

Case number: NAIH / 2020/308.

History case number: NAIH / 2019/6157.

Subject: Partial decision granting the application

DECISION

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

hereinafter referred to as the "Applicant") [5] (hereinafter referred to as the Requested) the right of access dated 5 July 2019

submitted on 6 August 2019 for failure to comply with his request for the exercise of

take the following decisions in the data protection authority proceedings initiated following the request of:

I. The Authority will grant the Applicant's request and find that the Applicant is not in compliance

complied with its request to exercise its right of access dated 5 July 2019 and thereby infringed

the Applicant's right of access.

II. The Authority shall instruct the Applicant to take action within 30 days of the decision becoming final

provide access to the Applicant's personal data indicated in the access request, here

excluding the data to which the Applicant has requested access, however, shall not be considered as

personal information.

III. The Authority shall make the request in respect of data which do not qualify as personal data of the Applicant

rejects.

ARC. The Authority will of its own motion for the violation set forth in Section I apply to the present decision

within 30 days of becoming final

HUF 2,000,000, ie HUF 2 million

data protection fine

obliges to pay.

The II. The measure shall be taken from the date on which the decision becomes final

You must certify in writing within 30 days, together with the supporting evidence, that:

Towards an authority.

The fine is settled by the Authority's forint settlement account for the collection of centralized revenues

(1003200001040425-00000000 Centralized collection account IBAN: HU83 1003 2000 0104 0425 0000 0000)

to be paid for. When transferring the amount, the NAIH / 2020 / 308.JUDGE. number should be referred to.

If the Applicant fails to meet the obligation to pay the fine within the time limit, a late payment allowance

is obliged to pay. The rate of the late payment interest is the statutory interest, which is the calendar affected by the delay equal to the central bank base rate valid on the first day of the first half of the year.

A II. In the event of non-payment of the obligation under paragraph 1 or of the fine and the penalty for late payment, the Authority shall:

order the enforcement of the decision.

There is no administrative appeal against this decision and the order terminating the proceedings

but within 30 days of the communication with the action brought before the Metropolitan Court

may be challenged in an administrative action. The application shall be submitted to the Authority electronically,

which forwards it to the court together with the case file. Request for a hearing in the action

to be indicated. For those who do not receive a full personal tax exemption, there is an administrative lawsuit fee

2

HUF 30,000, the lawsuit is subject to the right to record material taxes. In the proceedings before the Metropolitan Court, the legal

representation is mandatory.

EXPLANATORY STATEMENT

I. Procedure and clarification of the facts

I.1. In its application received by the Applicant on 6 August 2019, the Applicant is a data protection authority initiated proceedings against the Applicant.

According to the application, the Applicant did not comply with the letter dated 5 July 2019 and issued by the Applicant on 5 July 2019.

10 of the request for access to the right to access the data requested access.

In the access request, the Applicant requested information from the Applicant as to whether this had occurred data protection incident or rectification in connection with transaction number [...] in connection with your personal data.

The Applicant stated that in his opinion his personal data was subject to a data protection incident occurred because the "data processed by the Applicant have been modified in a way that is not visible to the data subject the data controller does not see the consistency and lawfulness of the data processing, the data controller's records and the data subject's own records do not match for the same dates 'and' the the data stored in the data controller's register is inconsistent and does not form a closed logical unit and it is highly probable that there is a discrepancy between the data recorded; the the controller has conflicting data for at least one of the same dates, communicated information to the data subject. "

The Applicant also requested information that it was registered on [30 September 2014] document sent by e-mail from [...] on December 9, 2014 at 2:26 p.m. information that the installment payment agreement has been terminated, what personal data sent to him on the basis of.

In Section 3 of its request for access, the Applicant requested the Applicant to send it a each of the payments made by him in the register of the bank statements affected by the payments made by it a copy. He also requested the financial and accounting clearance of two payments he had made, [...] covering all direct and indirect transaction items and data.

The Applicant has requested in its application that its request for access under point 3 be made by the Applicant in full complete in detail and contain the following data: payment transaction IDs, payment type, amount, cost bearer, actual payer, payee, payee account, actual beneficiary, title, communication.

The Applicant replied to his request for access by letter dated 16 July 2019, providing information given on the assignment of a claim registered under number [...], data processing in general

the purpose of the processing, the categories of personal data processed, the legal basis for the processing, the recipients, the personal data

the duration of data processing and storage, automated decision-making and the data subject rights and enforcement.

According to the Applicant, the request for access dated 16 July 2019 was made by the Applicant

The reply letter sent contains only general information but does not respond to the request specific requests, questions.

The Applicant has requested the Authority to establish the infringement and to oblige the Applicant to comply with your request for access and to provide the personal data requested therein.

3

At the request of the Applicant received on 6 August 2019, Infotv. Pursuant to Section 60 (1) a NAIH / 2019/6157. The case was initiated on 7 August 2019 by a data protection authority.

I.2. In order to clarify the facts, the Authority invited the Applicant to make a statement, which

The Applicant complied with this request by letter dated 28 November 2019, after November 2019

By letter dated 15 May, he requested an extension of 15 days to reply.

The Applicant has informed the Authority that there is a data request between the Applicant and the Applicant proceedings were pending in the first instance, in which the Metropolitan Court of First Instance

He delivered his judgment on 11 April 2018. The subject of the lawsuit is the information dated 12 February 2016 by the Applicant

was the fulfillment of his request. In connection with this request for information, the Authority shall issue NAIH / 2016/2347/2 / V.

issued a resolution stating that the Applicant had complied with the Applicant's request. On this

In accordance with the resolution, the Metropolitan Court dismissed the Applicant's action. The Applicant

appealed against the decision of the Metropolitan Court. The Metropolitan Judgment Panel is second instance as a court, upheld the decision at first instance by its judgment of [...] dated 30 August 2018. THE

The applicant attached both judgments to his reply.

The Applicant referred to Act CXXX of 2016 on Civil Procedure. Act (hereinafter: Pp.)

§ 360 (1), ie the scope of substantive legal force, according to which the final validity of a judgment precludes that a new action against the same right arising from the same plea in law shall be brought against each other by the same parties or otherwise challenge a right already decided in the judgment. THE

According to the applicant, the requests set out in point 3 of the request for access

NAIH / 2019/6157/4. in the order of the grounds of the order no. questions

- res iudicata can be established, as they have been the subject of a final judicial decision in civil proceedings.

The Applicant acknowledged that, due to an administrative error, in his reply of 16 July 2019

did not clearly address all the questions asked by the Applicant. The Requested

reviewed the reply sent to the Applicant, which was supplemented and sent to the Authority

sent to the Applicant at the same time as his / her statement. This supplementary reply and the

A summary table of the applicant's payments (hereinafter referred to as the statement) was attached to the

statement. The statement includes the amount paid by the Applicant, the type of payment, a

the date of payment and entry in the accounts, the remarks and whether the payment is due on principal or interest.

has been accounted for.

The Applicant submitted that in connection with the claim registered under number [...], the

no data protection incident or rectification has taken place in relation to the personal data processed.

The Applicant informed the Authority that the letter of formal notice dated 30 September 2014 was

using personal data necessary to handle the assigned claim

to the Applicant, which are the assignment of the claim against the Applicant

provided by [...]. This letter was sent to the Applicant by the Applicant because

In September 2014, the Applicant did not perform towards the Applicant despite the installment payment

agreement stated that in the event of non - payment of any installment, the total outstanding debt would be one

becomes due. By letter dated 11 November 2014 and

By e-mail dated 9 December, the applicant informed the Applicant that the installment payment

agreement was terminated due to late payment. The Applicant himself released the Applicant

email address for contact.

Payments received by the Applicant will not be registered immediately in each case, it takes longer to process, so it may be that the Requested December 2014

Your payment on 8 was not yet due when the email was sent on December 9, 2014

visible.

Given that the Applicant is different from the installment payment agreement, but the payment fulfilled its obligation in full, so Case [...] was filed on April 27, 2018 which was notified to the Applicant by a certificate dated 2 May 2018.

4

1.3. Upon receipt of the Applicant's supplemented response, the Applicant shall submit another statement to the Authority, as it considered that the Applicant's reply was still incomplete. Statement according to the Applicant's answer consisted of only three numbered pages, to which the Applicant was not attached although it refers to it in the text of the letter: 'As Annex 1 to this information letter we will send you a statement showing on what days and in what amount you have completed payment to our Company. "

II. Applicable legal provisions

The protection of individuals with regard to the processing of personal data and such 2016/679 on the free movement of data and repealing Directive 95/46 / EC (EU) Regulation (hereinafter: GDPR) for the processing of data in the present case the GDPR shall apply.

The relevant provisions of the GDPR in the present case are the following:

Article 15 GDPR: 1. The data subject shall have the right to receive feedback from the controller that: whether the processing of your personal data is in progress and, if such processing is in progress, have the right to access personal data and the following information:

(a) the purposes of the processing;

(b) the categories of personal data concerned;

(c) the recipients or categories of recipients to whom the personal data have been disclosed

or will be communicated, including in particular to third country recipients or international organizations;

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

(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 and may object to the processing of such personal data

against;

(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

information on the significance of such data processing and what is expected of the data subject consequences.

(3) The data controller shall provide the data subject with a copy of the personal data which are the subject of the data processing

release. For additional copies requested by the data subject, the data controller shall, on the basis of administrative costs,

you may charge a reasonable fee. If the application was submitted by electronic means, the

information shall be provided in a widely used electronic format, unless

the person concerned requests otherwise.

4. The right to request a copy referred to in paragraph 3 shall not adversely affect others

rights and freedoms.

Article 58 (2) (b), (c) and (i) GDPR: Acting in the corrective power of the supervisory authority:

(b) reprimand the controller or the processor if his or her data processing activities have infringed this

provisions of this Regulation.

(c) instruct the controller or processor to comply with the conditions laid down in this Regulation

request for the exercise of his rights;

(i) impose an administrative fine in accordance with Article 83, depending on the circumstances of the case;

in addition to or instead of the measures referred to in

Article 77 (1) GDPR: Without prejudice to other administrative or judicial remedies, all

the person concerned has the right to lodge a complaint with a supervisory authority, in particular the normal one

in the Member State of residence, employment or the place of the alleged infringement, if any

considers that the processing of personal data concerning him or her infringes this Regulation.

5

Article 83 (1) to (2) and (5) (a) to (b) of the GDPR: 1. Each supervisory authority shall ensure that this

imposed pursuant to this Article for infringements of this Regulation referred to in paragraphs 4, 5 and 6

administrative fines must be effective, proportionate and dissuasive in each case.

2. Administrative fines shall be imposed in accordance with Article 58 (2) (a) to (h), depending on the circumstances of the case.

and (j) shall be imposed in addition to or instead of the measures referred to in When deciding that

whether it is necessary to impose an administrative fine or the amount of the administrative fine

In each case, due account shall be taken of the following:

(a) the nature, gravity and duration of the breach, taking into account the nature of the processing in question;

the scope or purpose of the infringement and the number of persons affected by the infringement and the extent of damage;

(b) the intentional or negligent nature of the infringement;

(c) to mitigate any damage suffered by the controller or the data subject
any action taken;

(d) the extent of the responsibility of the controller or processor, taking into account the
the technical and organizational measures taken pursuant to Article.

(e) relevant infringements previously committed by the controller or processor;

(f) with the supervisory authority to remedy the breach and mitigate any adverse effects of the breach

the degree of cooperation in order to

(g) the categories of personal data concerned by the breach;

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

whether the controller or processor has reported the breach and, if so, in what detail;

(i) if, prior to the controller or processor concerned,

one of the measures referred to in Article 58 (2) has been imposed

compliance with measures;

(j) whether the controller or processor has kept itself approved in accordance with Article 40

codes of conduct or approved certification mechanisms in accordance with Article 42; and

(k) other aggravating or mitigating factors relevant to the circumstances of the case, such as:

financial gain or avoidance as a direct or indirect consequence of the infringement

loss.

5. Infringements of the following provisions in accordance with paragraph 2 shall not exceed EUR 20 000 000

or, in the case of undertakings, the full financial year of the previous financial year

up to 4% of its worldwide turnover, provided that

a higher amount should be charged:

(b) the rights of data subjects under Articles 12 to 22. in accordance with Article

Infotv. § 2 (2): Personal data are subject to Regulation (EU) 2016/679 of the European Parliament and of the Council

(hereinafter referred to as the General Data Protection Regulation)

the Data Protection Regulation in Annexes III-V. and VI / A. Chapter 3 and Sections 3, 4, 6, 11, 12, 13, 16, 17, 21,

23-24. Section 4 (5), Section 5 (3) to (5), (7) and (8), Section 13 (2)

§ 23, § 25, 25 / G. § (3), (4) and (6), 25 / H. § (2)

paragraph 25 / M. § (2), 25 / N. §, 51 / A. § (1), Articles 52-54. § 55 (1) - (2), 56-60. §, 60 / A. § (1) - (3) and (6), § 61 (1)

paragraph 61 (a) and (c), Section 61 (2) and (3), paragraph (4) (b) and paragraphs (6) to (10)

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

shall apply with the additions set out in Annex I.

Infotv. Enforcement of the right to the protection of personal data pursuant to Section 60 (1)

In order to do so, the Authority may initiate ex officio data protection proceedings. For the data protection authority procedure

CL of 2016 on General Administrative Procedure. (hereinafter: Ákr.)

apply with the additions specified in the Information Act and in accordance with the general data protection regulation with differences.

Infotv. 75 / A. §: The Authority is set out in Article 83 (2) to (6) of the General Data Protection Regulation

exercise its powers in accordance with the principle of proportionality, in particular by

6

legislation or a binding act of the European Union

for the first time in the event of a breach of the rules laid down in

in accordance with Article 58 of the General Data Protection Regulation, in particular the controller or

by alerting the data controller.

The data protection authority procedure is governed by the CL of 2016 on General Administrative Procedure. law

(hereinafter: Ákr.) shall be applied with the additions specified in the Information Act and the

with derogations under the General Data Protection Regulation.

Pp. Section 360 (1): Adjudicated on the merits of the action and the existence of the counterclaim

The finality of a judgment given by way of set - off precludes it from being based on the same fact

the same parties, including their successors in title, shall bring a new action against each other for the same right

or otherwise challenge a right already decided in the judgment.

III. Decision

III.1. Violation of the Applicant's right of access and the principle of transparent data management

The Applicant's request for access dated 5 July 2019 was not of a general nature,

asked some distinct questions about the handling of your personal data.

However, the Applicant's reply letter dated 16 July 2019 is the processing of the Applicant's personal data

with the exception of the information on the assignment, no information expressly provided by the Applicant

did not contain information on the processing of his personal data, at the request of the Applicant a Requested a template response. In point 2 of the reply, for example, the Applicant states informed the Applicant that he processes his personal data primarily for the purpose of enforcing a claim, although, according to his statement, the Applicant has fulfilled his payment obligation and case number [...] It closed on 27 April 2018, so its claim against the Applicant ceased and is therefore conceptually excluded, to process the Applicant's personal data for the purpose of claim enforcement.

Not to fulfill access requests in a manner that complies with data protection requirements a formal answer without relevant information is sufficient. Exercise of the right of access

As a result, the obligation to provide information on the side of data controllers is not an administrative one obligation that can be fulfilled in a template. During the execution of access requests, the data controllers by tailoring the information to specific data subjects, personalizing it and asking them to do so issues should be made available to those concerned on a substantive basis. In the absence of this, the data subjects are not given a clear picture of how their personal data is handled, it does not become transparent to them.

In the response of the Applicant dated 16 July 2019, stated by the Applicant in its request for access did not answer his questions, which he himself acknowledged in his statement of 28 November 2019: 'A Our Company sent a reply to the letter according to the document dated 16 July 2019, in which - due to an administrative error - the Company did not clearly address all the issues raised by the Customer to answer this question. " In the Authority 's view, this statement is incorrect to the extent that: the Applicant did not answer any of the questions asked by the Applicant dated 16 July 2019 in the letter.

In view of the above, the Authority finds that the Applicant has infringed Article 15 of the GDPR, when it did not provide substantive, specific responses to the Applicant's request for access to the authority prior to a request that violates the Applicant's right of access.

III.2. Assessment of the Applicant's reply dated 28 November 2019

a) According to the certificate of return returned to the Authority by the Applicant, the certificate obtained on 31 October 2019 is aware that the Authority has initiated a data protection official procedure at the request of the Applicant. This

subsequently reviewed the Applicant's response to the request for access and dated 28 November 2019

In its letter, it sought to respond to the requests made in the request for access.

The Authority notes that the Applicant's question is that on 30 September 2014 and 2019.

on the basis of what personal information the letters dated 9 December were sent to him with difficulty

may be interpreted as it may relate to contact details or outstanding debts at that time

7

relevant data. However, subject to the third point of the access request, which is the debt

and other transaction data, the Applicant's answer to these questions

considered appropriate.

The Authority is of the opinion that the incident, the rectification of the data and the

the personal data of the letters dated 30 September 2014 and 9 December 2019

sent by the Applicant to the Applicant, comply with the provisions of the GDPR, ie these issues

the Applicant remedied his omission.

b) The question of res iudicata

Substantive force is the legal effect of a judgment. A Pp. According to the commentary on § 360, substantive legal force

the main legal effect of the judgment is that the judgment confers on the parties the rights and

definitively determine the obligations incumbent on them.

The subject of the civil lawsuit conducted by the Metropolitan Court and the Metropolitan Court of Appeal is the Petitioner
2016.

requests for information dated 12 February, 31 August and 6 October

the adequacy of the data provided by the Applicant to the Applicant. THE

The right to information for the applicant is granted by Infotv. provided by the provisions of

In its judgment, the Metropolitan Court found that the applicant, ie the

to determine the exact content of the data request only in the lawsuit, in the Claimant's claim

took place. It then listed the seven sets of data that the Applicant had in its application

specifically: 'items in the accounting records relating to the analysis of the claim; the

the time balance of the claim record broken down by time composition by item; to the claim
determining the method, method and time of accounting for the amounts paid; from the payment
the extent to which principal, interest and fees have been accounted for; the data reported within interest
breakdown by accounting for default or transaction interest; on bank statements
the communication of the data content containing the title of the transfer; data other than those indicated
whether or not they are on the defendant's register. '

The Metropolitan Court found that 'prior to bringing an action, the plaintiff
requests containing data requests or the content indicated by the plaintiff in the lawsuit
could not be reconciled with each other or with the defendant's disclosure since the commencement of the lawsuit
The exact content of the three previous requests for information was not determined in comparison with those in the lawsuit. "
The Metropolitan Court emphasized that the Applicant had only complied with the Authority in the lawsuit
NAIH / 2016/2347/2 / V. proposal in its resolution of the Court of Justice to address a specific issue to the
There was no longer a need for the applicant to know the above seven sets of data in the lawsuit
therefore, the Metropolitan Court did not find an infringement.

The Metropolitan Court of Appeal upheld the judgment of the Metropolitan Court, as the decision contained therein was
correct.
volt.

According to the commentary on the Pp. (Hereinafter: the commentary), the negative effect of the
further dispute of a given claim. The case is just a re-examination of that dispute
where both the parties and the factual basis and the legal relationship under consideration are the same,
one does not exist, the res iudicata effect does not apply.

According to the commentary, the legal force, including the factual identity, does not extend after the establishment of the legal
relationship
facts on which a new action may be brought.

In the Authority's view, the Applicant's request for access dated 5 July 2019 is not the previous
a repetition of requests for information examined by a court, but a new, more specific, substantive

request which is not the same as before, therefore the requests for information which are the subject of the lawsuit and the present

there is no identity between the access request which is the subject of an official data protection procedure, so that there is no factual identity as a condition for the legal effect of the judgment. Among them is the Authority points out that the Metropolitan Court itself stated in the grounds of its judgment that the is entitled to submit another specific request for information or to comply with it in an inadequate manner

8

is entitled to go to court again: if the Applicant has "requested it in the lawsuit the defendant still requires the release of a further 7 types of data, it is not excluded that the repeatedly marked in accordance with Infotv.14. § a) request for information validate your claim by submitting. If the defendant is entitled to Infotv. Section 15 (1)

According to

request for information, in which case the claimant may bring an action before the court (...). "

In view of the above, the Authority does not consider the Reference of the Judge to be admissible, as set out in the Applicant's request for access dated 5 July 2019 and the Capital

As regards the content of the applications examined by the General Court and the Metropolitan Court not in connection with a request for access which is the subject of the present administrative proceedings the legal effects related to the judgment are valid and cannot be denied on that ground fulfilling the Applicant's request for access.

Accordingly, the Authority notes that in its reply of 28 November 2019 with respect to issues related to the development of debt and other transaction data infringement of the Applicant's right of access to this data, in breach of Article 15 of the GDPR.

III.3. The quality of personal data of the data requested by the Applicant

In Section 3 of its request for access, the Applicant requested the Applicant to send it a each of the payments made by him in the register of the

bank statements affected by the payments made by it

Presumably a copy of a bank account. He also asked for two of his accomplishments

payment - [...] - financial and accounting settlement of all direct and indirect transaction items and data.

The Applicant has requested in its application that its request for access under Section 3 be made by the Applicant in full complete in detail and contain the following data: payment transaction IDs, payment type, amount, cost bearer, actual payer, payee, payee account, actual beneficiary, title, communication.

The Applicant's requests contradict each other in that the details of the payments were once a Requested to the extent of the requested record, while otherwise detailed, relating to transactions also requests the provision of data.

Given that the Applicant also requested the Authority in its request for an official procedure to: order the Applicant to make the information indicated in his request for access available, therefore the Authority must examine whether the requested data is the personal data of the Applicant as these data The nature of personal data is a precondition for the Authority to be legally obliged to release them Applicant.

Attached to the Applicant's request for access, entitled "Standard for Intraday Transfer Order"

According to the document, financial institutions have an expanded forint with data content within the framework of their electronic services

they can provide a transfer option for their customers. For customers' electronic transfer orders its expanded data content facilitates the reconciliation of payments in the records of payment orders customer-to-customer automation.

Page 5 of the document explains what constitutes a payment transaction ID. According to this, "a for a payment transaction, so the originator (transferor) can assign two IDs to the order. THE <order ID> only applies to the relationship between the payer's and the transferor's bank, but a unique identifier that can be reused in additional messages related to the operation. From the <endpoint

endpoint ID> the originator's / transferor's own transaction ID that accompanies the transaction

also in all processing steps and rejections. The identifier is primarily for consultation,

may be used for retrieval or may involve the performance of certain tasks by the parties

agreement. (...) Failure to complete <endpoint to endpoint> a

9

NOTPROVIDED data in the payment chain will be transmitted by the bank, which will be

unfavorable to the negotiations. "

Based on the above description, the Applicant cannot have the order ID, as it is only the

It is applicable in the relationship between the applicant and his bank, and he is unable to do so

provide access to the Applicant. The Applicant may then have the Applicant initiated

end-to-end ID of transfers, if provided by the transferor

Applicant at the start of the transfer, failing which the Applicant may not have it either.

The payment transaction identifiers refer primarily to the payment transaction itself and are not a

Applicant but the payment transaction is identified. Indirectly, however, the commissioner himself

they can also apply to a person, as the transfer was initiated by him, the transaction with the ID is his

financial situation.

In the Authority's view, the Applicant's personal data will be considered for its payments

the person who made the payment, the amount and type of the payment, the accounting of the payment and the payment

date, name of the beneficiary, title (if any) or transfer

in the case of the applicant, and - if the Applicant is

at the start of the transfer - the end-to-end identifier of the transaction and that the

what payment was accounted for: principal, fee, interest.

A copy of the Applicant's bank statements that are included by the Applicant

payments made, not in full for all payments and disbursements

are considered personal data of the Applicant, as they are only for the specific payment

contain data that can be contacted with him, so the rest of the bank statement

is not entitled to know, only all other items other than the payment of the Applicant.

information and data.

The Applicant did not clearly define exactly what data [...] and [...]

during the financial and accounting settlement of payments.

The purpose of accounting regulations is to determine the property, financial and income situation of enterprises and their

objective information is available on the development of Individual payments are not personal

are recorded, 'accounted for' in the balance sheet under the Accounting Act and

in the income statement, but together with other payments and receipts

combined. As a result, payments are lost when they are accounted for in accordance with the accounting rules

their personal data, as they can no longer be linked to a single specific person. Based on these

the accounting of the payments does not constitute the personal data of the Applicant as they are

information cannot be contacted.

Due to the above, the Applicant is only entitled to access the data that qualify as his personal data

under the right of access under Article 15 of the GDPR.

III.4. Legal consequences

III.4.1. The Authority grants the Applicant's request and pursuant to Article 58 (2) (b) of the GDPR

finds that the Applicant infringed Article 15 of the GDPR by failing to reply on the merits to the

At the request of access by the applicant.

III.4.2. The Authority shall oblige the Applicant to comply with Article 3 of the Applicant 's request for access.

the requests set out in point III.3 of the Decision. taking into account the provisions of

The Applicant sent a statement of the Applicant's debts to the Authority, however

the Applicant stated that he had not received it despite the fact that the Applicant refers to the

In its reply dated 28 November 2019. The Authority considers this claim to be substantiated, as the

The Applicant sent a copy of the Applicant's reply letter to the Authority, which was not

contained an annex. In addition, the Applicant addressed to the Authority on 28 November 2019

The revised reply to the Applicant was attached as Annex 5 to the

and the statement was not produced separately as Annex 9, so in the Authority's view it was not part of the revised reply letter sent to the Applicant.

An appropriate way to provide a statement generated by the Applicant is to request access from the Applicant with certain additions. The Authority shall call the Applicant for the statement to revise its content, as it is shown that, with the exception of payments between [...] and [...] all payments have been entered in the accounts on the date of payment, although all both in a letter sent to the Applicant dated 28 November 2019 that "payments made in order to settle receivables in the registration system of our Company they are not registered immediately in the case, it takes longer to process resort. Thus, it may have happened that in the letter sent by our Company on [...], the Customer your payment was not yet visible. " Accordingly, the Applicant's statement and statement there is a contradiction between.

If the Applicant does not do the same during the posting and registration of the payment the Authority considers that in its reply to the request for access It must also cover the definition of concepts and, in this case, supplement the statement with the date of registration.

III.4.3. The Authority examined of its own motion whether a data protection fine against the Applicant was justified. imposition.

In this context, the Authority will amend Article 83 (2) of the GDPR and Infotv. 75 / A. § considered the case all the circumstances. Given the circumstances of the case and the fact that the Applicant is not the first infringed the provisions of the GDPR on several occasions, the Authority therefore concluded that the present proceedings in the case of an infringement detected during the investigation, the warning is neither a disproportionate nor a dissuasive sanction, it is therefore necessary to impose a fine.

In particular, the Authority took into account that the infringement committed by the Applicant was covered by Article 83 of the

GDPR.

Shall be deemed to constitute an infringement falling within the higher category of fines referred to in paragraph 5 (b), as it involved an infringement of the rights of one data subject.

In imposing the fine, the Authority assessed the following circumstances as aggravating circumstances:

-
-

the Applicant did not act even after becoming aware of this official data protection procedure quite carefully during the review of its response to the request for access and did not give information on the transaction data related to the Applicant's payments [Article 83 GDPR

Paragraph 2 (k);

the activity of the Applicant is largely based on the processing of a large number of personal data handles the personal data of a natural person, thus in the opinion of the Authority from the Applicant requests to exercise access rights are expected to comply with GDPR requirements the processing of specific personal data relating to the data subject answer [Article 83 (2) (k) GDPR].

In imposing the fine, the Authority assessed the following circumstances as mitigating circumstances:

-
-

the violation revealed affects only the Applicant, the violation is not continuous and appropriate remedied by measures [Article 83 (2) (a) GDPR];

the Applicant reviewed the Applicant's access upon request to the Authority responded to the applicant's request and partially complied with the Applicant's request for access [GDPR 83. Article 2 (2) (c)].

The Authority further noted that

-
-

the Applicant has not previously committed relevant, similar to the findings in the present case

infringement [Article 83 (2) (e) GDPR];

the Applicant has complied with its obligation to cooperate with the Authority [GDPR 83.

Article 2 (2) (f)];

11

-
-

the data requested by the Applicant are financial data related to the dispute between the parties; the

The data breaches identified do not affect specific categories of personal data

[Article 83 (2) (g) GDPR];

According to the 2018 financial statements of the Applicant, the pre-tax profit is HUF [...], current year

and the result was HUF [...], the amount of the data protection fine imposed was

[...] % of its profit before [Article 83 (5) GDPR].

In imposing fines, the Authority did not consider Article 83 (2) (b), (d), (h), (i),

(j) as they cannot be interpreted in the context of the specific case.

The amount of the fine was determined by the Authority acting in accordance with its statutory discretion.

Based on the above, the Authority has decided in accordance with the operative part.

ARC. Other issues:

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 present decisions are based on Ákr. 80.-81. § and Infotv. They are based on Section 61 (1). The decision and the order of the Ákr. Pursuant to Section 82 (1), they become final upon their communication. The Ákr. § 112 and 114.

§ (1), there is a right of appeal against the decision through an administrative lawsuit.

The rules of administrative litigation are laid down in Act I of 2017 on the Procedure of Administrative Litigation (a

hereinafter: Kp.). A Kp. Pursuant to Section 12 (2) (a) by decision of the Authority

The administrative lawsuit against the court falls within the jurisdiction of the court Pursuant to Section 13 (11)

the Metropolitan Court has exclusive jurisdiction. Act CXXX of 2016 on Civil Procedure.

Act (hereinafter: Pp.) - the Kp. Applicable pursuant to Section 26 (1) - Pursuant to Section 72 a

legal representation is mandatory in litigation falling within the jurisdiction of the tribunal. Kp. Pursuant to Section 39 (6) - if

law does not provide otherwise - the filing of an application is an administrative act

has no suspensive effect.

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: E-Administration Act) Section 9 (1) (b) of the Client's legal representative

obliged to keep in touch.

The time and place of the submission of the application is Section 39 (1). The trial

Information on the possibility of requesting the maintenance of the It is based on § 77 (1) - (2). THE

the amount of the fee for an administrative lawsuit 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) exempts the party initiating the proceedings.

Budapest, January 22, 2020

Dr. Attila Péterfalvi

President

c. professor