

Case number: NAIH-438-1 / 2021

History: NAIH / 2020/6768

Subject: Decision rejecting the application

:

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

hereinafter collectively referred to as the "Applicants or Interested Parties"), represented by □... □

(registered office: □... □; acting as Agent), against □... □ (hereinafter referred to as □... □;

Following a request from an authorized legal representative of the Company (registered in □... □),

Illegal data processing related to the □... □ page published by the Company, as well as the

Data protection proceedings have been initiated in respect of the inadequate provision of the rights of the applicants concerned in an official procedure

## DECISION

The Authority shall reject the application.

No procedural costs were incurred during the official proceedings and therefore no costs were incurred provided by the Authority.

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

Within 30 days of the application addressed to the Metropolitan Court in an administrative lawsuit

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

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

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

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

legal representation is mandatory.

## EXPLANATORY STATEMENT

### I. Procedure and clarification of the facts

In their e-mail sent to the Applicants on 16 September 2020 and to the Authority by 2020.

by letter received by post dated 21 September in the newspaper □... kiad issued by the Company  
unlawful data processing related to a newspaper article to be published, and affected by the Applicants  
such as the right to prior information, information and access  
and breach of the principle of targeted data collection, and  
initiated data protection official proceedings against the Company.

In the application, the Applicants stated the following:

- By e-mail received from the staff of the newspaper □... □ on 31 August 2020  
have been informed that the Company is presumably processing personal data relating to them and by it  
intends to include the data relating to the privacy of the data subject in a written statement issued by

.....

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as well as □... □ trade secrets. The request did not contain any information on the processing of personal data.  
mandatory information under Article 14 of the General Data Protection Regulation<sup>1</sup>.

- Electronic questions dated 31 August 2020 from a member of the staff of □... ire  
invoking privacy in its letter, among the issues concerning the data subjects  
has declined to respond and requested that it be submitted to the article prior to publication. A □... □ lap  
In a reply dated 31 August 2020, his journalist stated that his questions  
privacy ", a significant part of them" are exclusively related to business matters and were rejected by the article  
to the Stakeholders before publication.

In addition, the response still did not include the general treatment of personal data  
mandatory information under Article 14 of the Data Protection Regulation. According to the data subjects, the received

brief information was untrue (“does not affect anyone’s privacy”) as the one received later

from them, the processing of personal data can be clearly established in their opinion.

- The Legal Entities, through their legal representative, dated 2 September 2020

In the letter of formal notice, it was pointed out that most of the questions were based on the □... □ page's handling of personal data

Kezel... □ as a Data Subject and, among other things, handles criminal personal data. They called the

attention to the fact that the data subjects have not consented to the disclosure of their personal and business secrets,

For the preparation and publication of an article on the topics outlined by his journalist, including

The privacy and other personal information of those affected and the business of the companies belonging to □... □

to disclose information classified as confidential.

The data subjects were also prohibited from disclosing any personal data concerning them

For company. Given that the Data Subject did not receive any information about their data

treatment, in fact, the journalist explicitly refused to provide information despite the general

data protection ordinance obliges data controllers to do so, they have called on the Company to provide

information on the personal data of the data subjects managed by the Company and the planned data processing

in accordance with Articles 14 and 15 of the General Data Protection Regulation.

Pursuant to Article 21 of the General Data Protection Regulation, there was a strong protest against the

against the processing of data concerning them and are prohibited from making any personal data relating to them

access data, collect data and perform other data management activities,

including disclosure.

Data processing has been requested under Article 18 (1) (b) and (d) of the Data Protection Regulation

restriction. The Company was instructed to refrain from disclosing data concerning Stakeholders

the circumstances set out in Article 18 (1) (d) of the General Data Protection Regulation

as well as in the wake of the protest. Stakeholders also called on the Company to

discuss the article you plan to publish with them.

- In a written statement dated 31 August 2020, the authorized employee of □... □ informed the

Company about that

a) in their opinion, everyone has the right to respect for his or her privacy,

(b) they decide that the business owners do not want privacy information

to provide to the Company,

(c) the □... □ family has personal reasons for not requesting information about them

provide additional data,

(d) the Tata □... □ investment is the subject of ongoing consultations.

- In addition, the Stakeholders made a statement on 2 September 2020 through their legal representative

towards. In their opinion, the Company is thus obliged to consult before the publication of the article,

which you do not want to meet.

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 number of natural persons

processing personal data

on the protection of individuals with regard to the processing of personal data and on the free movement of such data and

repealing Directive 95/46 / EC.

1

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In their view, the unlawful publication of the article constitutes such irreversible damage

which would frustrate many years of consistent efforts by Stakeholders to

in order to protect their personal rights.

The Applicants emphasized that they had always paid special attention to their private and business lives

to protect their privacy and privacy. In the press, they essentially never did

statements, their possible manifestations focused strictly on business considerations, and

they have also consistently taken action against any data collection affecting them.

- On the basis of their submissions, the data subjects requested the Authority to:

a.) is related to the described data processing within the framework of the data protection official procedure

examine information;

b.) set out in Article 5 (1) (a), Article 5 (2) of the General Data Protection Regulation

Article 6 (1) (f), Article 10, Article 12 (1) and (4), Article 14,

The fact of the Company's unlawful data processing pursuant to Article 15, Article 21 (1).

- Upon request, Article 57 (1) (f) of the General Data Protection Regulation and the information

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

Pursuant to Section 60 (1) of the Information Act, a data protection authority procedure was initiated.

The Authority shall initiate the data protection authority procedure on 1 October 2020

NAIH / 2020/6768/3 notified the Applicant and the General Administration

CL of 2016 on Public Order. with reference to § 63 of the Act (hereinafter: the Act)

called on him to make a statement in order to clarify Proof of service received by the Authority

received by the Applicant on 7 October 2020.

The applicant, dated 15 October 2020 and received by the Authority on 28 October 2020,

sent the requested information to the Authority.

In his reply, he requested that the official data protection proceedings be suspended, arguing that

Applicants Civil litigation based on alleged infringements investigated by the Authority

with the intention of Act CXXX of 2016 on Civil Procedure. Act (hereinafter: Pp.) 108. §

an application for interim measures was made on the basis of

The Applicant attached the decision of the Metropolitan Court 17.Pk.22.488 / 2020/9. order No

The interim measure requested by the parties was granted in part subject to the condition that the Applicants

An action shall be brought before the General Court within 30 days for a decision on the merits.

The Applicant filed an appeal against the order granting interim measures.

In addition to proposing the suspension of the data protection proceedings by the Authority, the Applicant shall:

in its reply to the order for clarification of the facts, stated the following:

“The Applicant's CIV of 2010 on Freedom of the Press and Basic Rules of Media Content.

(hereinafter: Smtv.), the publication of which is the same

statutory press product, a fact which is relevant to the general

Hungary has notified this legislation under Article 85 (3) of the Data Protection Regulation

with the exception of freedom of expression and the right to information

comparability with the right to the protection of personal data.

The exception also covered:

-

Act V of 2013 on the Civil Code (hereinafter: the Civil Code) 2:44. § (Public Affairs

free to challenge) and

a 36/1994. (VI. 24.) AB,

a 7/2014. (III. 7.) AB decision,

a 28/2014. (IX. 29.) AB,

a 3001/2018. (I. 10.) AB decision,

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a 3145/2018. (V. 7.) AB, the content of which is thus also relevant in the present case. ”

The Applicant has a data protection information, which is also published on its website: □... □.

From the Applicant page, □... □ journalist contacted Applicants to write an article

to obtain information. The inquiry claims are not just questions

which, after answering, would have been obtained from the content of the answers

journalist put the data infringed by the Applicants in public databases and in their own statement

not found.

The request referred to named only □... □ and □... □ Applicants and only in respect of them.

an examination of the processing of personal data may be justified, and in the case of a... □

The request did not contain any criminal personal information, only for the return.

The source of □... □ 's personal information is its own previous public role, which is available to anyone below

links: □... □

The Applicant's position does not cover the reality of Applicants' claim in the press

they essentially never make a statement, their possible manifestations focus on business considerations.

Additional resources in this regard:

□... □;

□... □;

□... □;

□... □;

□... □;

□... □;

□... □;

□... □;

□... □.

In addition, to their knowledge, an article on Népszabadság was published in 1991 with the Internet

version does not exist. Respectively, nyilatko... □ spoke to □... □'s lawyer, □... □ both by phone and approved left the statement.

The source of personal data in connection with □... □ is the article on origo.hu:

□... □.

The article is accompanied by a correction in its uniform structure, but it does not cover □... □ claims, including those relating to his criminal record, only for □... □. and □... □ relevant.

In the sugar case, maga... maga himself made a statement to the RTL Club that year: □... □

The source of personal data related to companies is the public company register.

Applicants owned and operated by □... □ and its subsidiaries on several occasions have received state support and are in the process of using public money support procedure. The grants received so far can be found at □... □.

Data related to the Budapest Stock Exchange (hereinafter: BSE) are obtained from the BSE website:

□... □

□... □

□... □

Other sources were the state aid database and the tender monitor:

□... □

<https://www.palyazat.gov.hu/tamogatott-projektkereso>.

The Applicant informed the Applicants by letter dated 4 September 2020

the scope of personal data, the source of personal data, the legal basis of data processing, data processing

the legitimate interest of the data subject, the rights of the data subject, the right to protest, the

overriding legal interest in bringing proceedings, the possibilities for enforcement and the

It does not disclose information about business secrets to data subjects.

The Company's answers to the Authority's questions are as follows:

The legal basis and purpose of data processing, the broader legal basis

„1. The Basic Law of Hungary both recognizes the right to the protection of personal data [VI. article

Paragraph 3], the disclosure of data of public interest [Annex VI Article 3 (3)], freedom of the press and

diversity of the press [IX. Article 2 (2)]. According to Article M) of the Basic Law, the economy of Hungary

it rests on the freedom of enterprise. Pursuant to Article 39 (2), a public finance undertaking

all organizations are accountable to the public for their public finance management.

Public money must be managed in accordance with the principles of transparency and public purity, and

data on public funds and national wealth are data of public interest.

2. Article 85 (1) of the Regulation also shows that the Member States shall coordinate their views

and access rights to data protection. The requirement of balance of interests is set out in

Of the Working Party of European Data Protection Supervisors (Working Party 29) on 26 November 2014

paragraph 2 of its resolution on the protection of individuals with regard to the right to freedom of expression

should be interpreted in the light of (also).

3. Court of Justice of the European Union in the case of Tele2 Sverige AB [C-203/15, ECLI: EU: C: 2016: 970; 2016.



Paragraph 93 of its decision of 21 December 2006 similarly contains the following:

Referring to the Charter of Fundamental Rights of the European Union ('the Charter'), 'Article 7 of the Charter

the right to privacy as guaranteed by Article 8 thereof,

the importance of the right to the protection of personal data as established in case law (see

see, to that effect, Case C-362/14 Schrems [2015] ECR I-0000, paragraph 39;

case-law cited therein) account must be taken of Article 15 (1) of Directive 2002/58.

in the interpretation of paragraph The same goes for freedom of expression

given the particular importance that this freedom has in any democratic society. On this,

the fundamental right guaranteed by Article 11 of the Charter is an essential element of a democratic and pluralistic society

is one of the values on which the Union is founded under Article 2 TEU (see

see, to that effect, Case C-112/00 Schmidberger [2003] ECR I-333, paragraph 79; 2011.

Patriciello, 6 September 2011, EU: C: 2011: 543, paragraph 31.)

4. Article IX of the Basic Law Under Article 1 (1), (2) and (4), everyone has the right to:

Hungary recognizes and defends freedom of the press and

ensure the free information necessary for the development of a democratic public

conditions. A 7/2014. (III. 7.) In the wording of Resolution AB "[a] freedom of the press - which encompasses

freedom of all types of media - the institution of freedom of expression. Despite the increasingly complex and diversified nature

of the press' s activities, above all

expression of opinion, opinion-forming and opinion-forming

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means of obtaining information "(Justification [40]). This role of the press is especially appreciated

in the field of public opinion, as "[t] he social and political debates are largely precisely

consist of public actors or participants in public debate, typically through the press.

each other's ideas, political performance and, in this context, each other's personalities

are criticized. And it is the constitutional mission of the press to control what is exercised by the public authorities

is an integral part of the activities of persons and institutions involved in shaping public affairs

(Justification [48]). In the interpretation of the Constitutional Court, the media is democratic

its central role in shaping public opinion does not lead to "the press

their activities should not be subject to legal requirements ..., but at the time of their creation and

In the interpretation of the Constitution, the fulfillment of the constitutional mission of the press, a

the publication of information of public interest shall not be hindered or impeded "3/2015.

(II. 2.) AB decision, Justification [25]]. A 28/2014. (IX. 29.) According to Resolution AB "As long as

any information is not an abuse of the freedom of the press to protect human dignity

In the context of the

restrictions on the exercise of freedom of the press. " (Justification [42]). This interpretation is based on 16/2016.

(X. 20.) and 17/2016. (X. 20.) The resolutions of AB also consistently came into force a

in favor of freedom of the press. Freedom of the press and protection of individual rights (including

right to self-determination of information) are not mutually exclusive rights but an individual matter

the interests involved must be weighed up in the light of the circumstances of the case and thus

to find the right balance between the constitutional values at stake. Privacy is not enjoyed

absolute precedence over other constitutional rights, such as freedom of expression and

freedom of the press. Article 10 of the European Convention on Human Rights provides a

freedom of expression, knowledge and expression of information and ideas

freedom. The European Court of Human Rights, in its adjudication of disputes in public matters, also a

the role of freedom of expression in a democratic society. The ECtHR

freedom of the press in its mission as a 'public watchdog'

democratic public life. [See, inter alia, Bladet Tromsø and Stensaas vs. Norway (App. 21980/93, p. 59)

Paragraphs 62; Pedersen and Baadsgaard v. Denmark (49017/99, para. 71.) In the practice of the ECtHR

the provision of information in the context of public affairs is not limited to the strict sense

political debates, but should also be ensured when an issue of public interest concerns (also) individuals.

touch. In line with this, the Constitutional Court also ruled that the changed social conditions

due to the wider range of public issues than political speaking and public actors

in the evaluation of its activities, so that the public debate encompasses the public interest that arises in the business world issues. [See 3145/2018. (V. 7.) AB decision.]

5. Primary plea in law in the narrower sense, Article 6 (1) (e) of the Regulation. According to him the processing is lawful if "the processing is in the public interest or entrusted to the controller necessary for the performance of a task carried out in the exercise of official authority. " The e) It therefore covers two situations:

(1) if the controller exercises a public authority (typically as a public body, but may occur it is also the case that, as another legal entity, if such a license is attached to it by a legal act, cf. below) or

(2) the processing is necessary for the exercise of a right in the public interest: in this case not it is a matter of public authority, the exercise of official authority, but in a broader sense exercise of a right in the public interest.

6. According to recital 45 in the preamble to the GDPR Regulation, 'in so far as the in the context of fulfilling a legal obligation to the controller or if the task is in the public interest necessary for the implementation of this Regulation and the exercise of public authority must have a legal basis in national law or in the law of a Member State. " The Smtv. § 10 is in the public interest as a task for the press to properly inform the public about the local, the national and European public affairs, as well as citizens of Hungary and members of the Hungarian nation events of major importance to him.

The Constitutional Court has clearly ruled that reporting on business a

is a discussion of public affairs and, consequently, an activity in the public interest: "The

At the same time, in the interpretation of the Constitutional Court, the range of public issues is wider than political criticizing the activities of persons exercising public power. Accordingly

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the public debate is not only about the functioning of the state and local government, the system of public authorities it encompasses the whole, but also encompasses corporate social responsibility and business

an increasing number of public issues in the world (eg environmental protection, energy efficiency, work and transport safety issues) [3145/2018. (V. 7.) AB decision, Paragraph 31]

7. The activity performed by the Applicant is in the public interest. Journalism is a legitimate activity in the public interest, which is freedom of expression, freedom of the press and the right to free information, such as exercise of fundamental rights. In this context, social, economic and and the presentation of the portrait of the persons building a market-leading enterprise with the support of public funds a activity in the public interest, so that the requested legal basis is primarily Article 6 (1) of the Regulation.

It refers to the first indent of paragraph 1 (e), according to which the processing of personal data is in the public interest required to perform this task. According to the Applicant, there is a public interest in even a criminal case personal data for certain persons if the criminal personal data may be related to their activities related to public life. In the case of □... □ repeatedly it should be emphasized that the data subject himself or herself disclosed the criminal personal data.

In the case of judging his background, it is also relevant to information of public interest that is political granted asylum, during which it protected the sovereign rights of the Hungarian state, which knowledge of the history of the act. □... □ is the current owner of a company and its leader, which receives billions in state support. Society has a legitimate need to: get information about the fact that a company manager who has an outstanding amount of public money in the past committed serious abuse in economic life. (As you can see from the article on origo.hu, the question is crime is linked by a thousand threads to its current state - subsidized activity, as it is sugar is the raw material for energy drinks.)

8. Secondary plea in law in the narrower sense, Article 6 (1) (f) of the Regulation.

According to the applicant, Article 6 (1) (e) of the Regulation is in itself sufficient legal basis for data processing, however, before the Applicant is known the National Data Protection and Freedom of Information Authority (hereinafter: NAIH) NAIH / 2020/838/2 and NAIH / 2020/1154/9. interpretation of the law on data processing in the context of journalism,

it also refers to Article 6 (1) (f) of the Regulation as the legal basis.

9. Given that Hungary is a market economy, the task of the press cannot be narrowed down

interpreted as the operation of privately owned private enterprises, ownership

It is not possible to provide information to the public at any level regarding the background. THE

The most successful Hungarian entrepreneurs make a significant contribution to the entire Hungarian economy

businesses are creating jobs, whole regions are contributing

affect the tax revenues of the budget and affect the foreign trade balance

etc. It is that at a given time in a country which are the largest companies, the economy and society

It reveals a great deal about the state of the industry: for example, which industry they come from the most successful

companies, people (IT, financial sector, etc.) and, especially in Hungary, political

the importance of relationships in getting rich. Due to the peculiarities of the Hungarian economy

these firms (and their owners) respectively receive government assignments or receive government or

other subsidies from public funds.

Applicant also aims to show how and to what extent these resources are used

these donations are part of their success. This is both relevant and important for the Hungarian entrepreneurial layer

information of general interest to both taxpayers (especially if it is

State aid contributes to the profitability of a company).

10. With regard to his criminal case in □... □ □... □, the Applicant points out that the

he has previously taken on a public role in the subject, which is still anyone in the place described above

available on the Internet. □... □ therefore, in its sole discretion, revealed to the public a

Reasons for settling in Hungary. It is also a fact that □... □ has already released statements not

withdrawn and not banned, so in practice with the present proceedings you want it according to your own needs

determine who can rely on them, which is not in good faith for the protection of personal data

restricting freedom of the press on the basis of subjective needs,

however, official support for this is not justified.

In this context, it was indicated that the Applicant would also be obliged to Pursuant to the provisions of Section 6 (1) - (3) to act in good faith in the present proceedings.

11. The role of the public in szerep... □ 's role in the crime against the State

we have to find out, because the former managing director and the current owner of the company is several billion forints from the state

responsible for the use and settlement of the grant.

12. Purpose of data processing: The applicant processes the data of the data subjects for the purpose that a freedom of the press and that the press in a democratic society

to carry out its information activities, to inform the Hungarian business in matters of public interest

community and the public - in accordance with the practice of the Constitutional Court - one of Hungary

the owners of the largest company in a unique economic position on the world market,

which, in addition to the description of state aid, covers the ownership background and network of contacts

the public aspects of the economic influence of the undertaking and the economic

exploring the socio-political conditions for the creation and maintenance of its influence,

thereby contributing to the transparency and traceability of business. He also applied

considers it its task to strengthen the Hungarian entrepreneurial culture by making it successful Hungarian entrepreneurs reports on its activities.

13. The purpose of data processing is therefore to inform the public and, more broadly, a

exercise of the right to freedom of the press. The purpose of the contested article is therefore economic

competition and state aid, market relations,

participation in economic life in a manner which is open to challenge

also contributing to fundamental public debates through investigative, fact-finding journalism.

The interest in data management therefore goes far beyond the private interests of the Requested; overriding public interest by providing information necessary for an informed discussion of public affairs.

The applicant requested an exploratory report in the field of investigative journalism

to prepare which Smtv. Fulfilling the obligation of accurate and authentic information pursuant to § 10

shows that the economic rise of a world brand has economic and political influence

the possible role of the merger, the individual performances and the Hungarian State

through grants, taxpayer funding plays a role together and the state

individual merits and individual dignities in the assessment of

precedent and, in particular, the economic abuses penalized are or are not significant.

On the lawfulness of data processing

14. In connection with the disclosure of personal data, Article I (3) and Article IX of the Basic Law

and the Rome Convention for the Protection of Human Rights and Fundamental Freedoms of 1950.

on the promulgation of the Convention and the eight additional protocols thereto dated 4 November

XXXI 1993 European Convention on Human Rights, promulgated by law 10 (hereinafter: ECHR).

Article 11 (1) and (2) of the Charter of Fundamental Rights of the European Union

provisions relevant to the procedure.

15. Of the above provisions, freedom of expression, freedom of the press and

free access to fundamental constitutional rights and protected by the Charter of Fundamental Rights and the ECHR

considered a right. The journalistic work which is the subject of the present proceedings is for the information of the public

the collection of data and its publication in the form of a newspaper article is a fundamental right which justifies the disclosure

of personal data concerning the Applicants,

and the Charter of Fundamental Rights and the ECHR are not only legitimate but clearly necessary

turn.

16. The Applicant's application objecting to this is suitable for the limited content of the article

its appearance or non-appearance, and even the journalistic activity itself as data collection,

data acquisition and investigation are also prohibited. This would clearly be a restriction on freedom of the press,

would deprive the Requested Smtv. Section 1 (2), ie the editorial staff

effective control over the selection and compilation of media content, although

effective editorial control over the compilation of media content for the individual content of the press product,

guarantee of its special tone. The application, therefore, with the removal of editorial responsibility a

interference with freedom of the press and freedom of expression, the scope of these fundamental rights would limit.

17. The request would infringe the freedom of expression guaranteed by Article 10 of the ECHR, no it would arguably be an interference with the Applicant's guaranteed expression of opinion under the Convention with the prior restriction of freedom of the press, which is enshrined in the European Convention on Human Rights According to the consistent case law of the Court of Justice, this can only be justified in exceptional cases (see most recently *Kablis c. Russia*, no. 48310/16 and 59663/17, Section 91, *UnifaunTheatreProductions Limited and Others c. Malta* no. 37326/1, *CumhuriyetVakfi et al. Turkey*, no. 28255/07, *Surviving Others c. Turkey*, no. 14526/0; and previously, *inter alia*, *AssociationEkin. France*, no. 39288/98, § 56; *Cumpáná and Mazáre. Romania [GC]*, no. 33848/96, § 118; *VereingegenTierfabrikenSchweiz (VgT) c. Switzerland (no. 2) [GC]*, no. 32772/02, § 93). The Court is special pays attention to the "reporting of perishable goods and any delay in doing so in its publication, even for a short time, from its value and the interest surrounding the report it may be deprived in full "(*Kablis, Russia*, no. 48310/16 and 59663/17, § 91).

18. The request also infringes Article 11 of the Charter of Fundamental Rights. The Charter of Fundamental Rights is also in the Member States

applicable: its obligations are "the Member States in so far as they implement Union law" [Article 51 article Paragraph 1]. The present proceedings were conducted solely because Applicants to the Regulation they intend to enforce their rights under its provisions. The Regulation is secondary to the European Union part of the law of the European Union, which, however, is directly applicable as a regulation also by the courts of the Member States. The authorities and courts of the Member States are ultimately based on EU law EU law and are thus bound by the rights guaranteed by the Charter of Fundamental Rights to act with respect. Article 11 of the Charter of Fundamental Rights guarantees the expression of opinion as well as freedom of access to information and communication. Article 52 (3) of the Charter of Fundamental Rights "To the extent that this Charter contains rights which are consistent with human rights and



the European Convention for the Protection of Fundamental Freedoms, those rights  
its content and scope shall be deemed to be the same as those laid down in that Convention  
are included. "

19. Each of the three sources of law cited above is familiar with freedom of the press and  
restrictions on the right to express an opinion, but all three additional conditions apply  
claims which the Applicants have not substantiated or probable in their application, and thus their existence  
cannot be determined.

20. Infotv. Pursuant to Section 3 (6), public data in the public interest fall under the notion of data of public interest  
does not include any information the disclosure, disclosure or disclosure of which is not permitted  
making it available in the public interest. Company disclosure, court proceedings and

Section 10 of Act V of 2006 on Liquidation (hereinafter: Ctv.) the company public  
in the public interest. Company data - and the personal data it contains - is not limited to  
serve road safety; The Ctv refers to the protection of the public interest. preamble. The Ctv. Section 10 (2)

According to paragraph 1, company documents are fully public, for the purpose of traffic safety  
ensuring the transparent operation of the economy. Consequently, the Smtv. in the public interest  
the use of such (in the public interest

public) personal data means targeted data processing. It can therefore be concluded that it is certain  
disclosure of a range of personal data by the legislature

order, so confidentiality vs. the balancing of the public interest has already been carried out by the legislator and  
decided on the public in the data listed (thus managed by the Applicant). At the legislative level  
the data controller does not have to repeat or inform the data controller separately

the person concerned, because the fact of the existence and knowledge of the legislation has already done so.

21. The transparency of public funds in relation to the use of state aid is a matter for the legislator  
at the constitutional level. Act CVI of 2007 on State Property Section 5 (1) and (2) of the Act  
in accordance with paragraph 1, the public interest in the management of all public property and  
non-public interest data relating to its availability.

22. The decision of the NAIH in the data protection authority proceedings initiated by the data subjects

points out that "it is not possible to ignore the fact that in a few years

- State aid and State or other public funds

has become a market leader in several countries. The Applicants had to reckon with the fact that a

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in the case of a successful, high-wealth company, the business world is also active as a segment of public life

they become the shapers of it, taking on the accompanying evaluations and criticisms, which are thus greater

they have to endure with patience. "

23. The presentation of decision-making practice is again referred to in NAIH / 2020/838/2 and

NAIH / 2020/1154/9. in the context of journalism

with regard to data processing, and as an example of court case law, the Curia Pfv.IV.21.051 / 2016/5.

with his criminal record, which was challenged by the plaintiff

In connection with the press release related to the

the personal data of the offending applicant were disclosed and then explained (paragraph 38):

"However, the Constitutional Court has correctly ruled in this area as well

but in particular the case law of the European Court of Human Rights on which it is based

based on Infotv. A kind of balance of interests is also required for Section 6 (1) (b),

as a result of which, in a particular case, the free debate, information and

the possibility of raising awareness should take precedence over even data protection. "

24. Exercising and informing the rights of the applicant according to the general data protection regulation a

data management. Applicant dated 4 September 2020, attached as Annex No. 5

informed the Applicants by letter:

the scope of personal data processed,

the source of personal data,

the legal basis of the data processing and the purpose of the data processing,

the related legitimate interest,

about the rights of the data subject, the right to protest, its content

on the coercive legal interest allowing the data processing and its nature

about the possibilities of enforcement, including whether the Applicant is entitled to exercise his rights

In order to validate:

the)

initiate an investigation by the National Data Protection and Freedom of Information Authority into

In order to examine the legality of the Applicant's action, if the Applicant § 14

restrict the exercise of certain rights or seek to exercise those rights

rejects his application and

b)

request that the Authority's data protection authority proceedings be conducted, if it deems it appropriate

in the processing of his / her personal data according to the Applicant or his / her agent

a data controller acting in accordance with the provisions of this Regulation infringes the

legislation or a binding act of the European Union.

c)

in addition, may apply to a court against the Applicant if, in its opinion, the Applicant,

or the data controller entrusted by him or acting on his or her behalf shall process his or her personal data a

legislation or a binding act of the European Union on the processing of personal data

in breach of certain requirements. The plaintiff's choice is where you live

before the court having jurisdiction in the place where he is domiciled.

The Applicant also informed the Applicants that the ☐... ☐ Privacy Statement contains the following

link available: ☐... ☐.

About data collection and storage

25. Personal information about the Applicants known to the Applicant in the course of his / her journalistic activities

data do not extend beyond the scope of Annex II. Facts section 5-8. already in the articles and databases indicated in points

published personal data. The data used for the article was requested when the article was published

pending the resolution of a related dispute that the data is not affected by the prohibition by the court

they become part of the article and their publication and storage time will be the same as the article. The data □... □ reporter can be found on your computer.

The Metropolitan Court 17.Pk.22.488 / 2020/9. with the restrictions provided for in its provisional measure published in the meantime (□... □). The article can be found next to the paper-based publication Requested Central server, web publishing repository, □... □ server, contract media monitors (imedia, observer, hvg archive) and editors involved in preparing the article for publication on their computers.

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Not published in this article, marked criminal personal data □... □ journalist's computer and They are on the computer of your requested editor-in-chief and have been locked.

26. In addition to the above, the applicant sought to state the following in point 5 of the notice:

Since the entry into force of the Regulation, no detailed legal guidance has been issued in the field of press and data protection

regulation and not yet mature domestic and international case law. To the best of our knowledge, not yourself

it has not been published by the competent authority or by any other public actor competent to do so

information on the effects of the Regulation on the press functions and not on the acting authority itself

publicly interpreted interpretation and mature legal practice. Data management of the press

No general information material has been produced since the entry into force of the Regulation, although

Infotv. this is required by the acting authority and is also responsible for personal data under the memorandum of association

to promote the protection of In the absence of these, the immature area of law imposes an exaggerated burden on the

Applicant

adaptation to its new rules. For this reason, provided, but not allowed to, if it is illegal

the investigation also finds that the conduct is completely absent. '

\*\*\*

On 22 October 2020, the Stakeholders, through their legal representative, submitted a supplementary application to the

To the authority in which information has been provided that □... □ is a data protection official procedure

died on 4 October 2020 following their motion to initiate proceedings. The fact of death

Certificate of Death Certificate No. 2186092 issued by the olg... □ City Mayor's Office

The extract was submitted to the Authority by the Stakeholders' Legal Representative on 10 November 2020.

\*\*\*

## II. Applicable legal provisions

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

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

and the non - automated processing of personal data which:

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

they want to do.

The Infotv. Section 2 (2)

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

shall apply mutatis mutandis.

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

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

a natural person who, directly or indirectly, in particular by means of an identifier such as a name,

number, location data, online identification or physical, physiological, genetic,

on the basis of one or more factors relating to his or her intellectual, economic, cultural or social identity

identifiable.

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

any operation or operations performed on data files in an automated or non-automated manner

such as collection, recording, systematisation, segmentation, storage, transformation or alteration,

querying, viewing, using, transmitting, distributing or otherwise making a communication

by making available, harmonizing or interconnecting, restricting, deleting, or

destruction.

According to Article 4 (4) of the General Data Protection Regulation, "profiling" means personal data any form of automated processing of personal data to assess certain personal characteristics of a natural person, in particular at work performance, economic situation, state of health, personal preferences, related to interest, reliability, behavior, location, or movement used to analyze or predict characteristics.

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According to Article 4 (6) of the General Data Protection Regulation, "registration system" means personal data data in any way - centralized, decentralized or functional or geographical - a fragmented stock that is accessible according to specific criteria.

According to Article 4 (7) of the General Data Protection Regulation: "controller" means the natural or legal person person, public authority, agency or any other body that provides personal data determine the purposes and means of its management, alone or in association with others; if the data management purposes and means are determined by Union or Member State law, the controller or the controller EU or Member State law may also lay down specific criteria for the designation of

The processing of personal data pursuant to Article 5 (1) (a) of the General Data Protection Regulation be carried out lawfully and fairly and in a manner which is transparent to the data subject ('legality, fair procedure and transparency').

Personal data only under Article 5 (1) (b) of the General Data Protection Regulation may be collected for specified, explicit and legitimate purposes and is incompatible with those purposes cannot be managed in any way ('purpose-bound').

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

Pursuant to Article 5 (1) (d) of the General Data Protection Regulation they must be accurate and, where necessary, kept up to date; all reasonable measures must be taken

in order to ensure that personal data is inaccurate for the purposes of data processing

deleted or corrected immediately ("accuracy").

Personal data pursuant to Article 5 (1) (e) of the General Data Protection Regulation

should be stored in a form that identifies the data subjects only as personal data

allow the time necessary to achieve its management objectives; personal information is longer than this

may be stored only for the purposes of processing personal data in accordance with Article 89

For the purpose of archiving in the public interest for scientific and historical research in accordance with paragraph 1

or for statistical purposes, the rights and freedoms of data subjects in this Regulation

appropriate technical and organizational measures to protect

('limited storage capacity').

Pursuant to Article 5 (2) of the General Data Protection Regulation, the controller is responsible for

shall be able to demonstrate such compliance

("Accountability").

Pursuant to Article 6 (1) of the General Data Protection Regulation, personal data may only be used if and

can be lawfully managed if at least one of the following is met:

the data subject has consented to the processing of his or her personal data for one or more specific purposes  
treatment;

(b) processing is necessary for the performance of a contract to which one of the parties is a party; or

it is necessary to take steps at the request of the data subject before concluding the contract;

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

(d) the processing protects the vital interests of the data subject or of another natural person  
necessary;

(e) the exercise of a public interest or the exercise of official authority vested in the controller  
necessary for the performance of its task;

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

necessary, unless the interests of the data subject take precedence over those interests, or

fundamental rights and freedoms which call for the protection of personal data, in particular

if the child concerned.

the)

According to recital 47 of the General Data Protection Regulation, the existence of a legitimate interest

In any event, it must be carefully examined, inter alia, whether the person concerned:

at the time of and in connection with the collection of personal data, you can reasonably expect

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that data may be processed for that purpose. The interests and fundamental rights of the data subject take precedence

may enjoy the interest of the controller if the personal data are in such circumstances

in which data subjects do not expect further data processing. [...] Personal

the processing of data that is strictly necessary to prevent fraud is also concerned

legitimate interest of the controller. Processing of personal data for direct business purposes as well

considered to be based on a legitimate interest.

It relates to measures for the exercise of the rights of data subjects

obligations are set out in Article 12 of the General Data Protection Regulation.

data controllers

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

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

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

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

provide in a clear manner, in particular any information addressed to children

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

means.

must be specified. Oral information may be provided at the request of the data subject, provided that it is otherwise

substantiated

the identity of the person concerned.



Pursuant to Article 12 (2) of the General Data Protection Regulation, the controller shall facilitate the affected 15-22. exercise of their rights under this Article. In the cases referred to in Article 11 (2) the data controller shall fulfillment of his request to exercise his rights under Article he may not refuse it unless he proves that the person concerned cannot be identified.

Pursuant to Article 12 (3) of the General Data Protection Regulation, the controller is unjustified without delay, but in any case within one month of receipt of the request inform the data subject in accordance with Articles 15 to 22. on the action taken in response to a request under Article. If necessary, taking into account the complexity of the application and the number of applications, this deadline shall be a further two months extendable. The extension of the deadline by the data controller shall be the reasons for the delay within one month of receipt of the request. If that the application has been submitted by electronic means, the information shall be provided, if possible by electronic means unless otherwise requested by the data subject.

Pursuant to Article 12 (4) of the General Data Protection Regulation, if the controller does not do so measures at the request of the data subject, without delay but at the latest upon receipt of the request inform the person concerned of the reasons for not taking action within one month of that the person concerned may lodge a complaint with a supervisory authority and have recourse to the courts with the right.

Pursuant to Articles 13 and 14 of Article 12 (5) of the General Data Protection Regulation information and Articles 15 to 22. The information and action provided for in Articles 1 and 34 shall be provided free of charge. If the data subject's request is manifestly unfounded or, in particular because of its repetitive nature, excessive, the controller, subject to the provision of the requested information or information or the requested action may charge a reasonable fee for the administrative costs of making the application, or may refuse to act on the request. The request is clearly unfounded the burden of proving that it is excessive lies with the controller.

Article 14 of the General Data Protection Regulation sets out the minimum requirements for the controller

data processing circumstances and how to inform data subjects if personal data

not obtained from stakeholders. According to:

[14. Article 1 (1): If the personal data have not been obtained from the data subject, the controller shall:

provide the data subject with the following information:

the)

b)

c)

d)

e)

the identity and contact details of the controller and, if any, the controller's representative;

the contact details of the Data Protection Officer, if any;

the purpose of the intended processing of personal data and the legal basis for the processing;

the categories of personal data concerned;

the recipients or categories of recipients of the personal data, if any;

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(f) where applicable, the fact that the controller is a recipient in a third country or

intends to transfer personal data to an international organization and the Commission

the existence or absence of a decision on adequacy, or in Articles 46, 47 or 49

In the case of the transmission referred to in the second subparagraph of paragraph 1, the appropriate and appropriate

guarantees and the means of obtaining a copy thereof, or

reference to their contact details.

[14. Article 2 (2): In addition to the information referred to in paragraph 1, the controller shall be the data subject

to ensure fair and transparent data processing for the data subject

the following additional information is required:

(a) the period for which the personal data will be stored or, if that is not possible, that period

aspects of its definition;

(b) where the processing is based on Article 6 (1) (f), the controller or a third party

legitimate interests;

(c) the data subject's right to request personal data concerning him or her

access, rectification, erasure or restriction of access, and may object to

against the processing of personal data and the right of the data subject to data portability;

(d) information based on Article 6 (1) (a) or Article 9 (2) (a);

in the case of data processing, the right to withdraw the consent at any time, which is not

affects the lawfulness of data processing carried out on the basis of consent prior to withdrawal;

(e) the right to lodge a complaint with a supervisory authority;

(f) the source of the personal data and, where applicable, the fact that the data are publicly available

whether they come from sources; and

(g) the fact of automated decision-making referred to in Article 22 (1) and (4), including:

profiling and, at least in these cases, the logic used

understandable information about the significance of such data processing and what it is for the data subject

has expected consequences.

[14. Article 3 (3): The controller shall provide the information referred to in paragraphs 1 and 2 as follows

enter:

(a) personal data, taking into account the specific circumstances of the processing of personal data

within a reasonable time after receipt, but not later than one month;

(b) where personal data are used for the purpose of contacting the data subject, at least with the data subject

to the first

(c) at the time of contact; obsession

(d) if the data are expected to be communicated to another recipient, at the latest for the first time personal data

when communicating.

[14. Article 4 (4): If the controller uses personal data for a purpose other than that for which they were obtained

intends to carry out further processing, it must inform the data subject before further processing

this different purpose and any relevant additional information referred to in paragraph 2.

[14. Paragraphs 1 to 4 shall not apply if and to the extent that:

(a) the data subject already has the information;

(b) it proves impossible or disproportionate to provide the information in question

would require a great deal of effort, especially for archiving in the public interest, scientific and historical

for research or statistical purposes, the conditions and guarantees provided for in Article 89 (1)

in the case of processing in accordance with paragraph 1 of this Article

such an obligation would be likely to make it impossible or seriously jeopardize that

achieving the purposes of data management. In such cases, the controller must take appropriate measures

Including the provision of information to the public, the rights, freedoms and rights of the data subject

to protect its legitimate interests;

(c) the acquisition or disclosure of the data is expressly required by the applicable Union or EU law applicable to the controller

the law of a Member State on appropriate measures to protect the legitimate interests of the data subject

has; obsession

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(d) professional secrecy of personal data as required by Union or Member State law

including the statutory duty of confidentiality

to stay.

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

receive feedback from the data controller that your personal data is being processed

whether and if such data processing is in progress, you have the right to access your personal data and

access to the following information:

(a) the purposes of the processing;

(b) the categories of personal data concerned;

(c) the recipients or categories of recipients with whom the personal data are held

have been or will be communicated, including in particular to third country consignees, and

international organizations;

(d) where applicable, the intended period for which the personal data will be stored or, if that is not possible, criteria for determining this period;

(e) the data subject's right to request personal data concerning him or her from the controller  
rectification, erasure or restriction on the processing of such personal data  
against its treatment;

(f) the right to lodge a complaint with a supervisory authority;

(g) if the data were not collected from the data subject, all available information on their source;

(h) the fact of automated decision-making referred to in Article 22 (1) and (4), including:

profiling and, at least in these cases, the logic used

understandable information about the significance of such data processing and what it is for the data subject  
with expected consequences.

Under Article 16 of the General Data Protection Regulation, the data subject has the right to

the data controller shall correct inaccurate personal data concerning him without undue delay.

Taking into account the purpose of the data processing, the data subject has the right to request incomplete personal data  
- by means of, inter alia, a supplementary declaration.

Pursuant to Article 17 (1) of the General Data Protection Regulation, the data subject is entitled to:

at the request of the controller, delete the personal data concerning him without undue delay,

and the data controller is obliged to make the personal data of the data subject unjustified

delete without delay if one of the following reasons exists:

(a) personal data are no longer required for the purpose for which they were collected or for other purposes  
treated;

(b) the data subject withdraws the authorization provided for in Article 6 (1) (a) or Article 9 (2) (a);  
consent to the processing, and there is no other consent to the processing  
legal basis;

(c) the data subject objects to the processing pursuant to Article 21 (1) and there is no priority

lawful reason for the processing or the data subject objects in accordance with Article 21 (2)

against data management;

(d) personal data have been processed unlawfully;

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

must be deleted in order to fulfill an obligation;

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

related services.

Pursuant to Article 17 (2) of the General Data Protection Regulation, if the controller is made public has brought personal data and is required to delete it pursuant to paragraph 1 by the available technology and take the steps that can reasonably be expected, taking into account the costs of implementation, including technical measures - in order to inform the data controller data controllers that the data subject has requested them to provide links to the personal data in question or deletion of a copy or duplicate of such personal data.

Pursuant to Article 17 (3) of the General Data Protection Regulation, paragraphs 1 and 2 do not applicable if data processing is required:

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

(b) the Union or Member State law applicable to the controller governing the processing of personal data or in the public interest or in the exercise of official authority vested in the controller to perform a task performed in the exercise of a license;

(c) in accordance with Article 9 (2) (h) and (i) and Article 9 (3), a on grounds of public interest in the field of public health;

(d) for the purposes of archiving in the public interest in accordance with Article 89 (1), scientific and for historical research or statistical purposes, in so far as the right referred to in paragraph 1 is concerned would be likely to make such processing impossible or seriously jeopardize; obsession

e) to file, enforce or defend legal claims.

Pursuant to Article 18 (1) of the General Data Protection Regulation, the data subject is entitled to:

upon request, the controller shall restrict the processing if one of the following is met:

(a) the data subject disputes the accuracy of the personal data, in which case the limitation shall be limited to that period

which allows the controller to verify the accuracy of personal data;

(b) the processing is unlawful and the data subject objects to the deletion and requests it instead

restrictions on the use of

(c) the controller no longer needs the personal data for the purpose of processing the data, but is concerned

requires them to bring, assert or defend legal claims; obsession

(d) the data subject has objected to the processing in accordance with Article 21 (1); in this case the restriction

it shall apply for as long as it is established that the controller has a legitimate reason

take precedence over the legitimate reasons of the data subject.

According to Article 18 (2) of the General Data Protection Regulation, if the processing is in accordance with paragraph 1

subject to restrictions, such personal data shall be stored only by the data subject

or to bring, assert or defend legal claims, or otherwise

to protect the rights of a natural or legal person, or by the Union or a Member State

important public interest.

According to recital 67 of the General Data Protection Regulation, personal data

Methods used to limit the use of

temporary transfer of personal data to another data management system, or

terminate their access to users or from a website posted there

temporary removal of data. Restriction of data management with automated registration

systems are basically provided by technical means, in a way that is personal

no further data processing operations may be performed on the data and they may not be altered.

The fact that the processing of personal data is restricted must be clearly indicated in the system

Under Article 21 (1) of the General Data Protection Regulation, the data subject is entitled to his or her own

object to the processing of his personal data at any time for reasons related to his situation

(e) or (f), including profiling based on those provisions.

In this case, the controller may no longer process the personal data unless the controller demonstrates that the processing is justified by compelling legitimate reasons which take precedence enjoy the interests, rights and freedoms of the data subject or which have legal claims related to the submission, enforcement or protection of

Pursuant to Article 21 (2) of the General Data Protection Regulation, if the processing of personal data in the interests of direct acquisition, the person concerned shall have the right to object at any time against the processing of personal data for that purpose, including profiling, where it is related to direct business acquisition.

Pursuant to Article 21 (3) of the General Data Protection Regulation, if the data subject objects to the personal data against the processing of personal data for the purpose of direct business acquisition, the personal data shall be a can no longer be treated for this purpose.

Referred to in paragraphs 1 and 2 pursuant to Article 21 (4) of the General Data Protection Regulation at the latest at the time of the first contact with the data subject, and the relevant information must be clear and separate from any other information display.

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Pursuant to Article 77 (1) of the General Data Protection Regulation, other administrative or without prejudice to judicial remedies, any person concerned shall have the right to lodge a complaint with a supervisory authority normal place of residence, place of work or place of the alleged infringement in the Member State of residence if the data subject considers that the processing of personal data concerning him or her infringes this Regulation.

According to Article 78 (1) of the General Data Protection Regulation, other administrative or non-administrative matters Without prejudice to legal remedies, all natural and legal persons shall be entitled to: effective judicial remedy by a legally binding decision of the supervisory authority



against.

3. Proceedings against the supervisory authority shall be brought before a court of the Member State in which the supervisory authority has its seat must be started before.

Available administrative or not under Article 79 (1) of the General Data Protection Regulation

judicial remedies, including the right to lodge a complaint with the supervisory authority, Article 77

without prejudice to its rights under this Regulation, all persons concerned shall have the right to an effective judicial remedy if they so decide

breach of this Regulation as a result of the processing of your personal data in accordance with this Regulation rights under this Regulation.

- Infotv. Pursuant to Section 38 (2), the Authority is responsible for the protection of personal data, and the exercise of the right of access to data in the public interest and in the public interest free movement of personal data within the European Union

promoting. The tasks and powers of the Authority are set out in Article 57 (1) of the General Data Protection Regulation. Article 58 (1) to (3) and Infotv. Section 38 (2) - (4) in detail.

Exercise of the right to the protection of personal data pursuant to Section 60 (1) and (2) of the Information Act

To that end, the Authority shall, at the request of the data subject, initiate a data protection authority procedure and may initiate ex officio data protection proceedings. To initiate the official data protection procedure application in Article 77 (1) and Article 22 (b) of the General Data Protection Regulation may be submitted in a specific case.

- The Acre. Pursuant to Section 48 (1), the authority shall suspend the proceedings if

(a) the question falls within the jurisdiction of the court,

(b) the matter must be brought before a foreign body, or

(c) it is necessary to consult the institutions of the European Union or another international organization.

(2) A law may allow the proceedings to be suspended if the preliminary question falls within the competence of another body,

or without a decision of another authority closely related to the case by the same authority

cannot be reasonably decided.

- Article VI of the Basic Law Under Article 1 (1), everyone has the right to private and family life

respect for his life, home, contacts and reputation. The expression of opinion

freedom of association and the exercise of the right of assembly must not affect the private and family life of others; and

to the detriment of your home.

- Act LIII of 2018 on the protection of privacy. Act (hereinafter: Mvtv.) 1-2. §

everyone has the right to respect for his private and family life, his home and his family (a

hereinafter collectively referred to as the "right to privacy"). Right to privacy a

part of the right to free expression of personality, under which the individual is free

deserves to shape his life responsibly, independently, to establish family, home and human relationships

and preservation. [...]

This right is used only to enforce another fundamental right or to protect a constitutional value, a

to the extent strictly necessary and proportionate to the aim pursued, the right to privacy is essential

content and human dignity. Right to privacy

the point is that it is - with the exceptions specified in a separate law - against the will of the individual by others

do not infringe. In exercising the right to privacy, everyone is bound by the rights of others

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to respect.

The Mvtv. Pursuant to Section 8 (1) - (2), the purpose of the right to respect for private life is, in particular

the right to anonymity, personal data, privacy, pictorial and phonograms, honor and

protection of reputation. It can be a violation of the individual's right to privacy

in particular personal data, secrets, images,

misuse of sound recordings or breach of honor and reputation.

The Mvtv. Pursuant to Section 9, Paragraphs (1) - (3), everyone has the right to enjoy his or her family life as

privacy, increased protection. The right to respect for family life is

the individual and his or her family member are entitled to it together. It is an infringement of the right to respect for family life in particular, the unauthorized violation or disruption of the family life of others or the family life of others unauthorized interference.

- Article VI of the Basic Law Everyone has the right to the protection of personal data pursuant to Article and to learn about and disseminate data of public interest.

- Infotv. Pursuant to Section 1, the purpose of this Act is to process data in the areas covered by it laying down basic rules for the protection of natural persons respect for the privacy of data controllers and the transparency of public affairs in the public interest and by enforcing the right of access to and dissemination of public data in the public interest come true.

Infotv. Pursuant to Section 3, Clause 6, public data in the public interest does not fall within the definition of data of public interest

any information relating to which the disclosure, disclosure or making it available in the public interest.

Infotv. Pursuant to Section 26 (2), public personal data in the public interest is subject to purpose may be disseminated in accordance with the principle of data management.

- The Ctv. The preamble states that the Ctv. aims to create a modern legal framework for the In accordance with European Union regulations, the order of registration and the constitutional rights of entrepreneurs in the economic turnover to ensure the safety of creditors and to protect the interests of creditors or other public interests full disclosure of business register data, directly or electronically.

The Ctv. Pursuant to Section 10 (1), the company register is from the register of companies and in the register of companies consists of annexes to support the data contained in the public interest and the safety of traffic and the protection of creditors' interests (hereinafter collectively referred to as "company documents").

The Ctv. Pursuant to Section 10 (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, they are fully public. Tax registration procedure under the Taxation Act after the successful conduct of the proceedings are also fully public, the submitted but not yet judged registration application and its annexes with the registration (change registration) application the business register must indicate the existence of an ongoing assessment. The legality review procedure documents are public in accordance with the provisions of this Act.

The Ctv. Pursuant to Section 24 (1) (b), (f) and (h), the register of companies contains all companies the name of the company, its subscribed capital, the name of its chief executive officer and the name authorized to represent the company, tax identification number, in the case of a natural person, place of residence, date of birth, mother's birth name, in the case of a legal person, its registered office and its registration number or registration number, and the office of the persons entitled to representation, the date of the establishment of this legal relationship, for a definite term in the case of representation, also the date of termination of the legal relationship, or if the legal relationship is terminated takes place earlier than the date indicated in the register of companies, the actual date of termination, and the fact that a notarised copy of the address of a representative of the company or a lawyer or a specimen signature countersigned by a bar counsel has been submitted.

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The Ctv. Pursuant to Section 27 (3) (a) and (e), the register of companies is based on Articles 24-26. § in the case of a limited liability company (a) the names of the members,, in the case of a natural person, their place of residence, date of birth, in the case of a person, its registered office and its registration number or registration number, and if a member has more than 50 percent of the voting rights or the member has a qualified majority influence, this fact as well b) in the case of a jointly owned share, the names of the owners, in the case of a natural person the place of residence, date of birth, mother 's name at birth, registered office in the case of a legal person, and company registration number or registration number.

Act CVI of 2007 on State Property Act (hereinafter: Property Act) § 5 (1) - (2)

all matters relating to the management and use of public assets in the public interest

available non-public interest data. State - owned enterprise

or a body or person in possession thereof in accordance with the Public Access to Information Act

is a body or person performing a public task.

- Infotv. Pursuant to Section 27 (3), a business secret shall not be considered a public data in the public interest a

using central and local government budgets and EU support,

budget-related benefits, discounts, management of state and municipal property,

possession, use, recovery, disposal,

information relating to the acquisition of any right in respect of such property and information relating to

disclosure or disclosure is required by a separate law in the public interest. To the public

However, such access shall not result in access to data, in particular proprietary knowledge

access which would be disproportionate to the conduct of the business

provided that this does not prevent access to public data in the public interest

opportunity.

- Article IX of the Basic Law Everyone has the right to be heard in accordance with Article 1 (1), (2) and (4)

freedom. Hungary recognizes and protects the freedom and diversity of the press, ensures

the conditions for free information necessary for the development of a democratic public. THE

the exercise of freedom of expression must not be directed towards the human dignity of others a

violation.

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

reconcile the right to the protection of personal data under this Regulation with the expression of opinion

the right to liberty and security of information, including personal data for the purposes of journalism, and

scientific, artistic or literary expression.

Pursuant to Article 85 (2) of the General Data Protection Regulation, personal data are journalistic

or for the purpose of scientific, artistic or literary expression

Member States shall provide for exceptions or derogations from Annex II. Chapter III (Principles); Chapter I (concerned rights), IV. Chapter V (the controller and the processor), Chapter V (the third paragraph of personal data) countries or international organizations), Annex VI Chapter (independent supervisory authorities), Annex VII Chapter IX (Cooperation and Coherence) and Chapter IX Chapter I (Data Management special cases) if these exceptions or derogations are necessary for the processing of personal data the right to protection of human rights can be reconciled with freedom of expression and right to information.

According to recital 65 of the General Data Protection Regulation [...], personal data further retention is considered lawful if it is an expression of opinion and information the exercise of the right to liberty, the fulfillment of a legal obligation, or the performance of a task carried out in the public interest or the public authority conferred on the controller or in the public interest in the field of public health for the purpose of archiving in the public interest, for scientific and historical research or statistical purposes or for the submission of legal claims, necessary to enforce or protect

According to recital 153 of the General Data Protection Regulation, [the] law of the Member States must reconcile expression of opinion and orientation - including with journalists, the rules on freedom of expression in science, art and literature

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the right to the protection of personal data under this Regulation. It is appropriate that only the personal data for the purposes of journalistic, scientific, artistic or literary expression be exempted or exempted from certain provisions of this Regulation from the requirements set out in this Article if this is necessary to ensure the right to the protection of personal data reconciled with the right to freedom of expression and information as enshrined in the Article 11 of the Charter provides. This applies in particular to the processing of personal data in the audiovisual field, and in news archives and press libraries. Consequently, the Member States shall determine the balance between these fundamental rights by adopting legislative measures

exceptions and derogations necessary for balance. Member States may provide for exceptions and derogations accept the general principles, the rights of the data subject, the controller and the processor, the personal transfer of data to third countries or international organizations is independent supervisory authorities, cooperation and uniform application, and individual data management situations. If these exceptions or differences differ between Member States, the the law of the Member State applicable to the controller shall apply. For freedom of expression In order to take into account the importance of human rights in all democratic societies, this concepts related to freedom, such as journalism, must be interpreted broadly.

- The Smtv. Pursuant to Section 4 (3), the exercise of freedom of the press may not be exercised criminal offense or incitement to commit a criminal offense shall not be contrary to public morality, and must not infringe on the privacy rights of others.

The Smtv. Under Article 10, everyone has the right to be properly informed by the local, az national and European public affairs, as well as citizens of Hungary and members of the Hungarian nation events of major importance to him. The task of the media system as a whole is to provide authentic, fast, accurate information on these matters and events.

The Smtv. Pursuant to Section 13, linear media services performing information activities are obliged to a citizens of local, national, national and European interest, as well as citizens of Hungary and on events and issues of significance to the members of the Hungarian nation in a balanced manner in published information and news programs. E obligation detailed rules of law to ensure proportionality and democratic public opinion in accordance with the requirements of

- The Civil Code. 2:44 on the protection of the right to privacy of a public actor. § (1) - (3) a the exercise of fundamental rights to the free exercise of public dignity over the rights of the public person necessary and proportionate protection of human rights, without prejudice to human dignity; However it must not infringe on your private and family life or your home. The public actor a non-public communication or conduct outside the scope of the free debate on public matters

shall enjoy the same protection as the It is not a public matter for a private or private operator family life activity or data.

- Article 8 of the European Convention on Human Rights states that everyone has the right to: respect for private and family life, home and correspondence. Exercise this right authority only as defined by law, it may intervene in cases where it is a democratic one in the interests of national security, public security or the economic well-being of the country, prevention of riots or crime, protection of public health or morals, or other necessary to protect their rights and freedoms.

Under Article 10 (1) of the European Convention on Human Rights, everyone has the right to: a freedom of expression. This right shall include freedom to hold opinions and to exercise his right to freedom of expression freedom of information and expression, regardless of frontiers, and without the intervention of an official body.

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### III. Decision of the Authority

#### III.1. Concerning the Applicant's motion to stay the proceedings

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The meaning of the legal institution for the stay of proceedings is determined by the official obligation that the case gather the information necessary to make a decision, take stock of the evidence, the circumstances of the case make an informed decision with careful consideration.

The authority shall fulfill this obligation in certain cases within the time limit open for dealing with the type of case it cannot do so because it does not do so without clarifying other issues outside the scope of the decision can be brought. The Ákr. Section 48 (1) - (2) of the reasons for the suspension of proceedings based on law included. The Ákr. according to its general rules, that is to say, without any specific legal provision proceedings may be stayed in only two cases: (a) if the question falls within the jurisdiction of a court; (b) at the request of a foreign body. A separate statutory provision is required to allow the authority to proceed suspend it if the matter falls within the competence of another body or by the same authority



cannot be reasonably decided without a decision of another authority closely related to the case.

In the application of the law, it must therefore be borne in mind that in the latter cases it must always be possible to mark a sectoral legislation allowing for suspension in such a case. To stay the proceedings it can only take place if there is a preliminary issue, the decision of which affects the decision may be (Mansion Kfv.III.37.872 / 2016/7.). In the case of another ground for refusal, it is ongoing for another reason procedure, the suspension of the procedure is not justified (Kúria Kfv.II.38.120 / 2016/5.). With this Ákr. clear makes it usually - just the Acre. there is no place for suspension on the grounds that that the authority is aware of any other ongoing proceedings before either the AB or the EuB, which may affect its proceedings, unless a separate legal provision allows suspension. The preliminary question is not the same as the fact that the decision of another body may have an 'effect' a authority.

Of the normal remedies available to the data subject (ie from a data protection point of view), the possibility of recourse to the supervisory authority stands out. All data subjects is entitled to lodge a complaint with those bodies if it considers the processing to be data processing violated his right to the protection of his personal data. (...) It should be emphasized that it was followed up on the complaint investigation and its outcome shall be subject to judicial review. In this case, the customer - that is the data controller, processor or other person or entity concerned may submit a request complaining that the data protection authority had not acted or had acted improperly in the matter. So It is clear that the right to lodge a complaint is one of the tasks and powers of the NAIH. procedure.2

In order to ensure the uniform and effective application of the protection of personal data by the authorities, in particular having regard to the fact that the Authority As set out in Section 38 (2a), the general the tasks and powers set out in the Data Protection Regulation for the supervisory authority a With regard to entities under the jurisdiction of Hungary, the General Data Protection Regulation and exercised on an exclusive basis as defined in the Information Act and by the Applicant In the context of the data processing requested to be examined, no

may be affected by the decision of the Authority

decided to conduct an official procedure.

### III.2. Person of the data controller

Based on the definition in the General Data Protection Regulation for a natural person

any information on the basis of which that natural person is directly or indirectly

indirectly identifiable personal data, any operation performed on the data

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

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

and is considered a data controller.

Regarding the data management examined, the full name, surname and economic situation of the Applicants

personal data pursuant to Article 4 (1) of the General Data Protection Regulation,

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Explanation of GDPR - Wolters Kluwer Hungary, Budapest 2018. Page 351

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and the publisher of a press product that collects, processes, lists and publishes data is

is considered to be a data controller under Article 4 (7) of the General Data Protection Regulation, whether online or offline

content, publications and personal data published in printed form

with regard to the (re) use and disclosure of personal data

the purpose of the production is determined by the publisher of the press product.

The processing of data examined by the Authority is therefore Article 2 (1) of the General Data Protection Regulation

falls within the scope of the General Data Protection Regulation

the rules of the general data protection regulation apply.

Pursuant to the above, the Applicant qualifies as a data controller in respect of the challenged data processing.

### III.3. The identity of the Applicants

In their application to the Authority, the Applicants

They complained about the protection of information about their private and family lives

the information that the Applicant wishes to disclose.

The right to freedom of expression is one of the fundamental values of a democratic state governed by the rule of law both the Charter of Fundamental Rights of the European Union and the Treaty on the Functioning of the European Union Contract recognizes. This right guarantees that the individual's thoughts and opinions are free formulates and explains, thus contributing to the free flow of different views and ideas.

Freedom of expression includes the right to information, ie information freedom of reception and communication. Based on this, the individual is generally entitled to modern to acquire and transmit any data within the framework of these technologies to be made public. This right thus includes, inter alia, freedom of the internet, freedom of the press, and the right of access to and dissemination of data in the public interest and in the public interest, that is, freedom of information.

The unlimited possibility of deleting the information on which those rights and freedoms are based would obviously empty, violate these rights. The right to forget, and between freedom of expression and the exercise of the right to information a balance must be struck. This is primarily the responsibility of national authorities and courts.<sup>3</sup>

The Constitutional Court has already stated in several decisions that in practice<sup>4</sup> a freedom of expression is a highly protected constitutional value. In democratic states governed by the rule of law for it is a fundamental requirement that all citizens of society be able to express themselves freely freely become a shaper of public opinion. Social and political, that is, public without freedom and diversity of debate, there is no free public opinion and no democratic rule of law {7/2014. (III. 7.) AB, Justification [39]}. The Constitutional Court is early emphasized in practice that free expression is a matter of democratic public opinion a key guarantee for the creation and maintenance of a society based on pluralism indispensable source. For it is a historical experience that “every time a freedom of expression was restricted, social justice was violated, the human creativity, the possibility of developing human abilities has decreased. The harmful

consequences have manifested themselves not only in the life of the individual but also in the life of society and that led to a deadlock in the development of mankind. Ideas, views are free free expression of unpopular or specific ideas and a basic condition for the existence of a truly living society "[30/1992. (V. 26.) AB decision, ABH 1992, 167, 170–171].

According to the consistent practice of the Constitutional Court, freedom of expression is twofold has a certificate {7/2014. (III. 7.) AB, Reason [23]}. Freedom of expression their constitutional limits must therefore be defined as those of the person expressing the opinion

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Explanation of the GDPR 186-187. page - Wolters Kluwer Hungary (Budapest 2008)

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Decision 3145/2018 (V.7.) AB of the Constitutional Court

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the interests of the formation and free formation of public opinion should be taken into account {3001/2018. (I. 10.) AB decision, Justification [20]}

According to the interpretation of the Constitutional Court that has been consistently followed for more than two decades, a freedom of expression demands priority protection "when it comes to public affairs and public authority the activities of persons performing public duties or taking part in public life.

[...] An essential element of the existence and development of a democratic society [is] a debating public affairs, which presupposes the expression of different political views and opinions, a criticism of the functioning of public authority "[36/1994. (VI. 24.) AB, ABH 1994, 219, 228; see also: 57/2001. (XII. 5.) AB decision, ABH 2001, 484, 494.]

In view of this, in the practice of the Constitutional Court, public statements of a political nature are typically considers freedom of expression to be the innermost protection of freedom of expression {e.g. 5/2015. (II. 25.) AB, Reason [28]}. In these cases, the expression of opinion

The constitutional standard of freedom must be enforced with special rigor, ie

such speeches enjoy stronger protection and their restriction can only be won in the narrowest circle  
certificate {7/2014. (III. 7.) AB, Reason [45]}.

Accordingly, the ECtHR also emphasizes in practice that freedom of expression

primarily defends public opinion. In this context already

long unbroken practice of the court that the operation of the state (public power) - political

expressions of opinion - enjoy special protection because this freedom is a democratic society

one of the pillars. The ECtHR added that such an expression was both a

essential condition for social progress as well as for the development of the individual. [Handyside v.

United Kingdom (5493/72), 7 December 1976, paragraph 49] In this context, the political

Restrictive aspects of expression must be interpreted strictly [Dichand et al

Austria (29271/95), 26 February 2002, pp. 37-38. paragraph; Cholakov v. Bulgaria (20147/06), 2013.

1 October, paragraph 29].

Aspects appearing in the cited decisions of the Constitutional Court also in the practice of the ECtHR

prevail. The ECtHR has pointed out in several judgments that it is protected by Article 10 of the ECHR

freedom of expression applies not only to political debates but also to the protection of rights

it also extends to the freedom to discuss all other issues affecting society [Thorgeirson

v. Iceland (13778/88), 25 June 1992, paragraphs 61]. Political freedom of speech is strange

protection should therefore apply in all cases where the disputed expression

on a social or local community issue, in the discussion of public affairs. [e.g.

Bladet Tromsø v Norway [GC] (21980/93), 20 May 1999, pp. 58-60. paragraph 73;

Klein v. Slovakia (72208/01), 31 October 2006, pp. 47-48. paragraph; Cihan Öztürk v

Turkey (17095/03), 9-27 June 2009, pp. 27-28. paragraph; Karsai v. Hungary (5380/07),

1 December 2009, paragraphs 35] The persons involved in the dispute in these cases are public affairs

they become public actors because of their arguability.

[35] The Constitutional Court therefore, in line with the case law of the ECtHR,

acknowledged in practice that "all public dialogue can have a need for public debate and

protection of fundamental rights in public disputes ”{14/2017. (VI. 30.) AB decision, Rationale [27]}.

(...) According to the case law of the Constitutional Court and the ECtHR, therefore, freedom of expression is not it depends on the status of the person concerned, ie it does not in itself determine what is applicable selection of a standard of constitutionality. In fact, in some cases, personal quality is of decisive importance. The Constitutional Court therefore emphasizes in some of its decisions [e.g. 1/2015 (I. 6.) AB decision] that in the case of those exercising public power and politicians in public office Based on their status, it can be stated that criticisms of their activities and personalities a to dispute public affairs. However, even for these individuals, it cannot be ignored examining whether the specific criticism is indeed in the public interest or in the public interest related to the free discussion of the issues and, if the investigation is justified, human dignity in public communication.

The courts seised must therefore first examine whether the person concerned is concerned whether the communication is in any way connected with a public dispute (see recital [39] et seq.). That's it and in cases where it can be established that the communication under investigation is a matter of public affairs or other matters of public life

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and stakeholders are involved in this public debate as public figures

(Reason [44] et seq.), Regardless of whether the person exercising public authority

or a person of other status, in accordance with Article IX of the Basic Law. Increased tolerance under Article 1 (1)

accuses him of criticism and criticism of him. This tolerance obligation is partly a

the content of the communication (statement of facts, judgment of value) (Recital [52] et seq.).

(...) [77] 2.2. In examining the personal capacity of the litigants, the court of first instance a

attaches crucial importance to the fact that the petitioner is "one of the best-known

is his most significant media figure and is therefore considered a public figure ”. Also for the defendant

found him to be a prominent and well-known media figure with a social judgment

it depends primarily on your work and lifestyle.

[78] The appellate court also disagrees with the reasons set out in the judgment of the appellate court whether the proposing person is a person exercising public power, or public figure, but assessed that the widely known criticism of the petitioner's activities as a person is of wide public interest and public debate triggers.

[79] On the basis of the above, the Constitutional Court has held that the courts have The constitutional aspects set out in paragraphs 1 and 2 have been essentially expressed. Indeed It is of decisive importance that the petitioner is a widely known person who is in its programs, which have a significant national audience presents issues, thereby significantly influencing public affairs in an area discussion. In examining his personal quality, it should therefore be emphasized that he is a volunteer company's media activity, and thus the person's voluntary transformation of public life tolerate critical remarks more than average. This is how you become unique in your particular situation a public actor who is not the same as a key public actor (with a public authority license) persons, politicians in public office).

3145/2018. (V. 7.), the Constitutional Court emphasized that this had changed the expansion of public actors through the spread of social conditions, in particular telecommunications can also be seen as an active participant in public debates they did not previously fall within the conceptual scope of public actors. These persons are the so-called. exceptional public actors. {3145/2018 (V. 7.) Decision AB Justification [46]}

Freedom of expression is primarily concerned with criticizing public authorities defends opinions, but at the same time, in the interpretation of the Constitutional Court, it is a matter of public life wider than political discourse and the activities of persons exercising public power judging. Accordingly, the public debate is not limited to the state and local government, the public authorities it covers the whole operation of the institutional system, but also encompasses the social of business responsibility and the growing number of public figures in the world of business

issues (eg environmental, energy efficiency, occupational and transport safety issues).

{3145/2018 (V. 7.) Decision AB Justification [31] - [32]}

According to the decision of the Constitutional Court, the decision on the status of a public figure is as follows  
aspects are relevant:

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whether the public statement expressing the opinion reflects the position expressed in the public interest debate,

whether the public communication involves a public act,

whether the public disclosure involves a statement of fact or a judgment of value,

whether the public disclosure violates the human dignity or reputation of the person concerned.

The quality of public participation is linked to the fact of public participation in the discussion of public life issues,

which, according to AB, must always be assessed individually on the basis of specific criteria: communication

the manner in which they appear, the circumstances and the subject matter and context of the opinion (eg type of medium, speaking, content, style, purpose, topicality, reactions to it).

The exercise of freedom of expression can only be justified in cases where

in which participants have become more active in shaping public affairs than others at their own discretion,

thereby also undertaking public assessments and criticisms of the community concerned. Public affairs

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therefore, statements which affect or characterize them and which attack them

they have to put up with more patience. {3145/2018 (V. 7.) Decision AB Justification [48]}

As stated by the Authority in its previous decision NAIH 2020/1154/9: "(a)

In the case of the state can not be ignored in a few years - the state

thanks to subsidies and public or other public funding

has also become a market leader in the country. Applicants had to reckon with a successful, large fortune

in the case of a manufacturing company, they also become an active player in the business world as a segment of public life,  
taking on the accompanying assessments and criticisms, which they will have to endure with greater patience.

Finally, the Authority would like to point out that the European Court of Human Rights in Strasbourg



In the case of Hungary, contrary to the majority position of the Curia and the Constitutional Court, the freedom of expression is not just about public issues in the strict sense applies.<sup>5</sup>

#### III.4. Legality of data processing

Before answering specific data management questions, the Authority emphasizes that a

On the applicant's side, the journalist requesting the Applicant provided information on the purpose requests information on how the information will be used and the

also answering the question that the questions asked do not affect the privacy of the Applicant, they are significant part applies exclusively to business matters. Out of his search for excellence, the journalist exclusively requested information and did not wish to have an open interview or background discussion with the Applicants.

In the written press, the journalist reported on Smtv. acts when reconciling the text that appears, ie the media content provider is obliged to make the statement prepared for the purpose of public disclosure by the person making the statement

or to show the person in the media content, at his request, before publication;

it may not be disclosed if the data subject does not consent to the publication because it has been substantially altered or distorted by the media content provider and this is reflected in the statement or in the media content.

harmful to the actor. It was made despite the withdrawal of consent, for good repute or honor

in the event of an infringing communication, the relevant civil and criminal law rules shall apply. (Section 15 of the Act) Paragraph 2).

The pre-publication presentation therefore only writes in the case of a statement made for public disclosure prior presentation. In view of the fact that the Applicants have expressly refrained from

from the answers given to the questions asked by the journalist from the applicant's side, without making a statement on them therefore, in the Authority's view, the Applicant was not

obligation to present. This official position is supported by the Hungarian Journalists' National Association 3.2.3 of the Code of Ethics for Journalists of its Association. also.<sup>6</sup>

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

processing

requirement must be met.

Article 5 of the General Data Protection Regulation contains the main principles that are personal

must be taken into account in the processing of the data and which must be in force at all times

during data management. Such principles include legality, due process and transparency, a

the principles of purpose limitation, data saving, accuracy and limited storage [5. Article 1

paragraph (a) to (e)]. From the principle of accountability [5. Article 2 (2)]

is responsible for complying with data protection principles and must be able to do so

also to prove. Accordingly, the data controller must be able to prove that it is personal

the purpose for which it processes the data and why it can be considered for that purpose

it is essential to process your personal data and you must do everything you can

reasonable steps to ensure that personal data are inaccurate for the purposes of the processing

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Herbai v. Hungary, Judgment of 5 November 2019, no. 11608/15

MUOSZ Code of Ethics for Journalists 3.2.3.

present the finished material. This may be to eliminate factual errors. To the interviewee, the person making the statement, in

the show

prior to publication and withdrawal of a statement made by an

the provision of the law shall apply.

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delete or rectify the data without delay and document and record it accordingly

data processing so that its lawfulness can be proved afterwards.

The controller shall have a legal basis in accordance with Article 6 of the General Data Protection Regulation

have access to the data and be able to prove that, with the consent of the data subject, or

which legal provision it handles / has handled personal data or that the data processing

necessary for the legitimate interests of the controller or of a third party and the processing

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

The Authority points out that the names of the data subjects and their other data on their financial situation a

They are also part of their personal data, which is also intended to be protected by an authority

their data entered in the register of companies

public data in the public interest, as well as the Ctv. Company data pursuant to Section 10 (1).

Of course, the quality of the company data in the data in question does not mean that the data in the company register

they could be used in any way: respecting the principle of purposeful data management

appropriate legal basis, and - ensuring the right to self-determination of information

with due regard for the rights of data subjects.

According to the Applicant's statement, the purpose of data processing is to protect the rights arising from freedom of the press

exercise the press in a democratic society

inform the Hungarian business community and the public in matters of public interest -

in accordance with the practice of the Constitutional Court - one of the largest in Hungary, also on the world market

owners of a business in a unique economic position, which is subject to state aid

In addition to describing the ownership background and relationship system, the business

the public aspects of its economic influence and the establishment and development of its economic influence

also to explore the socio-political conditions for its preservation, thereby contributing to business

transparency and traceability of life. In addition, the Applicant considers it his responsibility to be Hungarian

strengthening the entrepreneurial culture by reporting on the activities of successful Hungarian entrepreneurs.

In addition to the above, the direct purpose of the contested article is economic competition and market economy

the state support of the actors, the system of political relations and the legal system in economic life

or to fundamental public disputes concerning its participation in a manner that is open to challenge

contribution through investigative, fact-finding journalism.

In this context, the Authority took into account that the Applicant regularly publishes writings and compilations on economic

policy and economic philosophy, so that the Authority's position

according to the records available to anyone and the companies' own public announcements and reports  
communication of data and information in different configurations,  
its dissemination does not infringe the principle of purposeful data management.

The legal basis for the processing is the requested Article 6 (1) (e) of the General Data Protection Regulation.

or, as a secondary legal basis, by the General Data Protection Regulation

Article 6 (1) (f). The Applicant justified all this on the grounds that in his opinion the press

its task cannot be construed narrowly as being owned by private individuals

not at any level in connection with the operation or ownership background of private enterprises

it is possible to provide information to the public.

The most successful Hungarian entrepreneurs make a significant contribution to the whole of Hungary

for the development of the state of the national economy:

the

businesses

jobs

they create,

contribute to the development of entire regions, influence the tax revenues of the budget, with an impact

are on the foreign trade balance, etc. The fact that at a given time in a country which are the largest

it reveals a great deal about the state of companies, the economy and society: for example, which one

the most successful companies, people (IT, financial sector, etc.) come from the industry, and this

The significance of political relations for the rich is especially topical in Hungary

divorce. Due to the peculiarities of the Hungarian economy, these companies (and their owners) benefit in turn

receive public or other public subsidies.

In addition to the above, the Applicant aims to show how these resources are used,

and the extent to which these donations are part of their success. This is all for the Hungarian entrepreneurial layer

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relevant and important information and of particular interest to taxpayers

information (especially if state aid contributes to a company's profitability).

The Applicant also referred to recital (45) of the General Data Protection Regulation,

that the processing takes place in the context of the fulfillment of a legal obligation on the controller

or to carry out a task in the public interest or to exercise a public authority

necessary, the processing must have a legal basis in Union law or in the law of a Member State

have. He also stressed the Smtv. § 10, according to which everyone has the right

to be properly informed about local, national and European public affairs; and

On events of significance to the citizens of Hungary and to the members of the Hungarian nation. THE

It is the responsibility of the media system as a whole to provide authentic, prompt and accurate information on these matters

and

events.

He emphasized that the Basic Law of Hungary protects freedom of expression and the

freedom of the press and the diversity of the press, as well as decisions taken by the Constitutional Court

the role of the press, the exercise of freedom of the press, and the

in the context of freedom of expression.

The Basic Law of Hungary protects the right to the protection of personal data, the freedom of the press and the

also names freedom of expression as a fundamental right, such as freedom of the press and the

freedom of expression as a constitutional fundamental right to the enforcement of personal data

must be accompanied by the protection of the fundamental constitutional right to

The Constitutional Court ruled 165/2011 on issues of media law. (XII. 20.) AB

summarized his views on the establishment of freedom of expression and the press, and the

stressed the freedom of citizens to shape democratic public opinion

importance. In its ruling, the Constitutional Court stated that "freedom of opinion is at the same time

serves the fulfillment of individual autonomy and democratic public opinion on the part of the community

the possibility of creating and maintaining [...] The press is an institution of free speech. So the

freedom of the press, in so far as it serves the free expression of speech and communication, so

its protection is also twofold: in addition to the subjective legal nature of the subject, from the side of the community it serves to create and maintain a democratic public opinion. [...] The right to freedom of the press through its exercise, the holder of a fundamental right is an active shaper of democratic public opinion. The press is on this controls the activities of the actors and institutions of public life and the decision-making the political community, the democratic public (the 'watchdog').

its role)."

Tietosuojavalvottu v Satakunnan Markkinapörssi Oy and Satamedia Oy are preliminary in Case C-73/07, REFERENCE for a preliminary ruling under Article 234 EC In case no on the protection of individuals with regard to the processing of personal data and on the free movement of such data Article 9 of Directive 95/46 / EC of the European Parliament and of the Council of 24 October 1995, replaced by journalistic activity within the meaning of Article 85 of the General Data Protection Regulation and ruled in its judgment of 16 December 2008 that:

"In order to take into account the importance of freedom of expression in all democratic societies, on the one hand, the relevant concepts, including journalism must be interpreted broadly. On the other hand, and balancing the two fundamental rights In order to safeguard the fundamental right to privacy, [...] the exceptions and limitations to data protection within the limits strictly necessary stay. [EU] C-73/07 s. Judgment, paragraph 56]

The exceptions and derogations provided for in Article 9 of the Directive apply not only to media undertakings but also to: shall apply to all persons engaged in journalistic activities. " [EU] C-73/07 s. Case, Judgment Item 58]

The fact that the disclosure of public data for profit purposes does not, a priori, preclude it from being used exclusively for the purpose of journalism considered. [...] Some commercial success is essential for the survival of professional journalism also means. [EU] C-73/07 s. Case, paragraph 59]

[In accordance with] national law, data from public documents

activities such as those at issue in the main proceedings may be classified as 'journalistic activities' if their purpose is to

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to make information, opinions or ideas available to the public,

whatever the mode of transmission. These activities are not reserved for media companies

and may be for profit. [EU] C-73/07 s. Case 61]

The above findings of the EUB in *Sergei Buivids v. Datu valsts inspekcija* preliminary ruling

in Case C-345/17 in his judgment of 14 February 2019 in case no

also repeated:

'The Court has already held that, in order to take account of the fact that a

the importance of freedom of expression for all democracies

society, the relevant concepts, including journalism, must be interpreted broadly (see

Judgment of the *Satakunnan Markkinapörssi and Satamedia* of 16 December 2008, C-73/07

EU: C: 2008: 727, point 56). " [ECR C-345/17. s. Case, paragraph 51]

Thus, it is clear from the travaux préparatoires for Directive 95/46 that Article 9 of that directive provides:

exemptions and derogations provided not only for media companies but for all journalists

applicable to a person pursuing an activity (see, to that effect,

Judgment of the *Satakunta Market Exchange and Satamedia*, C-73/07, EU: C: 2008: 727, paragraph 58). ' [ECR C-345/17.

s. Case, paragraph 52]

It is clear from the case law of the Court of Justice that 'journalistic activities' are activities

which are intended to make information, opinions or ideas available to the

to the public, whatever the mode of transmission (see, to that effect, 2008).

Judgment of the *Satakunta Market Exchange and Satamedia* of 16 December 2008, C-73/07, EU: C: 2008: 727, paragraph

61). '

[ECR C-345/17. s. Case, paragraph 53] '

Recital 153 of the General Data Protection Regulation also states that a

the right to freedom of expression exists in all democratic societies

In order to take account of the importance of

journalism, should be interpreted broadly.

According to NAIH / 2020/1154/9: '(...) from publicly available databases, processing of (personal) data from companies' own communications and accounts, and the evaluation of the data collected according to a defined methodology and the activities involving valuation or even newly generated data are performed by the Applicant related to his journalistic activities. The fact that the disclosure of this data has been given in which case it is (also) for profit-making purposes, does not preclude it from being carried out for journalistic purposes considered as an activity. "

The European Court of Human Rights (ECtHR) has a wealth of case law for them in developing the specific standards that have been voiced in the debate on public affairs limitation of opinions. The practice of the ECtHR, however, is also made it clear that the increased protection of opinions expressed in the context of public affairs is not it is limited to political debates and politicians in the narrow sense. On the one hand, beyond party political debates also protects the freedom to discuss other issues affecting the community with particular force a the right to freedom of expression guaranteed by the European Convention on Human Rights (ECtHR: Thorgeirson v. the United Kingdom)

Iceland, application number: 13778/88, paragraph 64, 1992, decision on the merits and satisfaction). On the other hand, it is It is not only in those cases that the ECtHR calls for a dispute over public cases to be of paramount importance argument in which the disputed statement concerns politicians or officials, but even if the public interest issue (also) concerns individuals. In the latter case, the the tolerance threshold for individuals should also increase (ECtHR: Bladet Tromsø and Stensaas v. Norway, application number: 21980/93, 1999, decision on the merits and satisfaction).

Derogation from the data protection rules for journalistic purposes allows journalists to: access, collect and process personal data in order to carry out their journalistic activities to deal with them, however, the ECtHR pointed out that the mere fact that it is some



information available to the public does not necessarily exclude it from the European Convention on Human Rights

From the protection of Article 8 of the Convention and to companies as professional players in the media industry

they had to be aware that large-scale data collection and publication was not necessarily necessary

the exception rule for journalistic activities only applies.

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The rights protected by Articles 8 and 10 of the European Convention on Human Rights are reciprocal

However, with regard to the weighting of taxes, the ECtHR pointed out that

free access to information) can indeed help to address issues of public interest

democratic debate, however, found that the raw data, without any analysis, is large

there was no public interest in publishing it. Taxation data is public

curious members could allow individuals to make an informed choice based on their economic situation

categorization of the privacy of others

which cannot be seen as advancing the debate on an issue of public interest.

The ECtHR has also transposed the case law of the ECtHR into EU law in the “Buivids case”

in that regard, it is clear from that case - law that the right to privacy is respected

and the right to freedom of expression

The European Court of Justice has developed relevant criteria to be taken into account, including

contribution to a debate in the public interest, the awareness of the data subject, the subject of the report, the data subject's

previous history

the content, form and consequences of disclosure, the acquisition of information

and their appropriateness (see, to that effect, ECtHR, 27 June 2017,

Satakunnan

Market exchange

Oy

and

Satamedia

Oy

cont

Finland,

CE: ECHR: 2017: 0627JUD000093113, § 165). Similarly, it must be borne in mind that

the controller may accept a reduction in the scope of the invasion of privacy

enabling measures. " [ECR C-345/17. s. Case 66]

Summarizing the above, to perform the public task of the Applicant recorded in the Smtv

related activities justify the data processing carried out by him in connection with a specific case.

The Authority wishes to emphasize that journalistic activities are subject to general data protection

does not fall within the scope of Article 6 (1) (e). This is supported by

that Article 17 (3) (b) also follows precisely in Article 6 (1) (e)

the terms used in Article 17 (3) (b)

pursuant to Article 6 (1) (c) and (e), which are already close to each other

pleas in law].

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

should be taken into account whether the disclosure of the data is not disproportionately infringed

the right to privacy. In connection with the present case, it can be established by the Applicant

the content of data processing is not with the private or family life of the Applicants, but with

arising out of or in connection with the activities of an undertaking in which they have an interest

related to economic performance.

Given that the assemblies used or intended to be used by the Applicant a

Applicants may disclose to anyone in the public interest their public personal data

previously disclosed business and personal information about them

no personal data other than published press releases, data management

does not exceed what is necessary and proportionate, the Authority shall establish that the Applicant

nor did it infringe the general rule on the data processing examined by the Authority

purpose limitation under Article 5 (1) (b), (c) (d) and (e) of the Data Protection Regulation, the principles of data saving, accuracy and limited storage, as well as the legitimate interest indicated by reference to Article 6 (1) (f) of the General Data Protection Regulation also acceptable.

### III.5. Rights of the data subject and limitations on the exercise of rights

In relation to the rights of the data subject, the Applicants requested in their application that the Authority be the general infringement of Articles 14, 15 and 21 of the Data Protection Regulation the fact of unlawful data processing.

Rights of data subjects (including the right to information, protest and cancellation)

data controller obligations related to the exercise of

information, communication and measures for the exercise of the data subject 's rights

Article 12 of the General Data Protection Regulation.

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On the basis of the statements and available documents, the Applicants (or their legal representative) and the following exchanges of letters took place between the Applicant (or the journalist) during the period under review:

On 31 August 2020, the journalist on the applicant's side picked up the

contact the company that may be associated with the Applicants in connection with an article that it intends to write, for which you have requested assistance in answering the following questions:

- As a successful entrepreneur, one of the richest families in the country, egyik... □ is one of the largest in the county as employers and recipients of significant EU and state aid

publicity for company owners? Why are the press products that describe the names of □... □ sued

(I am thinking here primarily of the proceedings against □... □)?

After □... □ arrived in Hungary with his family, where did he get a job since he started working?

- Has □... □ supported or met □... elmúlt in the last 28 years?

- How did the family experience the conviction of □... □ in the □... □ case?

- How did él... □ experience being convicted?

- To what extent have state subsidies contributed to the company's success? Without them, where would tart... be today?

- How would you describe the relationship between ... and ...? What exactly does a strategic partnership mean? Why did ... stay

who is the company ... and ...?

- How would you describe the relationship between ... and ...? How close is the cooperation between ... and ...?

Why did it turn out that Jelentős... was the contractor for a significant part of the company's investments?

- What are your current plans for investing in ...? Are you still planning to build the hotel?

- When the ... investment was launched, was it known that the site was a Natura 2000 site? If

yes, what were the plans to deal with this, were they afraid they would not get what they needed

permits?

Since ... is particularly successful and is still in a growing stage, are you afraid that

are pro-government entrepreneurs trying to "get" the ..., or the most successful parts of it?

To the letter from the Applicants containing the above questions of the Applicant on 31 August 2020

in his particular answer, he did not answer any of the above questions, only the journalist called

to take into account the Applicants' rights to respect for their privacy,

and informed that ongoing discussions were taking place on ...'s investment.

Finally, he asked the journalist to send the article he had written before it was published.

and inform him of the time of its expected release.

In his reply to this letter, also dated 31 August 2020, the journalist emphasized that the

the questions asked do not affect the privacy of the Applicants, a significant part of them concern business matters,

and also informed that he was not in a position to write it before it was published

to make available.

Following the above correspondence, the Applicant's legal representative addressed the Applicant on September 2020

In a letter dated 2 August 2020, he stated that: "(...) The

have been informed by e-mail that you intend to publish the requested article,

in connection with, inter alia, magán... and the privacy of other members of the family, and ...

asked questions about his trade secrets, business details, to help write the article.

He noted that most of the questions suggested that the Applicant was criminal

it also handles personal information.

At the same time, he drew the Applicant's attention to the fact that the Respondents had not received any information their data, and the journalist expressly refused to

GDPR obliges data controllers to do so.

Acting on behalf of the Stakeholders, the Stakeholders stated that the Stakeholders do not consent to their identity,

and an article on □... □ 's business secrets on topics outlined by the journalist

the personal data and personal data of the

and to disclose information which constitutes a business secret of the companies belonging to □... □.

He stressed that the data subject disclosed all personal data concerning them

are prohibited. It also called on the Applicant to provide information concerning the Data Subject

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Articles 14 and 15 of the GDPR on personal data processed and planned personal data processing appropriately.

He stated that the Stakeholders strongly object to the Applicant as Article 21 of the GDPR

against the processing of personal data by the controller and shall be prohibited from:

access, collect, and otherwise any personal information relating to them

data processing activities, including disclosure. Article 18 (1) of the GDPR

In addition, we request a restriction on data processing pursuant to points (b) and (d) of paragraph 1. He called emphatically the Applicant's attention to the fact that he was the subject of a protest pursuant to their above application and Article 18 of the GDPR,

the processing of the personal data of the data subjects without any further consideration

to limit. Article 18 of the GDPR should refrain from disclosing personal data concerning Applicants

Pending clarification of the circumstances set out in paragraph 1 (d) and following a protest

beyond.

He repeatedly called on the Applicant to consult the article before publishing it

With stakeholders. If the Applicant violates the above and affects the privacy rights of my clients

disclose information or trade secrets to the public or fail to provide such information.

so as to protect the rights of the Applicants.

Finally, it called on the Applicant to provide without delay and by 4 September 2020 at the latest.

information on the measures they have taken.

The Applicant submitted the above application for the exercise of the rights of the data subject, dated 4 September 2020

In his reply, the Applicant indicated the scope of the personal data processed by him (the data subject to be published

This article contains personal data only in connection with □... □ and □... □. In addition, the article suggests that a

□... □ family members were or still are the owners-managers of □... és and its □... □, and formerly □... □.)

The Applicant also indicated the source of the personal data and provided information that

the source of personal data related to companies is the public company register. In this context

summarized that the 2006 Act on Company Disclosure, Company Litigation and Liquidation

Section 10 of Act V of 2006 (hereinafter: Ctv.) prescribes publicity in the public interest and the public interest

refers to the protection of the Ctv. preamble. The Ctv. Pursuant to Section 10 (2), the company documents are in full

public, in addition to road safety, to ensure the transparent operation of the economy.

Consequently, the Smtv. in the context of economic journalism as an activity of general interest within the meaning of

the use of such (public interest) personal data for targeted data processing

means.

It can therefore be concluded that personal data are one of certain economic activities

the public is required by the legislature, so that confidentiality vs. between the public

the legislature has already carried out a balancing of interests and the data listed (thus managed by the

opted for publicity. The data controller does not need the balancing of interests at the legislative level

repeat or inform the data subject separately, because the existence of the legislation and

the fact of its familiarity has already done so.

In connection with the legal basis of the data processing performed by the Applicant and the purpose of the data processing,

the

Article 6 (1) (e) and (f) of the General Data Protection Regulation, Article 85 (1), Article 45

and recital 153, Smtv. § 10 of 3145/2018. (V. 7.) AB, the European

Published by the Working Party of Data Protection Commissioners (Working Party 29) on 26 November 2014

of the Court of Justice of the European Union in Case T-203/15 Tele2 Sverige AB,

ECLI: EU: C: 2016: 970; 21 December 2016) and

NAIH / 2020/838/2 and

NAIH / 2020/1154/9. interpretation of the law contained in its decisions no.

The legitimate interest of the Applicant is based on the provision of information to the public and, more broadly, on

the exercise of the right to freedom of the press. With his criminal case in □... □ □... □

In connection with this, the Company points out that the Stakeholder on the subject has previously made a public appearance

undertook. □... □ therefore revealed to the public in Hungary his own decision

reasons for its establishment. According to the position communicated by the Applicant to the Applicant, □... □ the State

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the public has a right to be informed about their role in

The former managing director and current owner of the company is a multi-billion forint state subsidy

responsible for its use and accounting for it.

In relation to the rights of data subjects, the Authority also issued NAIH / 2020/1154/9. Decision No

that fact-finding and business journalism are covered by Article 6 (1) of the General Data Protection Regulation.

The legitimate interest under paragraph 1 (f) rests on a legal basis, so the processing is lawful. The Requested

emphasized that the data processing it carried out was an activity in the public interest and that Article 6 (1) of the Regulation based on paragraph (e).

The Applicant has provided the Data Protection Information Sheet (□... □) to the Applicant and

it also provided information on the legal remedies and enforcement options available to the Applicant.

In the context of the breach of business secrecy, he stressed that the planned writing did not disclose the trade secret

LIV of 2018 on the protection of business secrets under the law. Finally, the newspaper article you want to publish

informed of the obligation of prior consultation in relation to the content of the

Applicants to Smtv. Pursuant to Section 15 (2), the media content provider shall only a

shall make a statement made available to the public prior to publication

to the person making the declaration. Given that in the present case no member of the □... □ family has done so

statement, the Applicant has no prior agreement on the content of the newspaper article

obligation.

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Articles 13-14 of the General Data Protection Regulation. Articles contain a minimum number of data controllers

which data processing conditions should be communicated to data subjects, depending on whether they are personal

collects data from data subjects or has not obtained it from data subjects. Given that the

The Applicant did not collect the data used to compile the lists directly from the Applicants,

but also in various public databases, reports and □... □ public communications,

used the information contained in its communications, the Prior Information

Article 14 of the General Data Protection Regulation.

Consequently, Article 13 of the General Data Protection Regulation, which states that

the controller must at least inform the data subject if the personal data are

from the data subjects - is not relevant in the present case, so its alleged infringement by the Applicants

nor can it be established.

According to recital 60 of the General Data Protection Regulation, transparent and a

the principle of fair processing requires that the data subject be informed

and all information that is fair and transparent

necessary to ensure the processing of personal data, taking into account the specificities of the processing of personal data

circumstances and context.

Articles 13-14 of the General Data Protection Regulation. prior information pursuant to Article 15 and

The information provided at the request of the data subject shall be distinguished. While 13-14. in accordance with Article

information is intended to provide the data subject with a general, comprehensive picture of his or her personal data



in the meantime, the purpose of the right of access under Article 15 is explicitly to receive information on the lawfulness of the processing of your personal data to establish and control

In exercising the right of access, the controller shall be required to comply with Article 15 (1) of the General Data Protection Regulation.

shall provide the data subject with the information referred to in Applicants for access

In his reply to his requests for the exercise of his right, the Applicant indicated the data processing its legal basis and purpose, the scope and source of its personal data, its legitimate interest in the collection of the data, the right to object and the means of redress and enforcement

information and violated trade secrets and prior consultation of newspaper articles information relating to the obligation to

Where the processing is in the public interest or in the legitimate interest of the controller or of a third party

data subjects may object under Article 21 of the General Data Protection Regulation

against the processing of their personal data. In this case, the data controller does not provide personal data

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may be further processed unless the controller demonstrates that the processing is so compelling

justified by legitimate reasons which take precedence over the interests, rights and freedoms of the data subject or to bring, assert or defend legal claims

are related.

According to Article 21 (4) of the General Data Protection Regulation, the controller is obliged to the data subject

draw their attention to their right to protest at the latest at the latest

at the time of contact and information on this clearly and everything else

should be displayed separately from the information.

On the basis of the above, the Authority finds that the Applicant did not commit an infringement of the general with the provisions indicated by the Applicants and examined by the Authority context.

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## ARC. Rules of procedure

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

covers the whole territory.

The Ákr. Pursuant to Section 37 (2), the procedure is the receipt of the application by the acting authority starts the next day. The Ákr. Pursuant to Section 50 (1), unless otherwise provided by law, the administrative period shall begin on the day the proceedings are instituted.

The Ákr. Pursuant to Section 112 (1), Section 114 (1) and Section 116 (1), respectively there is an administrative remedy against him.

The operative part II. The right of independent legal remedy against the order contained in Art. § 112, § 114 (1) and § 116 (1) and § 116 (4) (d).

The Civil Code. 6:48. § (1), in the case of a debt, the debtor from the date of the delay starting with the central bank base rate valid on the first day of the calendar half-year affected by the delay pay default interest at the same rate.

The rules of administrative litigation are laid down in Act I of 2017 on the Procedure of Administrative Litigation (a hereinafter: Kp.). A Kp. Pursuant to Section 12 (1), it is against the decision of the Authority administrative lawsuit falls within the jurisdiction of the court, the lawsuit is subject to the Kp. Section 13 (3) (a) (aa) the Metropolitan Court has exclusive jurisdiction. A Kp. Pursuant to Section 27 (1) (b) a legal representation is mandatory in litigation falling within the jurisdiction of the tribunal. A Kp. Pursuant to Section 39 (6) the filing of the application shall not have suspensory effect on the entry into force of the Decision.

A Kp. Section 29 (1) and with this regard Pp. Applicable in accordance with § 604, electronic CCXXII of 2015 on the general rules of public administration and trust services. Act (a hereinafter referred to as the Customer's legal representative pursuant to Section 9 (1) (b) of the E-Administration Act obliged to communicate electronically.

The time and place of filing an action against the decision of the Authority shall be determined by the Kp. Section 39 (1)

Define. Information on the possibility of requesting a hearing can be found in Kp. Section 77 (1) - (2)

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

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

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

The Ákr. Pursuant to Section 135 (1) (a), the debtor is entitled to the statutory interest rate

is obliged to pay a late payment allowance if it fails to meet its payment obligation on time.

If the Applicant does not duly demonstrate the fulfillment of the required obligation, the Authority shall

considers that it has failed to fulfill its obligations within the prescribed period. The Ákr. According to § 132, if the Applicant

has not complied with an obligation contained in the final decision of the authority, it shall be enforceable. The Authority

decision of the Ákr. Pursuant to Section 82 (1), it becomes final with the communication. The Ákr. Pursuant to § 133

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enforcement, unless otherwise provided by law or government decree, is the decision-making authority

order. The Ákr. Section 134 - if enforced by law, government decree or

In the case of a municipal authority, a local government decree does not provide otherwise - the state

tax authority. Infotv. Pursuant to Section 61 (7) of the Authority,

to perform a specific act, to behave, to tolerate or to stop

the Authority shall enforce the decision in respect of the obligation to

Budapest, January 08, 2021

Dr. Attila Péterfalvi

President

c. professor

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