

Case number: NAIH-1447-8/2022.

History: NAIH-7056/2021.

Subject: 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).

[...] applicant (hereinafter: Applicant) is personal in connection with claims management

based on his request regarding the illegal processing of his data, an official procedure was initiated in [...] (a hereinafter: Respondent) regarding the investigation of its data management, in which procedure the Authority makes the following decision:

The Authority to the Applicant's request
rejects.

There is no place for administrative appeal against the decision, but only from the announcement within 30 days from the date of issue, with a letter of claim addressed to the Capital Tribunal can be challenged in a lawsuit. You must submit the claim to the Authority electronically¹, which the case
request for a

must be indicated in the application. For those who do not receive full personal tax exemption a the fee for an administrative lawsuit is HUF 30,000, the lawsuit is subject to the right to record fees. The capital city Legal representation is mandatory in court proceedings.

forwards it to the court together with its documents. Holding the trial

I N D O C O L A S

I. Procedure of the procedure

I.1. Through the legal representative of the Applicant certified by power of attorney [...] (hereinafter: Lawyer)

On October 5, 2021, on the right to self-determination of information and freedom of information CXII of 2011 Act (hereinafter: Infotv.) on data protection according to § 60, paragraph (1).

initiated an official procedure and requested an investigation of the data management of the Respondent, a

determination of illegal data processing, and the Respondent's instruction that the Lawyer, as an authorized representative to provide the necessary information to natural persons a on the protection of personal data in terms of processing and that such data is free (EU) 2016/679 on the flow and repeal of Directive 95/46/EC

Regulation (hereinafter: General Data Protection Regulation and GDPR) based on Article 15, additional data request, without attaching a copy of the identity card.

I.2. The Authority accepted the Application under NAIH-7056-4/2021. the procedure was notified in order no and invited him to make a statement for the first time in order to clarify the facts with reference to the CL of 2016 on the general administrative order.

law (a

hereinafter: Ákr.) to paragraph (1) of § 62.

To the Authority's invitation, the Respondent sent its response within the deadline and attached the A copy of the audio of your conversation with the applicant and the lawyer, as well as your statements copies of supporting documents.

1 The NAIH_KO1 form is used to initiate the administrative lawsuit: NAIH KO1 form (16.09.2019) The form is the general can be filled out using a form filling program (ÁNYK program).

The Authority considered that, in order to clarify the facts, the Request was seconded times, it is justified to call for a statement, therefore NAIH-7056-6/2021. by order no invited him to make another statement.

I.3. The Authority NAIH-1447-2/2022. and NAIH-1447-3/2022. notified in its orders no

Notify the Respondent and the Applicant that the evidentiary procedure has been completed and the declaration is made you can use your right and your right to inspect documents.

In response to the Authority's order, the Applicant exercised his right to inspect documents and make a statement. THE Authority NAIH-1447-6/2022. by order no. the Applicant granted document inspection of your request.

II. Clarification of facts

II.1. The Lawyer submitted that from the Application the Lawyer, as authorized by the Applicant requested information regarding his personal data, but the Respondent did not comply refused citing that the power of attorney and their records there is a discrepancy between the data, at first he only objected that on the power of attorney only the The applicant's address is stated in the information written on the complaint submitted by the lawyer claimed that the date of birth is different.

The lawyer attached copies of the following documents to the application:

- the lawyer's letter to the Applicant dated May 11, 2021, and June 2021 your complaint dated the 21st,
- the Applicant 11575587/2021. subject to information no., dated May 27, 2021 letter and attachment, and 11575587/2021. 2021 with the subject "response to complaint" no. letter dated July 23,
- by the Lawyer as authorized representative and the Applicant as authorized representative May 2021 Power of attorney signed on the 4th.

II.2. The Applicant submitted the following and the Authority attached the following NAIH-7056-4/2021. No. and NAIH-7056-4/2021. for calls to:

II.2.1. The Respondent communicated with the Applicant and his legal representative - by phone made from a conversation - a copy of audio materials.

II.2.2. The Applicant submitted the following regarding the management of his personal data Requested:

The Respondent informed the Authority that the Applicant's identity is not yet known in a way to identify with complete certainty, given that despite its namesake relevant personal data - date of birth does not match the subject of the Applicant's complaint with the debtor of the claim.

Due to the above, the purpose and legal basis of the processing of the Applicant's personal data are with absolute certainty:

1. In this data protection procedure, administration is personal

transmission of data to the Authority.

Legal basis:

fulfillment (a

legal obligation

for natural persons a

regarding the protection of personal data and such

on the free flow of data, as well as outside the scope of Directive 95/46/EC

Regulation 2016/679 (EU) on the

general data protection regulation) Article 6 (1) par. Point c) GDPR Article 58 (1)

para. points a) and e).

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After the completion of the procedure, the processing of the data for this purpose is a

The applicant cancels. The scope of the managed data is the same as that of the Authority

with shared data.

2. Storage obligation for complaints,

including the

telephone

also administration.

Legal basis: GDPR Article 6 (1) point c) and on financial enterprises

CCXXXVII of 2013 (2) - (3) of the Act. The data is provided by

referred

in accordance with legal provisions, the Applicant a

from a telephone conversation, or in the case of a written complaint, the complaint

it is kept for 5 years after its closure.

The scope of processed data is according to the content of the complaint letter and the response to it

personal data, as well as the audio recording of the telephone conversation,

its identification number.

If it is proven that the Applicant is the obligee of the claim that is the subject of the complaint,

thus, your additional personal data will be managed by the Applicant, grouped according to the following purposes:

3. Claim collection.

Legal basis: against the requested data subject

of his outstanding claim

legitimate interest in settlement (GDPR Article 6 (1) point (f)).

For the purpose of this data management, personal data of the Requested until the case is closed

manages, which closure is, as a general rule, the fulfillment of the debt. Handled

scope of personal data:

natural personal identification data, address,

claim-related data.

4. Fulfillment of accounting preservation obligation.

Legal basis: fulfillment of a legal obligation (GDPR Article 6 (1) point c), a

Act C of 2000 on accounting § 169 (1) paragraph). From the closing of the case

the retention obligation lasts for 8 years.

Scope of personal data handled: accounting documents

personal data on documents).

For the management of the Applicant's electronic mail address related to the collection of the claim

consented to keep in touch, however, the Respondent does not store it, given that a

until successful identification, you cannot attach it to a managed claim, which is the processing of the data

would establish its purposefulness.

On the day of writing the response letter dated October 28, 2021, the Respondent did not

obligee is the Applicant, i.e. a person in relation to whom his personal data

would be handled for the purpose of debt collection.

II.2.3. Regarding the application submitted by the applicant, as well as stakeholder applications

In connection with his practice in relation to the treatment, the Applicant submitted the following:

According to the Respondent's point of view, the practice complained of by the Applicant and his representative is the one concerned

is independent of the fulfillment of requests, and in this context he emphasized that the requests of stakeholders

regarding this, the Respondent does not use a different identification than with other inquiries

in connection. With regard to ensuring the security of the data, the Respondent only

provides information in relation to a managed claim, if the information requester

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thus avoiding that it is related to the claim

previously successfully identified,

release of information may result in a data protection incident.

According to the Respondent's point of view, neither the Applicant nor his representative exercised the rights of the stakeholders

with the possibility of its validation. Received by the Applicant on June 25, 2021, a

The following was written in the letter written by the representative of the applicant:

"(...) please send me the statement of any outstanding debt in the name of my Client, or the

documents containing the assignment of claims to me in order to close the case as soon as possible

please send it immediately." Both the Applicant and his representative are the claimants

he wanted to know the amount, and he wanted the documents containing the assignment of the claim

to learn about the claim made and outstanding in relation to the Claimant's claim management procedure

for the purpose of disputing a claim. According to the Respondent, this demand cannot be considered GDPR

of the request according to Article 15. According to the Respondent's point of view, this cannot be interpreted as access

as the express exercise of a right, neither the Applicant nor his representative has invoked data protection

to his inquiries as a request regarding the subject matter, and in terms of content, it cannot be considered a request that a

would fall under the scope of the exercise of the information right to be interpreted according to the wishes of the legislator.

The Applicant referred here to Authority NAIH/2020/159/10. to its decision no., according to which a

an application must be judged according to its content, and if as a result of the content examination it can be clearly established that the person concerned did not exercise his right to access, but for example, he complained about the data controller's procedure, the latter not Article 15 of the GDPR must provide information according to

The Respondent reviewed the documentation created in the case and found nothing else inquiry, request, notice, which is GDPR 15-22. the exercise of any right listed in Articles would mean, or could be confused with it.

II.2.4. Measures related to the identification of the Applicant, as well as the identification in relation to related practice, the Applicant submitted the following:

After the identification was unsuccessful, the Respondent's employee initiated it data reconciliation in accordance with the principle of data accuracy. According to the Respondent's point of view, a The applicant and his representative objected to this procedure, and not the stakeholder requests. as a data controller.

The Respondent provides the interested parties with the possibility that if not they can/can, at the cost of excessive efforts, appear in person at the Requested customer service office, they can also send a copy of their identity document, which inspection and the after drawing conclusions, it will be deleted immediately, but no later than within 30 days.

Regarding the dispute of the claim that is the subject of the complaint, the Applicant and the Respondent no court proceedings are pending between

Correspondence with the Applicant and his legal representative in the attached copy of the Respondent copy as follows:

The basic personal data of the obligee registered by the Applicant is essential discrepancy, until this is resolved, the Applicant is not considered obligated. For identification and data correction procedure in the interest of those concerned also serves. If the Applicant establishes that a

If you have no claim against the applicant, then your case is closed.

The Respondent emphasized that, in relation to the claim, that is all sent an assignment notice and the data management information sheet, which the addressee did not receive through, no other procedural actions took place.

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By the date of the response letter sent to the Authority, i.e. by December 14, 2021, the Applicant will not was able to establish the identity of the Applicant.

The Applicant to the obligee on 23.04.2021. on the Civil Code of 2013 (hereinafter: Ptk.) 6:197. § and 6:198. a letter with the content specified in § sent in order for the obligee to be aware that:

a claim against him was assigned to the Respondent,

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- to whom and in what manner you can perform the performance thereafter.

called for good faith

The Respondent intended to deliver to the obligee of the claim transferred by the assignor the letter. However, transferred by the assignor to the Applicant, and by the Applicant a the address marked on the envelope was not the same as the address to which Magyar Posta Zrt. (a hereinafter: Posta) attempted delivery. Posta as an independent data controller acted in such a way that - given that the address indicated on the envelope does not exist - the designated one attempted to deliver the envelope, who, to the best of his knowledge, bears the name indicated on the envelope as the addressee. Given that that the Applicant does not live at the given address, a Posta employee for the Applicant's mother tried to deliver the letter. Here, the Respondent again submitted that the letter was ultimately sent by one person neither did he receive it, so he did not know its contents.

The Respondent does not currently manage data with the Applicant for claims management purposes against, since he could not yet complete the identification.

The Applicant is the Magyar Nemzeti Bank 2/2019. (II.13.) recommendation to the consumer

on receivables management activity III. with the basic principles contained in chapter III. chapter 2.1. in point in accordance with the principle of fair and cooperative behavior, in good faith is obliged to act towards the obligees. Given that the Respondent is the obligee on the part of

to assume, the Respondent does not assume that a

a person submitting a copy of an identity document may even have a criminal record submits a copy of the personal identification document for a person other than his or her own, or changes a copy of your personal identification document in bad faith.

Without applying the above procedure, the Applicant is required to make the data changes

it should take care on the basis of the "announcement" of those involved, which includes the risk of making mistakes would take

Personal data of the Applicant and personal data in the records of the Respondent

there was a large and significant discrepancy between them (date of birth and address), in which case the Applicant has a separate procedure.

The personal data of the obligee was provided to the Applicant by the assignor. The

assignment 25.03.2021. occurred on the day of, therefore from this day, the data for the Requested party

from its transmission, the Data Management is carried out by the Requested Party. The assignor as independent

the data controller is responsible for the accuracy of the transmitted data, Article 5 (1) point d) of the GDPR

Based on.

The Respondent did not send the notice of assignment to the Applicant's home address, which

on the basis of the power of attorney attached by the lawyer to [.....], but by the assignor

to the address provided [....]. The Requested at the start of the data management activity

did not assume that the data provided was incorrect.

The data reconciliation process of the Requested Party is the response sent to the Authority's first inquiry

at the time of writing, it had not yet been concluded, because the Applicant's representative and the Applicant a

The respondent did not receive a response in connection with the data reconciliation.

According to the Respondent's claim, its procedure is to identify more than one person is carried out by connecting personal data, in order to ensure that possible data protection avoid incidents.

The Applicant informed the Authority that the obligee is in the Applicant's records the actor's name, mother's name, place of birth and contract number were agreed by the Applicant presented (in the letter sent to the applicant by the lawyer), however, the residential address and date of birth did not match.

According to the Respondent's procedure, if the person concerned does not cooperate during data reconciliation with the Request, in that case from the Requested alternative source attempts to request personal information.

The Requested the Applicant on 27.05.2021. on the day of the request in writing - through the Applicant's representative for data reconciliation. After that, the Applicant made this request by phone on 06.09.2021. on the day and in writing on 23.07.2021. he repeated in a letter dated 1992 on the registration of the personal data and residential address of the Applicant LXVI Act (hereafter: Nytv.) on the basis of point a) of § 17, paragraph (2), was contacted by a Ministry of the Interior, however, he received the information on 16.06.2021. on the day that the person concerned is a The Department of Personal Customer Service and Document Supervision of the Ministry of the Interior could not find it. The Applicant is Nytv. cannot initiate the procedure according to § 17, subsection (2), point f), as it cannot prove the legal basis and purpose of the use.

On April 30, 2021, the Respondent recorded the correctness of the data contact with the assignor, the assignor provided the information that it assignor provided the documents available to the Applicant.

Due to the above, the Applicant, in accordance with its procedure, 14.12.2021. closed on the day of case, and thus considers the data reconciliation unsuccessfully concluded. If the Applicant a will look for the Applicant again in the future, again for the sake of accurate identification

it is necessary to take action.

II.3. The Applicant has the right to be notified of the completion of the evidence procedure and to inspect the documents after exercising, he made the following statement:

According to the information received on March 1, 2022, the Applicant is not registered an "open" claim against the Applicant, and does not make any claims against the Applicant and not against anyone else.

III. Applicable legal regulations

According to Article 2 (1) of the General Data Protection Regulation, the regulation must be applied a for the processing of personal data in a partially or fully automated manner, as well as for the non-automated handling of data that is a registration system are part of, or are intended to be part of, a registration system.

For data management under the scope of the General Data Protection Regulation, Infotv. Paragraph (2) of § 2 according to the general data protection regulation in the provisions indicated there is occupied must be applied with supplements.

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

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you can define.

Based on Article 7, 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 a set of operations, such as collection, recording, organization, segmentation, storage, transformation or change, query, insight, use, communication, transmission, distribution or

in other ways

accessible

by lot, alignment or connection,

restriction, deletion or destruction;

Based on Article 5 (1) point b) of the General Data Protection Regulation, personal data

should only be collected for specific, clear and legitimate purposes and should not be processed

in a manner inconsistent with these objectives. ("goal-boundness").

Pursuant to Article 5 (1) point c) of the General Data Protection Regulation, personal data is

they must be appropriate and relevant in terms of the purposes of data management, and a

they must be limited to what is necessary ("data saving").

Based on Article 5 (2) of the General Data Protection Regulation, the data controller is responsible for (1)

for compliance with paragraph and must also be able to demonstrate this compliance

("accountability").

Based on Article 5 (1) point d) of the GDPR, personal data: accurate and necessary

they must be up to date; all reasonable measures shall be taken to

that inaccurate personal data for the purposes of data management are deleted immediately

or correct ("accuracy").

Management of personal data based on Article 6 (1) of the General Data Protection Regulation

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

a) the data subject has given his consent to the processing of his personal data for one or more specific purposes

...

f) data management to enforce the legitimate interests of the data controller or a third party

necessary, unless the interests of the data subject take precedence over these interests

or fundamental rights and freedoms that require the protection of personal data,

especially if a child is involved.

Based on paragraphs (1) to (4) of Article 12 of the General Data Protection Regulation:

(1) The data controller shall take appropriate measures in order to ensure that the data subject a
all the information referred to in Articles 13 and 14 regarding the management of personal data
and 15-22. and each information according to Article 34 is concise, transparent, comprehensible and easy
provide it in an accessible form, clearly and comprehensibly worded, especially the
for any information addressed to children. The information in writing or otherwise -
including, where applicable, the electronic route - must be specified. Oral at the request of the person concerned
information can also be provided, provided that the identity of the person concerned has been verified in another way.

(2) The data controller facilitates the relevant 15-22. the exercise of his rights according to art. Article 11 (2)
in the cases referred to in paragraph 15-22, the data controller is the person concerned. to exercise his rights according to art
may not refuse to fulfill your request, unless you prove that the person concerned
cannot be identified.

(3) The data controller
without undue delay, but by all means the request
within one month of its receipt, informs the person concerned of the 15-22 application according to art
on measures taken as a result. If necessary, taking into account the complexity of the request and the
number of applications, this is the deadline
it can be extended by another two months. The deadline
request for an extension by the data controller indicating the reasons for the delay
informs the person concerned within one month of receipt. If the data subject is electronic
submitted the application via e-mail, the information must be provided electronically if possible,
unless the data subject requests otherwise.

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(4) If the data controller does not take measures following the data subject's request, without delay,
but it informs the person concerned no later than one month from the date of receipt of the request
about the reasons for the failure to take action, as well as about the fact that the person concerned can submit a complaint to a
with a supervisory authority, and can exercise his right to judicial redress.

Based on Article 15 (3) of the General Data Protection Regulation, the data controller is provides a copy of the personal data subject to data management to the data subject. The for additional copies requested by the data subject, the data controller shall charge administrative costs based on may charge a reasonable fee. If the person concerned submitted the application electronically, it information must be made available in a widely used electronic format, unless the data subject requests otherwise.

Pursuant to Article 12 (6) of the GDPR, without prejudice to Article 11, if the data controller have reasonable doubts about 15-21. a natural person submitting an application pursuant to Art regarding his identity, it is necessary to further confirm the identity of the person concerned may request the provision of information.

Based on Article 83 (1) of the General Data Protection Regulation, all supervisory authority ensures that due to the violation mentioned in paragraphs (4), (5), (6) of this regulation, e administrative fines imposed on the basis of Article are effective, proportionate and be deterrent.

Based on Article 83 (2) of the General Data Protection Regulation, administrative fines are depending on the circumstances of a given case, referred to in points a)-h) and j) of Article 58 (2) must be imposed in addition to or instead of measures. When deciding whether it is necessary for the imposition of an administrative fine, and when determining the amount of the administrative fine in each case due consideration shall be given to the following:

- a) the nature, severity and duration of the infringement, taking into account the data management in question nature, scope or purpose, as well as the number of persons affected by the infringement, as well as the the extent of the damage they have suffered;
- b) the intentional or negligent nature of the infringement;
- c) mitigating the damage suffered by the data controller or the data processor any action taken in order to;
- d) the degree of responsibility of the data manager or data processor, taking into account the a

technical and organizational measures undertaken on the basis of Articles 25 and 32;

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

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

extent of cooperation to mitigate its effects;

g) categories of personal data affected by the infringement;

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

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

with detail;

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

subject - one of the measures mentioned in Article 58 (2) was ordered, orally

compliance with revolving measures;

j) whether the data manager or the data processor has complied with Article 40

certification

to approved codes of conduct or according to Article 42

for mechanisms; as well as

approved

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

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

loss avoided.

On the basis of Article 18 (2) of the General Data Protection Regulation, if the data management is (1)

is subject to restrictions based on paragraph, except for the storage of such personal data

with the consent of the person concerned, or

to present or enforce claims or

to protect, or to protect the rights of other natural or legal persons, or

It can be handled in the important public interest of the Union or a member state.

yogi

Based on Article 83 (5) of the General Data Protection Regulation, the following provisions

violation - in accordance with paragraph (2) - in the maximum amount of EUR 20,000,000

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

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

a higher amount must be imposed:

a) the principles of data management - including the conditions of consent - of Articles 5, 6, 7 and 9

appropriately;

b) the rights of the data subjects 12-22. in accordance with article

Infotv. According to Section 2 (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 § 3, 3., 4., 6., 11., 12., 13., 16., 17., 21., 23-24. point, paragraph (5) of § 4, that

Paragraphs (3)-(5), (7) and (8) of Section 5, Paragraph (2) of Section 13, Section 23, Section 25, Section 25/G.

in paragraphs (3), (4) and (6) of § 25/H. § (2), 25/M. in paragraph (2) of § 25/N.

§ 51/A. in paragraph (1) of § 52-54. §, § 55 (1)-(2), § 56-60.

§ 60/A. §§ (1)-(3) and (6), § 61 § (1) points a) and c), § 61 (2)

and paragraphs (3), paragraph (4) point b) and paragraphs (6)-(10), paragraphs 62-71. § 72.

§, § 75, paragraphs (1)-(5), § 75/A. § and defined in Annex 1

must be applied with supplements.

Infotv. On the basis of § 61, subsection (6), open to challenge the decision

until the end of the deadline, or until the final decision of the court in the case of an administrative lawsuit a

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

Infotv. 75/A. pursuant to § 83 (2)-(6) of the General Data Protection Regulation, the Authority

paragraph

exercises its powers taking into account the principle of proportionality,

especially with the fact that you are in the law regarding the handling of personal data

The regulations defined in the mandatory legal act of the European Union are being implemented for the first time in case of violation, to remedy the violation - with Article 58 of the General Data Protection Regulation in accordance with - takes action primarily with the warning of the data manager or data processor.

Act V of 2013 on the Civil Code (hereinafter: Civil Code) 6:193. according to §:

(1) The creditor may transfer his claim against the obligee to someone else.

(2) In order to acquire the claim by transfer, the transfer contract or other legal title and assignment of the claim is required. The assignment is between the assignor and the contract of the assignee by which the assignee takes the place of the assignor.

(3) With the assignment, the pledge securing the claim is transferred to the assignee and rights arising from sureties, as well as interest claims.

The Civil Code 6:196. Pursuant to §, the assignor is obliged to claim the assignee to provide the information necessary for its enforcement, and the holder of the claim is obliged to hand over documents proving its existence to the assignee.

and the treatment of which the procedure is successful

Acr. On the basis of § 27, paragraph (3), the authority, in the course of its procedure, in order to conduct it - in the manner and scope defined by law - manages the protected data that are related to its procedure,

conducting

necessary for

According to Article 77 (1) of the General Data Protection Regulation, all data subjects are entitled to to file a complaint with a supervisory authority if, in the opinion of the data subject, it concerns him processing of personal data violates the general data protection regulation.

Infotv. According to § 38, paragraph (2), the Authority is responsible 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. According to paragraph (2a) of the same §, general data protection

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the tasks and powers established for the supervisory authority in Hungary

with regard to legal entities under its jurisdiction in the general data protection regulation and e

it is exercised by the Authority as defined by law.

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

in order to do so, the Authority will initiate a data protection official procedure at the request of the data subject.

Infotv. According to § 60, paragraph (2), the request to initiate the official data protection procedure

it can be provided in the case specified in Article 77 (1) of the General Data Protection Regulation

in.

About identification methods replacing the personal identification mark and the use of identification codes

XX of 1996 Act (hereinafter: Szasz tv.) on the basis of paragraphs (1) - (4) of Section 4

(1) The citizen

a) with natural personal identification data,

b) selected from natural personal identification data, according to the purpose of data management

you have the necessary and appropriate amount of data

c) in the case specified by law, with his family name and first name, as well as in this law

with a specific identification code

(hereinafter together: identification methods) must be identified.

(2) Citizens may only use one method of identification to identify themselves

oblige.

(3) In the absence of a different provision of the law, the citizen is the data according to paragraph (1).

you can freely choose the method of verification.

(4) Natural personal identification data is the citizen

a) surname and surname, surname and surname at birth,

b) place of birth,

c) date of birth and

d) mother's family name and surname at birth.

ARC. Decision of the Authority

IV.1. The data management of the Applicant, the subject of this official case, and the Applicant is personal data

IV.1.1. Data management purposes and the subject of this official case

The Respondent's outstanding claim, and after that the accuracy of the data

had doubts about it, so it was for the purpose of identifying the debtor related to the claim

it is necessary to manage the personal data of the Applicant until the case is closed (14.12.2021).

After the failure of the identification has been established, the Requested person is only the present data protection officer procedure and is handled by the Applicant for the purposes of its retention obligation regarding complaints your personal data. The Authority's investigation is for the purposes of claim management and identification was related to data management carried out, given that the Applicant violated this a in his submission.

IV.1.2. In connection with your outstanding claim, and subsequently for the purpose of identification managed personal data

Article 4, point 1 of the GDPR defines the concept of personal data, on the basis of which a data then we can say that it is considered personal data according to the GDPR if you are identified the information refers to an identifiable natural person ("data subject"). Based on the GDPR the natural person who can be identified directly or indirectly. THE GDPR only lists examples of which data can be identifiers listing also mentions the name. Therefore, given that the GDPR does not clearly describe

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which data can be identified if a person is available, therefore on a case-by-case basis should be investigated in case.

Sasz TV. According to Section 4 (1), customer identification is natural

personal identification data or selected from natural personal identification data, that is with the necessary and appropriate amount of data according to the purpose of data management can happen. THE proof of identity and identification are not the same concepts, therefore the Authority according to his point of view, all four naturals are only required for identification in exceptional cases provision of personal identification data, in most cases the name and other details are sufficient one of three personal identification data, if it is used to identify the customer is actually necessary.

According to the Respondent's claim, its procedure is to identify more than one person is carried out by connecting personal data, in order to ensure that possible data protection avoid incidents.

The Applicant informed the Authority that one of its obligees - the Applicant in the register - the name of the participant, the name of the mother, the place of birth and the contract number were the same with those presented by the Applicant (with those included in the letter sent to the Applicant by the Lawyer), however, the address and date of birth did not match.

The fact that there is a Szasz tv in the Applicant's records. identification data according to § 4, and a The fact that the applicant's address does not match does not mean that the registered data do not qualify personal data, i.e. the Applicant's name, mother's name, place of birth, as the Applicant identifying personal data was stored by the Respondent, i.e. according to Article 4, point 2 of the GDPR request the Lawyer for identification purposes who performed data management regarding your letter

14.12.2021 from the date of suspicion of data inaccuracy. until today, so it is until the case is closed.

Enforcement of the data accuracy set forth in Article 5 (1) point d) of the GDPR in order to, the data controller must take measures to prevent inaccurate data its use. In such a case, according to the Authority's point of view - taking reasonable measures - it is

the data controller must temporarily limit the processing of inaccurate data, the Requested Party shall do so complied, because it did not continue data processing for claims management purposes, but started it the data reconciliation with the Applicant, which, however, did not lead to success, so it was finally closed by him matter. The data controller has no obligation to delete data in cases where the accuracy of the data previously provided by the assignor becomes questionable for some reason, however, the data controller's actions must promote the principle of accuracy enforcement and must prevent the use of inaccurate data. Of this requirement was met by the Respondent, as it was only conducted for the purpose of identification data management, did not manage the Applicant's personal data for claims management purposes, because a Applicant's personal data only for the present data protection official procedure and for complaints for the purpose of the relevant preservation obligation, it was, and is currently being managed. Paragraphs (1), (2), (3) and (4) of Article 12 of the GDPR contain provisions on data subject rights in relation to promoting its practice. Article 12 (6) of the GDPR on the data subject request regarding the identification of the submitter.

With reference to Article 12 (6) of the GDPR, the Respondent was the Applicant the provision of information necessary to confirm your identity to ask, given that, according to his claim, he had doubts about whether a the Applicant can be bound by his claim. Even though - IV.2.1. as written in point - a The Respondent did not acknowledge that his request was sent by the Applicant's Lawyer it was a stakeholder request, the Respondent took steps to identify it, and the Lawyer about it informed him in his letter dated May 27, 2021, so it can be established that based on this a Acted in accordance with the provisions of Article 12 (6) GDPR.

subject

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wrote

illegal handling, affects

in a letter, the Respondent requested that it be attached to his reply letter

To the lawyer

The Applicant must fill out the "statement notifying data correction" and it is valid for personal use

send a copy of your identity card to the Applicant. On the attached form a

The Respondent asked the Applicant to provide his birth name, date of birth, from his personal data

place, time, mother's name, address, and mailing address

at your disposal. Providing the phone number and email address was optional.

The Applicant did not send the data requested by the Respondent, as well as the photograph

nor a copy of his identity card for the Applicant.

Due to the above, the Authority rejected the Applicant's request to determine the

personal data

infringement, namely the identification

due to its failure, it was not possible to establish whether the debtor of the Respondent was the Applicant

nor, therefore, whether the data processing for the purpose of claims management was affected or not.

Because if the data controller has well-founded doubts, GDPR 15-21. according to article

regarding the identity of the person submitting the request based on Article 12 (6) of the GDPR,

you can request additional information necessary to confirm the identity of the data subject. The

the GDPR does not contain special regulations regarding the identification of the data subject, therefore if

it can be reasonably assumed that GDPR 15-21. the person submitting the application pursuant to Article no

is the same as the data subject, the data controller cannot fulfill the request, or only the person submitting it

after identifying a person as a data subject.

IV.2. Exceeding the deadline

The Authority, in view of the fact that Infotv exceeded administrative according to paragraph (1) of § 60/A

deadline, therefore HUF 10,000, i.e. ten thousand forints, to the bank account of the Applicant - according to his choice

by money order or postal order, the Ákr. Based on § 51, subsection (1), point b).

A. Other questions

The competence of the Authority is set by Infotv. Paragraphs (2) and (2a) of § 38 define it, and its competence is covers the entire territory of the country.

The decision is in Art. 80-81 § and Infotv. It is based on paragraph (1) of § 61. The decision is in Art. 82.

Based on paragraph (1) of § §, it becomes final upon its communication. The Akr. § 112 and § 116 (1)

paragraph or § 114 (1) against the decision by way of an administrative lawsuit

there is room for a legal remedy.

* * *

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 Metropolitan Court is exclusively competent. The Kp. Section 27 (1)

legal representation is mandatory in a lawsuit falling under the jurisdiction of the court based on paragraph b).

The Kp. According to paragraph (6) of § 39, the submission of a claim is an administrative act

does not have the effect of postponing its entry into force.

The Kp. Paragraph (1) of § 29 and, in view of this, Pp. According to § 604, the electronic one is applicable

CCXXII of 2015 on the general rules of administration and trust services. law (a

hereinafter: E-administration act) according to § 9, paragraph (1), point b) of the customer's legal representative obliged to maintain electronic contact.

The time and place of submitting the statement of claim is set by Kp. It is defined by § 39, paragraph (1). THE

information on the possibility of a request to hold a hearing in Kp. Paragraphs (1)-(2) of § 77

is based on. The amount of the fee for the administrative lawsuit is determined by Act XCIII of 1990 on fees. law

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(hereinafter: Itv.) 45/A. Section (1) defines. It is from the advance payment of the fee

Itv. Paragraph (1) of § 59 and point h) of § 62 (1) exempt the party initiating the procedure.

During the procedure, the Authority exceeded Infotv. One hundred and fifty days according to paragraph (1) of § 60/A

administrative deadline, therefore the Ákr. On the basis of point b) of § 51, he pays HUF ten thousand to the Applicant.

dated: Budapest, according to the electronic signature

Dr. Attila Péterfalvi

president

c. professor