

File number:

Antecedent:

Administrator:

NAIH-740-8/2022.

NAIH-7733/2021.

[...]

Object:

decision rejecting the application

H A T A R O Z A T

Before the National Data Protection and Freedom of Information Authority (hereinafter: Authority) [...] (a hereinafter: Applicant) at the request of [...] (address: [...]; company registration number: [...]; hereinafter: against the Respondent) unlawful processing of personal data and enforcement of the rights of the affected parties makes the following decision in the official data protection procedure initiated in respect of:

rejects the request.

There is no place for administrative appeal against this decision, but from the announcement within 30 days with a claim addressed to the Metropolitan Court in a public administrative case can be attacked. The statement of claim must be submitted electronically to the Authority<sup>1</sup>, which is the case forwards it to the court together with its documents. The request to hold the hearing must be indicated in the statement of claim must For those who do not benefit from the full personal tax exemption, the administrative court fee HUF 30,000, the lawsuit is subject to the right to record a material levy. In the proceedings before the Metropolitan Court, the legal representation is mandatory.

I N D O C O L A S

I. Procedure and clarification of the facts

I.1. Please

On October 14, 2021, the Applicant submitted a submission to the Authority via e-paper,

in which he initiated a data protection official procedure against the Request. Below

in addition to the above, the Applicant attached to his application:

- correspondence with the Application;
- a data protection statement that can be downloaded from the website of the Respondent;
- it was prepared from the data sheet of the Applicant's law firm on the Applicant's website screenshots;
- as well as an electronic letter received from an acquaintance of the Applicant who a

Referring to the Respondent's website, he inquires about the Applicant's possible financial problems.

1 <https://birosag.hu/nyomattvanyok/keresetlevel-beterjeszto/urlap-kozigazgatasi-szerv-reszere-keresetlevel>

.....  
1055 Budapest

Falk Miksa utca 9-11

Phone: +36 1 391-1400

Fax: +36 1 391-1410

ugyfelszolgalat@naih.hu

www.naih.hu

#### I.1.1. Designation of the alleged infringement

indicated public

In the Petitioner's submission, he submitted that his law firm and name ([...]) were indicated in the

On a company information website operated by the applicant<sup>2</sup>. His law firm - which a

It bears the applicant's name - on its data sheet

information includes a

"number of events affecting credit risk - 1" and "negative events - 1" data,

furthermore, the website also contains additional information for a fee as much as possible, as well as looking at the law firm.

On September 7, 2021, the Applicant requested information from the Applicant by electronic mail on

about the range of personal data processed, their source, and possible recipients in case of data transmission, about the reason for the "number of events affecting credit risk - 1" data, and requested its deletion a

From your requested website and database. He emphasized that it was aimed at deleting the data request for both "event affecting credit risk" and "negative event" data concerned.

The Respondent's administrator responded to his request on September 7, 2021, in which he stated, that the Applicant has failed to declare VAT in May 2021, and until then they cannot to delete your data as long as they can be found on the NAV website.

The Applicant then contacted his accountant, who informed him that due to his omission he was late in submitting his return in the month of May. All VAT returns after May 2021 was submitted without delay, so after May 2021 the Applicant's law office, and his name was no longer included in the NAV VAT defaulter list<sup>3</sup>.

On September 10, 2021, the Applicant repeatedly sent an electronic letter to the Applicant, in which he maintained the contents of his previous application, and - since from the Respondent's answer, and the Data Protection statement did not reveal the legal basis for data management - it objected against data processing and requested to send the interest assessment test.

On September 20, 2021, the Applicant contacted the Respondent's administrator by telephone at on the phone number provided in the signature of the electronic mail, indicating that the data of the law firm is not are listed on the NAV page they refer to. In this regard, the Respondent's administrator submitted, that "according to them it came to them from the Cégközlöny" affecting or negative credit risk event, and since they see that the Applicant is listed in their own database, they do not know these to delete the data. During the phone call, the Applicant indicated that he maintains his previous application, which he confirmed in his electronic letter sent on September 17, 2021. For this last letter did not receive a response from the Applicant until the application was submitted.

According to the Applicant's point of view - in view of what has been presented - the Applicant's data processing is illegal continues, since the law firm indicated by the Applicant's name, as well as the "influencing credit risk

number of events – 1” and “negative event – 1” data together with the name of the Applicant

can be identified by its publication on its website

illegal

implements data management. The Respondent did not indicate a relevant legal basis, the possible one is legitimate

did not prove his interest, and also the personal data of natural persons

regarding its protection and the free flow of such data, as well as a

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

General Data Protection Regulation) in violation of Article 12 (1)-(3) and did not comply

Article 14, Article 15, Article 17 (1) point (c), (2) of the General Data Protection Regulation,

and his request according to Article 21, and is insufficient, inconsistent and not in accordance with reality

provided information on the management of personal data.

In relation to data management, the Applicant submitted that it is particularly disadvantageous for him,

forced him to explain himself in front of acquaintances and family members, as well as his professional advancement

can hinder it.

In his submission, he asked the Authority that the 2016 CL.

on the basis of § 106 of the Act (hereinafter referred to as the Act) by ordering a temporary measure, the Authority

relating to a natural person

2 [...]

3 [https://nav.gov.hu/nav/adatbazisok/adatbleker/Afa\\_bevallast\\_be\\_nem\\_nyujto](https://nav.gov.hu/nav/adatbazisok/adatbleker/Afa_bevallast_be_nem_nyujto)

2

Delete "events affecting credit risk" from the website operated by the applicant

number - 1" and "negative events - 1" data in all available languages, taking into account

that the end of 2021 and the beginning of 2022 represent a turning point in terms of his career.

He also noted that he did not initiate any other proceedings against the Application.

I.1.2. The facts supporting the allegations related to the alleged infringement and their evidence

In the Applicant's submission, preamble (14) of the General Data Protection Regulation

paragraph, which states that "[the] scope of this regulation does not cover such personal for data management, which applies to legal entities, and which applies in particular to enterprises, which are created as a legal entity, including the name and form of the legal entity and the legal personal contact information." E

referred to by Data Protection

working group on the concept of personal data 4/2007. s. to his opinion, on the basis of which:

- 
- 
- 

"Information relating to legal entities is also "related" to natural persons

can be considered based on its own characteristics [...]"

"There may be a case where the name of the legal entity is derived from its natural name"

"In all cases where the condition of "content", "purpose" or "result" is possible

makes the information about the legal person or business natural

can be considered as "pertaining" to a person, the information must be considered personal data, and

the data protection rules must be applied."

In this connection, he also referred to the European Commission's management of business data

related information sheet<sup>4</sup>, based on which "related to sole proprietorships

information can be considered personal data if it identifies a natural person

possible."

According to the Applicant's point of view, "events affecting credit risk" and "negative

events" in addition to the law firm, to the professional and economic identity of the person concerned, their characteristics,

personal data regarding its reliability. In his opinion, he was chosen by the Respondent

definitions can be said to be particularly broad, they give the impression that they are official, a

investigative evaluations similar to risk evaluations carried out by banks. Instead of the

You have requested public information only relating to the law firm, in the public interest

would make it stand out, uses terminology that in this case is more relevant to the person concerned leads to understanding, for example, it concerns your financial situation, reliability, creditworthiness. THE

The respondent also did not substantiate the basis on which he came to the conclusion that it was the creditworthiness and reliability of the affected person and the law firm bearing the affected person's name are negative would be appreciated.

The Applicant pointed out that if it was indicated due to an accountant's mistake, the lawyer's office CL of 2017 on the taxation system. Act (hereinafter: Art.) according to point I) of § 266, on the list of public VAT defaulters, so the legislator makes it public - the referenced section based on - "continuously", which means a daily update according to the interpretation contained in the website of the NAV means Court of Justice of the European Union C-398/15. s. so-called Based on his reasoning in Manni, since it is regarding the list of VAT defaulters, the legislator himself decided that the data included in the list makes it available to others only for the period specified by law, in particular with regard to Those engaged in activities similar to those of the applicant must also respect it. The Applicant a also stated in his answer that based on information from May 2021 at the latest, he will list the objectionable data.

The Applicant also referred to Article LXXVIII on lawyer activity. law (hereinafter: Percussion.) 189-191. §§, which determine that it applies to lawyers and law firms which data can be made public. Lawyers and law firms are not included in this circle data on its economic characteristics and reliability. The legislator ensures it in a narrower range the disclosure of economic information concerning lawyers and law firms, as well as others case. The Hit. § 8, as well as the rules on the use of names of the chamber regulations limit the freedom of name selection of one-man law firms: the one-man law firm

4[https://ec.europa.eu/info/law/law-topic/data-protection/reform/rules-business-and-organisations/application-regulation/do-data-protection-rules-apply-data-about-company\\_hu](https://ec.europa.eu/info/law/law-topic/data-protection/reform/rules-business-and-organisations/application-regulation/do-data-protection-rules-apply-data-about-company_hu)

the lawyer's proper name must be included in the name of the office. Applicant's last name

he is extremely rare and cannot be confused with other, similar lawyers.

Based on the above, according to the Applicant's point of view, it can be established that the "influencing credit risk number of events – 1" and by displaying the "negative events – 1" data a

The requested personal data processing is carried out in an unlawful manner.

I.1.3. A definite request for a decision on the remedy of the specified violation

The Applicant requested in his submission that the Authority

–

order an interim measure for "number of events affecting credit risk – 1",

Regarding the deletion of "negative events - 1pc" data from the Requested website (Fig.

§ 106);

– condemn the Applicant for unlawful data processing based on the information provided (general

Article 58 (2) point b) of the Data Protection Regulation);

– oblige the Applicant to inform the Applicant of the "credit risk influencing

number of events - 1", "negative events - 1" data source, the data transfer

potential recipients, as well as whether the Applicant handles other data

regarding (e.g. data accessible only to subscribers and customers), and

to present an interest assessment test in accordance with the request (general data protection

Article 58 (2) point (c) of the Decree);

- oblige the Applicant to "number of events affecting credit risk - 1", "negative

number of events - 1" to delete data from the website and database of the Requested Party, respectively

to notify the recipients to whom or to whom these data were communicated (general

Article 58 (2) point (g) of the Data Protection Regulation).

In addition to the above, the Applicant explained that the administrative fine is imposed by the Authority

according to his competence and point of view - based on what he presented - a fine would be specifically justified

imposition, as well as the public naming of the Applicant.

I.2. Statement of the Applicant

On October 26, 2021, the Authority issued NAIH-7733-3/2021. to make a statement in order no called the Applicant in order to clarify the facts.

The Respondent sent its response to the Authority on November 12, 2021. He submitted that the The data on the website keginformacio.hu, owned and operated by their company, is only such are entered from public sources, such as the Hungarian Gazette, National Tax and Customs Administration (a hereinafter: NAV) or the Hungarian Bar Association (hereinafter: MÜK) nationwide register. According to his position, the Applicant law firm is an independent legal entity.

The data was obtained from public sources, which do not contain any personal data in this context, it would fall under the scope of the General Data Protection Regulation. In the Applicant's letters a referred to his personal data and requested information about them, however, such personal data a According to the applicant, it does not treat. Data deletion requested by the Applicant for an event applied, which happened and was not denied by the Applicant. According to the Respondent, with the Applicant it is clear from the correspondence that the Applicant's primary goal is for him the disappearance of an uncomfortable but at the same time real event, which, however, is also not natural, but refers to a legal entity, the Applicant's law firm.

The Respondent submitted that in its company information database, regarding the Applicant does not deal with the management of personal data, in its view the Applicant's status is legal person. In this regard, he referred to the Üttv., according to which "[a] law firm is a legal entity, which business-like joint legal activity of one or more lawyers or members of the European Community legal profession on the definition of a legal entity<sup>5</sup>, the Authority to continue", kozjegyzotkeresek.hu

to the NAIH/2018/2068/2/K resolution, which states that "[i]t should be raised that the scope of the GDPR only data management relating to the data of natural persons is covered, so it is not applies to the processing of data of legal entities and other enterprises", as well as the general to recital (14) of the data protection regulation.

<sup>5</sup> <https://kozjegyzotkeresek.hu/szotar/jogi-szemely>



In view of the above, the Respondent considers that it does not handle the case of the Applicant's law firm personal data. The context of the provided data is exclusively that of a lawyer office economic

is limited to its activities, thus the goal-boundness of data management is realized, which is Requested in the case of providing information to a third party about the existence of the company and related to it about events. The General Data Protection Regulation and the EU Charter of Fundamental Rights are natural provides for the protection of the rights of persons, since, however, the Applicant is a legal person, furthermore data management is related to business-like economic activity, so your data is not protected by it general data protection regulation.

The Respondent also referred to Authority NAIH/2018/5233/4/V. to its resolution no - according to his interpretation - states that the natural person and the individual are closely related among the data of a natural person acting in an entrepreneurial capacity, however, this does not mean that the general data protection regulation applies to sole proprietors conducting business-like economic activities would protect your data.

Company information data displayed on the ceginformacio.hu website cannot be considered personal data

The purpose of its management is to provide a company information service to visitors of the site for those who want to find out information about the entities included there.

The Respondent referred to the Üttv. § 190, paragraph (4), based on which "[t]he bar association register, paragraph (1) 1-12. and his data according to paragraph (2) are public, they can be published or released to anyone, their existing data is up-to-date in the lawyer search engine must be made public."

According to the Respondent's point of view, the information available here is public knowledge, and the purpose of publication is to

this data will reach the persons who want legal services

to use. In this case, the data processing of the Respondent by these third parties is legitimate

is based on your interests, and the purpose is fulfilled by appearing on the keginformacio.hu website. With this

In connection with this, the Respondent repeatedly emphasized that it does not treat the Applicant personally data, as only the name and address of the independent legal entity are displayed, the name(s) of the member(s) and e-mail address.

In the case of the company database, the legal basis for handling personal data is general data protection

Article 6 (1) point f) of the Decree. As part of the examination of the existence of the legitimate interest a

He completed the requested interest assessment test, during which he was evaluated with special weight

the fact that the subject of data management is always public data, which a

They can be recognized regardless of the requested service.

The one in the company database is only official

personal data from sources

its use for specific purposes (in the case of this procedure, the protection of creditors' interests).

in the event that the law states the disclosure of the data. The Respondent uses this legal basis,

when the data of business owners, senior officials, or sole proprietors

manages your data. Credit information plays a vital role in society, enabling a

for companies to check the solvency of their partners. Internet purchases

in the age when the parties conclude a contract with each other online, it is extremely important that a

credit score calculations and lending information quickly reach customers who

who use this in their lending decisions. According to the Respondent's point of view, for lending purposes

personal data used cannot be considered high-risk data processing for the data subject

regarding your privacy, given that you only use data that is public

available from source. Credit rating helps to ensure that both the creditor and the debtor are responsible

make a decision. Since businesses are run by people, it is inevitable that owners and

managers' personal data should be minimally affected due to screenings, at the same time

in all cases, the Respondent expresses an opinion about the company, not about the person, which a

It exists in the case of the applicant, and in addition, these data are always from official sources

are available. The data management has no effect on individuals, at most it has an indirect effect, that he does not get a loan because the data is not available, so it is also in the individual's interest to be the creditor have the right information. The leakage of these data does not mean high security risk, as they are available from a public source. The Applicant

5

according to his point of view, he has a legitimate interest in providing the credit information explained above for data management.

The source of the managed data is the MÜK's authoritative national public search engine<sup>6</sup>. The Respondent is the lawyer it processes the tax number, name and address of offices, but not other data. From the data found there

The range of data available on the website ceginformcio.hu, concerning the Applicant:

- Tax number: [...]
- Full name: [...]
- Country: [...]
- City: [...]
- Address: [...]

The record of the Applicant in the NAV database of VAT return defaulters on May 21, 2021:

"[...]"

Based on the tax ID and the name, there are two data lines in the MÜK and NAV databases can be connected. The Respondent also noted that the names of the lawyers are also in the public interest public data, but does not store it.

In the Respondent's database, the law firm, as a legal entity, from the above page name, address and tax number. Due to the nature of the site, the data is managed by the Applicant it is related to its business-like economic activity, so it cannot be considered personal data. The the format of the tax number reveals that it is a VAT subject, so it is not personal data. Your company email address the Applicant is not stored by the Respondent. According to the Respondent, the information is one they refer to a legal entity, not an identified natural person, such as a law firm

your data does not comply with the provisions of Article 4, Point 1 of the General Data Protection Regulation.

It was presented by the Respondent, since no personal data is processed in the case of the Applicant, therefore it is not was able to provide him with information in accordance with the General Data Protection Regulation. The Applicant sought the Applicant in the capacity of a law firm, as is also stated in the database, as a natural person, it does not store data about him, nor any other data that a

In a context not used by the respondent, it could be considered personal data, such as company e-mail address from which the individual can be identified. 14 of the General Data Protection Regulation. article applies to personal data, and since the Respondent does not manage the Applicant's personal data, so he could not interpret your request and could not inform you about what. If personal data would also be handled by the Requested Party, in the data management information provided on its website would act as stipulated.

NAV initiated proceedings against the Applicant for failure to file a VAT return, which is information available on NAV's website<sup>7</sup>. The procedure was ongoing on May 21, 2021, the following week was no longer included in the database, as only ongoing procedures are included in NAV on the side. According to the Respondent's point of view, this event affects the organizations insolvency risk, which is tested and validated using multivariate statistical methods. THE When writing the Respondent's reply letter, the Applicant's law office is indeed not listed as NAV side, and at the same time on the side of the Applicant from a public source, for everyone available factual data that affects the credit risk and occurred in the past year. THE

The National Intellectual Property Office applied for his research on the methodology of calculations He also attached the position of his office to his answer. According to the Applicant, if a The applicant denies the occurrence of this event, so a NAV officer could verify it with a statement. Based on your requested research, if there was one negative event of this type against the company in the past year, it increases the probability of insolvency. The validation the model achieved a GINI value of 87%, so the effect cannot be called a random result. The model the Applicant also sent its description to the Authority. Display of this data type

serves to draw the attention of potential interested parties to the given fact, who can thus avoid it possible loss of interest caused by non-payment.

6 <https://magyarugyvedikamara.hu/html/nyilvanos-kereso/>

7 [https://nav.gov.hu/nav/adatbazisok/adatbleker/Afa\\_bevallast\\_be\\_nem\\_nyujto](https://nav.gov.hu/nav/adatbazisok/adatbleker/Afa_bevallast_be_nem_nyujto)

6

Since the Applicant is a legal person, the laws applicable to natural persons do not apply to him data protection rules, so the reasons for data management do not need to be sent to the Requested Party. THE The Applicant's request for exercise of rights related to personal data, which the Respondent was not aware of interpret, given that it does not process personal data concerning the Applicant. THE

The applicant's request that the fact according to which his law firm was on the mentioned date a NAV in the database of VAT return defaulters, the Applicant should delete it, the Applicant could not to fulfill, because - based on the above argument - I would be disclosing untrue information about the organization that there is no event affecting credit risk against it. This is historical data that is different is also available in the service provider's system, for example in the system of [...], from which a screenshot was taken the Respondent also sent it to the Authority. However, this data is also not natural , but refers to a legal person.

The Respondent's position is still that it does not include personal data on the site. THE Applicant is a legal entity, its data is available from public sources, data management is business-like related to activity. The following organization types are listed on the page only legal entities: public company; trust; state and local government budget body; cooperative; public limited company; limited partnership; limited liability company; joint stock company; sole proprietorship; association; foundation; public body; notary, executor and lawyer office. On the page included data comes from a public source, the Respondent has no other connection to it, no personal data from public sources. Due to the nature of the site, the purpose of data management is is limited to the business-like economic activities of companies included in the database. Not on the site neither the registered officials of the organizations nor their personal data are displayed.

In order to protect the processed data, the Requested multi-stage technical and organizational introduced measures, including control of physical access, access to systems control, control of accesses, control of data transfer and data input, accessibility checking. The IT security policy detailing this was attached by the Applicant to your answer.

Articles 13 and 14 of the General Data Protection Regulation for the Information of the Data Subjects complies based on In the case of handling personal data, it is provided as follows compliance with data protection rules:

- Right to rectification of data: natural persons have the right to correct incorrect, incomplete or outdated data or it is unnecessary for them to request the correction or addition of their personal data. When the Applicant data used by is from an official source, you can ask the natural person to to contact the competent authority to correct the data. The Respondent's position according to the Applicant, this also applies. Your non-personal information was obtained from an official source to the Applicant, therefore the amendment must also be requested from the relevant body.
- Right to deletion: the Requested can comply with the request for deletion if the desired deletion data is processed with the consent of the data subject, and no other legal basis can be indicated for the data in order to keep. According to his position, he does not treat the Applicant personal data.
- Right to object: the data subject may object to the processing of his personal data if the data is a Requested for a purpose other than the provision of the service or the fulfillment of a legal obligation handled, furthermore, if the data was handled on the basis of consent. If the person concerned objects to the against further data processing, it may lead to the fact that the Respondent is certain the possibilities of using its services are also limited. The data subject can prohibit that uses your personal data for direct marketing purposes, market research or profiling up the Applicant. He could not comply with the Applicant's objection, as his position does not manage personal data regarding it.

- Limitation of data processing: the data subject may request that the Respondent restrict certain handling of personal data, which may lead to the use of its websites and services the possibility of its use is limited.

- Right to data portability: the data subject has the right to structured, generally used, machine will receive your personal data in a format readable by However, this is only for those applies to data obtained directly from a natural person by the Respondent.

7

The Respondent fully ensures the enforcement of the above rights for those about whom it is personal has data. The Respondent has a designated or dedicated data protection officer person deals with managing and ensuring the enforcement of rights.

The Requested personal data in relation to the [...] portal only in the case of orders manages, which applies to public company documents and company reports. The relevant information is published by the Applicant on its website<sup>8</sup>.

Finally, the Respondent noted that the information presented comes from a public source and does not display company data that is also personal data. In summary the above, the Applicant's data was transparently obtained from a public source, represents a range of data which does not belong to the category of personal data, since the Applicant is an independent legal entity and the data management is related to the business-like economic activity of the Applicant. The objected to a VAT default has occurred, it was published on the website of the NAV, and appeared on the page of the Applicant information is a consequence of this fact.

### 1.3. Other

On January 12, 2022, the Authority issued NAIH-740-1/2022. repeatedly in order no invited the Applicant to make a statement, in which he asked to send NAIH-7733-3/2021.

the IT security policy referred to in the response sent to order no

A flash drive containing NAV database files dated May 21, 2021. The Authority is the Respondent he fulfilled his invitation on January 18, 2022.

On February 28, 2022, the Authority issued NAIH-740-4/2022. and NAIH-740-5/2022. registration number in orders called the Respondent and the Applicant that in the official procedure the evidentiary the procedure has been completed, the evidence revealed during the clarification of the facts with the rules of document inspection they can get to know each other and make further evidentiary motions.

#### 1.4. Declaration of the Applicant

Regarding the evidence uncovered by the Authority on March 7, 2022, the Applicant submitted a statement in which he maintained his position that the Respondent a manages your personal data.

In connection with recital (14) of the general data protection regulation, he submitted that it is not states that natural persons whose personal data are not protected either are handled in relation to a legal person, or through which they can be identified. He referred again in this round to the opinion of the Data Protection Working Group on the concept of personal data<sup>9</sup>, as well as the European For the Commission's information<sup>10</sup>.

He also referred to the European Court of Justice C-92/09. and C-93/09. brought in consolidated cases no decision, which emphasizes that "the right to privacy is for the protection of personal data respecting the law - which is stipulated in Article 7 of the Charter of Fundamental Rights of the European Union and Article 8 recognizes - all related to an identified or identifiable natural person covers information. Consequently, legal entities can only benefit from the Charter in its protection according to Articles 7 and 8, if the legal entity can be identified by its official name one or more natural persons. This is the case if based on the official name of a company the natural persons participating as members can be directly identified"; C-419/14. no to a decision made in a case in which the European Court of Justice found it applicable on the basis of provisions on the protection of personal data, that the official name of the legal entity can be identified with a natural person based on; and the European Data Protection Commissioner 5/2021. to his opinion no. 11, which states: "[e]ven the data concerning legal persons may



therefore in some cases be considered as personal data, as clarified by the CJEU. In these cases, the determining factor is whether the information 'relates to' an 'identifiable' natural person."

8 [...]

9 4/2007 opinion on the concept of personal data

10 [https://ec.europa.eu/info/law/law-topic/data-protection/reform/rules-business-and-organisations/application-regulation/do-data-protection-rules-apply-data-about-company\\_hu](https://ec.europa.eu/info/law/law-topic/data-protection/reform/rules-business-and-organisations/application-regulation/do-data-protection-rules-apply-data-about-company_hu)

11 [https://edps.europa.eu/system/files/2021-03/21-03-11\\_edps\\_nis2-opinion\\_en.pdf](https://edps.europa.eu/system/files/2021-03/21-03-11_edps_nis2-opinion_en.pdf)

8

office

regarding

also that the lawyer

Regarding the relationship between the individual law firm and the member of the individual lawyer

highlighted: the name of the law firm is the same as his own, and their data is different

matches also exist; for the debts of the one-person law firm, the one-person lawyer is a member

liable with his own assets; only he can act on behalf of the law firm as a sole member; the

clients and members of the public identify the law firm and the procedure with the lawyer; the

data management does not serve a public purpose, it does not apply to public money, it is solely the responsibility of the

Requested Party

serves its economic interest.

In view of the above, there is a close relationship between the one-person law firm and its registered lawyer

personal connection can be shown, the individual member lawyer of the relevant European court

based on legal practice, he is entitled to his own name appearing in the name of the law firm, as well as its name

for the protection of personal data in relation to data processed in connection with

The Applicant further explained that the Respondent mistakenly referred to personal data as company data

to the data of

is not classified as a company by law, a

is not listed in the company register either. It is also not true that the

To the respondent, the e-mails sent to him are clearly in accordance with the general data protection regulation  
a stakeholder request was formulated.

According to the Applicant's point of view, the construction of the database by the Respondent is public data in the public  
interest

in several cases, it goes beyond the purpose justified by the public interest.

The purpose of the bar register is to identify those practicing as lawyers. The

Percussive however, it does not stipulate that law firms or lawyers have economic, financial,

your tax information should be public. According to the Applicant, the legislator did not consider it necessary

the disclosure of this data, because lawyers and law firms are primarily professional and not

they participate in society as economic actors. The Hit. defined in § 190

Chamber registration is therefore not aimed at lawyers and law firms from an economic point of view

checking. Accordingly, by the Respondent, the Applicant Üttv. based on public interest

the management of your public personal data violates the principle of purpose-bound data management, given that  
data management serves the economic interests of the Respondent.

"event affecting credit risk" or "negative event" linked to the name of the Applicant

comments - in line with C-434/16 with those written in case no. - also as personal data

are considered, in connection with which the Requested Party must prove the purpose and legal basis of data management,  
furthermore

compliance with the basic principles according to Article 5 of the General Data Protection Regulation, which  
also failed.

Based on what the Respondent submitted, the "event affecting credit risk" and "negative

"event" is based on the failure to file a previous VAT return. Section I) of Art. 266

determines that NAV continuously publishes the list of VAT defaulters, so the legislator

determined the maximum period until the fact of the default is public information in the public interest

can be handled. Beyond this period, the fact of failure can only be considered "pure" personal data,

therefore, it can only be handled with the support of a suitable legal basis. The Applicant is also the contingent past default is defined as the difficult-to-interpret "event affecting credit risk" or "negative event" with data, marking it as an existing deficiency, which thus also violates the principle of accuracy. THE According to the Applicant's point of view, the Respondent could not clearly prove why it was necessary continuous display of the referenced data, despite the legislator's short, ordered their publication for a specified period of time.

Since, according to the Applicant's point of view, the Respondent manages his personal data, this should have been the case also indicate the legal basis. In this regard, he submitted that from the Requested response, as well as the data management due to its nature, the legal basis for data management is Article 6 (1) of the General Data Protection Regulation it may be a legitimate interest according to paragraph f). In this case, the Requested Party must inform in advance it should have been at least about the result of the consideration of interests, and it should have been presented in detail upon request.

Furthermore, since he exercised the right to object according to Article 21 of the General Data Protection Regulation, a The respondent should have presented those coercive factors in the individual interest assessment test legitimate reasons that take precedence over the interests, rights and freedoms of the data subject opposite.

9

Since the case concerns the management of personal data, the reality is that it is a VAT return related omission, does not exonerate the Applicant, as the data management is quite questionable omission and it occurred after its deletion from the register, and the tax authority did not established the sanction for the Applicant or his office. The fact of VAT default a

At the time of the requested data processing, there was no public interest data, it was "purely" personal treated as data, and the legal basis for data processing should have been verified. The reason for the failure is solely was an "accountant's error", and the general observations made in the Respondent's research do not justify, that in the case of the Applicant, non-payment or inadequate service provision its risk would be greater due to default, and also that the "influencing credit risk

event" or "negative event" data, the person browsing the database must necessarily a

it would infer the fact of an omission related to a previous VAT return. This is important because a

He already applied when the Applicant contacted him, he knew what it was like

in form

is active, and what source the data in question comes from, so there was sufficient information a

at your disposal in order to identify the interests of the data subject and the data manager, and the appropriate one

come to a conclusion.

According to the Applicant's point of view, the Respondent ignored it when creating its database

aspects related to data protection compliance, which is supported by the Requested side

Legal statement<sup>12</sup> is available, which states that "[t]he information on this page

collected and examined to the best of our knowledge. But responsibility is displayed

we cannot guarantee the correctness of the information."

The Applicant, to the Respondent's argument that its data is "historical", which is available differently

service provider, such as in [...]s system, stated that he could not verify it because

requests registration for access to negative events on the service provider's website, furthermore

added that it cannot be based on possible unlawful data processing by another service provider

legality of data management for additional data controllers. Furthermore, the data management of the Respondent

poses a greater risk to the protection of personal data as it is a significant part of your database

public, viewable without registration.

In this context, the Applicant referred to 2021 of the administrative court of Wiesbaden, Germany.

to its decision made in October<sup>13</sup>, which established that it was taken from the public register

handling personal data constitutes illegal data processing, especially in the case where

the data are processed during the period after deletion from the public state register.

According to the Applicant's point of view, in view of the above, it can be established that the Respondent is not

he substantiated his legitimate interest, his consideration of interests was incomplete, he was ignored by the gradualism

principle and did not prove why it would be the last one according to the NAV register if necessary

data management in the public database of the Applicant for a period exceeding the date.

According to the Applicant's point of view, furthermore - the French data protection authority so-called In the Monsanto case

in accordance with its decision<sup>14</sup> - the Respondent should have informed that

from which source it collects its personal data, or in connection with the service it provides, business

manages it based on its interests. This information obligation should have been proactively and individually

comply with before the start of data management, but still in a general way, on the website

available in the "Data Protection Statement" or "Data Protection Data Security Policy" document

or did not comply in any other form. The Respondent's failure to provide information offends him

also defined in Article 5 (1) point a) of the General Data Protection Regulation

also the principle of legality, fair procedure and transparency, since the data management is thus opaque, that is

denied the fact of data management, made it difficult for the data subject to exercise their rights.

In view of the above, the Applicant continued to request that the Authority comply with his request

bind the Applicant.

12 [...]

13 <https://www.rv.hessenrecht.hessen.de/bshe/document/LARE210001979>

14 <https://www.cnil.fr/fr/node/121570>

10

#### 1.5. Second statement of the Respondent

too

continue

The statement submitted by the Applicant on March 8, 2022 revealed by the Authority

regarding evidence.

According to the Respondent's point of view, the objected to is a non-filing VAT return and other closed by the NAV

deleting events, so not taking them into account during the risk analysis would have a negative effect

for creditor decision-making. These events are primary indicators of a liquidation process

from the point of view of its forecast, regardless of whether it is closed or in force. For this

in support, the Applicant sent from January 1, 2022 to March 4, 2022

the database of liquidated companies and all related NAVs published

event that was valid for at least 1 day after January 1, 2021. In this period

Liquidation proceedings were initiated against 1,015 companies, of which 932 companies (91.8%) had some

with a negative event published by NAV, which was effective even after January 1, 2021, of which 205

in the case of the company, there was still a procedure closed in 2021, i.e. in the case of so many insolvencies

(20.1%) would not reach creditors with information that would influence their business decisions and

would protect you from the risk of non-payment. In view of this, according to the Respondent's point of view, the data is

from the point of view of the purpose of data management

relevant. According to his creditors and

in general, it is in the national economic interest that this information is provided by them and their competitors

be available in the form used by

554 (52.7%) companies from events related to failure to declare VAT, which is the subject of the procedure

there is a related record, of which in 94 (9.2%) cases there was already a closed event before the liquidation,

thus, a given creditor would have made its business decision without knowing this information.

The Respondent attached all the referenced events for the given period to his statement

containing a database, based on which only 9.7% of companies were not subject to the liquidation procedure

was involved in one of the investigated procedures, and 4.4% in the case of failure to declare VAT

was involved. It can be seen from this that the given events are almost ten times higher in the collapsed group

are represented compared to the well-functioning group.

According to the Respondent's point of view, it has a legitimate interest in providing the credit information described above

for data management, since the goal related to its core activity as a company rating agency is that the creditor a

make your decision based on available relevant information, thus minimizing the

the risk of potential damage in the event of non-payment. At the discretion of the Applicant

at the same time, these data are data on the reliability of an economic organization, no

personal data. Based on the Applicant's argument, all legal entities would fall out of this circle, where

the

so all of them

sole proprietorship, all approximately 525,000 active Hungarians

182,000 from the entity in this case. According to the Respondent's interpretation, cases where

data processing takes place in the context of the business and economic activities of the data subject, they are not included

subject to the general data protection regulation. Failure to file a VAT return is only for the farmer

can be linked to organizations, as natural persons do not have such a declaration obligation, thus

it is not practical to interpret this as data management affecting the private sector.

## II. Applicable legal provisions

VI of the Basic Law. based on Article (3), everyone has the right to the protection of their personal data,

and to learn and disseminate data of public interest.

XXIV of the Basic Law. based on Article (1), everyone has the right to have their affairs a

authorities without bias, in a fair manner and within a reasonable deadline. The authorities

as defined by law, they are obliged to justify their decisions.

Based on Article 2 (1) of the General Data Protection Regulation, the General Data Protection Regulation

must be used to manage personal data in whole or in part in an automated manner,

as well as for non-automated processing of personal data that

are part of a registration system or which become part of a registration system

they want to do.

behind a single identifiable legal entity

person of owner,

11

under the scope of the decree

for data management related to

General data protection

informative

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

Infotv.) According to paragraph (2) of § 2, the general data protection regulation is indicated there shall be applied with the additions specified in the provisions.

According to Article 4, point 1 of the General Data Protection Regulation, "personal data": you are identified any information relating to an identifiable natural person ("data subject"); it is possible to identify the a a natural person who, directly or indirectly, in particular an identifier, for example name, number, location data, online identifier or physical, physiological, one or more factors related to your genetic, intellectual, economic, cultural, social identity can be identified based on

Based on Article 4, point 2 of the General Data Protection Regulation, "data management": on personal data or any operation performed on data files in an automated or non-automated manner or set of operations, such as collection, recording, organization, segmentation, storage, transformation or change, query, insight, use, communication, transmission, distribution or otherwise by way of making it available, coordination or connection, limitation, deletion, or destruction.

Pursuant to Article 4, point 7 of the General Data Protection Regulation, "data controller": the natural or legal one person, public authority, agency or any other body that is the personal data determines the goals and means of its treatment independently or together with others; if the data management its purposes and means are determined by EU or Member State law, the data controller or the data controller EU or member state law can also determine special aspects for its designation.

Pursuant to Article 77 (1) of the General Data Protection Regulation, other administrative or without prejudice to judicial remedies, all interested parties are entitled to file a complaint with a supervisory authority - in particular your usual place of residence, place of work or presumed in the Member State where the infringement took place - if, according to the judgment of the data subject, the relevant personal processing of data violates this regulation.

Infotv. According to § 2, paragraph (2), personal data is the general data protection regulation



under the scope of the general data protection regulation, III-V. and VI/A. In chapter, and in points 3, 4, 6, 11, 12, 13, 16, 17, 21, 23-24 of § 3, paragraph (5) of § 4, the Paragraphs (3)-(5), (7) and (8) of Section 5, Paragraph (2) of Section 13, Section 23, Section 25, Section 25/G. § (3), (4) and (6) of the 25/H. in paragraph (2) of § 25/M. in paragraph (2) of § 25/N. §- in, 51/A. in paragraph (1) of § 52-54. §, § 55 (1)-(2), § 56-60. §-in, the 60/A. (1)-(3) and (6) of § 61, points a) and c) of § 61 (1), § 61 (2) and (3) in paragraph (4), point b) and (6)-(10), and also in 61/A-61/D. §-in, 62-71. §, § 72, § 75 (1)-(5), § 75/A. § and in Annex 1 must be used with specific additions.

Infotv. Based on Section 3.6, data that is public in the public interest does not fall under the concept of public interest data all data related to the disclosure or availability of which you are making it accessible is ordered by law in the public interest.

Infotv. Pursuant to § 38, paragraph (2), the Authority's task for the protection of personal data, as well as for learning data of public interest and public in the public interest law

control and promotion of its validity, as well as personal data within the European Union facilitating its free flow. The duties and powers of the Authority are general data protection Regulation Article 57 (1), Article 58 (1)-(3) and Infotv. Paragraphs (2)-(4) of § 38 be defined in detail.

Infotv. The right to the protection of personal data pursuant to Section 60 (1) and (2). in order to enforce it, the Authority is a data protection authority at the request of the data subject initiates a procedure and may initiate a data protection official procedure ex officio. The official data protection procedure request for the initiation of the General Data Protection Regulation in Article 77 (1), as well as a It can be submitted in the case specified in point b) of § 22.

for official procedure, the Acr. provisions shall be applied with the deviations specified in Infotv.

Infotv. According to § 61, paragraph (1), point a), it was made in the official data protection procedure in its decision, the Authority issued Infotv. with the data management operations specified in paragraph (2) of § 2 in the context of general data protection according to paragraph (2).

may apply legal consequences. Accordingly, acting within the Authority's corrective powers:

Article 58 of the Decree

- a) warns the data manager or the data processor that some draft data management its activities are likely to violate the provisions of this regulation;
- b) condemns the data manager or the data processor if its data management activities violated the provisions of this regulation;
- c) instructs the data manager or the data processor to comply with this regulation for the data subject your request to exercise your rights under;
- d) instructs the data manager or the data processor that its data management operations - given in a specified manner and within a specified period of time - harmonises this regulation with its provisions;
- e) instructs the data controller to inform the data subject about the data protection incident;
- f) temporarily or permanently restricts data management, including data management also its prohibition;
- g) in accordance with the provisions of Articles 16, 17 and 18, orders personal data rectification or deletion, or restriction of data processing, as well as Article 17 (2) and in accordance with Article 19, orders the notification of those recipients, with whom or to which the personal data was disclosed;
- h) revokes the certificate or instructs the certification body to comply with Articles 42 and 43 to withdraw a duly issued certificate or instruct the certification body to

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

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

j) orders the flow of data to a recipient in a third country or an international organization suspension.

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

The Akr. Pursuant to § 17, the authority has its authority and competence in all stages of the procedure investigates ex officio. If you notice the absence of one of them and it can be established beyond doubt in the case competent authority, transfers the case, failing which the request is rejected or terminates the procedure.

The Akr. Based on § 106, paragraph (1), the authority - regardless of its powers and jurisdiction - is obliged to take the temporary measure ex officio, in the absence of which the delay will occur would result in irreparable damage, danger or irreparable infringement of personal rights. THE authority immediately notifies the competent authority of the action taken.

The Hit. Pursuant to § 8, paragraph (1), the natural person practicing law is his or her own uses his family name and surname or his birth name as well as his doctorate title according to § 4 - az defined in the ministerial decree on the professional designations of European Community lawyers – with reference to quality.

The Hit. Pursuant to § 23, paragraph (1), the following are incompatible with the practice of law:

a) with the exception specified in this law, employment, government service, a public service, tax and customs service, health service, civil servant,

law enforcement administrative employee, national defense employee, law enforcement, professional or legal employee at a contractual military, forensic expert institution  
employment relationship, as well as the legal status of a notary, court bailiff,

b) membership in a business association with unlimited liability,

c) all other activities involving an obligation to work and performed in return for consideration.

13

The Hit. Pursuant to § 57, paragraph (1), the lawyer conducts legal activities in a business-like, individual manner as a lawyer or as a member of the law firm, in addition to assuming one's own economic risk - the e with the exception defined by law - it is exercised on behalf of its client.

The Hit. Based on Section 87 (1), a law firm is a legal entity that one or more lawyer or member of the European Community legal profession to pursue business-like joint legal activities establishes, and for which the member's obligation towards the law firm is in the founding deed for the provision of specified property and other property values specified in the founding deed covers service.

The Hit. Pursuant to § 189, paragraph (1), the bar association register - in Annex 1 with public authority in a defined circle - includes the activities of lawyers and legal assistants the data of a natural person practitioner specified in Annex 1.

The Hit. Pursuant to § 189, paragraph (2), in Appendix 1 of the bar association register specified existing, deleted and changed data are public, your existing and public data and it must be published up-to-date in the lawyer search engine.

The Hit. Pursuant to § 190, paragraph (1), the bar association register includes the law firm

1. bar association registration number,
2. your name,
3. your office address,
4. the address of your branch office,
5. the address of its sub-office,

6. your phone number,
7. the Eüsztv. its availability for electronic contact according to
8. your email address,
9. your website address,
10. the name of the office manager or office managers, the type of their representation authority, and their mandate scope,
11. name and chamber identification number of its members,
12. the name and registration number of the law association operating with his participation, as well as the lawyer's office association registration number,
13. the name of the property owner,
14. natural personal identification data other than the name of the property member,
15. the address of your archive,
16. your tax number, as well as
17. the amount of its registered capital.

The Hit. Based on § 190, paragraph (2), it is included in the bar association register

- a) data relating to the merger, separation, legal successor and predecessor of the law firm,
- b) the start and end date of the procedure for the termination of the law firm without legal successor,
- c) in the case of a law firm undergoing bankruptcy proceedings, the name of the trial court, assigned by the court property inspector's name and official mailing address,
- d) in the case of a law firm undergoing liquidation proceedings, the liquidator appointed by the court, and a the name and official mailing address of the liquidator appointed by the liquidator,
- e) the name and official mailing address of the office manager appointed by the regional chamber, as well as
- f) the name and chamber identification number of the deputy lawyer of the one-person law firm.

The Hit. Pursuant to § 190, paragraph (3), the bar association register is in accordance with paragraphs (1) 1-13. point and includes the data in accordance with points a) and b) of paragraph (2) in a public manner.

The Hit. Pursuant to § 190, subsection (4), the bar association register has subsection (1) 1-12.

point and paragraph (2) are public, can be published or released to anyone,

your existing data must be disclosed in the lawyer search engine in an up-to-date manner.

5/2017 on the detailed rules for the use of names of lawyers. (XI. 20.)

MÜK regulations (hereinafter: MÜK regulations) 2.1. the natural person based on point

Chamber name is included

14

a) if he has one, his doctorate, as well as

b) at your choice, your family and first name on your identification card

or birth surname and first name.

2.3 of the MÜK regulation. based on point 2.1, the regional bar association name according to point b).

instead of using it - if the reasons for it are at least plausible by the applicant - you can allow:

a) according to the laws in force at the time of registration or at the time of permission to use the name

any married name can be added,

b) the maiden surname and first name of the lawyer's mother,

c) in addition to adding or omitting an additional surname, 2.1. name according to point b),

d) distinctive room name or immediately preceding or following the surname

in addition to a distinctive suffix, 2.1. you are a name according to point b).

e) indication of the academic degree included in your identification card

in addition to 2.1. name according to point b).

use, if it does not conflict with the principle of name authenticity and name exclusivity.

3.1 of the MÜK regulation. point, the name of the law firm is included

a) one or more of its members

aa) can be used based on these regulations, 2.1. point b) or 2.3. according to point

authorized name or

ab) surname or family name at birth, as well as

b) the "lawyer firm", except in the case of a law firm consisting of European Community lawyers, the "European

community legal office".

Act V of 2013 on the Civil Code (hereinafter: Civil Code) 3:1. (1) of §

on the basis of which the legal entity has legal capacity: it may have rights and obligations.

The Civil Code 3:1. Based on § (2), the legal capacity of a legal entity covers all such rights and obligation, which by its nature cannot only be attached to humans.

The Civil Code 3:1. § (3) on the rights of the legal person related to the person and on the personal rights applicable rules must be applied, unless by nature of the protection only the person may be entitled to it.

The Civil Code 3:2. Pursuant to § (1), the legal entity is liable for its obligations with its own assets to hold true; the members and the founder of the legal entity are not responsible for the debts of the legal entity.

The Civil Code 3:3. Based on § (1), the general rules of the legal person must be applied if this Act does not provide differently for each type of legal entity.

The Civil Code 3:3. Based on § (2), the general rules of the legal entity must be applied accordingly for the type of legal entity not regulated in this Act.

Act V of 2006 on company publicity, court company proceedings and liquidation (the hereinafter: Ctv.) based on paragraph (1) of § 10, the company register from the company register, as well as the from the annexes used to verify data in the company register, or from other such documents which the company is required to submit - in the public interest, traffic safety, and its creditors required by law for the purpose of protecting interests (hereafter together: company documents).

The Ctv. Based on § 10, paragraph (2), the existing or deleted data of the company register, as well as the company documents -

including company documents submitted electronically or converted into electronic documents -

are fully public. Tax registration procedure according to the Act on Taxation

after its successful completion, the submitted, but not yet completed, are also fully public

the application for registration and its annexes were also criticized with the fact that the application for registration (change registration)

the company registry must indicate that the assessment is in progress. Legality supervisory

the procedure documents are public according to the provisions of this law.

Based on point I) of Art. 266, the state tax and customs authority is the taxpayer's tax liability

published on its website for the legal fulfillment and legal use of budget support

continuously the name, title, place of residence, registered office, place of business, tax number of the taxpayer,

15

who has a VAT return obligation for more than two - consecutive, applicable - return periods

through does not comply.

### III. Decision of the Authority

The Applicant is a lawyer and conducts his legal activities through his one-person law firm,

which is the Üttv. Pursuant to § 87, paragraph (1), a legal entity. In the present procedure, the Authority had to do so

to decide whether the data relating to the one-person law firm as a legal entity is also a

Are they classified as personal data concerning the requesting natural person.

Pursuant to Article 4, point 1 of the General Data Protection Regulation, personal data is the identified or

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

when determining whether or not some information is classified as personal data, the three conceptual elements of the

definition

must be examined:

- form and content criteria of the data ("any information");
- the identified or identifiable natural person ("data subject");
- the relationship between the data and the data subject ("relevant").

During the procedure, the data ("number of events affecting credit risk - 1", "negative

events – 1 pc") and the relationship between the Applicant was the subject of the investigation by the Authority.

There are situations when the demarcation of private and public information

unclear. The Authority NAIH/2018/5233/4/V. the individual was dealt with in its resolution no

with the personal data quality of entrepreneurs' data. In this round, the Authority established that it is



an individual entrepreneur is a natural person who engages in economic activity, such as e  
personal data related to its activities by anyone based on the relevant laws  
recognizable, i.e. Infotv. In accordance with point 6 of § 3, public data in the public interest,  
which retain their personal data quality despite the publicity. However, it is important  
to note that in the case of sole proprietors the business and private spheres come together, no  
it is possible to make a clear and unambiguous distinction, the economic activity is not a separate one  
carried out by an entity, so in their case the relevant legislation exhaustively lists the data areas  
the disclosure of which is limited to a necessary and proportionate extent by personal data  
the right to protection in order to assert the public interest related to traffic safety. Present  
at the same time, this fact is judged differently, since it was published by the Respondent and by the Applicant  
objected to data relating to the Applicant's law firm as a legal entity.

The General Data Protection Regulation repeatedly uses the term legal entity,  
without defining it separately, or  
there would be a uniform, EU-level regulation for it  
definitions. In general, it can be said that data protection standards rarely apply  
can be interpreted on their own: the regulation, although it forms an independent regime, is in practice tight  
is related to some other area of law, and must be interpreted together with it, taking this into account. For this  
accordingly, to decide the main issue of this procedure, the Civil Code is essential. and the relevant sector  
examining the provisions of legislation.

The Hit. in the relevant part of his commentary, he clearly states that the law firm is from its members  
enters into civil legal relations as an independent, self-contained entity, thus not a member of the law firm  
can be considered the owner of the assets of the law firm, as is the status of the law firm,  
its legal status also remains intact in the event of a change in the composition of the membership. The law firm  
civil law legal capacity is absolute, by their nature only the rights related to man and  
with the exception of obligations, any right or obligation may apply.

The Hit. in the absence of a different provision, the law office is subject to the Civil Code. relating to legal entities

rules must be applied. The current Hungarian private law regulations are legal entities to recognize its legal status in civil legal relations: accordingly, you are certain bodies assets can become separate from the members or founders regardless of their legal status subject to rights and obligations. The Civil Code his commentary states that civil law is a different branch of law wants to impose rights and obligations on legal entities recognized as legal entities, about must have a separate provision, which, however, is independent of the private legal entity of the legal entity.

16

In the same way, if a given organization in another jurisdiction becomes the subject of rights and obligations, it is not establish the body's legal personality under civil law.

Although it may seem based on the above, the concept of legal entity constituted by civil law is exclusively private law can be interpreted in context, it goes beyond civil studies and has relevance in other areas of law as well.

Accordingly, it appears in criminal law (applicable to legal entities

CIV of 2001 on criminal law measures. law) or also in data protection regulations.

The right to the protection of personal data belongs to the rights related to the person, its purpose is the individual protecting your privacy and ensuring information self-determination. The position of the Authority

according to a legal entity, the legal entity and the natural person(s) behind it well

can be separated, even if it is owned by one person and has the name of a natural person

wears A natural person necessarily acts on behalf and in the interest of the legal person, that is

favors a legal entity: although the natural person representing the legal entity and the legal

person's interests usually coincide, such personal implications do not justify that

the legal facts related to the legal person in any way into the private sphere

to be considered classified.

There is no doubt that in the case of a one-person law firm, it is between a natural person and a legal person relationship is much closer than that between a joint-stock company and its shareholders. At the same time dogmatically, it would put the legal practitioner in an almost impossible situation, if for certain legal entities regarding the relevant data, the quality of their personal data would be recognized. Because though it is

in the case of a legal entity owned by one person, this would result in a clear situation, it could not to clearly determine exactly how many people would have ownership shares after their membership the relationship between natural and legal persons is too distant. If we accept that one in the case of an owner, the fact of the event affecting the credit risk concerning the legal entity a information about a natural person, then the quality of personal data is one it would also undeniably exist in the case of a two-person limited liability company. Accordingly it could not be in accordance with the requirements of legal certainty, predictability and predictability to determine exactly what the quantitative limit is, starting from which the legal entity the relationship between the relevant data and the owners is too distant to be personal at the same time also qualify as data.

The Applicant rightly referred to the fact that special rules for law firms still apply they make the relationship between the legal entity and its owner clearer: the name of the law firm it must contain the name of the member, and strict conflict of interest rules for lawyers apply, so in many cases, lawyering is the only source of income for lawyers. From this regardless, however, in view of what was explained above, a separate one was also made in the case of the law firm we are talking about legal entity, it is clearly demarcated which one

#### Rights and obligations

apply to the law firm and which apply to the member of the law firm as a natural person. It should also be noted that the Üttv. Paragraph (1) of § 57, the continuation of the lawyer's activity is for a lawyer as a member of the law firm and as an individual lawyer, which is the individual can be related to entrepreneurial status. Accordingly, the law gives the opportunity to the lawyer to carry out activities in a form that involves more limited publicity. Legal person in the course of economic activity carried out through also with disadvantages such as the requirement for increased transparency. So if the lawyer is discretionary with regard to economic and financial data related to his legal activities strives, it must carry out its activities in a form corresponding to it.

In his application, the Applicant referred to the opinion of working group 2915 of 4/2007 (hereinafter: WP136) on the concept of personal data. In this regard, the Authority considers it important to state: WP136 is not among the opinions that the European Data Protection Board provides for general data protection also ordered to be applied in relation to the decree.<sup>16</sup> There is no doubt that the WP136 opinion there are findings that are also correct with regard to the general data protection regulation, as well as the "content" for establishing the applicability of the data to a natural person, Examining "goal" or "outcome" elements. The WP136 opinion is the latter, "result" condition acknowledges that in the case of information about a small business that can characterize it

15 Working group on the protection of individuals with regard to the processing of personal data, which is

It was established on the basis of European Parliament and Council Directive 95/46/EC of October 24, 1995.

16 [https://edpb.europa.eu/sites/default/files/files/news/endorsement\\_of\\_wp29\\_documents\\_en\\_0.pdf](https://edpb.europa.eu/sites/default/files/files/news/endorsement_of_wp29_documents_en_0.pdf)

17

behavior of its owner, the information must be considered personal data and data protection rules must be applied.

In this context, the Authority continues to maintain its position expressed above, according to which the Applicant the data to be deleted in this procedure are not personal data, but the 2007 WP136 reasoning contained in the opinion, as well as the decision made by the European Court of Justice referred to by the Applicant decisions (C-92/09 and C-93/09. [2010], C-419/14. [2015]) in connection with the general considers preamble (14) of the data protection regulation to be applicable, which *expressis verbis* states that the scope of the regulation does not cover personal data management that is legal persons, and which applies in particular to enterprises that, as legal entities Were created.

In view of the above, the Authority rejects the Applicant's request, as in the absence of personal data it cannot be established that Article 6, Paragraph 1, Point f) of the General Data Protection Regulation, Article 12 (1)-(3), Articles 14 and 15, Article 17(1)(c) and (2) and violation of Article 21.

Furthermore, the Authority did not find it justified to order the Applicant a temporary measure nor his request for The provisional measure is so special in administrative procedure law legal institution, during the application of which the ordering authority does not have to take into account the authority and jurisdiction rules, it entitles him not only to make a formal decision, but to perform an actual act, even without its formal order. It's temporary the condition for ordering a measure is a dangerous situation, a threat of irreparable harm, which necessitates a commensurate intervention. According to the Authority's point of view, the procedure the inclusion of the data that is the subject of this does not in any way cause any harm to the interests that justified it would have applied such an exceptional legal institution.

#### ARC. Other questions

IV.1. During the procedure, the Authority exceeded Infotv. 60/A. One hundred and fifty days according to paragraph (1) of § administrative deadline, therefore the Ákr. Pursuant to point b) of paragraph (1) of § 51, ten thousand forints shall be paid a To the applicant - according to his choice - by bank transfer or postal order.

IV.2. The Authority's decision is based on Art. 80-81. § and Infotv. It is based on paragraph (1) of § 61. THE decision of the Akr. Based on § 82, paragraph (1), it becomes final with the communication. The Akr. § 112 and 116 Paragraphs (1) and (4) point d) of § 114 and § 114 (1) with the decision on the other hand, there is room for legal redress through a public administrative lawsuit.

\* \* \*

The rules of the administrative trial are set out in Act I of 2017 on the Administrative Procedure hereinafter: Kp.) is defined. The Kp. Based on § 12, paragraph (1), by decision of the Authority the administrative lawsuit against falls within the jurisdiction of the court, the lawsuit is referred to in the Kp. § 13, subsection (3) a)

Based on point aa), the Capital City Court is exclusively competent. The Kp. Section 27, paragraph (1).

On the basis of point b), legal representation is mandatory in a lawsuit within the jurisdiction of the court. The Kp. Section 39 (6)

according to paragraph of the submission of the claim for the administrative act to take effect

does not have a deferral effect.

The Kp. Paragraph (1) of Section 29 and, in view of this, CXXX of 2016 on the Code of Civil Procedure. law

(hereinafter: Pp.) applicable according to § 604, electronic administration and trust

CCXXII of 2015 on the general rules of services Act (hereinafter: E-

administrative tax.) According to point b) of § 9, paragraph (1), the client's legal representative is electronic

obliged to maintain contact.

The time and place for filing a claim against the Authority's decision is set by Kp. Section 39 (1)

paragraph Information about the possibility of a request to hold a hearing can be found in Kp.

It is based on paragraphs (1)-(2) of § 77. The amount of the administrative lawsuit fee is determined by the 1990 Law on Fees.

year XCIII. Act (hereinafter: Itv.) 45/A. Section (1) defines. The fee is in advance

18

from the payment of the Itv. Paragraph (1) of Section 59 and point h) of Paragraph (1) of Section 62 exempt the procedure

initiating party.

Infotv. According to § 38, paragraph (2), the Authority is responsible for the protection of personal data, as well as

the enforcement of the right to access data of public interest and public interest

control and promotion, as well as the free flow of personal data within the European Union

facilitating. According to paragraph (2a) of the same § in the general data protection regulation, the supervisory

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

with regard to legal entities, they are defined in the general data protection regulation and this law

according to the Authority.

The Authority's jurisdiction covers the entire territory of the country.

Budapest, April 25, 2022.

Dr. Attila Péterfalvi

president

c. professor

19