

Case number: NAIH-2926-8 / 2021.

History: NAIH / 2020/8339.

Subject: Rejection of the application

At the request of [...] the applicant (address: [...] hereinafter referred to as "Applicant"), the  
a sound recording published on 17 November 2020 together with a letter published on 17 November 2020 by [...], the legal  
representative [...]

The personal data in the article published on page [szemben] against the data controller of the requested 2.)

following a request for data protection (hereinafter: the Request)

the National Data Protection and Freedom of Information Authority (hereinafter referred to as

Authority) has taken the following

## DECISION

The Authority will reject the Applicant's application.

There is no administrative remedy against this decision, but from the date of notification

within 30 days of the application 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. Those who do not benefit from full personal exemption

The fee for the administrative lawsuit is HUF 30,000, the lawsuit is subject to the right to record material fees. The Capital

Legal proceedings are mandatory in proceedings before the General Court.

## EXPLANATORY STATEMENT

### I. Procedure and clarification of the facts

The Applicant, [...] 's notary, submitted an Application to the Authority on 19 November 2020,

in which he submitted that in an article published on 17 November 2020 on page [...] and in it

pasted link in a clipped audio recording in an office environment can be heard in the

on the evaluation of registrar applications, in which the Applicant's voice is clear

identifiable as he makes comments in connection with the identity of an applicant [...].

Local communication website [...], based on an article published on [...], December 2020

In writing, published on the 1st, also with the [...] job application announced by the head of the [...] Mayor's Office disclosed information relating to

The writings complained of by the Applicant are available at the following URLs:

- [...]

- [...]

The applicant requested the Authority to prohibit data controllers from further infringements and order the data controller of the [...] website to delete the illegally obtained sound recording; and oblige the data controllers of the [...] and [...] websites to disclose personal data to delete.

According to the petitioner, the alleged breach underlying the data protection authority proceedings the illicit acquisition of data on the one hand and the display of part of the sound recording in the press on the other. According to the petitioner, the eavesdropping is continuous, so from now on on any topic and with anyone conversations could and will continue to be public.

.....

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The applicant informed the Authority that he had provided information on [...] 's interests.

to the requesting journalist about the circumstances of the [...] application, compared to a month later

the sound recording has been published. The cut and ripped sound recordings are made public

After his avoidance, the Applicant apologized and offered to resign as clerk.

Processing of personal data of natural persons before the Authority at the request of the Applicant

the free movement of such data and Directive 95/46 / EC

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 repealing  
Article 57 (1) (f) of the Regulation (hereinafter referred to as the General Data Protection Regulation) and  
Act CXII of 2011 on the right to information self-determination and freedom of information. Act (a  
hereinafter: Infotv.) pursuant to Section 60 (1) of NAIH / 2020/8339. case privacy  
official proceedings have been initiated.

The Authority shall act in accordance with NAIH / 2020/8339/2. case number  
requested the replacement of documents from the Applicant:

gap filling

order

the

following

„1. State the facts relevant to the alleged infringement and

send evidence to support the facts:

(a) Please inform the Authority if you have tried to contact Applicant 1 or Applicant 2 in order to delete the infringed articles? If  
yes,

send proof of this: your request for cancellation of the articles and the request you have received

choose!

b) Please specify the alleged breach of "personal data breach" in your request: which  
your personal data has been infringed by the cited articles or sound recording  
by making it public? ”

By e-mail received on 6 January 2021, the Applicant informed the following about:

Authority [NAIH-294-1 / 2021]:

“1 A NAIH / 2020/8339. I shall forward it to the Authority attached to the invitation contained in the order number  
my request for cancellation to [...] and the controller's reply to it,  
in which they were informed that my request for cancellation would not be complied with.

The audio recording was made without my knowledge and consent, specifically for expiration purposes. THE

audio recording released edited and snatched parts after October

On the 22nd, I had already given the objective information to the journalist, [...]. The infringed article appeared on November 17, I was not informed in advance of its appearance, my consent they did not ask.

It is also clear from the declarations attached to the Equal Treatment Authority that the edited, cropped audio recording of an employer's personal decision selection process, relates to the personal data of applicants for the post of registrar. [...] By [...] first in a published article my voice is audible, I am clearly identifiable by eavesdropping and communication by. In connection with the recording of sound, the Criminal Code. Due to the prohibited acquisition of data in violation of § 422 the municipality also filed a criminal complaint.

2. I was not able to send my request for cancellation to [...] because the real data controller his identity is unknown, although his activities are all the more well known. [...] The incomplete and each other due to contradictory imprint data, we assume that the information contained therein is fictitious data, nor do they comply with local regulations on the use of names ([...]). The Internet and the imprint of the publication is available in the "About Us" section [...]. The National Media and Communications Authority CE / 27126-2 / 2020. initiated an official inspection on 11 November 2020 obligation to notify and provisions for the appropriate indication of the imprint to verify compliance with this Regulation. "

The Applicant attached to the rectification of the deficiencies of the Applicant 1. dated 21 December 2020 below (signatories: [...]), dated 16 December 2020 by the Applicant, with data processing letter of protest against him.

„1. The Company will process the following personal information: On November 17, 2020 an audio recording of an article in which your voice is heard and by you

2

public office and position. According to the legal position of the Company, the managed data on the CXII of 2011 on the right to information self-determination and freedom of information.

public personal data in the public interest in accordance with the provisions of Section 3 (6) of the Information Act, because they arose in connection with the performance of a public task and were certified in that connection infringing conduct.

2. Source of Data: Your letter asks the Company to provide you with personal information

source. There is a legal obstacle to this. Freedom of the press and media content are essential

CIV of 2010 on the rules of Pursuant to Section 6 (1) of the Act (hereinafter: Smtv.) a

media content provider and others involved in or working with him

a person in a legal relationship is entitled to it as defined by law a

a person providing information in connection with the activity of providing media content (a

hereinafter referred to as "source of information") shall be kept secret in judicial and administrative proceedings,

and any documents, records or objects that may be suitable for identifying the source of the information

or refuse to transfer media. Resource protection in a democratic society

its function is to protect the relationship of trust between the journalist and the source of the information. THE

a relationship of trust guarantees that the source can have confidence in his or her identity

remain secret and, to that end, provide the press with information of public interest

without exposing itself to an existential or legal threat. Effective resource protection is the press

Guaranteeing the role of the 'watchdog', as it is partly able to abuse and corruption

and to obtain and process similar sensitive information.

3. Purpose of data processing: Pursuant to Article 6 (1) (e) of the Regulation

lawful in so far as it relates to the performance of a task in the public interest. Position of the controller

according to the impugned article means exercising the controlling role of the press because it is a public task

exposes and discloses an infringement related to the provision of care (breach of equal treatment) and

informs the public about the consequences of similar violations and the possibilities of legal redress.

The Company handles your data for the purpose of exercising your rights under the press

the press in a democratic society

carry out its activities. The Smtv. § 10 prescribes to the press bodies as a task of public interest,

to properly inform the public about local, national and European public affairs,  
and important for the citizens of Hungary and the members of the Hungarian nation  
events. [...]

Pursuant to Article 6 (1) (f) of the Regulation, the processing of personal data is lawful if it  
the processing is necessary for the legitimate interests of the controller or of a third party,  
unless those interests take precedence over the interests or essential interests of the data subject  
rights and freedoms which require the protection of personal data, in particular where  
affected child. Infotv. Pursuant to Section 26 (2), personal data in the public interest  
they may be disseminated in compliance with the principle of purposeful data management. In our view, this is the  
legal basis also justifies the lawfulness of the data processing. The press Smtv. according to the task of the public  
information in matters of public interest. The press can only play its role if the  
personal data relating to the exercise of official authority in relation to persons exercising public authority  
you can use.

4. Balance of interests: The processing of data confirms the veracity of an article written in connection with a matter of public  
interest.

The article refers to the exercise of the 'watchdog' function of the press because a person exercising public power a  
to detect infringing conduct in connection with his public duties. The contested article and  
audio recording shows a violation of equal treatment. In the opinion of the Company, a  
the public interest in the control of public power by the press overrides the control of data  
private interest.

7. Protest and Coercive Legitimate Interest: As a data subject, you are entitled to your own situation  
protest against the processing of your personal data at any time for reasons related to In this case  
the controller may no longer process personal data unless the controller proves that  
the processing is justified by compelling legitimate reasons which are legal requirements  
related to the submission, enforcement or protection of

The legitimate coercive interest in protesting against the protest can be justified as follows. By the Company the content of the data processing carried out and the public communications based on them not with the private or family life of the Data Subject, but with the public task performed and the violation committed in the framework thereof related. In the Company's view, the protest against the data processing is not may make it impossible for the press to work. If there was a legitimate coercive interest in addition would make it impossible for the press to carry out its tasks. This was not - and cannot be - the The purpose of the regulation. Consequently, in accordance with Article 6 (1) (f) interests established in the framework of balance of interests may be invoked in addition to the overriding legitimate interest, of which

Consequently, the reasons set out in the above paragraphs also justify that it is "essential" data management for the legitimate interests of the Company. It should be noted that the protest is private does not contain any specific facts relating to the infringement. (We reiterate that The company is of the opinion that the primary legal basis for data processing is Article 6 (1) (e), because journalism is a public interest activity.)

Furthermore, reference is made in the context of the legal basis indicated and the overriding legitimate interest a Ptk. 2:44. According to this, the exercise of fundamental rights guaranteeing the freedom to challenge public affairs a protection of the privacy of public figures is necessary and proportionate for human rights without prejudice to dignity; however, it must not affect your private and family life, and damage to your home. "

With the arguments set out above, he informed Applicant 1. Applicant that the data processing in their view, it is lawful to pass on your request for cancellation and the source of the information (the source of the sound recording) cannot be complied with.

The Applicant did not send his application for cancellation to Applicant 2, as in his opinion "a the real controller is personal unknown '. The applicant also informed the Authority that Applicant 2 against the National Media and Communications Authority on 11 November 2020 ex officio official inspection initiated notification obligation and imprint appropriate

to verify compliance with the provisions on the indication of

In order to clarify the facts, the Authority referred to NAIH-2926-2 / 2021. Order No. 2021.

On 25 February, he called on Applicant 1 and Applicant 2 to make a statement.

The [1] lawyer providing the legal representation of the applicant 1 replied in a statement dated 4 March 2021.

questions from the Authority.

1. "How, from what source did you get the underlying news article that was the subject of it, and also on its website for a published audio recording? He obtained the audio material in a cut form, or did you perform this operation yourself?

Answer: The sound recording was provided to [...] 's journalist, [...] by a private source.

In our opinion, Requested 1. In the present data protection proceedings to disclose the source a

CIV of 2010 on freedom of the press and basic rules for media content. law

(Smtv.) Pursuant to Section 6 (1). Such authorization is provided by the Privacy Policy

Decree (hereinafter: Decree) and - contrary to the rules of the Criminal Procedure Act there

the right to information self-determination and the right to information

CXII of 2011 on freedom of information Act (hereinafter: Infotv.) does not contain.

The Smtv. According to Section 6 (1), the "media content provider and the

a person in an employment relationship or other legal relationship for the purpose of employment in law

is entitled to it as a media content service provider

the identity of the person providing the information in the context of judicial and official proceedings

kept confidential and any information that may identify the source of the information

refuse to transfer a document, record, object or medium '. The Applicant 1 points out that

that the right to protection of resources is protected by Article 10 of the European Convention on Human Rights a to the press. [...]

Nearly ten minutes of audio from the source was cut by [...] for 0.55 seconds

for the purpose of not relating to the subject matter of the article, the violation of equal treatment

details should not be disclosed. Requested 1. Article 17 (1) of the Data Protection Regulation



sound recording in excess of 0.55 seconds after cutting

deleted it immediately.

2. What information do you have about Youtube availability for audio recording? Do you know how you got on the Youtube channel?

Answer: The trimmed audio was uploaded to the [...] Youtube channel by the editor of [...]

so that you can embed the audio from this link in the article. The sound recording is referenced

21,305 views on Youtube.

3. For what purpose and on what legal basis did you handle the phonogram in your possession or in the article

Did you release any data or information regarding the applicant? The purpose of data management or

the existence of an appropriate legal basis for data processing with a precise legal reference, where applicable

prove it with a suitable document!

Answer: The purpose of data management: On freedom of the press and the basic rules of media content

CIV of 2010 Act (hereinafter: Smtv.) prescribes as a task of public interest a

for the press to properly inform the public at local, national and

on matters of European public life, and the citizens of Hungary and the members of the Hungarian nation

events of major importance to him. A data management will be in the public interest because it will not

serves a private interest. The Basic Law of Hungary recognizes both personal data

the right to protection [VI. Article VI (3)], the disclosure of data of public interest [Article VI Article 3

freedom of the press and diversity of the press [paragraph IX]. Article 2 (2)].

According to Article 28 of the Basic Law, the courts apply the text of the law in the application of the law

primarily in accordance with their purpose and the Basic Law, and the Basic Law

and in interpreting the law, it must be presumed that common sense and the common good

serve an appropriate, moral and economic purpose. A 7/2014. (III. 7.) AB decision

in its wording, '[t] he freedom of the press - which encompasses the freedom of all types of media

- the institution of freedom of expression. The activities of the press are becoming increasingly complex and

despite its more diverse nature - above all, the expression of opinion, the opinion-forming and obtaining the information necessary to form an opinion (Justification [40]). This role of the press is especially valued in public life in the field of expression of opinion, since "[t]he social and political debates are largely based on this public actors and participants in public debate, typically through the press each other's ideas, political performance and, in this context, each other's personalities also criticized. And the constitutional mission of the press is to scrutinize those who exercise public power, of which the persons and institutions involved in shaping public affairs are an integral part presentation of its activities "(Justification [48]). In the interpretation of the Constitutional Court a the role of the media in shaping democratic public opinion does not lead to 'The information activities of the press should not be subject to legal requirements [...], but they are the press must always be constitutional in its creation and interpretation the publication of information of public interest hinder or hinder "{3/2015. (II. 2) Decision AB, Justification [25]}.

The applicant 1. shall record the sound recording in his possession in accordance with Article 6 (1) (e) of the Regulation. in connection with the performance of a task in the public interest. The Requested 1.

Points out that data processing is lawful under Article 6 (1) (e) of the Regulation, where "the processing is in the public interest or a public authority conferred on the controller necessary for the performance of its task. " Point (e) is therefore two covers the following cases: (1) if the controller exercises a public authority (typically a public as a body, but it may also be another entity if such a license is one legislation, see below) or (2) data management is a public interest license necessary for the exercise of: in this case, not a public authority license, official authority but, more broadly, the pursuit of an activity in the public interest.

A data processing will be in the public interest because it is not in the private interest. Consequently, the the provision of public rights (information) is not in the private interest but in the public interest

activity. The main functions of the press (control of public power, information for opinion formation shaping public opinion) is an essential element of democracy to which it is linked data processing is in the public interest. Applicant's views on the article and its addition

5

the publication of a related sound recording constitutes the exercise of the controlling role of the press because one reveals an infringement related to the performance of a public task (breach of equal treatment) and and inform the public of the consequences of similar infringements, remedies.

The Applicant 1. is aware of the T.'s legal interpretation practice, according to which the the legal basis for data processing in the context of journalism is Article 6 (1) (f). Of this

1. The Applicant shall manage the phonogram for the purpose of

and that the press has played a role in a democratic society

carry out its information activities. The Smtv. § 10 prescribes as a task of public interest a

for the press to properly inform the public at local, national and

on matters of European public life, and the citizens of Hungary and the members of the Hungarian nation events of major importance to him.

Pursuant to Article 85 (3) of the Data Protection Regulation, Member States shall notify the Commission thereof legal provisions adopted pursuant to paragraph 2. It is Hungary

Via the Ministry of Justice XX-EUJMFO / ID / 194/2/2018. number under this notice

has fulfilled its obligation. Transposition of the provisions of Article 85 (2)

In Hungary, among others, the following legal acts, AB practice, contain: the Civil Code.

§ 2:44 (in connection with the free debate of public affairs), AB Resolution, 36/1994. (VI. 24.) AB,

7/2014 (III. 7.) AB, 28/2014. (IX. 29.) AB, 3001/2018. (I. 10.) AB decision,

3145/2018. (V. 7.) AB decision.

The Applicant acted as a person exercising public power in that capacity when

acted grossly in breach of the requirement of equal treatment by the sound recording

certify. According to the Applicant 1, he initiated it in order to conceal the violation of public authority data protection enforcement is a misuse of rights: the purpose of data protection and the result must not be the disguise of abuses of public power and the crackdown on the press application of retaliation.

4. Applicant for the processing of personal data of natural persons

the free movement of such data and repealing Directive 95/46 / EC

Regulation (EU) 2016/679 (hereinafter referred to as the General Data Protection Regulation)

whether it has requested any form of disclosure in the exercise of its rights under this Article

delete audio recording? If so, please attach the relevant documents

inform the Authority.

Answer: By e-mail dated 17 December 2020, the applicant requested a

audio recording and delete the entire article. Applicant's letter and written by Applicant 1

Your reply will be attached to this statement. According to the Applicant 1

The balance of interests and information provided by the applicant to object as a stakeholder is in line with T.

Expectations set out in the Authority's current case law.

5. Inform the Authority of any fact or circumstance in which the case arises

may be relevant to its assessment.

Answer: The Ákr. Pursuant to Section 10 (1), a customer is a natural or legal person

another organization whose rights or legitimate interests are directly affected by the matter to whom

(for which) the official register contains data or for which (which) is official

controlled. Pursuant to Section 33 (1), the client is the subject of any proceedings

may also inspect the file created during the proceedings during and after the stage

and, subject to paragraph 4, may request a copy thereof. Requested through the 1st legal representative

requested to send the Applicant's submission and annexes, of which he is aware of further

wishes to comment.

The Authority issued NAIH-2926-4 / 2021 on 22 March 2021. Order no

a copy of the Applicant's 1st request for access to the file and the protection of personal data

sent the Applicant 's request for an official procedure and its

relevant to the data protection authority procedure.

6

In the case of Applicant 2, the request will be filed by the Authority on 25 February 2021 in the name of the responsible publisher

[...] Electronic mail address, then after the day of sending an automatic message

was returned for non-delivery of the email, the requesting order was February 2021

It was also sent to [...] on the 26th.

Applicant 2. did not reply to the Authority's questions and therefore the Authority referred to NAIH-2926-5 / 2021. number

In his order of 22 April 2021, he repeatedly called on Applicant 2 to answer the questions.

The Authority addressed the following questions to Applicant 2, to which it received the following answers (NAIH2926-7 / 2021)

by e-mail of 4 May 2021, anonymously, signed only "[...]":

1. How you got it on the interface of the news portal that is the basis of the objected news article

also for a published audio recording? He got the audio material in a cut form

added, or did you perform this operation yourself?

Answer: We did not get it.

2. For what purpose and on what legal basis did you handle the phonogram in your possession or in the article

Did you release any data or information regarding the applicant? The purpose of data management, respectively

the existence of an appropriate legal basis for data processing with a precise legal reference, given

In this case, prove it with a suitable document!

Answer: We did not treat it.

3. Applicant for the processing of personal data of natural persons

the free movement of such data and repealing Directive 95/46 / EC

Regulation (EU) 2016/679 (hereinafter referred to as the General Data Protection

Regulation 15) in any form

delete a published audio recording? If so, please inform the Authority.

Answer: No.

4. Inform the Authority of any fact or circumstance in which the case arises  
may be relevant to its assessment.

Answer: [...] clerk is your former employee who did various, unacceptable acts  
commits. [...] Makes statements, EBA and government agency investigation is underway a  
in connection with his work, in addition to damaging our billboards, which is why  
a police investigation is underway. This person is trying to use you (like your former colleagues) to  
to silence the media investigating the cases.

Applicant sent to the Authority, dated 21 April 2021, NAIH-294-2 / 2021. registered under number  
also referred to and annexed in its application in an introductory section of [...] derogating from  
shot from a billboard. He claims to have had a billboard since November 17, 2020

visible to anyone. The poster reads: “[...]”? Details: [...].” The advertising space

The Applicant was unable to contact the tenants at the telephone numbers provided  
neither was achieved.

The Applicant also attached the audio recording with the Applicant 1, which he considered to be prejudicial.

Exchange of Letters for the cancellation of an article and a newspaper article  
order.

Following the disclosure of all these facts, the Applicant continued to seek a declaration of infringement,  
the obligation of Applicant 1 and Applicant 2 to cancel the sound recording and Applicant 2  
to remove the billboard.

Regarding the complaint regarding the display of the billboard Applicant on 21 April 2021  
e-mail sent to the Authority (NAIH-294-2 / 2021) informing the Authority that these  
billboards are no longer visible.

In the same submission, the Applicant again complained that on the 1st surface of the Applicant ([...]) 2021.  
on April 20, in another newspaper article, the audio recording of which

previously requested to be deleted by Applicant. The Applicant also informed the Authority that the

7

The Commissioner for Fundamental Rights (as the legal successor to the Equal Treatment Authority)

terminated the proceedings on 21 February 2021 in view of the agreement reached on 5 February 2021.

Consequently, the Applicant explained that “especially after the settlement of the situation

I feel it is unfair that the data controller has not complied with my request for deletion to date,

in practice, you may disclose the prohibited on a nationally available public forum

derived from data collection, edited, not in public, in a narrow circle, in the office or on the street,

in private conversations for the purpose of lapse ’.

## II. Applicable legal provisions

Article VI of the Basic Law According to Article 3 (3), everyone has the right to the protection of personal data concerning him or her,

and to learn about and disseminate data of public interest.

Article IX of the Basic Law Everyone has the right to be heard in accordance with Article 1 (1) and (4) freedom. The exercise of freedom of expression must not be directed at others human violation of his dignity.

Article IX of the Basic Law Hungary recognizes and protects freedom of the press in accordance with Article 2 (2) and diversity, ensures the free movement necessary for the development of a democratic public conditions for information.

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

Article 2 (1) of Regulation (EU) 2016/679 (hereinafter referred to as the General Data Protection Regulation) the General Data Protection Regulation applies to personal data in part or fully automated processing of personal data which are part of a registration system, or which are intended to be part of a registration system.

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 natural person who, directly or indirectly, in particular by an identifier, e.g. name, number, location data, online identifier or physical, physiological, genetic, intellectual, economic, cultural or social identity identifiable by a factor.

According to Article 4 (2) of the General Data Protection Regulation, "data processing" means the processing of personal data or any operation on automated or non - automated data files, or a set of operations such as collecting, recording, organizing, segmenting, storing, or transforming change, query, view, use, transmit, distribute or otherwise harmonization or interconnection, restriction, deletion, or destruction.

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

Personal data only under Article 5 (1) (b) of the General Data Protection Regulation may be collected for, and not combined with, specific, clear and legitimate purposes cannot be processed in a compatible way ("purpose limitation"), personal data under point (c) they must be appropriate and relevant to the purposes of the data processing and necessary should be limited ("data saving");

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:

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



treatment;

8

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

or taking steps at the request of the data subject prior to the conclusion of the contract

necessary to do so;

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

(d) processing is in the vital interests of the data subject or of another natural person

necessary for its protection;

(e) the processing is in the public interest or a public authority vested in the controller

necessary for the performance of the task

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

necessary, unless those interests take precedence over such interests

interests or fundamental rights and freedoms that protect personal data

especially if the child concerned.

Pursuant to Article 14 (1) of the General Data Protection Regulation, if personal data are not

obtained from the data subject, the controller shall make the following available to the data subject

information:

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

(b) the contact details of the Data Protection Officer, if any;

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

(d) the categories of personal data concerned;

(e) the recipients or categories of recipients of the personal data, if any;

(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 existence or absence of a Commission decision on compliance, or in Article 46, Article 47

or, in the case of the transmission referred to in the second subparagraph of Article 49 (1), a

to indicate appropriate and suitable guarantees and to obtain a copy thereof

reference to the methods used or their availability.

Referred to in paragraph 1 pursuant to Article 14 (2) of the General Data Protection Regulation

in addition to the information, the controller shall make it available to the data subject

the following additional information necessary to ensure fair and transparent data management:

(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

the legitimate interests of a party;

(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 on the significance of such processing and on the data subject

has expected consequences.

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 concerning 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 treated differently;

(b) the data subject withdraws the authorization referred to in Article 6 (1) (a) or Article 9 (2)

(a) the consent which is the basis for the processing and the processing  
there is no other legal basis;

9

(c) the data subject objects to the processing pursuant to Article 21 (1) and is not  
priority legitimate reason for the processing, or Article 21 (2) is concerned  
protests against data processing on the basis of

(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 referred to in Article 8 (1)  
in connection with the provision of social services.

Pursuant to Article 17 (2) of the General Data Protection Regulation, if the controller  
has disclosed personal data and is required to delete them pursuant to paragraph 1,  
taking into account the technology available and the cost of implementation  
expected steps, including technical measures, to inform  
data controllers that the data subject has requested them to provide the personal data in question  
deleting links or copies or duplicates 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:

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

(b) the Union or Member State rules governing the processing of personal data applicable to the controller  
fulfillment of a legal obligation or in the public interest or entrusted to the controller  
for the performance of a task performed in the exercise of a public authority;

(c) in accordance with Article 9 (2) (h) and (i) and Article 9 (3)

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 as referred to in paragraph 1

law would be likely to make it impossible or seriously jeopardize that

data management; obsession

e) to file, enforce or defend legal claims.

Pursuant to Article 21 (1) of the General Data Protection Regulation, the data subject is entitled to:

object to the processing of your personal data under Article 6 (1) (e) or (f), including

profiling as well. In this case, the controller may no longer process the personal data,

unless the controller demonstrates that the processing is for compelling legitimate reasons

justified by the interests, rights and freedoms of the data subject

or to bring, assert or defend legal claims

are related.

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, in particular where he has his habitual residence, place of employment or presumption

in the Member State of the offense, if the person concerned considers that his or her personal

processing of data in breach of this Regulation.

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

the right to freedom of expression and information, including personal data

for journalistic, scientific, artistic or literary purposes.

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

scientific, artistic or literary expression

Member States shall provide for exceptions or derogations from Annex II. Chapter III (Principles); Chapter I

rights concerned), Annex IV Chapter V (the controller and the processor), Chapter V (the personal data third countries or international organizations), Chapter (independent supervisory authorities), Annex VII. Chapter IX (Cooperation and Coherence) and Chapter IX Chapter I special cases of data processing) if these exceptions or derogations are necessary in order to: the right to the protection of personal data can be reconciled with the expression of opinion freedom of movement and 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

10

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, archiving in the public interest for scientific and historical research or statistical purposes, or for legal purposes necessary for the submission, validation or protection of

According to recital 153 of the General Data Protection Regulation, the law of [a] Member State reconcile expression of opinion and orientation - including with journalists, the rules on freedom of expression in science, art and literature 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 of this Directive if this is necessary for the protection of personal data reconcile the right to freedom of expression and information with the right to freedom of expression, provided for in Article 11 of the Charter. This applies in particular to personal audiovisual data and in news archives and press libraries.

Consequently, Member States shall lay down the rules for the adoption of such measures by means of legislative measures necessary exceptions and derogations in order to strike a balance between fundamental rights. Member States

exceptions and derogations shall be adopted in accordance with the general principles, the rights of the data subject, the controller and the

processor of personal data to third countries or international organizations

independent supervisory authorities, cooperation and uniformity

application and individual data management situations. If these are the exceptions

differences between Member States, the law of the Member State applicable to the controller should apply

apply. The right to freedom of expression in all democratic societies

In order to take account of the importance of

like journalism, it must be interpreted broadly.

Infotv. Pursuant to Section 26 (2), a body performing a public task is a public data in the public interest

the name, scope of work, position of the person acting within the scope of his or her duties and responsibilities, a

other personal data related to the performance of a public task, as well as personal data

the disclosure of which is required by law. Public personal data in the public interest for the purpose

may be disseminated in accordance with the principle of data protection.

Infotv. Pursuant to Section 38 (2), the Authority is responsible for the protection of personal data,

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

monitoring and facilitating the enforcement of personal data within the European Union

facilitating the free movement of The Authority's tasks and powers are general data protection

Article 57 (1), Article 58 (1) to (3) and Infotv. Section 38 (2) - (4)

defined in detail.

CIV of 2010 on Freedom of the Press and Basic Rules of Media Content. Act (a

hereinafter: Smtv.) according to:

§ 4. (1) Hungary recognizes and protects the freedom and diversity of the press.

(2) Freedom of the press extends to the State and to any organization or interest group  
independence.

(3) The exercise of freedom of the press shall not constitute an offense or an offense

may not violate public morals or the privacy of others

infringement of their rights.

Smtv. § 6. (1) The media content provider, as well as in employment with or for work with him a person with another legal relationship for the purposes of law is entitled to it as defined by law the person who provides information in connection with the activity of providing media content (a hereinafter referred to as "source of information") shall be kept secret in judicial and administrative proceedings, and any documents, records or objects that may be suitable for identifying the source of the information or refuse to transfer media.

Smtv. § 7. (1) An employee of the media content provider or with the media content provider a person with another legal relationship for the purpose of employment is entitled to the media content provider the media content provider or in the media content professional independence from the natural or legal person who places the commercial communication

11

and exerting pressure from owners or supporters to influence media content protection (editorial and journalistic freedom).

Smtv. § 13 Linear media services providing information activities are obliged to a citizens of local, national, national and European interest and of Hungarian interest and on the events and issues of significance for the members of the Hungarian nation in a balanced manner in published information and news programs.

The detailed rules of this obligation are the law of proportionality and democratic public opinion in accordance with the requirements of

Smtv. § 21. (1) Within the framework of legal regulations, the media content provider shall decide independently a publication of media content and is responsible for complying with this Act.

Act V of 2013 on the Civil Code (hereinafter: the Civil Code) is a public actor  
2:44 on the protection of the right to privacy. § (1) - (3), public affairs are free  
the protection of the fundamental rights of the public actor

necessary and proportionate, without prejudice to human dignity; however, it is  
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.

The Civil Code. 2:45 on the Right to Honor and Reputation. § (1) - (2) honor  
in particular to adversely affect another person's social perception  
an appropriate expression of opinion which is unreasonably prejudicial in its expression. Breach of reputation  
means, in particular, if someone makes or claims an untrue fact concerning another person and which offends that person  
you rumor or misrepresent a fact.

The Civil Code. 2:48 on the right to image and sound recording. § (1) - (2)  
or the production and use of a phonogram requires the consent of the person concerned.

The consent of the data subject to the recording and the recording is not required  
in the case of mass recording and recording of public performances.

The Infotv. Section 2 (2)  
according to the general data protection regulation in the provisions indicated therein  
shall apply mutatis mutandis.

Infotv. 51 / A. § (2) With the relevant notification, the Authority may initiate an investigation pursuant to § 22 a)  
in the case specified in In the application, the data subject shall indicate in support thereof  
to enforce the rights specified in Section 14 with the data controller  
he tried.

Infotv. The right to the protection of personal data pursuant to Section 60 (1) and (2)  
the Authority shall, at the request of the data subject,  
initiate proceedings and may initiate ex officio data protection authority proceedings. The data protection authority procedure  
Article 77 (1) of the General Data Protection Regulation and  
It may be submitted in the case specified in Section 22 (b).



Infotv. Pursuant to Section 60 (5), in the case specified in Section (2), the application is

in addition to those specified in the General Administrative Procedure Act

(a) an indication of the alleged infringement,

(b) a description of the specific conduct or condition which led to the alleged infringement,

(c) to identify the controller or processor who is carrying out the alleged infringement

necessary data available to the applicant,

(d) the facts and evidence supporting the allegation of an alleged infringement

evidence, and

(e) a firm request for a decision to remedy the alleged infringement.

Infotv. Pursuant to Section 61 (1) (a), it was taken in a data protection official proceeding

In its decision, the Authority With the data management operations specified in Section 2 (2)

in accordance with Article 58 (2) of the General Data Protection Regulation

may apply legal consequences. Accordingly, acting within the Authority's power of correction:

12

(a) warn the controller or processor that certain data processing operations are planned

its activities are likely to infringe the provisions of this Regulation;

(b) reprimands the controller or the processor if he or she is acting in a data-processing capacity

has infringed the provisions of this Regulation;

(c) instruct the controller or processor to comply with this Regulation

the exercise of his rights under this Regulation;

(d) instruct the controller or processor to carry out its data processing operations

bring this Regulation into line with the provisions of this Regulation

with its provisions;

(e) instruct the controller to inform the data subject of the data protection incident;

(f) temporarily or permanently restrict data processing, including data processing

prohibition;

(g) order personal data in accordance with Articles 16, 17 and 18 respectively

rectification or erasure of data and restrictions on data processing, as well as Article 17 (2)

order notification to the addressees in accordance with

with whom or with whom the personal data have been communicated;

(h) withdraw the certificate or instruct the certification body in accordance with Articles 42 and 43

revoke a certificate issued in accordance with this Regulation or instruct the certification body to:

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

(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 this paragraph; and

(j) order the flow of data to a recipient in a third country or to an international organization

suspension.

Infotv. 75 / A. §, the Authority shall comply with Article 83 (2) to (6) of the General Data Protection Regulation

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

legislation on the processing of personal data or binding European Union law

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

by alerting the controller or processor.

Unless otherwise provided in the General Data Protection Regulation, data protection was initiated upon request

for official proceedings under Ákr. shall apply with the exceptions specified in the Information Act.

The Ákr. Pursuant to Section 35 (1), the application is a statement by the client by which it is an official procedure

enforcement of his right or legitimate interest

in order to.

Pursuant to Article 83 (7) of the General Data Protection Regulation, the supervisory authorities are Article 58

Without prejudice to its power of correction under paragraph 2, each Member State shall:

may lay down rules on whether a public authority or body established in that Member State

whether an administrative fine can be imposed on another body performing a public function and, if so, what

extent.

### III. Evidence taken into account in the Authority's decision and its assessment

In the present case, in the light of all the facts available to the Authority, it was for it to decide

it is necessary that

1) audio recordings and articles about the Applicant and published in them

The data included (Applicant's name, position, voice on the recording) are personal

data or public data in the public interest?

2) Has the data listed in point 1) been published lawfully?

3) The request to delete the infringed newspaper article and sound recording is subject to general data protection

whether it is a request for the exercise of a right by a data subject under this Regulation and

Does the controller's response to this comply with the applicable law in the present case?

13

#### III.1. Public data in the public interest of persons performing public functions

With regard to the public personal data of persons performing public tasks in the public interest, the

The Constitutional Court (hereinafter: AB) has stated in several judgments<sup>1</sup> that democratic state life

and in the interests of public conviction, public officials and public actors are constitutionally protected

its privacy is narrower than that of the average citizen.

In its decisions, AB stressed whether they exercised public power or political public figure

the right of voters to have access to data of public interest takes precedence

enjoy the protection of the personal data of the former in connection with their public activities and

they may be relevant to its assessment. Personal data falling within this scope

not just for an informed discussion of public and political public life

necessary, but confidence in the correct judgment and functioning of public bodies

also to establish. [60/1994. (XII. 24.) AB]

The Data Protection Commissioner has previously, 26 / K / 1999. personal data

The extent to which the right to protection is restricted is what distinguishes a public actor

from a "civilian" who is not a public figure. The EDPS stated in the same resolution

that "[t] he person who exercises public power and who

decides on the use of public funds. It is also clear that this is not a homogeneous circle of people.

There are also no precise legal limits for determining whether a

the disclosure of their data by persons performing a public task or taking on a public role

they have to put up with, and where their private life from the public begins. It is possible and necessary to decide this on a case-by-case basis. ”.

The Authority points out that as a guarantee rule laid down in Article I (3) of the Basic Law<sup>2</sup>

The fundamental rights test set out in the AB and referred to in several decisions of the AB defines the

general framework for the restriction of fundamental rights. These frameworks restrict fundamental rights

only by law, the enforcement of another fundamental right or the protection of a constitutional value

to the extent strictly necessary, proportionate to the objective pursued and in accordance with

respecting the essential content of a fundamental right. In addition to fundamental rights

the rules for basic obligations are also laid down by law.

Infotv. Section 26 (2) (3) lists by way of example what is in the public interest

data, but also the public task of supplementing the scope of public data in the public interest

with the category of data of another person related to the provision of The same paragraph states

and that it should also apply to personal data in the public interest

the principle of purposeful data processing for the processing of personal data.

The Authority emphasizes that the extent to which the data processed relate to

to the extent that they fall within the scope of the private sector to be protected - all

requires special care.

The Constitutional Court ruled in 443 / D / 2006 In the explanatory memorandum to the decision, B explained that "[t] he fundamental right

(...) it is not in itself sufficient for the constitutionality of the restriction to be another fundamental right

for the protection of liberty or any other constitutional purpose, but it is necessary that

meet the requirements of proportionality: the importance of the objective to be achieved and the proportionate to the seriousness of the infringement of fundamental rights

The Mötv. Pursuant to Section 41 (2), the clerk is responsible for the performance of municipal duties a body of the representative body. The Mötv. Pursuant to Section 81 (1), the clerk shall lead the mayor office, the Mötv. Section 81 (3) (a) to (k) lists its basic tasks and obligations. The Mötv. Pursuant to Section 81 (1) (b), the notary exercises the employer's rights a for civil servants and employees of the mayor's office.

1

30/1992. (V. 26.) AB, 36/1994. (VI. 24.) AB, 60/1994. (XII. 24.) AB, 7/2014. (III. 7.) AB, 1/2015. (I. 16.) AB

Article I of the Basic Law (3) The rules concerning fundamental rights and obligations shall be established by law.

Fundamental right is another fundamental

in order to enforce a law or to protect a constitutional value, to the extent strictly necessary for the purpose to be achieved proportionately, respecting the essential content of the fundamental right.

2

Infotv. § 26. (2) In the public interest, the name and scope of duties of a person acting within the scope of duties and competencies of a body performing public duties shall be public data,

other personal data relating to the performance of a public task and personal data

knowledge is required by law. Public personal data in the public interest, respecting the principle of purposeful data processing can be distributed. For the publication of public personal data in the public interest on a website, Annex 1 and the person performing the public task

the provisions of a separate law on the status of

3

14

The Mötv. to the person performing public duties as the Applicant's notary

thus, his statements in this position are related to the performance of his public duties

considered to be public data in the public interest.

The voice of the person performing the public task, if exercising his public task, is directly related in the performance of its public duties. In the present case, according to the audio recording, the Applicant is the registrar the suitability of the candidates submitted for the job application and the chances of winning the job.

The basis for the oral statement is the speech, the oral communication, and consequently the Applicant as the voice of the clerk in charge of the mayor's office of the settlement is not legally separable from them from information you disclose to others in the performance of your public duties.

Overall, the Applicant, as head of the mayor's office in an office environment related to the exercise of a public task (office building, office oral statement with a staff member of the mayor's office (voice)

Infotv. Pursuant to Section 26 (2), it qualifies as public personal data in the public interest.

Opinion of the Authority on the position expressed by the applicant in its submission of 21 April 2021 is that the data protection authority procedure initiated by it before the Authority and the Equal Treatment by the Authority (successor: the Office of the Commissioner for Fundamental Rights) two different procedures differ in content. By the Applicant as a person performing a public task the infringement was committed by the person concerned withdrawing his complaint and the case was closed, it became nothing.

### III.2. Purpose and legal basis of the examined data processing

As a general rule, it is in the public interest to know public personal data in the public interest rules on access to data shall apply, but such data shall be personal the nature of the data remains in spite of the public, so the most important guarantee of data protection is the the requirement of the principle of purposeful data management must be maintained.

In its request, the Applicant informed the Authority that the infringed articles, including the for the production and communication of disguised sound recordings, neither the Applicant 1 nor the the Applicant 2. did not request and did not give his consent to any of the news sites.

The Applicant - after receiving the rectification order of the Authority - lived in the general by exercising the rights of the data subject guaranteed by the Data Protection Regulation and by applying to the Applicant

1. for the deletion of data (articles and sound recordings) relating to him and his activities.

Applicant has not affected his / her rights regarding Applicant 2 due to lack of contact information practiced.

The Authority does not accept the Applicant's argument that he did not exercise his rights as a data subject.

He applied to the 2nd for the newspaper article he had complained about because his statement (January 2021

6.) according to the Applicant 2. the identity of the real data controller is unknown as well as incomplete

and, on the basis of contradictory imprint data, assumed that it was contained therein

information is fictitious data. The Applicant did not state in any of the statements that the Applicant

2 was contacted in connection with the data processing complained of and requested that the

in relation to the data management implemented. The Authority shall, in the context of the official data protection procedure

contacted Requested 2 via the contacts in the imprint, which

2. The applicant received and replied to the Authority.

The Authority sets out its position below on the statement made by Applicant 2.

As defined in Article 4 (2) of the General Data Protection Regulation

any operation performed on personal data or data files is considered to be data processing, thus

including the storage, use, communication, dissemination or otherwise of data

making it available. Consequently, Applicant 2's position that [...]

by taking over an audio recording published in a newspaper article published on

by re-publishing on the Internet Interested 2. not implemented

data management.

15

The Authority emphasizes that Smtv. Pursuant to Section 21 (1), the media content provider a

within the framework of the law, decides independently on the publication of media content and is responsible

for compliance with the provisions of this Act. It follows, therefore, that a press body publishes one

an article containing personal data is not exempted by another who uses and communicates it as a source

the media to examine whether the article received can indeed be published with the same content,

information.

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.

Of these, Article 5 of the General Data Protection Regulation plays a key role in the present case

The principle of purpose limitation set out in paragraph 1 (b). In addition, the data controller shall

in accordance with Article 6 (1) of the General Data Protection Regulation

have access to the data processing, ie prove that the data subject's consent, or

the personal data of the data subject have been processed and disclosed in accordance with a legal provision,

or certify that the processing required by the controller or a third party is legitimate

and the processing of data is limited proportionately to the personal data concerned

right to protection.

In the present case, the question arises as to whether, in the case of personal data of public authorities, it is

freedom of information and expression or the protection of personal data

whether it takes precedence. As the Basic Law on the right to the protection of personal data and the

freedom of expression is also one of the fundamental rights, freedom of expression

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

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

AB has already complied with 443 / D / 2006. In the grounds of its decision, the Court of First Instance stated that '[t] he

fundamental right

(...) it is not in itself sufficient for the constitutionality of the restriction to be another fundamental right

for the protection of liberty or any other constitutional purpose, but it is necessary that

meet the requirements of proportionality: the importance of the objective to be achieved and the

proportionate to the seriousness of the infringement of fundamental rights

The Applicant shall also perform a public task during the creation and publication of the infringed newspaper article and sound

recording.



qualified as a provider whose personal rights are defined in Art. 2:44. § is free of public affairs in order to exercise the fundamental rights to challenge the private and family life of a public and without prejudice to your home.

The Metropolitan Court 105.K.706.638 / 2020/10. stated in its judgment no.

freedom of expression is a fundamental constitutional value, social and political,

that is, without the freedom and diversity of public debate, there is no free public opinion

and there is no democratic rule of law. " The aspects appearing in the decisions of the Constitutional Court are

The case law of the European Court of Human Rights (ECtHR), which

has pointed out in several judgments that the Convention for the Protection of Human Rights and Fundamental Freedoms

The freedom of expression protected by Article 10 of the Convention is not only of a political nature

disputes, but legal protection covers all other issues affecting society

freedom of discussion.

On the issue of public affairs, the recent practice of the Constitutional Court and its implications

emerging court case law has resulted in substantial resolutions that are largely reinforcing

the interpretation that the "public affairs" nature of the matter covered by the opinion is paramount

aspect when determining the reduced scope of personal protection.

A 7/2014. (III. 7.) Resolution AB establishes the priority of the identification of public affairs, at the same time

points out that the quality of public actors is also important, although secondary to the 'public affair' nature;

may be a factor in determining the degree of personal protection. Public affairs have an impact

the exercise of the rights of the individual of the actors concerned and, in addition, the public interest

actors, their rights may be further reduced, to the extent that they are public actors

depends on the nature of their quality. In this respect, the Authority emphasizes that the public service remit

bodies, persons activities are more closely linked to the local public service professional and moral

social judgment.

According to the Authority 's consistent practice with regard to personal data which are:

with regard to the public activity, public task and assessment of a given person

access to information and the public interest take precedence. On this

16

access to personal data is necessary for the functioning of public bodies

trust in them is unbroken, their activities can be judged by everyone.<sup>4</sup>

In the light of the above, the Authority finds that the articles complained of and the

audio content may not be linked to the Applicant's private or family life. The

for the activities of the Applicant in public power (notary), exercising the right of the employer

directly related to the performance of their related tasks. Specific case related to the procedure

The general deterrent effect of disclosing your data is to draw attention to the fact that

that such and similar manifestations are not permissible in the civil service ethics

behavior.

The Authority further emphasizes that the clerk is the local government and through it the local

one of the leaders of the community, who is thus not only a public figure, but also a "guardian" of the rule of law, so (official)

its manifestations must be exemplary. Wrong, outrageous to the community

(related to his official duties) must also stand up to the public

trial. Last but not least, this exerts a kind of general deterrent effect on other, similar positions

towards loaders.

In the present case, in response to the Applicant's 1st request for cancellation dated 21 December 2020

Article 6 (1) (e) and (f) of the General Data Protection Regulation.

point as well. Applicant 1. emphasized that in his view the primary legal basis for data processing

Article 6 (1) (e) because journalism is an activity of public interest.

In its reply of 4 March 2021 to the Authority's request for clarification of the facts, the previous one

In addition to those explained in paragraph 1, the Authority may also apply in the present proceedings

It also expressed the view that, in the context of journalism

The legal basis for the processing is Article 6 (1) (f). This is the legal basis for data management

Application in Support of Applicant 1. submitted that the Applicant is a public authority

as a person acting in that capacity when the requirement of equal treatment was gross

he acted in an infringing manner, as evidenced by the sound recording released. Requested 1.

He also explained that the data protection was initiated in order to conceal the violation of public authority

enforcement is not a proper exercise of rights: the purpose and result of data protection cannot be

concealing abuses of public power and retaliating against the press that exposes it.

Regarding the legal basis of the data processing and the purpose of the data processing, the Authority points out that it is an

Applicant

The purpose of Activity 1 and Applicant 2 and the data processing carried out during it is the local and

balanced information of the national public in the public interest

events. According to the case law of the ECtHR, the role that the press plays is essential

in a democratic state governed by the rule of law, as the right of the public to act in the public interest must be recognized

access information. The tasks of the press include providing information on issues of common interest,

however, it cannot override certain, especially with regard to the reputation and rights of others

restrictions.<sup>5</sup>

Summarizing the above, in the case under review, the Applicant found it prejudicial, not presumably

Disclosure of information based on Applicant 1 and Applicant 2 is detrimental

presented a case of discrimination. The violation was revealed during the investigation

information and personal data of the Applicant (the voice of the Applicant and the

the position of the applicant resulting in an adverse decision) is in the public interest of the Applicant

which are relevant to the assessment of the public task it performs

have a direct working environment and the community of the municipality affected by the activity

with regard to.

The Authority found that the Applicant, as a person performing public duties, was private

has not been infringed by the fact that the Applicant: 1. became aware of the data,

information was summarized and published in a news article, followed by the Applicant

2. republished the article. Due to the fact that he is a person performing a public task, the Applicant must be protected privately

its sphere is narrower and, as a result, its manifestations related to its official activities are wide

Explanation about the GDPR - Edited by: Péter Buzás / Attila Péterfalvi / Balázs Révész, 4.1.2.3. Public interest in the public interest

data

5

Court of Pécs Bf.163 / 2017/3.

4

17

must be tolerated.

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

it must be taken into account whether the disclosure of the data does not disproportionately infringe the

the right to privacy. In connection with the present case, it can be stated that the Requested 1. and a

The content of the data processing performed by the Applicant 2. is not related to the private or family life of the Applicant, but is related to the performance of his public duties and managerial activities.

The Applicant 1. considered and correctly considered the publication of the sound recording

found that in the present case the Applicant performing a public task was in the public interest

there is a greater public interest in the disclosure of your personal data than in the case of such data, to conceal information.

After considering all the circumstances of the present case, the Authority was published on the internet

newspaper articles as well as the edited audio recording (on which only the Applicant 's voice can be heard and no other person is named) on the impugned media surfaces

Article 6 (1) (f) of the General Data Protection Regulation as the legal basis for point.

In support of its position, the Authority refers here to 34/2017. (XII. 11.) AB,

in the explanatory memorandum of which the Constitutional Court explained that "[t] he media are democratic

its central role in shaping public opinion does not lead to a press release

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. "

#### III.4. Deleting data

The Authority is of the opinion that Article 17 (3) of the General Data Protection Regulation which excludes the cancellation obligation set out in Article 17 (2) application.

Under the General Data Protection Regulation, data subjects have the right to have them deleted (forgotten) law. However, the General Data Protection Regulation also sets out the exceptions that this right may not be exercised.

This includes cases where data management is an expression of opinion necessary for the exercise of the right to freedom of expression and the right to information [Article 17]. Article 3 or where the public interest justifies the need for data processing [paragraph 17 (a)]. article Paragraph 3 (b) to (d)], or where the processing is for the purpose of bringing legal actions, necessary for the enforcement and protection of Article 3 (3) (e)].

In the present case, Article 17 (3) (a) of the General Data Protection Regulation strikes a balance the right of cancellation and the right to freedom of expression and the right to information between exercises.

Pursuant to Article 17 (3) (a) of the General Data Protection Regulation referred to above in the Authority's view, there is no objection to the data processing being infringed the published news article and sound recording were not deleted by Applicant 1 and Applicant 2. Applicant 1 and Applicant 2 are responsible for informing the public on matters of public interest.

The information provided by the media is the basis of democratic functioning. This role and task of the Applicant 1 and Applicant 2 can perform it if the public authority exercising public authority personal data relating to the tasks of individuals. In addition

emphasis should be placed on the control of public power by the press as an activity carried out in the public interest, which a

to detect infringing conduct related to the public duties of persons exercising public power is aimed at. Infringement disclosed by Applicant 1 and Applicant 2 by Applicant presented the activity carried out. Applicant 2. upon receipt of this article informed it a a narrower community whose daily lives are directly affected by graduating from the Applicant's Office activity.

18

In the present case, with regard to the disclosure of the information obtained by the Applicant 1. a puts private interests in the background for the management and disclosure of public data in the public interest the public interest in bringing it.

Consequently, the Authority found Applicant's reasoning 1 in the news article to be appropriate concerning the rejection of a data subject's request for erasure of published data as they its freedom of expression and the orientation of the local community would have been or would have been an infringement of his rights.

In his submissions, the applicant complained about wiretapping and illegal data collection, in particular could not assess the continuity of its information in its decision the Authority, but notes that:

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Strongly condemns the interception of others, especially if it is regular or continuous,

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this activity of obtaining data is not only an illegal but also an inappropriate means a to exercise social control.

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 Authority presented this decision to the Applicant in addition to Applicant 1 and Applicant 2 as complained against also sent to data controllers.

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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 Pursuant to Section 114 (1), it has a place in administrative proceedings against the decision redress.

The rules of administrative litigation are laid down in Act I of 2017 on the Procedure of Administrative Litigation (a hereinafter: Kp.). A Kp. Pursuant to Section 12 (1) by decision of the Authority

The administrative lawsuit against the court falls within the jurisdiction of the court Section 13 (3) a)

Pursuant to point (aa) of the Act, the Metropolitan Court has exclusive jurisdiction. A Kp. Section 27 (1)

(b), legal representation shall be required in legal proceedings before the General Court. A Kp. Section 39 (6)

the submission of the application for the entry into force of the 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: the e-administration Act), the client's legal representative pursuant to Section 9 (1) (b)

obliged to communicate electronically.

The place and time 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 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 initiating the proceedings.

Budapest, May 25, 2021

Dr. Attila Péterfalvi

President

c. professor