

Case number: NAIH / 2019/6245 /

Subject: Decision rejecting the application

DECISION

Before the National Authority for Data Protection and Freedom of Information (hereinafter referred to as the Authority) [...]

Applicant (address: [...], hereinafter: the Applicant) on 9 August 2019, the [...] (registered office:

[...] Hereinafter referred to as the Candidate) at the Annual General Meeting of the Candidate

in the data protection authority proceedings concerning the issue of a copy of the sound recording, the following make a decision.

The Authority shall grant the applicant's request

rejects.

There is no administrative remedy against this decision, but it has been available since its notification

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

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 court will act in a simplified lawsuit in which the

the court shall act in accordance with the rules of out-of-court settlement. The request for a hearing shall be made by:

must be indicated in the application. For those who do not benefit from full personal exemption a

the fee for court review proceedings is HUF 30,000, the lawsuit is subject to the right to record material fees. THE

Legal representation is mandatory in proceedings before the Metropolitan Court.

EXPLANATORY STATEMENT

I. Facts

In its application received by the Applicant on 9 August 2019, the Applicant is a data protection authority initiated proceedings.

According to the petition of the Applicant [...]. the Applicant convened an annual general meeting on

in which the Applicant was present as a shareholder and addressed the meeting as a shareholder. THE

The petitioner stated that the minutes of the general meeting were recorded from the meeting

prepared on the basis of an audio recording of the Applicant, however, made public by the General Meeting

protocol is incorrect in several points and needs to be supplemented and corrected. He further submitted that a German-Hungarian simultaneous interpreters also took part in the general meeting, so the audio recording of the general meeting

it also includes the voices of the original contributors and the official translation of the simultaneous interpreter. THE

According to the Applicant's statement, the Applicant provided the Applicant's own voice

issuing a copy of the recordings. However, in the opinion of the Requested infringed

denied the right of access by failing to provide a copy of the entire phonogram, so

also his own questions and the answers given to his questions by the Requested Officials.

The Applicant's Act of 2011 on the Right to Self-Determination of Information and Freedom of Information

CXII. (hereinafter: Infotv.) and personal data of natural persons

the free movement of such data, and

Regulation (EU) 2016/679 repealing Directive 95/46 / EC (hereinafter:

General Data Protection Regulation) on 26 April 2019 to the Debtor

in the application filed on 27 April 2019 and supplementing the application filed on 27 April 2019

publishing a copy of the audio recording of the general meeting and the full recording

requested that the Applicant be heard.

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In his reply dated [...], the Applicant provided a replay of the entire recording

as well as the sound recording containing only the Applicant's voice

issue a copy. In his reply letter, the Applicant stated that to the Applicant

an identifiable voice is considered the personal data of the Applicant, any other person

a voice expressing an identifiable question, answer, or statement is personal to that person

accordingly, to make these manifestations available to the

An applicant may not make a legitimate claim. Furthermore, the Applicant stated that the Hungarian

acted in accordance with the law, according to which the minutes must authentically contain the recorded

all statements, suggestions and comments made at the event.

In its application to the Authority, the Applicant complained that the Applicant had not issued the made a complete audio recording of the general meeting, ie - in Hungarian and German - the original sounds and translation by an interpreter. The Applicant stated that in his view the full audio recording of personal information other than questions and comments from other shareholders including his own questions and questions from the Requested officials. answers as well.

In view of the above, the Applicant requested the Authority to:

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The Authority finds that the Applicant has violated the "new Infotv. Section 15 (1)

a) and b) and paragraph 2, as well as Infotv. Section 17 (2), and

Article 15 (3) of the General Data Protection Regulation "by stating that the annual

The recording of the General Meeting prepared by the Applicant is in Hungarian and German

(except for comments and questions from other shareholders) a

It was not unlawfully disclosed to the applicant data subject despite his request.

The Authority shall order the Applicant to submit a "new Infotv. Section 15 (1), points a) and b),

and (2), as well as Infotv. Section 17 (2) and the general

Article 15 (3) of the Data Protection Regulation "by the Applicant [...]. on the day

The Hungarian and German versions of the audio recordings of the Annual General Meeting held in

copies and questions and comments from other shareholders

except.

II. Applicable legal provisions

The Infotv. Section 2 (2)

the General Data Protection Regulation should be supplemented by the provisions set out therein

apply.

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

any information relating to an identifiable natural person ("data subject").

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

the Authority shall, at the request of the data subject, initiate a data protection authority procedure.

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: Ákr.) shall apply with the exceptions specified in the Information Act.

Pursuant to Article 15 (3) of the General Data Protection Regulation, the controller is the data controller

provide the data subject with a copy of the personal data By the person concerned

for additional copies requested, the controller shall be reasonable on the basis of administrative costs

may charge a fee. If the person concerned submitted the application electronically, the information shall be extensive

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shall be made available in a widely used electronic format, unless

asks otherwise.

III. Decision

In its application, the Applicant requested the Authority to establish that the Applicant had

Full audio recording of the Annual General Meeting held on [...] in Hungarian and German

with the exception of comments and questions from other shareholders

did not unlawfully release to him, ie only the recording containing the Applicant's own voice

provided. The Applicant further requested the Authority to oblige the Applicant to comply with the "new

Infotv. and pursuant to Article 15 (3) of the General Data Protection Regulation "

to publish a copy of the Hungarian and German versions of the complete sound recording a

with the exception of questions and comments from shareholders.

On 10 May 2019, the Applicant replied to the Applicant - [...]. application dated

and point 1 of the supplement to the application dated [...]

and issued only to the Applicant

copies of audio recordings. The reason for the Applicant's action was that it was different

a voice expressing a question, answer or statement that can be identified with a person - whether you are Hungarian or in German - is considered to be the personal data of the person concerned, accordingly manifestations - including questions and remarks of the Applicant by the Applicant Leader the Applicant does not have a legitimate demand for the provision of answers provided by its officials can form.

The Authority examined the minutes of the Annual General Meeting prepared by the Applicant, as a result of which it was established that the answers to the Applicant's questions were provided by the Applicant do not contain any personal data relating to him other than his name, so the audio recording will contain a Answers to the Applicant's questions other than the Applicant's name are not personal data.

The Authority finds, on the basis of the above, that the Applicant has not infringed the Applicant the right of access under Article 15 (3) of the General Data Protection Regulation by: issued a copy of the recording containing only the sound associated with the person of the Applicant, for the answers and remarks given to the Applicant's questions on the audio recording are not included personal data concerning him other than the name of the Applicant.

In view of the above, the petition of the Applicant is unfounded, therefore the Authority rejects the

The part of the applicant 's application in which it sought a declaration from the Authority that:

He requested a copy of the Hungarian and German versions of the full audio recording - different with the exception of comments and questions from shareholders.

Furthermore, the Authority also rejects the part of the Applicant 's application in which it requested Authority to oblige the Debtor to complete the recording in Hungarian and German with the exception of comments and questions from other shareholders.

ARC. Other issues

Infotv. According to Section 38 (2), the task of the Authority is to protect 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 According to the same § (2a) The general data protection

Hungary shall exercise the responsibilities and powers laid down in this Decree for the supervisory authority in the General Data Protection Regulation and e exercised by the Authority as defined by law.

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The decision is based on Ákr. 80.-81. § and Infotv. It is based on Section 61 (1). The decision is based on Ákr. 82. § (1), it becomes final with its communication. The Ákr. § 112 and § 116 (1), or pursuant to Section 114 (1), there is an administrative action against the decision redress.

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), the Authority

The administrative lawsuit against the decision of the Criminal Court falls within the jurisdiction of the court. Section 13 (11)

The Metropolitan Court shall have exclusive jurisdiction pursuant to On civil procedure

on the 2016 CXXX. Act (hereinafter: Pp.) - the Kp. Pursuant to Section 26 (1)

applicable - legal representation in a lawsuit falling within the jurisdiction of the tribunal pursuant to § 72

obligatory. Kp. Pursuant to Section 39 (6), unless otherwise provided by law, the application

has no suspensory effect on the entry into force of the 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 procedure and the possibility of requesting a hearing a

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

based on paragraph The amount of the fee for an administrative lawsuit shall be determined in accordance with Act XCIII of

1990 on Fees.

Act (hereinafter: Itv.) 45 / A. § (1). Advance payment of the fee

under the Itv. Section 59 (1) and Section 62 (1) (h) exempt the proceedings

initiating party.

Budapest, November 29, 2019

Dr. Attila Péterfalvi

President

c. professor