

Registration number:

Object:

NAIH / 2020/610 /....

NAIH / 2019/3631

Rejection of application

The National Authority for Data Protection and Freedom of Information (hereinafter: the Authority)

the applicant (address:) (hereinafter:

Applicant)

by

2019.

April

15.

on the day

the

.....

(registered office:) against the data controller (hereinafter: the Requested)

requesting the lawfulness of the processing of his personal data (hereinafter referred to as

the following decisions in the data protection authority proceedings initiated on the basis of

I. The Authority shall decide on the application

rejects

as unfounded for the reasons set out in the explanatory memorandum.

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.

EXPLANATORY STATEMENT

I. Procedure and clarification of the facts

In its application received by the Authority on 15 April 2019, the Applicant stated that it did not exist data protection lawsuit between him and the Applicant regarding the subject of the request.

In his view, the Applicant had unlawfully handled his personal data when two violations occurred forwarded them unsolicited to the Budaörs Police Department and the

To the Budakeszi District Office of the Pest County Government Office.

Based on the reports attached to the application, the Applicant shall provide the identification data of the Applicant and may be related to the Applicant related to the conduct involved in the violation

wrote information in his reports. According to the Applicant, the above data transfer is the Applicant

was illegal without permission and contained false information. The following is personal

data were transmitted in violation of public morality and malpractice violations

in reports to the competent authorities

(i) name;

(ii) mother's name;

(iii) identity card number;

(iv) address;

(v) the Applicant has been a customer of the Bank for many years;

(vi) the Applicant terminated its existing banking contract with the Applicant on

..... with effect;

(vii) Complaints regarding the alleged disappearance of the Applicant's USD Deposit upon termination

filed a complaint against the Applicant and then filed a complaint against the handling of the complaint with the

on the grounds that the Applicant's processes are unprofessional and inappropriate; the Applicant separately

according to its internal investigation, the complaints were unfounded;

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(viii) the Applicant has already submitted modest estimates of hundreds of complaints to the

Against an application which, after a period of time, did not legally contain a new element, nevertheless

The petitioner requested that they be filed as a complaint, bringing a number of bank employees to full in some periods
time, which is a significant part of the Applicant's complaint handling capacity;

(ix) the above conduct of the Applicant has emptied the complaint handling process with the same content

by continuously sending complaints waiting for the Requested to make a mistake in the procedural matter, and

Inflict injury and burden on the applicant;

(x) the Applicant has been maintaining the above relationship with the Applicant for years, which is not considered normal,

hiding behind the disguise of his right to complain and his right to express an opinion

the Standby Complaints Department of the Requested on an ongoing basis, while from time to time several

makes statements that seriously offend the Applicant;

(xi) in addition to the written submissions, the Applicant may from time to time at the Applicant's branches

appears in person and perceives his grievances and position in these situations as well - sometimes a

in a way that is contrary to the rules of social coexistence;

(xii) although during the visits to the branches the Applicant is trying to make some apparent administrative

taking into account his provocative behavior and his relationship with the Applicant

it seems clear that the purpose of his visits was merely to disturb, in particular that

Applicant has terminated its contractual relationship with the Applicant for more than two years;

(xiii) the Applicant has snatched the infringement report from the above conduct to a specific

because of his outrageous behavior, which can already be seen as contrary to public morality;

(xiv) the Applicant appeared on on

.....for an account with the purpose of re-entering the territory of the bank branch;

(xv) the acting security officer (who is the same person as the person who

previous day's disruptive behavior, account operations, and inside

refused the Applicant access to the bank branch due to the risk of disturbing the customers present;

(xvi) the Applicant has not accepted the trustee's decision and has stated that he will in any case go to the bank branch;

(xvii) during the dispute, the Applicant became unreasonably close to the custodian, gesturing and pointed in his direction;

(xviii) the Trustee has called on the Applicant to step back due to its unreasonable proximity and constitutes an unauthorized intrusion into his private sphere who has failed to do so;

(xix) the custodian tried to signal the

Towards an applicant to stay at least an arm's length away from him, meanwhile the treasurer his hand touched the Applicant's left shoulder;

(xx) the Applicant recoiled from the touch and then shouted loudly that the trustee beat him and therefore call and take the police away;

(xxi) the Applicant subsequently approached unknown passers-by asking them to certify that that the Applicant had been beaten;

(xxii) passers-by were visibly disturbed on the basis of the above video recording, attempted to evade him;

(xxiii) when the Applicant saw that the search for witnesses was unsuccessful, again to the custodian he turned, cheating on him, constantly trying to break into the bank branch, making it visibly difficult the entry and exit of customers who have tried to visit or leave the branch;

(xxiv) after the arrival of the patrols of the Budaörs Police Headquarters, the police officers the Applicant and the trustee were heard on the spot and asked whether the Applicant to prove the alleged ill-treatment, but the Applicant refrained from he was unable to make a statement about a specific blow;

(xxv) during the measure, the Applicant continuously insulted and insulted the trustee, thereby he refused to stop communicating despite the police call;

(xxvi) the police officers called on the trustees to file a complaint against the Applicant for defamation or libel, but he did not avail himself of this possibility.

In its request, the Applicant requested that:

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(i) the Authority shall establish the right of self-determination of information with effect from 26 July 2018 and CXII of 2011 on freedom of information Section 4 (1) and (2) of the Information Act (hereinafter: the Information Act)

The violation of Section 5 (1a) and (1b) by the Applicant above

data processing, which according to the Applicant was illegal and without purpose without his consent;

(ii) established by the Authority with regard to the processing of personal data by natural persons

the free movement of such data and repealing Directive 95/46 / EC

Regulation (EU) No 2016/679 (hereinafter referred to as the General Data Protection Regulation)

Article 5 (1) (a), (b), (c) and (f), Article 5 (2) and Article 6 (1)

violation of paragraph by the Applicant with the above data processing, which, according to the Applicant was unlawful and pointless without his consent;

(iii) the Authority prohibits the Applicant from disclosing the Applicant's personal data in the future

handed over to other persons without their consent.

Following the request of the Applicant, a data protection authority procedure was initiated on 16 April 2019.

At the Authority's request, the Applicant stated in its response that the disputed infringement

to file a legal claim necessary to assert its legitimate interest in the framework of complaints

necessary and proportionate for the reporting of the violation by the Applicant

personal information. He only wrote the data and information in the reports that was needed

for their assessment by the competent authorities. This is supported by the Supreme Court Criminal

Opinion 56/2007 BK issued by its College for the Unity of Case Law,

which also applies to infringement proceedings concerning infringement proceedings; and

Act II of 2012 on the Infringement Registration System with regard to Section 21 of the Act. Based on this

the personal circumstances, previous behavior and motivations of the perpetrator are of paramount importance a

authorities and courts, which are obliged to take them into account in the legal consequences

personalization. The Applicant also referred to the Applicant in Szeged

Infringement proceedings were pending before the District Court in case number 23.Sé.5442 / 2018,
in which the court requested similar information in order to clarify the facts
from the Applicant.

II. Applicable legal provisions

According 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.

Infotv. Section 2 (2) of the General Data Protection Decree provides for general data protection

The following additions to the Infotv are required for data processing covered by this Regulation
apply: III-V. and VI / A. Chapter and Sections 3, 4, 6, 11, 12, 13, 16, 17, 21, 23-24 of Section 3.

§ 4 (5), § 5 (3) - (5), (7) and (8), § 13 (2), § 23, 25.

§, 25 / G. § (3), (4) and (6), 25 / H. § (2), the 25 / M. § (2), the 25 / N. §, az

51 / A. § (1), Articles 52–54. § 55 (1) - (2), 56-60. §, a 60 / A. § (1) - (3) and (6)

Section 61 (1) (a) and (c), Section 61 (2) and (3), (4) (b) and

Paragraphs 6 to 10, paragraphs 62 to 71 §, § 72, § 75 (1) - (5), § 75 / A. § and Annex 1.

Infotv. Pursuant to Section 2 (3) of the Infotv. all its provisions shall apply

processing of personal data for law enforcement, national security and defense purposes.

Unless otherwise provided in the General Data Protection Regulation, data protection was initiated upon request

CL of the General Administrative Procedure Act 2016. Act (a

hereinafter referred to as the Act) shall apply with the exceptions specified in the Infotv.

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The Ákr. Pursuant to Section 35 (1), the request is made by the customer in writing or in person
requesting the conduct of an official procedure or a decision of the authority

in order to enforce their rights or legitimate interests. Infotv. Pursuant to Section 60 (1) a

In order to enforce the right to the protection of personal data, the Authority shall initiate data protection authority proceedings at its request and may initiate ex officio data protection authority proceedings.

Processing of personal data pursuant to Section 6 (1) (f) of the General Data Protection Decree may be lawful if the processing is in the legitimate interests of the controller or of a third party unless those interests take precedence over those interests interests or fundamental rights and freedoms that protect personal data especially if the child concerned.

Personal data pursuant to Article 9 (2) (f) of the General Data Protection Regulation treatment of special categories may also be lawful if the data handling yogi needs necessary for the submission, enforcement or defense of the application, or when the courts act in their judicial capacity.

According to the penultimate sentence of recital 50 of the General Data Protection Regulation, shall be deemed to be in the legitimate interest of the controller if it indicates possible criminal offenses or threats to public security and to the same criminal offense or public security relevant personal data relating to an imminent threat in individual cases or more forward it to the competent authority on a case-by-case basis.

III. Decision

1. The request under point I (i) of the Explanatory Memorandum is manifestly unfounded because Infotv. Section 2 (2) Pursuant to Section 2 (3) of the Infotv. § 4 (1) and (2) and Infotv. 5. § (1a) and (1b) only for personal data by competent authorities and courts for law enforcement, national security and defense purposes Applicant could not have violated it.

2. The request under point I (ii) of the Explanatory Memorandum is manifestly unfounded because it is an infringement

The legal basis for the processing of data in connection with reports is the General Data Protection Regulation (50).

According to the explicit statement in the penultimate sentence of recital

he had an interest. Based on this, as a general rule, the authorities and courts have a legitimate interest (public interest)

the transmission of data relating to the actual enforcement of a claim to the

no circumstance has arisen in the present case which justifies the existence of a legitimate interest in the present case

it would be debatable. For this reason, the consent of the Applicant for the given data processing is not required and a

irrelevant to legality. What information to the court or authority

necessary and unnecessary in infringement proceedings, ultimately the court seised,

authority shall, as a general rule, be excluded from the competence of the Authority, if not one

this is a manifestly glaring case, with no exception in the present case.

3. The request under point I (iii) of the Explanatory Memorandum is manifestly unfounded because, on the one hand, it is not an infringement can be established in the present case, in connection with which the prohibition of data processing is prohibited

on the other hand, a decision cannot be requested in general terms

Authority by which a data controller is barred from any future occurrence

only process the data subject's personal data with the consent of the data subject.

In particular, but not exclusively, statutory obligations, inter alia, may not be prohibited

data handling.

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In view of the above, the Authority rejected the unfounded application in accordance with the operative part.

Infotv. Pursuant to Section 38 (2), the Authority is responsible for the protection of personal data, and

the exercise of the right of access to data in the public interest and in the public interest

free movement of personal data within the European Union

promoting. According to paragraph (2a) of the same section, the General Data Protection Decree a

the tasks and powers established for the supervisory authority under the jurisdiction of Hungary

in the General Data Protection Regulation and in this Act

exercised by the Authority. Jurisdiction of the Authority for the whole territory of the country covers.

The Ákr. Section 112 (1) and (2), and Section 116 (1), and Art. Section 114 (1)

an independent administrative appeal against a decision taken by the Authority per way.

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 the submission of the application is Section 39 (1). The

Information on the simplified lawsuit and the possibility to request a hearing can be found in the CC.

Section 77 (1) - (2) and Section 124 (1) and (2) (c) and (5), respectively

based on. The amount of the fee for an administrative lawsuit shall be determined in accordance with Act XCIII of 1990 on Fees. law

(hereinafter: Itv.) 45 / A. § (1). From the advance payment of the fee, the Itv.

Section 59 (1) and Section 62 (1) (h) shall release the party instituting the proceedings.

Budapest, February 12, 2020

Dr. Attila Péterfalvi

President

c. professor