

Case number: NAIH-55-11/2022. Subject: decision and termination order

The National Data Protection and Freedom of Information Authority (hereinafter: Authority) [...]

based on the request of the applicant (hereinafter: Applicant) on January 4, 2022, the [...]

(hereinafter: Respondent) against the Respondent's inadequate fulfillment of the data subject's request

makes the following decisions in the official data protection proceedings initiated in respect of:

I. 1. In its decision, the Authority in part of the Applicant's request

gives place and

determines that the Respondent has violated the personal data of natural persons

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

Regulation 2016/679 (EU) repealing Directive 95/46/EC (hereinafter:

GDPR or General Data Protection Regulation) Article 12 (2) and (3).

I.2. By order of the Authority, the procedure in the relevant part, which the Applicant

started at his request that the audio recordings and other managed by the Respondent and other data controllers

by fulfilling access requests for the provision of personal data

issue guidelines related to their practice related to (handover), and a

oblige him to transform his practice,

II. In the Authority's decision, the Applicant was referred to I.1. due to the violation established in point

ex officio

terminates.

HUF 2,000,000, i.e. two million forints

data protection fine

obliged to pay.

During the official procedure, no procedural costs were incurred, therefore, no costs were incurred

was provided by the Authority.

The data protection fine is the governing action for the initiation of the administrative lawsuit

the 15th following the expiry of the deadline, or in the case of the initiation of a public administrative lawsuit, following the

court's decision

Within days, the forint account for the collection of centralized revenues of the Authority

(10032000-01040425-00000000 Centralized direct debit account IBAN: HU83 1003 2000 0104

0425 0000 0000) must be paid. When transferring the amount, NAIH-55/2022. FINE. for number

must be referred to.

If the Respondent does not fulfill his obligation to pay the fine within the deadline, he is in default

must pay an allowance. The amount of the late fee is the legal interest, which is due to the delay

is the same as the central bank base rate valid on the first day of the relevant calendar semester. The fine and the

in case of non-payment of late payment, the Authority orders the execution of the decision.

There is no place for administrative appeal against the decision and order, but the a

within 30 days from the date of notification, with a letter of claim addressed to the Capital Court

can be challenged in a lawsuit. The statement of claim must be submitted to the Authority, electronically¹, which is

forwards it to the court together with the case documents. Those who do not benefit from the full personal tax exemption

for him, the fee for the administrative lawsuit is HUF 30,000, the lawsuit is subject to the right to record the fee. The capital city

Legal representation is mandatory in court proceedings.

JUSTIFICATION

I. Procedure of the procedure

I.1. At the request of the Applicant, on the right to self-determination of information and freedom of information

CXII of 2011 Act (hereinafter: Infotv.) on the basis of paragraph (1) of § 60. 01.04.2022.

data protection official procedure was started on , after the Authority NAIH-8606-2/2021. no

he sent his statement on January 03, 2022 to fill the gap.

I.2. The Authority accepted the Application under NAIH-55-2/2022. the procedure was notified in order no

about its launch and invited him to make a statement for the first time in order to clarify the facts,

with reference to the CL of 2016 on the general administrative order.

law (a

hereinafter: Ákr.) to § 63, to which the Respondent's answer was received on March 17, 2022

and to the Authority (document No. NAIH-55-3/2022).

I.3. The Authority NAIH-55-5/2022. s. and NAIH-55-7/2022. s. notified in his documents that the

Requested and the Applicant that the evidentiary procedure has been completed. At the order of the Authority

in response, the Respondent informed the Authority that it wished to exercise its right to inspect the documents,

but did not make a statement within the given deadline. The Respondent exercised his right to inspect documents, and a

The authority sent him the documents of the procedure in a simple copy.

II. Clarification of facts

II.1. On November 23, 2021, the Applicant submitted a request for a data protection official procedure,

in which he submitted that it was a copy of the audio recording

was requested to be made available by

From the request, however, he would have received it only after 1.5 months after making 2 complaints,

if you sign an acknowledgment of receipt in which you confirm that it is stated therein

takes over the audio recording, but the Respondent did not give him the opportunity to do so

can be convinced, and undertakes not to tell anyone other than his legal representative

nor does it "show" the recording. According to the Applicant, the latter would have made it impossible to

submit a complaint to the banking supervision, including the requested audio material, and

in his opinion, the Respondent backdated the receipt protocol so that apparently

comply with the "obligation to provide data".

The Applicant requested the audio recording more than two months ago, on September 7, 2021, from

From the request via telephone customer service, on a fixed line, however your request

did not receive it until the day of its submission, despite the fact that the Respondent is the interested party of the application

nor did he notify about the extension of the deadline related to its performance.

The Applicant requested the following from the Authority:

1 The NAIH_KO1 form is used to initiate the administrative lawsuit: NAIH KO1 form (16.09.2019) The

form can be filled out using the general form filling program (ÁNYK program).

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investigate and determine for the Applicant and other companies that it is data controller during the release of personal data (for example, but not exclusively, audio recording in case of) to what extent it can limit its usability and possibility of acceptance (for example, you must prove what you took without being able to make sure of it),

- instruct the Applicant to meet the "data provision" deadline,

- define that business

the extent to which the

on the protection of natural persons with regard to the management of personal data

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

Regulation 2016/679 (EU) on the placement of

data protection decree) and personal data requested on the basis of other laws (including also audio).

II.2. The Applicant attached the following documents to the application and to fill in the gaps in copy:

- the Applicant 09.08.2021. "Acceptance" issued on the day of and signed by witnesses acknowledgment", which was not signed by the Applicant,

- in the Applicant's bank branch on 10.11.2021. on and 21.10.2021. about his complaint on prepared minutes,

- the Applicant 008152/01/2021. inc. No. and 006354/1/2021. ID no., to the Applicant addressee's letter,

- 2 pcs. 31.07.2021. dated "Casual detailed confirmation of HUF transfers" document,

- Applicant's account history.

Receipt of receipt attached by the Applicant with limited use of the audio material

included the following:

"[...] By signing this acknowledgment of receipt, I acknowledge at the same time that [...] this acknowledgment informs about the fact that the audio material on the data carriers is the trade secret of [...] forms, as well as that [...] expressly does not agree to the fact that on the data carriers representing me in the complaint case related to audio materials

yogi

hand it over to third parties other than my representatives. I promise that it is with my legal representatives acting in this case, I will explain the present confidentiality rules.

I undertake that it is on the data carriers, representing the business secret of [...]

I guard information with extra care, I take all necessary measures for it so that unauthorized third parties cannot access them

By signing this acknowledgment of receipt, I acknowledge that if [...] is a business secret

I do not comply with my obligation to preserve it, therefore I am liable for damages

I owe."

According to the Applicant's statement, the Applicant dated the audio material on November 22, 2021 (ID number 008152/01/2021) was sent to him by letter.

The Applicant stated the following with the invitation to submit his definitive application regarding:

- the Authority condemns the Applicant with the acknowledgment of receipt attached to the application

-

due to the use of

require the Authority to oblige the Applicant to indicate only the receipt in the acknowledgment of receipt must declare the fact,

the Authority obliges the Applicant to ensure that what he hands over can be verified,

-

- the Authority reprimands the Applicant

"obligation to provide data

due to its violation" of its "deadline, quality and completeness" regulations

due to non-compliance,

3

-

the Authority obliges the Applicant to pay a fine for illegal data processing

because of

II.3. The Authority, by executing the Request, to make a statement in order to clarify the facts

called, to which the Respondent stated the following and attached the following:

The Applicant submitted it on September 7, 2021 (distributed during a telephone conversation

before) your access request to the Requested Party, but only on November 21, 2021

fulfilled by the Applicant.

According to the Respondent, it started immediately after receiving the request

measure in order to release the audio material, its central department notified the Csepel branch,

however, due to what is believed to be a unique administrative error, it did not notify the Applicant that

you can take over the audio recording. The Applicant reported his problem again on October 21, 2021, and

he also filed a complaint. In the framework of the complaint investigation, the complaint management area requested Csepeli

account to call the Applicant and inform him that the audio recording in the Csepel account

you can take over. The branch accepted the Applicant on 10.11.2021. in a phone call recorded at 1:37 p.m

informed about the possibility of taking it over. The Applicant appeared in the account on November 10, 2021

in order to receive the audio material, however, it was sent to the Requesting Authority in the end not received

for the reasons given in his application. The Applicant complained about this to the branch, a

in connection with the investigation of a complaint sent on November 12, 2021

notified. The audio was posted by the Requested on November 22, 2021.

for.

The Applicant informed the Authority that he had modified the audio material to make it personal

the text of the form used for transfer.

The Respondent attached the Applicant's request and complaint to support the above statements related documentation and the relevant procedure.

In addition to the above, the Respondent stated that, by applying the receipt, it was a its purpose is to be able to demonstrate in a creditable manner that it concerns him fulfilled the request, and also informed the person concerned that "you cannot bring audio material to the public and the recording only during the settlement of the legal dispute with the data controller you can use it."

III. Applicable legal provisions

The GDPR must be applied when personal data is partially or fully automated processing, as well as the processing of those personal data in a non-automated manner for handling, which are part of a registration system, or which are a they want to make it part of the registration system. It is for data management under the scope of the GDPR Infotv. According to Section 2 (2), the GDPR must be applied with the additions indicated there.

According to GDPR Article 4, point 1, "personal data": identified or identifiable natural any information relating to a person ("data subject"); the natural person who directly or indirectly, in particular an identifier such as name, number, location data, online identifier or physical, physiological, genetic, one or more factors related to your intellectual, economic, cultural or social identity can be identified based on

Based on GDPR Article 4, point 2, "data management": on personal data or data files any action or actions performed by automated or non-automated means total, storage, transformation or change, query, insight, use, communication, transmission, distribution or otherwise by way of making it available, coordination or connection, limitation,

deletion or destruction.

so the collection,

organization,

recording,

segmentation,

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According to GDPR Article 4, point 7, "data controller": the natural or legal person, public authority body, agency or any other body that determines the purposes of personal data management and determines its assets independently or together with others; if the purposes and means of data management determined by EU or Member State law, to designate the data controller or the data controller relevant special aspects may also be determined by EU or member state law;

Processing of personal data based on Article 5 (1) (1) point (a) of the GDPR

it must be carried out legally and fairly, as well as in a transparent manner for the data subject ("legality, due process and transparency");

Based on Article 5 (2) of the GDPR, the data controller is responsible for paragraph (1). for compliance and must be able to demonstrate this compliance ("accountability").

According to paragraphs (1) - (4) of Article 12 of the GDPR:

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

(2) The data controller facilitates the relevant 15-22. the exercise of his rights according to art. Article 11 (2) in the cases referred to in paragraph 15-22, the data controller is the person concerned. to exercise his rights according to art

may not refuse to fulfill your request, unless you prove that the person concerned cannot be identified.

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

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

Based on Article 15 (3) of the GDPR, the data controller is the personal data subject provides a copy of the data to the data subject. For additional copies requested by the data subject the data controller may charge a reasonable fee based on administrative costs. If that concerned submitted the application electronically, the information was widely used must be made available in electronic format, unless the data subject requests otherwise.

Other administrative or judicial remedies based on Article 77 (1) of the GDPR without prejudice, all data subjects are entitled to lodge a complaint with a supervisory authority - in particular your usual place of residence, place of work or the place of the alleged offence in the Member State of origin - if, according to the judgment of the data subject, the personal data relating to him handling violates this regulation.

Pursuant to Article 58 (2) point b) of the GDPR, within the corrective powers of the supervisory authority acting as:

b) condemns the data manager or the data processor if its data management activities

violated the provisions of this regulation;

f) temporarily or permanently restricts data management, including the prohibition of data management

also;

i) imposes an administrative fine in accordance with Article 83, depending on the circumstances of the given case

in addition to or instead of the measures mentioned in this paragraph;

Based on Section 46 (1) of the Ákr, the authority rejects the application if

a) there is no legal requirement for the initiation of the procedure, and this law does not apply to it

it does not have any other legal consequences.

Based on Section 47 (1) of the Ákr, the authority terminates the procedure if

a) the request should have been rejected, but the reason for that was the initiation of the procedure

came to the attention of the authorities.

Infotv. On the basis of § 38, paragraph (2b), the Authority is provided with personal data in paragraph (2).

with respect to the defined scope of the litigation aimed at making a court decision and

performed by the court in non-litigation proceedings, based on the relevant regulations

in relation to data management operations, it does not cover the provisions specified in paragraph (3).

to exercise powers.

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

in order to do so, the Authority initiates an official data protection procedure at the request of the data subject and

may initiate official data protection proceedings ex officio.

Infotv. Request to start the data protection official procedure based on Section 60 (2).

in Article 77 (1) and Article 22 b) of the General Data Protection Regulation

can be submitted in specific cases.

Infotv. Based on Section 61 (1), in the decision made in the official data protection procedure a

Authorities

a) in connection with the data management operations defined in paragraphs (2) and (4) of § 2 a

You can apply the legal consequences defined in GDPR,

b) in connection with the data management operations defined in § 2, paragraph (3).

ba) can establish the fact of unlawful processing of personal data,

bb) can order the correction of personal data that does not correspond to reality,

bc) can order a

blocking of illegally processed personal data,

or deletion

destruction,

bd) may prohibit the unlawful handling of personal data,

[...]

bg) can impose fines,

Infotv. On the basis of § 71, paragraph (1) during the Authority's procedure - for its conduct

to the extent and duration necessary - you can manage all personal data, as well as by law

data classified as protected secrets and secrets bound to the exercise of a profession, which with the procedure

are related

in order to conduct

required.

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

paragraph

exercises its powers taking into account the principle of proportionality,

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

The regulations defined in the mandatory legal act of the European Union are being implemented for the first time

and the treatment of which the procedure is successful

in case of violation, to remedy the violation - with Article 58 of the General Data Protection Regulation

in accordance with - takes action primarily with the warning of the data manager or data processor.

Infotv. Based on § 61, subsection (5), the Authority, in deciding whether (1) is justified

imposition of a fine according to paragraph b) sub-point bg),

and the amount of the fine

during its determination, it takes into account all the circumstances of the case, so in particular the infringement

the size of the circle of stakeholders, the gravity of the violation, the reprehensibility of the conduct, and the fact that

whether the violator was previously found to be related to the handling of personal data

infringement.

Infotv. Based on paragraph (6), the deadline for filing an action to challenge the decision

until its expiration, or in the event of an administrative lawsuit, until the final decision of the court in dispute

data affected by data management cannot be deleted or destroyed.

LIV of 2018 on the protection of business secrets. Act (hereinafter: Trade secret law) § 1 (1)

on the basis of paragraph business secret related to economic activity, secret - in its entirety, or

as a total of its elements, you are not well-known or the person performing the relevant economic activity

is not easily accessible to persons - and therefore has a material value, a fact

information, other data and the compilation made of them, which are to be kept confidential

in order to ensure that the right holder of the secret exhibits behavior that is generally expected in the given situation.

ARC. Decision:

IV.1. Personal data and data management

The recorded audio of the telephone conversation with the Applicant is considered personal data a

Based on GDPR Article 4, Point 1, and the storage and use of this personal data data management a

Based on GDPR Article 4, Point 2.

IV.2. Data controller

The Authority established, based on the Respondent's statements, that with the examined data management

in this context, the purpose and means of data management are determined independently by the Respondent,

therefore, based on Article 4, point 7 of the GDPR, the data controller manages the personal data of the Applicant in context.

ARC. 3. Delayed fulfillment of the affected request

Based on Article 15 (3) of the GDPR, the data subject is entitled to request that the subject of the data management ask for a copy. In exercise of this right, the Applicant submitted his access request a

To the applicant on September 7, 2021 (presented during a telephone conversation), a

however, the Applicant only fulfilled his request on November 21, 2021.

The Respondent also referred to the 3-month (1 month+2 months) deadline according to the GDPR

was not exceeded during the fulfillment of the data subject's request. However, the Applicant did not prove the

To the authority that it has extended the 1-month deadline valid in the basic case, and about this

informed the Applicant, considering that the delay is not the result of many stakeholder requests

upon receipt, or the difficulty of the Applicant's stakeholder request

it was feasible

can be traced back to, but according to the Respondent's statement, an administrative error occurred.

Based on Article 12 (3) of the GDPR, you should have fulfilled the

To the applicant, the application,

another month

could have extended it, but he should have informed the Applicant about this.

this deadline in justified cases

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According to the Respondent, it started immediately after receiving the request

measure in order to release the audio material, its central department notified the Csepel branch,

however, due to what is believed to be a unique administrative error, it did not notify the Applicant that

you can take over the audio recording.

According to the Authority's point of view, the argument regarding administrative error does not exempt the

Request from data controller responsibility, given that the general data protection

pursuant to Article 4, Point 7 of the Decree, the Respondent is considered a data controller and not a employees. The Respondent is the one who organizes the process of data management and designs it circumstances, not the clerks. The most important characteristic of the data manager is that it is meaningful has decision-making authority and is responsible for all data management, that for the fulfillment of the obligation laid down in the general data protection regulation. considered for data processing and data protection

The Data Protection Working Group established in accordance with Article 29 of the Data Protection Directive (hereinafter: Data Protection Working Group) on the concepts of "data manager" and "data processor" 1/2010.

also explained in his opinion no. that "Ultimately, the company or organization must responsible resulting from legislation

for obligations, unless there are clear elements indicating that a natural person a responsible. [...] However, even in such cases, when a specific natural person is appointed, to ensure compliance with data protection principles or to process personal data, this the person does not to a legal person (or a company

public body) acts on its behalf, which in its capacity as data controller remains responsible for the principles in case of violation." The fact of incorrect data recording performed by the administrator is therefore not considered reasons for rescue, in this case too the data controller bears the responsibility. will be a data controller, but its a

Adhering to the deadline according to Article 12 (3) of the GDPR, the Requested shall receive the information on October 7, 2021.

should have made the audio material available to the Applicant, however missed it. Repeated phone conversation with the Applicant on October 21, 2021 submitted his application and also complained that his application had not yet been fulfilled by the Requested. Despite this, he would only have had the opportunity to take over on November 10, 2021

The audio material is for the applicant, as he was then notified by phone that he could receive it the audio.

Based on all of this, the Respondent, as

falls under the responsibility of the data controller, for this reason it can be established that the Respondent has violated the Article 12 (3) GDPR.

IV.4. Obstruction of the exercise of the right of the affected person

IV.4.1. Applicant's right to contact

On November 10, 2021, i.e. beyond the 1-month deadline stipulated in the GDPR, it would have fulfilled the

He requested the Applicant's stakeholder request, however, the Applicant then refused the

receiving the audio material, because he should have signed a receipt that a

the use of audio material would have been restricted, as he would have had to commit to

that he does not "show" the recording to anyone other than his legal representative. The Applicant also

for that reason, he did not receive a copy of the audio material either, since, according to his claim, he could not make sure that

whether it is actually handed over to him.

To refuse to fulfill the data subject's request, the data controller is required to comply with Article 12 (2) and (5) of the GDPR in the cases described in paragraphs

Article 12 (2) of the GDPR requires the Respondent to facilitate the rights of data subjects

practice. According to this provision, the data controller can only deny the data subject's right

fulfilling a request to exercise it, if it proves that the person concerned is unable to do so

identify. According to the provisions of the GDPR, the fulfillment of the data subject request – a

apart from personal identification - it cannot be tied to the fulfillment of various conditions, so based on this

you cannot be forced to do anything other than signing a document proving the fact of receipt

make a related statement. And the fact that the copy containing personal data is not

can exercise the right

for example, with the bank clerk

up, for example, to initiate an official procedure, or possibly a judicial one

can be used

procedure, it is contrary not only to the provisions of the GDPR, but also to official and judicial procedures

with rules, i.e. CXXX of 2016 on the Code of Civil Procedure and the Code of Civil Procedure. law

also with its provisions related to proof. The information about which it is

access is affected

carried on

telephone conversations cannot be classified as business secrets, given that those concerned,

so the Applicant already got to know him, since the conversation was with him, and also afterwards, in general

according to the data protection regulation, you are entitled to obtain a copy from the Application, namely the Business

secret tv. Pursuant to § 1, paragraph (1), a trade secret is a secret related to economic activity -

as a whole, or as a set of its elements, is not well-known or the economic concerned

it is not easily accessible to persons carrying out activities - and therefore property

valuable facts, information, other data and the compilation made from them, which a

in order to keep it a secret, the holder of the secret should behave as is generally expected in the given situation

attests. Article 15 (4) of the GDPR contains a provision that the access

request can be fulfilled in such a way that the rights and freedoms of others are not adversely affected. THE

However, the respondent did not prove that this was the case in this case. It's not

it is conceivable that by dialing a phone number reserved for customer administration, the Respondent

shares its business secrets with the stakeholders, bank customers. This did not happen in the present case either.

whereas the Applicant in relation to account management

phone conversation a

With your requested administrator.

The conversation also contains the Applicant's personal data (audio+said), above which the

The respondent does not have unlimited disposal rights. In its reply to the Requested Authority, it is stated that, depending on the content of the data in the audio recording, it is a bank or securities they are classified as secret, however, since they are bank secrets of the Applicant, against the Applicant they do not need to be protected.

In the case according to Article 12 (5) of the GDPR, the data subject request can only be refused fulfillment if it is clearly unfounded or - especially due to its repetitive nature - excessive. THE proving unfounded or excessive nature is the responsibility of the data controller. In the present case, the Respondent he did not refer to this, nor did he support that this was the case.

In the present case, on November 10, 2021, this was not the primary obstacle for the person concerned fulfillment of the request, the Authority at the same time emphasizes that the person concerned can insist on it to verify that you are actually receiving the audio for which the receipt is related sign an acknowledgment, so the data controller must enable this. If you don't do this possible, then you cannot ask the person concerned to sign the acknowledgment of receipt.

Finally, the Requested person signs a statement on the limited use of the audio material sent the audio material to the Applicant by post on November 22, 2021.

The Authority also does not agree with the Respondent's position that the acknowledgment of receipt could achieve the goal that "you cannot make audio material public and the recording only you can use it during the settlement of a legal dispute with a data controller.", because on the one hand it is such according to the GDPR, a declaration cannot be demanded from the data subject, on the other hand, the acknowledgment of receipt cannot

it was worded that way, as it said that only the "legal representatives" of the person concerned could know it them, so not even the authorities and the courts based on that.

On the basis of the above, the Authority established that the Respondent, with the fact that the audio material a statement restricting its release with the content contained in this case made it dependent on doing so, it can be established that he did not comply with Article 12 (2) of the GDPR of his obligation, therefore he violated it.

IV.4.2. Examining the practice related to the fulfillment of requests submitted on the basis of the right of interest and requests for it

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Examining the general practices of the Respondent and other data controllers is not justified, since the present procedure initiated upon request, not the general practice of the Requested Party and other data controllers examines, and the Applicant's right or legitimate interest is not directly affected, for the Authority such a decision does not create any right or obligation, therefore, in this regard the Applicant does not qualify as a customer under Art. Based on § 10, paragraph (1). The data controllers examination of its general practice is initiated ex officio at the discretion of the Authority

it is possible in a data protection official procedure, so it cannot be initiated on request, because in that in the procedure, the Authority does not examine the enforcement of the Applicant's stakeholder rights. Due to the above, the Authority terminates the Ákr. Based on § 46, paragraph (1) point a) and § 47, it is procedure in the part in which the Applicant submitted a request that

The respondent and other data controllers to fulfill stakeholder requests regarding audio materials is examined by the relevant general practice, and that the Authority obligates the Applicant and other data controllers to change their general practices. The Applicant's request on this in relation to Infotv. It does not comply with what is written in paragraph (2) of § 60 the Applicant is not entitled to initiate a procedure regarding this, as it does not fall under the in the case according to Article 77 (1) of the GDPR, given that the Applicant is his own may initiate proceedings in case of violation of personal data.

In addition to the above, the Authority emphasizes that the Respondent's obligation in this regard is is not justified either, because the Respondent informed the Authority during the procedure that the no amended its appropriate data management practices, and in addition to the acceptance statement from the Applicant no longer requires a statement that the Applicant acknowledges the transfer limited usability of audio material.

IV.5. Application for the imposition of a fine

The application of the legal consequence of the data protection fine is the right or legitimate interest of the Applicant does not directly affect him, such a decision of the Authority does not create a right or obligation for him arises, as a result of this - a legal consequence - falling within the scope of enforcing the public interest in terms of its application, the Applicant is not considered a customer Art. based on paragraph (1) of § 10, and, since the Ákr. Does not comply with § 35 (1), request in this regard there is no place for its submission, these parts of the submission cannot be interpreted as a request.

IV.6. Legal consequences

IV.6.1. The Authority partially granted the Applicant's request, and GDPR Article 58 (2)

b) condemns the Applicant for violating Article 12 (2) and (3) of the GDPR paragraphs.

IV.6.2. The Authority ex officio examined whether it was justified due to the Respondent's violation of law imposing a data protection fine. In this context, the Authority is Article 83 (2) of the GDPR and Infotv.75/A. based on §, he ex officio considered all the circumstances of the case and found that in the case of the violation discovered during this procedure, the warning is neither proportionate nor not is a deterrent sanction, therefore a fine must be imposed.

When imposing the fine, the Authority considered the following factors as aggravating circumstances taking into account:

- The violation is serious because the Respondent affects the Applicant's right with its data management violated him by reacting to the request of the data subject late and then obstructing the data subject exercise of law. (GDPR Article 83 (2) point a)
- The Respondent's unlawful data management is grossly negligent, as the right of access making a statement regarding the limited use of the audio material the violation of the law in relation to it stems from its practice, given that a used a template receipt form (GDPR Article 83 (2) b) and point d).

When imposing the fine, the Authority considered the following factors as mitigating circumstances taking into account:

- To convict the Respondent for violating the general data protection regulation

has not yet taken place. (GDPR Article 83(2)(e) and (i))

- Recognizing his seriously negligent data management practices, the Respondent even a

changed it before making a decision - without a separate official signal. (GDPR 83.

Article (2) point k) and point f)

- The Requested sent the requested audio material to the Requester. (GDPR Article 83 (2)

paragraph c)

Based on the nature of the violation - the violation of the principles of data management and the right of the data subject - the penalty can be imposed

the upper limit of the fine is 20 based on Article 83 (5) point a) of the General Data Protection Regulation

000,000 EUR, or a maximum of 4% of the total world market turnover of the previous financial year. (GDPR

Article 83 (5) point a)

Based on the Respondent's profit and loss statement, its pre-tax profit in 2021 is [...] million

It was Ft. (GDPR Article 83 (5) point a) The imposed fine does not reach the maximum fine,

falls significantly short of that.

The Authority follows the provisions of Article 83 (2) of the GDPR regarding the imposition of fines

did not take its provisions into account because, according to his judgment, they were not in the subject matter

are relevant: point g), point h), point j).

A. Other questions:

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

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

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

paragraph and § 114, paragraph (1) against the decision by means of an administrative lawsuit

there is room for a legal remedy.

* * *

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

Based on point aa), the Metropolitan Court is exclusively competent. The Kp. Section 27 (1) legal representation is mandatory in a lawsuit falling within the jurisdiction of the court based on paragraph b).

The Kp. According to paragraph (6) of § 39, the submission of a claim is an administrative act does not have the effect of postponing its entry into force.

The Kp. Paragraph (1) of § 29 and, in view of this, Pp. According to § 604, the electronic one is applicable CCXXII of 2015 on the general rules of administration and trust services. law (a hereinafter: E-administration act) according to § 9, paragraph (1), point b) of the customer's legal representative obliged to maintain electronic contact.

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The time and place of submitting the statement of claim is set by Kp. It is defined by § 39, paragraph (1). THE information on the possibility of a request to hold a hearing in Kp. Paragraphs (1)-(2) of § 77 is based on. The amount of the fee for the administrative lawsuit is determined by Act XCIII of 1990 on fees. law (hereinafter: Itv.) 45/A. Section (1) defines. It is from the advance payment of the fee Itv. Paragraph (1) of § 59 and point h) of § 62 (1) exempt the party initiating the procedure.

If the Respondent does not adequately certify the fulfillment of the prescribed obligation, the Authority considers that he has not fulfilled his obligation within the deadline. The Akr. According to § 132, if a the obligee has not complied with the obligation contained in the final decision of the authority, it can be enforced. The Authority's decision in Art. According to § 82, paragraph (1), it becomes final with the communication. The Akr. Pursuant to § 133, enforcement - unless otherwise provided by law or government decree - ordered by the decision-making authority. The Akr. Pursuant to § 134, the execution - if it is a law,

government decree or, in the case of municipal authority, a local government decree otherwise

does not have - the state tax authority undertakes. Infotv. Based on § 60, paragraph (7) a

In the authority's decision

reserved, to perform a specific act, defined

the decision regarding the obligation to conduct, tolerate or stop

its implementation is undertaken by the Authority.

dated: Budapest, according to the electronic signature

Dr. Attila Péterfalvi

president

c. professor