: Requested or Obligated) against personal data is illegal

following a request from the data protection authority for the handling and publication of

In that procedure, the Authority shall take the following decisions:

I. The Authority grants the request in part and finds that the Debtor is illegal

has carried out and is processing data on the grounds that, without an appropriate legal basis, the lawfulness, a prepared and published in breach of the purpose limitation and data protection principles

An image of the applicant.

I.1. The Authority shall establish of its own motion that the Applicant is concerned by the Applicant

(right of access, right of cancellation)

violated the right of the Applicant to exercise the rights of the data subject, as well as the the principles of fair procedure and transparency.

I.2. The Authority shall condemn the Debtor and at the same time prohibit the Debtor from

resume data management and order the image capture from the Facebook community page

deletion. The fact of the deletion and the fact that the Applicant has also been notified of the deletion to the Authority.

I.2. to take the measures provided for in paragraph 1 from the date on which the decision becomes final must be submitted in writing within 15 days of receipt of the supporting evidence

- certify to the Authority.

II. The Authority shall order the final decision by publishing the identity of the controller

disclosure.

III. The Authority will reject the part of the application concerning the imposition of a data protection fine, however

I and I.1. due to the violations according to point

HUF 100,000, ie one hundred thousand forints

data protection fine

obliges to pay.

No procedural costs were incurred during the official proceedings and therefore no costs were incurred

provided by the Authority.

The data protection fine shall govern the initiation of legal proceedings

15 days after the expiry of the time limit or, in the case of a review, by the court

within the Authority's centralized collection account for centralized revenue collection (1003200001040425-00000000

Centralized collection account IBAN: HU83 1003 2000 0104 0425 0000

0000). When transferring the amount, the NAIH / 2020/32/4 JUDGE. should be

to refer to.

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If the Debtor fails to meet its obligation to pay the fine on time, it shall be in arrears

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

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

in the event of non-payment of the late payment allowance, the Authority shall order enforcement of the decision.

There is no administrative remedy against this decision, but from the date of notification

within 30 days of the action brought before the Metropolitan Court in an administrative action

can be challenged. The application must be submitted to the Authority, electronically, which is the case

forward it to the court together with his documents. The request for a hearing must be indicated in the application.

For those who do not benefit from full personal exemption, the judicial review process

its fee is HUF 30,000, the lawsuit is subject to the right to record material fees. In the proceedings before the Metropolitan

Court

legal representation is mandatory.

The Authority draws the Debtor's attention to the fact that it is open to challenge the decision until the expiry of the time limit for bringing an action or, in the case of an administrative lawsuit, until a final decision of the court a

data affected by the disputed data processing may not be deleted or destroyed.

EXPLANATORY STATEMENT

I. Procedure and clarification of the facts

Dated by the Applicant on 9 September 2019, by post to the Authority on 17 September 2019.

submitted in its submissions received on the day of the

used for private purposes) on its Facebook page, the Applicant and

Applicant has published a photograph of his minor child for taking and publishing

the Applicant did not consent. In addition, the Applicant considers that the registration infringes the

Applicant Act V of 2013 on the Civil Code (hereinafter: the Civil Code) § 2:48 (1)

his personal rights under paragraph

The image was published with the following text:

"THE FIDESE CITY GOVERNMENT OF THE 8TH DISTRICT IS PERSONALLY EXCLUDING THE CONTRADICTIONS
ANNOUNCEMENTS

After I caught up in Teleki Square yesterday, he was ripped off in the company of his own child
an opposition announcement (calling the [...] campaign opener), [...] (pictured in sunglasses - his hand,
circled with crumpled paper in it), the Chairman of the Board of Directors of [...] Zrt. and [...] Zrt.

I asked that: so how?

According to him, "the rules must be followed." That's what he could answer!

When I started listing the law and law violations of recent years (one of the district
from the criminal case of a Fidesz member to the housing case of another district member, the EU
from the misuse of subsidies to offshore myths

to the motions for amendments ...), set aside ...

Please note that the municipality has NOT provided a single square centimeter of advertising space nor for the campaign. There are only placards in the capital, and there are few, and Fidesz in the meantime leadership is campaigning unscrupulously - at "municipal" information points. "

The offended post or photo is available at the following URLs:

- [...]

- [...]

The Applicant further submitted that in connection with the illegal placement of the posters a Budapest Capital VIII. District Local Election Committee established the fact of the violation in 9/2019. (VIII.24.) in its decision no. 65/2019 (09.06.) and prohibited the further violation of the law by the "United Opposition". The latter decision was sent by the Applicant to the For the Authority.

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Based on the above, the Applicant requested the Authority to declare personal data illegal and call on the Applicant to bring the infringement to an end.

[...]

Processing of personal data of natural persons before the Authority at the request of the Applicant the free movement of such data and Directive 95/46 / EC Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 repealing Article 57 (1) (f) of the Regulation (hereinafter referred to as the General Data Protection Regulation) and Infotv. Pursuant to Section 60 (1), a data protection authority procedure was initiated under number NAIH / 2019/6885. In its order NAIH / 2019/6885/2 of 30 September 2019, the Authority CXL of 2016 on administrative order. Pursuant to Section 44 of the Act (hereinafter: the Act) a called on the Applicant to rectify the deficiencies. The deficiencies of the Application were filed by the Applicant on 11 October 2019, replaced by letter received by the Authority on 16 October 2019, and

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The applicant stated that, in addition to establishing the existence of an infringement, the Prohibiting the Applicant from further infringement and imposing a fine on the Applicant calls for its imposition;

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He stated that at the moment the photograph was taken, he immediately called the Please be careful not to abuse your image or bring it in any way on the social media because it does not contribute; he was present at the conversation his minor daughter, whose face has been obscured, it can also be seen in the picture, making it easily identifiable;

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informed the Authority that it had received a request for rectification from the Authority subsequently, in writing, by post and e - mail, requested the Applicant to: provide information on the legal basis and purpose of the data processing and, if so, the data processing without legal basis and without purpose, the entry complained of shall be made without delay remove it from the site, but the Applicant did not comply with the letter [a

The letter of formal notice sent to the applicant on 9 October 2019 and the letter of formal notice thereof a receipt acknowledging receipt has been sent to the Authority by the Applicant];

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informed the Authority that the infringed entry was filed on 3 September 2019 reported to Facebook, but the community page did not respond;

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informed the Authority that no legal proceedings had been instituted in respect of his personal rights because it expects the Authority to establish the existence of an infringement and He sought a prohibition on further infringement and a finding that he did not qualifies as a public actor, given that although it is a 100% municipally owned company

does not hold any political election or appointment.

The Authority dated 13 November 2019 initiating the data protection authority proceedings

NAIH / 2019/6885/4, and Ákr. With reference to § 63 of the facts

invited the Applicant to make a statement in order to clarify For e-mail addresses [...] and [...] 2019.

In the case of the order sent on 13 November, the Authority did not receive an error message stating that a sending would have been unsuccessful, Budapest VIII. district to the address of Józsefváros Self-Government by post and the order sent on the basis of the return receipt returned to the Authority on 18 November 2019 has been taken over by an authorized person.

The Applicant did not comply with the order within the time limit of 8 days set by the Authority

therefore, the Authority notified case number NAIH / 2019/6885/5 of 16 December 2019.

In addition to the imposition of a procedural fine, the Court of Appeal again called on the Applicant.

The Applicant dated 24 December 2019 and sent to the Authority electronically on 27 December 2019.

by letter dated 2 January 2020, received on 2 January 2020

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Authority, as well as the Ákr. Pursuant to Section 53, the respondent applied for a certificate due to missed deadlines.

In its order number NAIH / 2020/32/3 dated 9 January 2020, the Authority § 54

granted the application for a certificate and imposed a procedural fine on the Applicant withdrew.

In its reply to the Authority's request, the Applicant stated the following:

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In his view, the case referred to by the Applicant is the General Data Protection Regulation

its exclusive application is contrary to Hungarian law, the Constitutional Court, the Curia and the the case law of the European Court of Human Rights.

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The basis for the publication of the post containing the image is the expression of opinion

the right to liberty and security of person and the exercise of official authority

information on an event of public interest.

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The picture shows that a person entrusted with a public task is an election

period will automatically destroy an election announcement. The same person a

Based on the final decision of the mansion, the offender still present at the time of the offense was liable

for the situation: [...] Zrt., managed by the Applicant, was condemned by the Curia because the

Candidates and nominating organizations were violated by pages 31 and 32 of 2019 in the daily newspaper [...]

principle of equal opportunities.

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The purpose of taking and publishing the picture is for the 2019 municipal elections

In the opinion of the Applicant, an illegal act was recorded during the campaign,

in the course of which a publicly-funded, municipally-owned organization, the [...]

The senior official of Zrt. (hereinafter:

Ve.) Contrary to the rules of law, extending beyond its rules, arbitrarily

removed an election poster or announcement during the election campaign

(Invitation to the campaign opener of the [...] opposition mayoral candidate).

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The taking of a photograph is therefore subject to the Applicant's act

to record and make public, the cleanliness of the elections and the

to ensure balanced information for voters. The image

the legal basis for the preparation of the opinion on the expression of opinion, the fairness of the elections and the

was a right to balanced information for voters.

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The local elections, in particular the campaign activities, and the

infringements committed in the process are not covered by EU law, in the present case

The contested (or infringed) rules are not based on EU law and are therefore general

Pursuant to Article 2 (2) (a) of the Data Protection Regulation, this case does not fall under a
covered by this Regulation.

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The person mentioned in the post is an economic entity owned by the District (hence the “public”) head of companies, employers of many hundreds of people, over billions of forints in public money has (or has had), streamed online and online after meetings regular participant and speaker of accessible Board meetings; in a word public figure. But even if it weren’t, to make your deed public yet public interest because what he did (damaging an opposition poster during the campaign, destruction), the public affair.

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Recently, instead of the notion of a public figure, “public affairs” has become more important, or otherwise the concept of an event of public interest. The Applicant is the Hungarian Nation v. Ministry of National Economy, which will be conducted in 2018 by the Capital City Based on the decision of the judging panel, the Hungarian Nation won the law.

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The Constitutional Court has already laid the core of the consideration behind the final decision of the He dropped it in 1994 when he nailed 60/1994. (XII. 24.) that “The public power in the case of practitioners or political figures, in particular the voters' right of access to data of public interest takes precedence compared to the protection of the personal data of the former, which are their public activities and they may be relevant to its assessment.

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The exercise of public authority is an aspect that limits the personal data
may be considered in this context. But the clear breakthrough came twenty years later
From the Constitutional Court. This is the 28/2014. (IX. 29.) AB decision in which the police officer
AB on the subject of publicity of its image. That's what it said
Constitutional Court: "As long as any information is not misused a
in the context of the exercise of freedom of the press and the protection of human dignity a
reliance on privacy rights is rarely based on freedom of the press
restrictions on the exercise of such rights. The public about a contemporary event
an image of the person brought to his attention is usually in connection with the event
may be disclosed without their permission. [... K] Intake without consent
may be disclosed if the disclosure is not an end in itself, that is, the case
the exercise of public authority or the exercise of official authority
information of public interest in terms of public affairs
shall be deemed to be reporting. "

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The above is summarized in principle in the final judgment as being related to public affairs
in the context of free expression, it is important that the speaker is of some sort
whether he spoke on a social, political issue and not on that particular report
whether or not the person concerned is a professional public figure.

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As the head of the companies in the district, the Board of Representatives meets regularly
as an actor, the Applicant is also a public figure, but what is indisputable is that the poster
political issue of public interest. That is -
to use the wording of the judgment cited above - an event of public interest
the protagonist has become the Applicant. Include a photo in your Facebook post
and it is not incidental at all: it proves that the post describes reality

are compliant, so admission guarantees that the post's claims are not debatable. These

Applicant did not even dispute. This is all the more important in the age of fake news

van. Irrefutability is therefore in itself a literal description of events and [...]

description of his name would not have provided it. Thus, however, the

public knowledge that the head of a municipal company sworn to serve the public

tears off an opposition poster, damages it, destroys it.

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The case law of the Strasbourg-based European Court of Human Rights is based on the same principle

that is, in democratic states, it is about public affairs

the interest in disputes is often more important than the protection of privacy. For example, *Flinkkilä*

and *Others v. Finland* case pointed out that if a public actor does not

a non-offensive photograph of a qualified person is used by the press in connection with a public affair,

then freedom of the press must take precedence over the privacy of the data subject.

Moreover, *Lillo-Stenberg and Sæther v. Norway*. According to the judgment in Norway, it is legal for one

held in a public place but otherwise considered an event protected by family life

a photograph of a wedding that is not considered offensive to the press with the consent of those concerned

communicate without.

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In summary, therefore, the necessary conditions for the exercise of free and equal suffrage

[...] Zrt., led by the Applicant, did not ensure that this conscious violation of fundamental rights

there was a public interest in the presentation.

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It is not clear from the text of the entry that the Applicant is a child

whether he is on the recording or whether he would be the figure walking behind the Applicant. Applicant

all that was known about his child from the post was that the poster was present

when it is torn off, it is not that it is also on the recording. (The photo is not when the poster is torn off

made but then). I have covered the faces of all persons other than the Applicant,

The image of the applicant's child is not visible and the post does not identify him.

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The Applicant did not respond to the Applicant's request, it was part of the campaign

he looked at.

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Finding the Applicant (also according to the final judgment of the Mansion

as the head of the [...] newspaper that committed the election violation and [...] Zrt.

on paper as "Chairman of the Board of Directors of [...] Zrt.", assisted by the

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39 days after its release!) and the threat of a € 1 million grievance charge is political

pressure, the purpose of which was to identify the Applicant 's intention to

in the campaign campaign hair no longer inform different

events of public interest.

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The act (tearing off the poster) of the cited decision of the Local Election Commission

took place before the birth of the law, circumventing the relevant law on remedies

rules. In addition, it is not an incidental circumstance that the [...]

Zrt. Was condemned by the Curia because the daily newspaper [...] published by it was published on 31 and 32 August 2019.

to ensure equal opportunities for candidates and nominating organizations

(Ve. § 2 (1) (c)). The Applicant's arbitrary procedure is therefore

was aimed at maintaining an illegal situation established by the Curia, moreover, this is an illegal one

as a leader of [...], as a public figure, he produced and tolerated the situation himself. THE [...]

The newspaper did not provide real information about the elections in the district and in the capital

did not report on the election events of the opposition candidates, election

programs. It was the same organization, [...] Zrt., Which, despite its public mission, did not

provided surfaces for placing election posters in the district.

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The impugned image was not published on another website or community forum.

II. Applicable legal provisions

Pursuant to Article 2 (1) of the General Data Protection Regulation, the General Data Protection Regulation

shall apply to the processing of personal data in a partially or fully automated manner,

and the non - automated processing of personal data which:

are part of a registration system or are part of a registration system

they want to do.

The Infotv. Section 2 (2)

according to the general data protection regulation in the provisions indicated therein

shall apply mutatis mutandis.

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

the Authority shall, at the request of the data subject,

to initiate proceedings.

Unless otherwise provided in the General Data Protection Regulation, the application was initiated

for data protection authority proceedings under Ákr. provisions of the Infotv shall apply

with differences.

According to Article 4 (1) of the General Data Protection Regulation, "personal data" means identified or

any information relating to an identifiable natural person ("data subject"); identifiable by a

a natural person who, directly or indirectly, in particular by an identifier, e.g.

name, number, location data, online identifier or physical, physiological,

genetic, intellectual, economic, cultural or social identity

identifiable by a factor.

According to Article 4 (2) of the General Data Protection Regulation, "data processing" means the processing of personal data

or any operation on automated or non - automated data files, or

a set of operations such as collecting, recording, organizing, segmenting, storing, or transforming
change, query, view, use, transmit, distribute or otherwise
harmonization or interconnection, restriction, deletion,
or destruction.

According to Article 4 (7) of the General Data Protection Regulation: "controller" means the natural or legal person
person, public authority, agency or any other body that provides personal data
determine the purposes and means of its management, alone or in association with others; if the data management
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purposes and means are determined by Union or Member State law, the controller or the controller
EU or Member State law may also lay down specific criteria for the designation of
Personal data pursuant to Article 5 (1) (a) of the General Data Protection Regulation
must be handled lawfully and fairly and in a manner that is transparent to the data subject
("Legality, due process and transparency").

Personal data only under Article 5 (1) (b) of the General Data Protection Regulation
may be collected for, and not combined with, specific, clear and legitimate purposes
cannot be handled in a compatible way ('purpose-based').

Purposes of data processing under Article 5 (1) (c) of the General Data Protection Regulation
they must be appropriate and relevant and limited to what is necessary
("Data saving").

Pursuant to Article 6 (1) of the General Data Protection Regulation, personal data may only be used if and
can be lawfully managed if at least one of the following is met:

- (a) the data subject has given his or her consent to the processing of his or her personal data for one or more specific
purposes
treatment;
- (b) processing is necessary for the performance of a contract to which one of the parties is a party;
or taking steps at the request of the data subject prior to the conclusion of the contract

necessary to do so;

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

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

necessary for its protection;

(e) the processing is in the public interest or a public authority vested in the controller

necessary for the performance of the task

(f) processing for the legitimate interests of the controller or of a third party

necessary, unless those interests take precedence over such interests

interests or fundamental rights and freedoms that protect personal data

especially if the child concerned.

On the exercise of data subjects' rights (including the right to have personal data deleted)

The obligations of the controller in relation to these measures are set out in Article 12 of the General Data Protection Regulation.

defined in Article

Pursuant to Article 12 (1) of the General Data Protection Regulation, the controller is appropriate

take measures to ensure the processing of personal data by the data subject

all the relevant information referred to in Articles 13 and 14 and Articles 15 to 22. and Article 34

each piece of information in a concise, transparent, comprehensible and easily accessible form, in a clear manner

and provide any information addressed to children, in particular, in plain language

in the case of. The information shall be provided in writing or otherwise, including, where appropriate, by electronic means

must also be provided. Oral information may be provided at the request of the data subject, provided otherwise

the identity of the data subject has been established.

Pursuant to Article 12 (2) of the General Data Protection Regulation, the controller shall facilitate the

affected 15-22. exercise of their rights under this Article. In the cases referred to in Article 11 (2)

the data controller shall fulfillment of his request to exercise his rights under Article

he may not refuse it unless he proves that the person concerned cannot be identified.

Pursuant to Article 12 (3) of the General Data Protection Regulation, the controller is unjustified

without delay, but in any case within one month of receipt of the request

inform the data subject in accordance with Articles 15 to 22. on the action taken in response to a request under Article. Need

In view of the complexity of the application and the number of applications, this time limit shall be extended by two additional periods

may be extended by one month. The extension of the deadline by the data controller shall be the reasons for the delay

within one month of receipt of the request. If

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the person has submitted the application electronically, the information shall be made possible, if possible, electronically

unless otherwise requested by the data subject.

Pursuant to Article 12 (4) of the General Data Protection Regulation, if the controller does not do so

measures at the request of the data subject without delay, but at the latest at the time of the request

within one month of receipt of the measure

and that the person concerned may lodge a complaint with a supervisory authority and may reside

with the right to judicial redress.

Pursuant to Articles 13 and 14 of Article 12 (5) of the General Data Protection Regulation

information and Articles 15 to 22. The information and action provided for in Articles 31 and 34 shall be provided free of charge

to assure. If the data subject's request is clearly unfounded or - particularly repetitive in nature

excessive, the data controller, subject to the provision of the requested information or information or the requested

may charge a reasonable fee for the administrative costs of

or refuse to act on the request. The request is clear

the burden of proving that it is unfounded or excessive is on the controller.

Pursuant to Article 15 (1) of the General Data Protection Regulation, the data subject is entitled to:

receive feedback from the data controller on the processing of your personal data

is in progress and if such data processing is in progress, you are entitled to personal

access to data and the following information:

- (a) the purposes of the processing;
- (b) the categories of personal data concerned;
- (c) the recipients or categories of recipients with whom the personal data are held have been or will be communicated, including in particular to third country consignees, and international organizations;
- (d) where applicable, the intended period for which the personal data will be stored or, failing that possible criteria for determining this period;
- (e) the data subject's right to request personal data concerning him or her from the controller rectification, erasure or limitation of the handling of such personal data against data processing;
- (f) the right to lodge a complaint with a supervisory authority;
- (g) if the data were not collected from the data subject, all available sources information;
- (h) the fact of automated decision-making referred to in Article 22 (1) and (4), including: profiling and, at least in these cases, the logic used comprehensible information on the significance of such data processing and the the expected consequences for the data subject.

Pursuant to Article 17 (1) of the General Data Protection Regulation, the data subject is entitled to: at the request of the controller, delete the personal data concerning him without undue delay, and the data controller is obliged to make the personal data concerning the data subject unjustified delete without delay if one of the following reasons exists:

- (a) personal data are no longer required for the purpose for which they were collected or treated differently;
- (b) the data subject withdraws the authorization referred to in Article 6 (1) (a) or Article 9 (2)
- (a) the consent which is the basis for the processing and the processing there is no other legal basis;

(c) the data subject objects to the processing pursuant to Article 21 (1) and is not

priority legitimate reason for the processing, or Article 21 (2) is concerned

protests against data processing on the basis of

(d) personal data have been processed unlawfully;

(e) personal data are required by the law of the Union or Member State applicable to the controller

must be deleted in order to fulfill an obligation;

(f) the collection of personal data referred to in Article 8 (1)

in connection with the provision of social services.

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Pursuant to Article 17 (3) of the General Data Protection Regulation, paragraphs 1 and 2 do not

applicable if data processing is required:

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

(b) the Union or Member State rules governing the processing of personal data applicable to the controller

fulfillment of a legal obligation or in the public interest or entrusted to the controller

for the performance of a task performed in the exercise of a public authority;

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

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

(d) for the purposes of archiving in the public interest in accordance with Article 89 (1), scientific and

for historical research or statistical purposes as referred to in paragraph 1

law would be likely to make it impossible or seriously jeopardize that

data management; obsession

e) to file, enforce or defend legal claims.

Pursuant to Article 77 (1) of the General Data Protection Regulation, other administrative or

without prejudice to judicial remedies, any person concerned shall have the right to lodge a complaint with a

supervisory authority, in particular where he has his habitual residence, place of employment or presumption

in the Member State of the offense, if the person concerned considers that his or her personal

processing of data in breach of this Regulation.

Infotv. Pursuant to Section 38 (2), the Authority is responsible for the protection of personal data, and the right of access to data in the public interest and in the public interest monitoring and facilitating the enforcement of personal data within the European Union facilitating the free movement of The Authority's tasks and powers are general data protection Article 57 (1), Article 58 (1) to (3) and Infotv. Section 38 (2) - (4) defined in detail.

Infotv. Pursuant to Section 61 (1) (a), it was taken in a data protection official proceeding

In its decision, the Authority With the data management operations specified in Section 2 (2)

in accordance with Article 58 (2) of the General Data Protection Regulation

may apply legal consequences. Accordingly, acting within the Authority's power of correction:

(a) warn the controller or processor that certain data processing operations are planned

its activities are likely to infringe the provisions of this Regulation;

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

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

(d) instruct the controller or processor to carry out its data processing operations bring this Regulation into line with the provisions of this Regulation with its provisions;

(e) instruct the controller to inform the data subject of the data protection incident;

(f) temporarily or permanently restrict data processing, including data processing prohibition;

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

with whom or with whom the personal data have been communicated;

(h) withdraw the certificate or instruct the certification body in accordance with Articles 42 and 43

revoke a certificate issued in accordance with this Regulation or instruct the certification body to:

do not issue the certificate if the conditions for certification are not or are no longer met;

(i) impose an administrative fine in accordance with Article 83, depending on the circumstances of the case

in addition to or instead of the measures referred to in this paragraph; and

(j) order the flow of data to a recipient in a third country or to an international organization

suspension.

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All supervisory authorities pursuant to Article 83 (1) of the General Data Protection Regulation

ensure that any infringement of this Regulation referred to in paragraphs 4, 5 and 6 is in accordance with this Article

The administrative fines imposed pursuant to this Regulation shall be effective, proportionate and dissuasive in each case

be dissuasive.

Pursuant to Article 83 (2) of the General Data Protection Regulation, administrative fines are imposed by

referred to in Article 58 (2) (a) to (h) and (j), as the case may be

should be imposed in addition to or instead of measures. When deciding if it is necessary

to impose an administrative fine or to determine the amount of the administrative fine

in each case due account shall be taken of the following:

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

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

the extent of the damage they have suffered;

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

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

any measures taken to

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

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

- (e) relevant infringements previously committed by the controller or processor;
- (f) the supervisory authority to remedy the breach and the possible negative effects of the breach
the degree of cooperation to alleviate
- (g) the categories of personal data concerned by the breach;
- (h) the manner in which the supervisory authority became aware of the infringement, in particular
whether the controller or processor has reported the breach and, if so, what
in detail;
- (i) if previously against the controller or processor concerned, in the same
have ordered one of the measures referred to in Article 58 (2),
compliance with the measures in question;
- (j) whether the controller or processor has complied with Article 40
approved codes of conduct or an approved certification in accordance with Article 42
mechanisms; and
- (k) other aggravating or mitigating factors relevant to the circumstances of the case,
for example, the financial gain obtained as a direct or indirect consequence of the infringement
or avoided loss.

Pursuant to Article 83 (5) of the General Data Protection Regulation, the following provisions
an administrative fine of up to EUR 20 000 000 in accordance with paragraph 2
or, in the case of undertakings, the total worldwide turnover in the preceding business year
up to a maximum of 4%, with the higher of the two amounts
to impose:

- (a) the principles of data processing, including the conditions for consent, in accordance with Articles 5, 6, 7 and 9;
appropriately;
- (b) the rights of data subjects under Articles 12 to 22. in accordance with Article

Pursuant to Article 83 (7) of the General Data Protection Regulation, the supervisory authorities are Article 58

Without prejudice to its power of correction under paragraph 2, each Member State shall:

may lay down rules on whether a public authority or body established in that Member State

whether an administrative fine can be imposed on another body performing a public function and, if so, what extent.

Infotv. Pursuant to Section 61 (1) (bg), in the data protection authority proceedings the Authority may impose a fine in its decision.

Infotv. Pursuant to Section 61 (2), the Authority may order its decision - the data controller or disclosure of the identity of the processor, if the

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This Decision affects a wide range of persons through the activities of a body performing public tasks or the gravity of the infringement justifies disclosure.

Infotv. Pursuant to Section 61 (6), an action is open for appealing against the decision until the expiry of the time limit or, in the case of an administrative decision, until the final decision of the court data affected by data processing may not be erased or destroyed.

Infotv. 75 / A. §, the Authority shall comply with Article 83 (2) to (6) of the General Data Protection Regulation shall exercise its powers in accordance with the principle of proportionality, in particular by:

legislation on the processing of personal data or binding European Union law

for the first time in the event of a breach of the rules laid down in

in accordance with Article 58 of the General Data Protection Regulation, in particular

by alerting the controller or processor.

Article VI of the Basic Law According to Article 3 (3), everyone has the right to the protection of personal data concerning him or her,

and to learn about and disseminate data of public interest.

Article IX of the Basic Law Everyone has the right to be heard in accordance with Article 1 (1) and (4) freedom. The exercise of freedom of expression must not be directed at others human violation of his dignity.

Pursuant to Article 85 (1) of the General Data Protection Regulation, Member States shall legislate

reconcile the right to the protection of personal data under this Regulation

the right to freedom of expression and information, including personal data

for journalistic, scientific, artistic or literary purposes.

According to recital 65 of the General Data Protection Regulation [...], personal data

further retention is considered lawful if it is an expression of opinion and information

the exercise of the right to liberty, the fulfillment of a legal obligation, or

the performance of a task carried out in the public interest or the public authority conferred on the controller

or in the public interest in the field of public health, archiving in the public interest

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

necessary for the submission, validation or protection of

According to recital 153 of the General Data Protection Regulation, the law of [a] Member State

reconcile expression of opinion and orientation - including with journalists,

the rules on freedom of expression in science, art and literature

the right to the protection of personal data under this Regulation.

Infotv. Pursuant to Section 3 (6), public data in the public interest do not fall within the definition of data of public interest

any information relating to which the disclosure, disclosure or

making it available in the public interest.

Infotv. Pursuant to Section 26 (2), public name in the public interest is the name, scope of work, position of the person acting

within the competence of the body performing the public task, the appointment of the manager, the public task

other personal data relating to the provision of personal data and personal data which

knowledge is required by law. In the public interest, public personal data is purposeful

may be disseminated in accordance with the principle of data management.

The Civil Code. 2:44 on the protection of the right to privacy of a public actor. § (1) - (3) a

the exercise of fundamental rights to the free exercise of public dignity over the rights of the public person

necessary and proportionate protection of human rights, without prejudice to human dignity;

however, it must not infringe on your private and family life or your home. The public

against a communication or conduct outside the scope of free debate in public matters

the same protection as a non-public actor. A public actor is not a public matter

activity or data related to your private or family life.

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The Civil Code. 2:48 on the right to image and sound recording. § based on image or sound recording

the consent of the person concerned is required for its preparation and use. There is no need

the consent of the data subject to the making of the recording and the use of the recording made

in the case of mass recordings and recordings of public appearances.

III. Decision of the Authority

III.1. Person of the data controller

According to the definition in the General Data Protection Regulation, a person's face, image,

personal data, taking pictures and any operations performed on the data

the purpose and means of data management, alone or in association with others

natural or legal person, public authority, agency or any other body

and a body is considered a data controller.

With regard to the examined data management, the image depicting the Applicant is subject to general data protection

pursuant to Article 4 (1) of the Regulation on personal data, image capture and Facebook community

pursuant to Article 4 (2) of the General Data Protection Regulation

data management, and the Applicant operating and managing the Facebook page is the general one

qualifies as a controller under Article 4 (7) of the Data Protection Regulation, given that a

the taking of personal data (in this case a photograph of the Applicant) and

the purpose of the publication - namely the Applicant's act as the Applicant's position

an event of public interest in the exercise of public authority

to ensure clean elections and balanced voter information

and disclosed to the public by the Applicant.

The data treatments (image capture and publication) examined in this procedure are general

under Article 2 (1) of the Data Protection Regulation

consequently the rules of the General Data Protection Regulation apply to these data processing operations should be used.

The Authority notes that since the image of the Applicant is in the public domain, ie everyone posted by the Applicant on his (official) Facebook page in the post shown by

He held the position of a municipal representative during the data management in question, therefore he has already and even before he became deputy mayor, the

considered to be general by Article 2 (2) (c) of the General Data Protection Regulation

personal or domestic activities excluded from the scope of the Data Protection Regulation.

household data management.

The owner of the Facebook page, in this case the Applicant, takes place on that page

in accordance with the rules of use of Facebook,

as the sole person entitled to dispose of it clearly exists by using the Site

responsibility for the data management carried out in this context. This is because the data controller is

is objectively responsible for data processing and under the General Data Protection Regulation

solely because of this quality is obliged to abide by and abide by others the general privacy policy

data processing rules laid down in this Regulation or other legislation. The circumstance

that the image was taken and published during the municipal election campaign period

shall not in any way result in a waiver of this controller's liability.

III.2. Person of the Applicant

The Applicant is up to 100% municipal at the time of taking and publishing the image

owned, [...] Zrt. (hereinafter: the Company) had a chairman of the board.

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Pursuant to the Articles of Association of the Company, the activities of the Company are local in Hungary

CLXXXIX of 2011 on local governments TV. § 13 and § 23 (5) 7.

11. Paragraphs 17 and 19 of the 1993 Act on Social Administration and Social Benefits.

year. III. 36/2014 on the Rules of Organization and Operation of the Board of Representatives and Bodies

(XI.06.) Of the local government decree, as well as the local government

81/2011 on public cultural tasks. (XII.22.) Of the local government

in order to provide care.

The Company is therefore considered to be a body performing public tasks, for the representation of which the Company is the head

officers (including the Chairman of the Board) are eligible. In this respect, it should be emphasized that

persons authorized to represent public bodies (as well as public bodies

persons or public actors) have a much wider range of data that

its publicity does not yet infringe the person 's rights of personality, and these persons must no longer tolerate the negative value judgments and criticisms at their expense, but of course

it must not result in the right to the protection of personal data being infringed.

Infotv. Section 26 (2) lists public data in the public interest by way of example,

however, in addition, it complements the scope of public data in the public interest with the scope of personal data which are listed in each law. However, the same paragraph also states that a

personal data must also apply to public personal data in the public interest

the principle of data processing for the purposes of

Infotv. Section 1 lays down the purpose of access to public data in the public interest

transparency of public affairs. Because of the inability to list everything that is individual

related to the task of persons performing public duties and by the public authorities

essential data for checking, the list is opened by Infotv. Section 26 (2) and others

in addition to the data specified by law, extends to all personal data of the

in the course of the procedure within the task and competence of the given body a

directly related to the performance of a public task.

With regard to public personal data in the public interest, it is important to highlight their disclosure

although the rules on access to data of public interest apply, such data

the nature of personal data remains in spite of the public, so data protection is paramount

guarantee, the requirement of the principle of purposeful data management must be maintained.

Freedom of information and the right to self-determination of information must go hand in hand

other personal data related to the performance of a public task

in determining whether their disclosure does not disproportionately infringe

the right to privacy. Purposeful dissemination of public personal data in the public interest

violation of the rights of the individual may result in a violation of the rights of the individual and may raise damages by a court also.

The name of the Applicant when making and publishing the image is in the public interest

qualified. However, the image of the Applicant cannot be considered public (personal) in the public interest.

data in the Infotv. § 26 (2), given that a chairman of the board of directors (or

member) is not related to the performance of a public task.

III.3. Legality of data processing

Under the provisions of the General Data Protection Regulation, there are a number of reasons for the lawfulness of data processing

requirement must be met. Of these, purposefulness and

the principle of data protection and the appropriate legal basis for data processing:

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Data controllers must adhere to general data protection during data processing

purpose limitation and data retention set out in Article 5 (1) (b) and (c) of Regulation

requirements arising from the principle of Accordingly, the controller must certify that

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the purpose for which the personal data of the data subject were used and disclosed, and

also why it is considered essential for this data processing purpose

handling of personal data.

-

Legal basis in accordance with Article 6 of the General Data Protection Regulation

must have for data management. The controller must prove that the data subject is concerned

used it and in accordance with the law

disclose the personal data of the data subject or that the processing is necessary for

the legitimate interests of the controller or a third party, and the processing

proportionately restricts the data subject's right to the protection of personal data.

It should also be noted that the data are in accordance with Article 9 of the General Data Protection Regulation

whether they fall into the category of special personal data, the extent to which the information is available

adversely affect the privacy of the data subject and that the person concerned is performing a public task

whether or not it is a person or a public actor.

In the present case, the fundamental right to the protection of personal data and the

freedom of expression. Article 85 (1) of the General Data Protection Regulation

Member States shall agree on the protection of personal data

the right to freedom of expression and information. Because

Hungary's Basic Law on the right to the protection of personal data and the expression of opinion

also calls freedom of expression one of the fundamental rights, freedom of expression as

the enforcement of a fundamental constitutional right relating to the protection of personal data

together with the protection of fundamental rights.

Duties of the Applicant as a person performing a public task (and handling personal data)

the application of data protection requirements must be an integral part of the provision of personal data, and

it is expected to ensure the proper application of the law in the course of its activities,

and to ensure the protection of fundamental rights.

Data was processed and published during the recording, which must comply with the general

the rules of the Data Protection Regulation. Accordingly, Article 6 (1) of the General Data Protection Regulation

One of the grounds provided for in paragraph 1 must be that the processing is lawful

be.

According to Article 6 (1) of the General Data Protection Regulation, it is appropriate for data processing the legal basis may be the consent of the data subject, which, however, is not the case in the present case because of the inclusion

The Applicant did not consent to its preparation and publication.

The Applicant did not mention it as the legal basis for taking and publishing the impugned image the legal bases listed in Article 6 (1) of the General Data Protection Regulation none, instead for the expression of opinion, the cleanliness of the election and the electorate defined the right to a balanced information. The lawfulness of data processing in order to justify the requested court decisions (decisions of the Constitutional Court, Judgments of the European Court of Human Rights).

With regard to the court decisions cited, it should be emphasized that they are specific to the press in connection with the processing of data and the exercise of freedom of the press by:

-

A 28/2014. (IX. 29.) AB stated in the Constitutional Court: "As long as any information is not an abuse of freedom of the press, human dignity allegations of violations of the rights of the individual in the context of the protection of restrictions on the exercise of freedom of the press. With a contemporary event an image of a person brought to the attention of the public in connection with may be disclosed without their permission in connection with the event. [... K] intact recording may be disclosed without consent if such disclosure is not self-serving, that is, depending on the circumstances of the case, the events of the present or the public authority

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information of public interest to the public shall be deemed to be pictorial reporting. "

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The ECtHR in *Flinkkilä and Others v. Finland* pointed out that if one

a non-offensive photograph of a person who is not a public figure in the context of a public affair

used by the press, there must be freedom of the press vis-à-vis the data subject's privacy

take precedence. Moreover, *Lillo-Stenberg and Sæther v. According to the judgment in Norway*

it is lawful if it is arranged in a public place but is otherwise protected by family life

A non-offensive photograph of a wedding that was considered an event was published in the press

without the consent of the parties concerned.

As far as the press is concerned, the legal provisions in force basically provide for the possibility to -

primarily the CIV of 2010 on freedom of the press and basic rules on media content.

Act (hereinafter: Smtv.) - the press staff recordings

make. The press without violating the rights of privacy in individual press products

you can also make the recordings public.

Article IX of the Basic Law Article of the Smtv. Under the provisions of § 10 and § 13, the press bodies

an obligation to inform the public of events of public interest,

and at the same time the constitutional right of the public to be aware of these. From this

it follows that when the press reports on a matter of public interest, it is constitutional

fulfills its obligation.

In the present case, however, it can be stated that the Applicant cannot be considered a member of the press,

And his Facebook page cannot be considered a press product, thus the court cited by the Applicant

decisions made by courts in the context of freedom of the press

apply to the data management under investigation.

In the absence of the Applicant's consent to data processing, it was necessary to examine whether the recording

preparation and publication of the opinion, as indicated by the Applicant as the legal basis

and whether the right to information takes precedence over the protection of the Applicant's personal data

and whether the making and publication of the recording is fit for purpose

and the principle of data protection, and whether data management is necessary, proportionate,

other means that do not involve data processing or involve minor intervention

privacy, which also follows from the basic requirements of data retention.

The impugned recording captured the moment when the Applicant, wearing sunglasses, in his right hand he crosses a designated pedestrian crossing with crumpled paper. Also on the recording the minor child of the Applicant, whose face has been obscured, is also visible the text of the entry also includes a reference to it: "... as in the company of your own child..."

Although the request is for data processing related to the personal data of the Applicant's minor child and thus was not examined by the Authority in the course of the proceedings, the Authority notes that the Applicant position that it is not clear from the text of the entry that the Applicant whether your child is included in the recording is not acceptable. It is true that the Applicant is the child did not name him and covered his face, but it can be inferred from the description of the plot that that the person shown next to the Applicant on the recording is a minor child of the Applicant.

The Applicant stated that the purpose of taking and publishing the image was to do so in 2019 in the opinion of the Applicant - during the municipal election campaign

was an act (annulment of an election announcement) and made public. THE

According to the applicant, the inclusion of the photograph in the Facebook post is not at all not incidental, as it proves that what is described in the post correspond to reality, so the recording guarantees that the post's claims will not be disputed.

However, it is clear from the photograph that it is not an election announcement at the time of its annulment, but afterwards, it does not show the alleged infringement but

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is that the Applicant crosses a designated one with an unrecognizable piece of paper in his hand at a pedestrian crossing.

It is true that the personal rights of public actors are enshrined in the Civil Code. 2:44. § is free of public affairs recent constitutional case law and the ensuing judicial process in the field of public

case law has made important statements that largely reinforce the interpretation that the

the "public affairs" nature of the matter covered by the opinion is the primary consideration is the protection of the individual

However, in the present case, it can be stated that the

on the one hand, there is a moment in the Applicant's private or family life which

in no connection with the performance of a public task and ensuring the free contestation of public affairs

on the other hand, the taking of pictures does not in any way prove that the

described in this entry are true.

The taking and use of photographs must not be considered lawful

to disregard the Civil Code. Nor the provisions of § 2:48 on the basis of which it is pictorial

the preparation and use of the data subject requires the consent of the data subject, except for mass surveys and

in the case of a recording of a public performance. According to judicial practice, mass shooting

a photograph is considered if a plurality of people are visible or if the persons depicted are

not as individuals but as parts of the mass. Although the injured image

several persons are visible, given that the Applicant's face alone was not obscured,

that is, depicts the Applicant as an individual, the image is not considered a mass photograph.

In addition, the act shown in the image cannot be considered a public performance

sem. It follows from all this that he needed to take and publish the image

with the consent of the Applicant.

It was also necessary to examine whether the publication of the image was considered necessary. As explained above

it can be concluded that the image published in the registration does not have separate public affairs

additional information value contributing to the discussion. It was enough to inform the public

there would also be a non-captured text entry.

Based on all this, it can be stated that neither the taking nor the publication of the image was taken

compatible with the purpose indicated by the Applicant, namely an offense

recording and making public. Declarations obtained during the procedure and

documents did not establish that the image was taken and published

interest in the interests of the Applicant and the protection of his personal data

or that the processing would be in the public interest or to the Applicant as

task performed in the framework of the exercise of a public authority delegated to a data controller

would have been necessary to implement it.

Given that the appropriate legal basis and data processing were not substantiated during the proceedings exceeded what is necessary and proportionate, the Authority shall establish that the Applicant infringed Article 6 (1) of the General Data Protection Regulation and the General Data Protection Regulation the lawful processing of data provided for in Article 5 (1) of this Regulation and the purpose limitation and the principle of data saving.

Furthermore, the presence of the image cannot be ignored in the context of the case several months after the October 2019 municipal elections.

is still available on the Applicant's Facebook page as well as that of the Applicant in November 2019

Since then, neither [...] Zrt. nor the [...] Zrt.

documents and information published by those companies as chairman of the board

Based on. [Documents and information are available at the following URLs:

- [...]

- [...]

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In view of the fact that the Applicant no longer holds the positions held at the time of taking the photograph, the inclusion of the image on the Applicant's Facebook page without a proper purpose and legal basis is unlawful and infringes the Applicant's forgetfulness under Article 17 of the General Data Protection Regulation also the right to

III.4. The Applicant's request for the exercise of the rights of the data subject

The rights of data subjects (including access to information on the processing of personal data) right of access and erasure of personal data)

The obligations of the controller in relation to these measures are set out in Article 12 of the General Data Protection Regulation.

defined in Article

By letter dated 9 October 2019, the Applicant requested the Applicant to provide information on the legal basis and purpose of the data processing and, if the data processing is without a legal basis and not done for a specific purpose, remove the infringing entry from the site immediately.

The Applicant shall not respond to the needs of the Applicant indicated in the framework of the exercise of the right concerned, did not provide information in Article 12 (3) to (4) of the General Data Protection Regulation in a specified manner and within a specified time.

The Applicant did not comply with the request of the Applicant to exercise the rights of the data subject did not respond in any way and did not inform the Applicant of the demands indicated by him nor the reasons for its fulfillment.

Data subject for access to information on the processing of personal data the execution of the request is solely in accordance with Article 12 (5) of the General Data Protection Regulation cases, ie if the data subject's request is manifestly unfounded or excessive, for cancellation ('Forgetting') is subject only to general data protection may be refused in cases covered by Article 17 (3) of this Regulation.

On the basis of the above, the Applicant 's statement that he did not reply to the To contact an applicant because they considered it part of the campaign. By the Applicant completely disregarded the Applicant 's request for the exercise of the rights concerned, a Applicant violated Article 15 of the Applicant's General Data Protection Regulation and deletion pursuant to Article 17 of the General Data Protection Regulation ('Forgetting'), the exercise of the data subject's rights under the General Data Protection Regulation Article 12 of the General Data Protection Regulation. the principles of due process and transparency set out in

III.5. The applicant 's application for a fine

The Authority rejects the Applicant's request for a data protection fine, as e the application of a legal sanction does not directly affect the right or legitimate interest of the Applicant, such a decision of the Authority shall not create any right or obligation for it

With regard to the application of a sanction falling within the scope of the public interest,

with regard to the imposition of fines, the Applicant shall not be considered a customer in accordance with Ákr. Section 10 (1)

Based on. Furthermore, since the Ákr. Does not comply with Section 35 (1), application in this regard

there is no place to file it, so this part of the petition cannot be interpreted as an application.

III.6. Legal consequences

The Authority granted the Applicant's request in part and Article 58 of the General Data Protection Regulation

(2) b) condemns the Debtor for his data processing activities

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infringed Article 5 (1) (a) (b) and (c) of the General Data Protection Regulation, Article 6 (1)

Article 12 (1) to (5), Article 15 (1) and Article 17 (1).

The Authority also instructs under Article 58 (2) (c) of the General Data Protection Regulation

the Obligated to delete the infringed image from the Facebook community page. To the Debtor

the fact of the deletion and the fact that the deletion has been notified to the Applicant must be

Towards an authority.

The Authority's request for the imposition of a data protection fine is set out in Section III.5. point

however, it examined of its own motion whether it was justified to

against the imposition of a data protection fine. In this context, the Authority shall comply with Article 83 of the General Data Protection Regulation.

Article 2 (2) and Infotv.75 / A. § considered all the circumstances of the case ex officio

and found that no warning had been given in respect of the infringement found in the present proceedings

is a proportionate and non-dissuasive sanction and a fine should therefore be imposed.

In imposing the fine, the Authority took into account the following factors:

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Proper legal basis and purposeless data processing significantly affects the privacy of the Applicant.

The violation is serious because it affects the exercise of the right of the data subject, and the Debtor is

breached several articles of the General Data Protection Regulation, including in principle

also committed an infringement. [Article 83 (2) (a) of the General Data Protection Regulation]

-

The infringement was caused by the Deliberate conduct of the Debtor. [general privacy]

Article 83 (2) (b) of the Regulation]

-

Not to convict the Debtor for violating the General Data Protection Regulation

took place. [Article 83 (2) (e) of the General Data Protection Regulation]

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Article 83 (2) of the General Data Protection Regulation applies to the imposition of fines.

Additional aspects in paragraph 1 were reviewed by the Authority but not taken into account

taken into account because, in its view, they were not relevant in the present case.

-

Based on the nature of the breach - breach of data management principles and data subjects' rights - may be imposed

the maximum amount of the fine is EUR 20 000 000. [Article 83 (5) of the General Data Protection Regulation

points (a) and (b)]

-

The Budapest VIII. district Józsefváros Local Government was held on November 7, 2019

140/2019. (XI.07.),

that the Debtor, as a full-time deputy mayor, receives a monthly salary of HUF 797,800, and 119

670 HUF reimbursement is due. The Debtor is the most recent, dated January 30, 2020

Based on the declaration of assets, the Debtor has HUF 1,920,000 in cash,

has no public debt to a financial institution or to individuals. THE

The minutes of the meeting of the Board representing the representative and the declaration of the debtor's assets are as follows

Available at URLs:

- https://jozsefvaros.hu/tu_dokumentumok/6426_20191107_nyilt_ules_hatarozat.pdf

- https://jozsefvaros.hu/dokumentumok/vny/2020/dr_eross_gabor_janos.pdf

-

By imposing a fine, the special preventive purpose of the Authority is to encourage the Debtor

to review his role as municipal representative and deputy mayor,

requests concerning the personal data of natural persons and data subjects

data management practices related to the response and handling of The Authority shall:

was taken into account in determining the amount of the fine imposed, in addition to the specific deterrent effect

also for the general preventive purpose to be achieved with the fine, by which - the Debtor

persons performing a public task similar to that of the Debtor

data processing practices. THE

freedom of expression and the right to information as a legitimate interest

The reference to this requires precise substantiation, the reference to freedom of the press

reference is not made to data controllers who are not members of the press and not to data published by them,

is not the case for "products" that do not qualify as press products.

The data protection fine imposed by the Authority shall not exceed the maximum fine that may be imposed.

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Given that the Authority is presenting a decision on the activities of a person

in the context of pursuing Community goals and social standards

and mediates to members of society, the Authority Pursuant to Section 61 (2), order a

decision by publishing the identification data of the data controller, ie the Applicant

disclosure.

ARC. Rules of procedure

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

covers the whole territory.

The Ákr. Pursuant to Section 37 (2), the procedure is the submission of the application to the acting authority

starts the day after your arrival. The Ákr. Pursuant to Section 50 (1), unless otherwise provided by law the time limit shall begin on the day on which the proceedings are instituted.

The decision is based on Ákr. Pursuant to Section 82 (1), it becomes final upon its communication.

The Ákr. § 112 and § 116 (1) and § 114 (1), respectively

there is an administrative remedy against him.

The Ákr. Pursuant to Section 135 (1) (a), the debtor is entitled to the statutory interest rate is obliged to pay a late payment allowance if it fails to meet its payment obligation on time.

The Civil Code. 6:48. § (1), in the case of a debt owed, the debtor is in arrears

valid on the first day of the calendar half-year affected by the delay shall pay default interest at the same rate as the basic interest.

The rules of administrative litigation are laid down in Act I of 2017 on the Procedure of Administrative Litigation (a hereinafter: Kp.). A Kp. Pursuant to Section 12 (2) (a) by decision of the Authority

The administrative lawsuit against the court falls within the jurisdiction of the court Section 13 (11) the Metropolitan Court has exclusive jurisdiction. 2016 on Civil Procedure

CXXX. Act (hereinafter: Pp.) - the Kp. Applicable pursuant to Section 26 (1) - Section 72 provides for legal representation in a case falling within the jurisdiction of the Tribunal. Kp. Section 39 (6)

unless otherwise provided by law, the date of filing of the application has no suspensory effect on the entry into force of an administrative act.

A Kp. Section 29 (1) and with this regard Pp. Applicable in accordance with § 604, electronic

CCXXII of 2015 on the general rules of public administration and trust services. Act (a hereinafter referred to as the Customer's legal representative pursuant to Section 9 (1) (b) of the E-Administration Act obliged to communicate electronically.

The time and place of filing an action against the decision of the Authority shall be determined by the Kp. Section 39 (1) defined in paragraph Application for a simplified procedure or for a hearing

information on the possibility of the Kp. Section 77 (1) - (2) and Section 124 (1) and (2)

based on paragraph 5 (c) and paragraph 5 respectively. The amount of the fee for an administrative lawsuit is XCIII of 1990 on levies. Act (hereinafter: Itv.) 45 / A. § (1).

From the advance payment of the fee, the Itv. Section 59 (1) and Section 62 (1) (h) release the party initiating the proceedings.

If the Debtor fails to duly prove the fulfillment of the prescribed obligation, the Authority shall considers that it has failed to fulfill its obligations within the prescribed period. The Ákr. According to § 132, if the Debtor has not complied with an obligation contained in the final decision of the authority, it shall be enforceable. The Authority decision of the Ákr. Pursuant to Section 82 (1), it becomes final with the communication. The Ákr. Section 133

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enforcement, unless otherwise provided by law or government decree ordering authority. The Ákr. Section 134 of the Enforcement - if law, government decree or in the case of a municipal authority, a decree of a local government does not provide otherwise carried out by a state tax authority. Infotv. Pursuant to Section 61 (7) in the decision of the Authority to perform a specific act, conduct or tolerate a specific act the Authority shall enforce the decision in respect of the standstill obligation implements.

Budapest, March 4, 2020

Dr. Attila Péterfalvi

President

c. professor