

Case number: NAIH / 2020/876/12.

(NAIH / 2019/8236.)

Subject: Partially successful application

tax decision

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

hereinafter referred to as the "Applicant") filed on 29 November 2019, the [...] ([...]

hereinafter referred to as the "Requested") and [...] ([2.] hereinafter referred to as [Company 2]).

has taken the following decisions in the proceedings:

I. The Authority

IN ITS DECISION

grant the applicant 's application in part, and

1) finds that the Applicant has not informed the

Applicant about the personal data processed about him and the data processing concerning him

information;

2) finds that the Applicant has not complied with the Applicant's data processing restrictions

application for

3) instructs the Applicant to properly inform the Applicant of the person being treated

personal data and data management information about him.

II. The Authority will reject the part of the application concerning the imposition of a data protection fine, however

Due to the violations included in point I, the Applicant is ex officio

500,000, ie five hundred thousand forints

data protection fine

obliges to pay.

III. The Authority also orders HUF 10,000, ie ten thousand forints, for the Applicant

payment by bank transfer to a bank account of your choice due to the deadline being exceeded

or by postal order.

ARC. The Authority

IN THE PERFORMANCE OF

terminate the data protection regulatory proceedings against [Company 2].

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The taking of the measure provided for in point I. 3) shall be performed by the Applicant from the taking of the measure

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

Towards an authority.

The Authority shall impose a data protection fine within 30 days of the final adoption of this Decision

centralized revenue collection target settlement forint account (10032000-01040425-00000000

Centralized direct debit IBAN: HU83 1003 2000 0104 0425 0000 0000)

to pay. When transferring the amount, NAIH / 2020/876. JUDGE. number should be referred to.

If the Applicant fails to meet the obligation to pay the fine within the time limit, the above

is required to pay a late payment surcharge on the account number. The amount of the late payment allowance is the statutory interest,

which corresponds to the central bank base rate in force on the first day of the calendar half-year affected by the delay me.

The obligation provided for in point I. 3), as well as the data protection fine and the late payment allowance do not apply the Authority shall order the enforcement of the decision.

I., II. and III. and Annex IV to this Decision. by order pursuant to

There is no administrative remedy against them, but they are within 30 days of notification

An action brought before the Metropolitan Court may be challenged in an administrative action. THE

the application must be submitted to the Authority, electronically, together with the case file

forward it to the court. The request to hold a hearing must be indicated in the application. THE

on the basis of an action brought against the order, the court in a simplified trial

acting outside. For those who do not benefit from full personal exemption, the court

the fee for the review procedure is HUF 30,000, the lawsuit is subject to the right to record fees. The Capital Legal proceedings are mandatory in proceedings before the General Court.

## EXPLANATORY STATEMENT

### I. Procedure and clarification of the facts

I. 1. The Applicant submitted an application to the Authority on 29 November 2019, in which he submitted, that on 15 July 2019, the [...] number of ticket and pass issuers operated by the Applicant at [...] attempted to purchase a monthly season ticket from the vending machine. When purchasing the Applicant provided the time interval for the validity of the requested ticket, the identity card and paid for the coupon with your credit card. The transaction is for the Applicant in his view, it only seemed to take place. The Applicant's bank account is the coupon was charged, however, the vending machine did not provide the ticket to the Applicant Who. The Applicant reported the problem to the Applicant by telephone on the same day and thereafter electronic correspondence began between the Applicant and the Applicant's operational customer service tasks supplier, exclusively owned by the Applicant, [Company 2].

Given that the Applicant sought further redress from the competent government office therefore, on 20 October 2019, he lodged an application with [Company 2] in which requested information that from the ticket vending machine [...] on 15 July 2019 your personal information - including your ID card and the number of the bank card, the validity period of the coupon requested during the purchase - the system recorded and whether your purchase was videotaped. The Applicant is the vending machine also requested a video of The Applicant also requested information from [Company 2].

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personal data processed in the course of an investigation conducted by the Government and the investigation of a government agency pursuant to point 2) B) (iii) of the Data Protection and Data Management Information of the Requested requested the blocking of all personal data.

According to the Applicant, not with regard to the request for data provision and their blocking, or received only a partial response. The Applicant described that it had not received a full reply as to what personal data of [Company 2] was stored during the internal investigation whether it was videotaped at the time of purchase, and whether, if any automatic does not store personal data, they are transmitted to a central server where whether they are stored in a database. Also to lock your personal information did not receive any information or information at all.

In view of the above, the Applicant shall conduct the proceedings of the Authority, the request for access in the event of a finding of an unlawful refusal to provide the requested data to the Applicant and the imposition of a fine at the discretion of the Authority.

The Applicant, having regard to the content of the legal relationship between the Applicant and [Company 2] does not know, on the basis of the information available to it, as the party committing the infringement a He indicated the applicant that if the framework agreement between the parties for data processing delegate responsibility to [Company 2], in which case the Authority continue your proceedings.

In its order to initiate the data protection authority procedure, the Authority notified the Applicant and called for a statement and disclosure in order to clarify the facts.

On the basis of the Applicant's statement and the supporting documents it was established that the Applicant did not submit the application to the Applicant but to [Company 2]. exercise your right of access and blocking your personal data. Therefore the case also directly affects the right and legitimate interest of [Company 2]. The Authority is clarifying the facts therefore considered it necessary to invite [Company 2] to make a statement and the Authority therefore CL of 2016 on General Administrative Procedure. Section 10 (1) of the Act (hereinafter: the Act) granted him client status in accordance with

I. 2. According to the statement of the Applicant and [Company 2] [...] (hereinafter: the Municipality) XLI of 2012 on passenger transport services. Act (hereinafter: the Act), and

in accordance with Regulation [...] ('the Designation Regulation'), to perform [...] tasks a

Candidate has been designated as [...], who may be involved in the performance of the task. The more efficient

In order to perform its tasks, the Local Government decided - within the competence of the Supreme Body of the Applicant

- the establishment of [Company 2.] as a company wholly owned by the Applicant

subtasks within transport management tasks, as well as certain support tasks in this

for the purpose of supplying the company.

On 26 April 2017 [...] (hereinafter: the Framework Agreement) and 1 May 2017, the Applicant

[2] entered into with [Cég 2.] as a service provider on 1 May 2017

have entered into force. On the basis of these framework agreements, the [Company 2.]

is obliged to act as an assistant to the Applicant. In addition, under the [...] contract, [Company 3.] [...]

its tasks are performed by the Applicant through the unified [...] - through [Company 2.].

The [Company 2.] is the Requested Sales and Sales Support, Customer Service, Ticket and

duties of traffic control for ticket control, revenue control and customer information

involved in the performance of the tasks of the transport manager by being the consignee of the transport manager and

The Applicant, as the transport manager, remained fully and exclusively responsible for the provision of On this

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[Company 2.] performs the tasks as an operational task under the professional management of the Applicant. The company

2.] coordinates the received notifications within the scope of the activities of the mail customer service a

areas, the Applicant and the relevant Service Providers, obtain their opinions from them

and prepares a response to be sent to the client based on the professional resolutions received. With regard to the

performance of revenue control tasks, the task of [Company 2] is related to ticket vending machines

professional investigation of complaints, sales through ticket machines and personal

sales-related daily / monthly / annual revenue, inventory and on-site checkout control

activities.

On this basis, the applicant acted in the name and on behalf of the Applicant in the case under investigation a

[Company 2.].

With regard to the performance of contributors' tasks, the provisions on data management shall be laid down in

It is included in Annex 7 of the Framework Agreement, according to which the Applicant qualifies

data controller, while [Company 2.] data processor. Data protection and data security activities

its rules are contained in the joint regulations of the Applicant, [Company 2] and [Company 4].

Regarding the data management activities of the Applicant and [Company 2] and [Company 4] a

Applicant entered into a data management and data processing assignment contract with [Company 2] and [Company 4]

June 13, 2018. Accordingly, the task of [Company 2] in the present case is to

Personal as defined in the framework contract or related to its tasks

the data was recorded, collected, stored and transmitted by the Applicant as a data controller, respectively

transfer to other data controllers in accordance with a separate contract, as well as such data

collecting and storing personal data while ensuring the protection of personal data. With data processing

the scope of the personal data concerned for the contracts between the two companies and for the specific data processing

contains a related data management information that is accessible to all at

Requested [...] website.

According to the statements, [Company 2.] Customer Service (hereinafter referred to as Customer Service)

and [Company 2] 's common customer service policy [...]

during treatment. The notifications are made by the professional organization - for several organizations involved

together - is obliged to investigate which (in the organizational and operational regulations of the given company,

or specified in its rules of procedure). Conduct of the substantive investigation and

In order to form a professional opinion, the complaints are sent by the Customer Service to the

professional organization (s) concerned, indicating the preparation of the professional opinion

deadline. Professional organizations received their substantive statements from the receipt of the notification

within 15 calendar days at the latest and send it to Customer Service.

The final response to the notifications - unless otherwise provided in the Companies Regulations

- in all cases sent by the Customer Service to the notifier.

According to the statements, the Applicant submitted the notification by e-mail on 15 July 2019,

according to which a value item purchased with a credit card from [...] ATMs on the day of notification

([...]) Did not receive it even though the payment transaction was successful. Detailed above

In accordance with the process, the notification was signaled to the Revenue Control Department of [Company 2]

Customer Service. The field indicated on July 30, 2019 that the announcement was substantive then

can investigate if the Applicant provides the last four of the credit cards used in the purchase

digits. The Customer Service will inform you by e-mail dated 14 August 2019

informed the Applicant.

The Applicant sent the data required for the investigation by e-mail on 15 August 2019,

transmitted by the Customer Service to the [Company 2.] Revenue Control via the [...] filing system

which examined the application and its resolution of 12 September 2019

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attached to the [...] registry system. Customer Service replied on September 13, 2019

to the Applicant. The result of the investigation was not accepted by the Applicant, which was rejected in 2019.

indicated by e-mail dated 15 September. In this data management issue,

no comments were made by the Applicant. The notification is repeated by the Customer Service under [Company

2.] Signed for the Revenue Control specialty and then prepared based on its resolution

The response plan was also sent to the Requested Communication Department for comments. THE

The response approved by the communication was sent by the Customer Service on October 15, 2019 to the

To the applicant.

In its letter of complaint dated 20 October 2019, the Applicant requested information on what it was like

personal information was recorded during the purchase and the investigation of the case, and requested that

if a video recording of your purchase was made, it will be handed over to him. He also indicated that a

requests the blocking of all personal data relating to him or her until the investigation is completed, they shall

does not consent to its deletion. Given the content of the announcement, it is in the Revenue Control field

in addition to the requested Electronic Sales Department and the Requested Law

It was also forwarded to the Customer Service Department for investigation. The professional concerned

Based on the resolutions of the organizations, the reply was sent on 19 November 2019 to the

To the applicant.

I. 3. According to the Applicant's statement, in addition to the vending machines issued by ticket vending machines a

ID numbers printed on fee products are personal data for natural persons

the free movement of such data, and

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

in accordance with the principle of data minimization under the General Data Protection Regulation)

for recording or transmission. This type of personal information provided by the customer is provided by the printer

they are stored in its temporary memory and print after a few seconds of printing

deletes. The automaton only prints these IDs on the coupons, but this is short, temporary

no data management operation other than data processing in the storage and subsequent deletion takes place,

they are not stored by the Applicant. Therefore, this storage is for printing purposes only

happens.

In addition, identifiable data that can be linked to a natural person is the credit card used to make the purchase

not in the system of ticket vending machines, but physically in them

is managed by a built-in but independent credit card payment system - the ticket and season ticket issuer

vending machines program only the fact of successful payment and credit card transaction

according to the standards for credit card payments.

The background system of ticket and season ticket machines is only the last four of the number of bank cards

stores digits that do not qualify as personal information.

Purchase transaction data and technical-operational data are also saved (for example:

date and time, name of item purchased, method and final amount of payment, fact of invoice and

account information, settings related to the purchased item, such as expiration date, cash

discarded coins, payment details for each component, if any

error messages) that do not contain personal information are provided directly to the customer

cannot be linked.



According to the Applicant's statement, it is handled by ticket and season vending machines based on the above

Of the data, only the ID number can be considered personal data.

In the context of the use and operation of the services of ticket vending machines,

processing of personal data in accordance with use of a public transport service in accordance with

in this context, preparing, concluding and performing a contract with the user

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(pursuant to Article 6 (1) (b) of the General Data Protection Regulation) and accounting

Act C of 2000 on Accounting (hereinafter: the Accounting Act)

compliance with a legal obligation set out in the provisions of the General Data Protection Regulation (Article 6 of the General Data Protection Regulation).

pursuant to Article 1 (1) (c) of the Decision; Section 33 (4) a

in connection with the benefits due to a natural person, as well as public transport

85/2007 on passenger travel discounts (IV. 25.)

discounts (for example: student, pensioner, small child, 90% discount)

compliance with a legal obligation set out in this context (Article 6 of the General Data Protection Regulation).

Article 1 (1) (c).

In the case of the identification number of the identity document, the ticket and season ticket vending machines

in the case of a QR code required to request an invoice in the Accounting Act

specified for 8 years, in the case of accounting documents, from the year of issue of the accounting document

The data management will last for 8 years after the adoption of the annual report on However, the notification e-mail

After sending, the Requested Account Claim System will automatically delete it by the Claimant

provided.

According to the Applicant's statement, the ticket vending machines owned by him are installed

have a camera. Data management related to camera recordings recorded by cameras a

It is within the scope of the requested task and competence. Ticket and season vending machines in Szzstv

for specific purposes, such as ticketing and rental equipment, and passengers, and

the life, person, physical integrity and integrity of the Applicant 's employees and agents

an electronic surveillance system is in place to protect their assets. Data management

its legal basis is a legitimate interest within the meaning of Article 6 (1) (f) of the General Data Protection Regulation and

Szsztv. The legal provisions specified in Section 8 and the Applicant is entitled to do so

interest. The Applicant shall give an alert on the recording of the camera image on the vending machines, as well as the

information on the path to the access to its data management information. The Applicant is fixed

image capture in the St. in the absence of use in accordance with the requirements of Article 16.

day deletes. Consequently, the Applicant 's request for such blocking, as a

submitted after the expiry of the possible storage period prescribed by law, the Applicant did not

was able to do so, given that the recordings had been deleted and the Applicant was informed of this

informed him.

The camera recordings are not generally used for the purpose of the requested investigation,

since the camera is located at the top of the vending machine, at about head height, so you can shoot

does not make it possible to see whether customers have received the charge product or the return

banknotes, coins.

According to the Claimant's statement, [Company 2.] generally deals with the handling of complaints

treats the following data as data processors: identification and contact details of the complainant,

the personal data provided in connection with the complaint and the person supporting the complaint with the complaint

the documents concerned, in particular a detailed description of the data subject's complaint, presented by him

list of documents, documents and other evidence, in case of telephone contact a

recording of a conversation; in case of redemption of the lease, the document IDs of the redeemer a

to verify eligibility. The documents are checked, no copy is made of them,

only billing-related data will be recorded.

According to the Applicant's statement, the legal basis for data processing in relation to complaints is

the law applicable to the controller under Article 6 (c) of the General Data Protection Regulation

fulfill the obligation laid down in CLV Act 1997 on consumer protection. Act (a

hereinafter: Egytv.) 17 / A (7). In order to comply with the law, personal

the duration of the processing of the data is 5 years from the closure of the complaint. If the complaint

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any legal proceedings, whether official or judicial, shall be interrupted

and in such a case, the duration of the processing shall be 5 years from the final conclusion of the legal proceedings.

According to the Applicant's statement, with respect to the handling of locked data, the lock is the data

prohibiting the modification of access and restricting access to what is strictly necessary. The Applicant

The blocking requested by [Company 2] no longer serves the purpose of

in respect of which he is entitled or obliged to process personal data and would delete the processed data.

In the Applicant's view, this is not the case at this stage of the data processing

the data processing of complaints may not be interpreted or applied

activity.

According to the statement of the Applicant, due to the above, the Applicant on October 20, 2019, the [Company 2.]

a video recording sent to you to process your personal information during your purchase

requests for the blocking of your personal data

was able to comply with it, given that personal data other than camera recordings were

purchase is not recorded by technical means and they are required by law

they have already been deleted by then. The information was sent on 19 November 2019

the Applicant to the Applicant.

According to the Applicant's statement, as [Company 2] is acting in the name and on behalf of the Applicant

participates in the sale of tickets and passes, the control of tickets and passes, the

in surcharges, in the provision of information to passengers and in the performance of customer service tasks, a

The investigation related to the applicant's application was carried out by the Revenue Control Department of [Company 2.]

juice.

In the opinion of the Applicant, the personal data were processed lawfully with due diligence

treatment. The operation of ticket and season ticket machines is constantly monitored,

and the operating staff of the operating partner, [Company 5.], will also monitor for any incidents fault indications and take the necessary repair and maintenance work on a regular basis in addition to maintenance. Ticket and ticket vending machines are self-service devices that are so developed in a way by the German manufacturer to withstand, as far as possible, the general experimental attempts at manipulation. Experience has shown, however there are also cases where the ticket and season ticket opening is in bad faith they are successfully sealed, so the paid and printed item will not be received by the buyer - if not notices that a seal has occurred and does not remove the obstacle in the path of the gauge. The Requested seeks a solution to protect the value release slot with various development options, as has previously been pushed back to seal the banknote and coin dispensing openings manipulations. It is presumed that manipulation took place in the present case, but that a Applicant cannot undertake to reimburse passengers in all similar cases reported damage. In view of all this, according to the Applicant, the operation of vending machines During this period, the Applicant acted lawfully in compliance with the data protection legislation.

I. 4. [Company 2], according to its statement, handles the following data regarding the handling of complaints as a data processor: the identity and contact details of the complainant with the complaint personal data provided in the context of the complaint and in support of the complaint documents, in particular a detailed description of the data subject's complaint, the documents presented by him, a list of documents and other evidence, the conversation in the case of telephone contact in the case of sound recording and redemption of a lease, the document identifiers of the redeemer are the right to control. The documents are checked, no copies are made of them, only the billing-related data is recorded. Provided by the Applicant in the case under investigation your personal information is: name, date of birth, mother's name, ID ID number, bank account number.

All documents generated during the complaint will be saved in the [...] registry system. In this

the name and e-mail address of the Applicant are recorded, as well as all outgoing and incoming record and internal record.

According to the statement of [Company 2], its data processing activities as a data processor are general in accordance with the provisions of the Data Protection Regulation. Accordingly, the complaints

Article 6 (1) (c) of the General Data Protection Regulation

Fgytv. 17 / A. §

(7). In order to comply with the law, the processing of personal data

its duration is 5 years from the closing of the complaint. If legal proceedings are instituted in respect of a complaint, 10 years from the end of this, pursuant to Act LXXVIII of 2017 on the activity of a lawyer. law

Pursuant to Section 53 (3).

In the opinion of [Company 2] in the present case, the Applicant filed on 20 October 2019

The request for blocking contained in

there is a purpose for which he is entitled or obliged to process the personal data and the data subject

would delete data. In his application for blocking, the Applicant shall initiate the procedure of a government office requested that his data not be deleted.

However, according to the statement of [Company 2], the Applicant's request for a restriction on data processing is present case is not interpreted, or the restriction of data processing in the general data protection

the conditions of Article 18 (1) (c) of that Regulation are not met. Personal information

Article 6 (1) (c) of the General Data Protection Regulation

until the existence of a legal basis pursuant to point Fgytv. from the closure of the complaint

5 years - you need your personal data for the period specified in the above-mentioned legislation

they must be handled, so that they cannot be deleted. As long as the data controller needs it

for personal data (and there are no other reasons for blocking), the data processing is carried out by the data controller

not despite the request based on Article 18 (1) (c) of the General Data Protection Regulation

may limit. Restrictions on data processing (locking) do not apply to the above

with regard to the data processing activity on complaints, which is detailed in the

Also the data management information of the Applicant and which is available from both the Applicant and [Company 2.] website.

According to the statement of [Company 2.], the built-in cameras of the ticket vending machines of the Applicant data management related to the camera recordings recorded by the Applicant within the scope of the tasks and competence of the Applicant

[Company 2.] does not participate as a data processor. Recorded by these cameras

the possibility of recording images and the time of their storage in accordance with Section 8 (4) - (6)

regulated. According to the file, the Applicant's request for such blocking in the law

submitted after the expiration of the prescribed possible storage period, so the Applicant was not able to do so

to be complied with, given that they have been deleted. The Applicant was informed about this.

## II. Applicable legal provisions

Pursuant to Article 2 (1) of the General Data Protection Regulation, for the processing of data in the present case the general data protection regulation applies.

Act CXII of 2011 on the right to information self-determination and freedom of information. Act (a hereinafter: Infotv.) pursuant to Section 2 (2) of the General Data Protection Decree therein shall apply with the additions set out in the provisions set out in

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Infotv. Pursuant to Section 60 (1), the enforcement of the right to the protection of personal data the Authority shall, upon request, initiate an official data protection procedure and of its own motion initiate proceedings against a data protection authority. The data protection authority procedure is the general administrative CL of 2016 on Public Order. (hereinafter: Ákr.) shall apply with the additions specified in the Infotv. and with the exceptions according to the general data protection decree.

Infotv. Pursuant to Section 60 (2): "Application for the initiation of official data protection proceedings

Article 77 (1) and Article 22 (b) of the General Data Protection Regulation may be submitted in certain cases. "

Under 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 personal data infringes this Regulation. "

According to Article 4 (7) of the General Data Protection Regulation, "data controller" means a natural or legal 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 Union or Member State law may lay down specific criteria for the designation of

According to Article 4 (8) of the General Data Protection Regulation: "" processor "shall mean a natural or legal person a legal person, public authority, agency or any other body acting on behalf of the controller handles personal data. "

Under Article 6 (1) (c) of the General Data Protection Regulation: 'Personal data is lawful only if and to the extent that at least one of the following is met:

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

According to Article 6 (3) of the General Data Protection Regulation: "Paragraph 1 (c) and (e)

The legal basis for the processing of data under this Regulation should be determined by:

(a) Union law, or

(b) the law of the Member State to which the controller is subject.

The purpose of the processing shall be determined by reference to this legal basis and in accordance with paragraph 1 (e). with regard to the processing of data referred to in point (a), it must be necessary in the public interest or a task performed in the exercise of a public authority conferred on the controller to implement. This legal basis may include the application of the rules contained in this Regulation adjusting provisions, including the lawfulness of the processing by the controller general conditions, the type of data subject to data processing, the data subjects, the the entities with which personal data may be disclosed and the purposes of such disclosure,

restrictions on the purpose of the data processing, the duration of the data storage and the data processing operations and other data processing procedures, such as lawful and fair data processing measures necessary to ensure compliance, including the other specific as defined in Chapter data management situations. EU or national law must pursue an objective in the public interest must be proportionate to the legitimate aim pursued. "

Under Article 12 (1) to (4) of the General Data Protection Regulation: '1. The controller shall take measures to ensure the processing of personal data by the data subject all the relevant information referred to in Articles 13 and 14 and Articles 15 to 22. and Article 34 each piece of information in a concise, transparent, comprehensible and easily accessible form, in a clear manner and provide any information addressed to children, in particular, in plain language

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in the case of. The information shall be provided in writing or otherwise, including, where appropriate, by electronic means must also be provided. Oral information may be provided at the request of the data subject, provided otherwise the identity of the data subject has been established.

2. The controller shall facilitate the processing of the data subject in accordance with Articles 15 to 22. exercise of their rights under this Article. Article 11 (2)

In the cases referred to in paragraph 15, the controller shall to exercise their rights under this Article may not refuse to comply with his request unless he proves that he has not able to identify.

3. The controller shall, without undue delay, but in any case upon receipt of the request, shall inform the data subject within one month of the following an application under Article measures. If necessary, taking into account the complexity of the application and the number of applications, this period may be extended by a further two months. The extension of the time limit is controller within one month of receipt of the request, stating the reasons for the delay inform the data subject within If the application has been submitted by electronic means, the information shall be provided if possible, by electronic means, unless otherwise requested by the data subject.



If the controller does not act on the data subject's request without delay, but shall inform the data subject no later than one month after receipt of the request the reasons for not taking action and the fact that the person concerned may lodge a complaint with one of the supervisory authority and may exercise its right of judicial review. "

Under Article 15 of the General Data Protection Regulation: '1. The data subject shall have the right to: receive feedback from the data controller on the processing of your personal data is in progress and if such data processing is in progress, you are entitled to personal access to data and the following information:

- (a) the purposes of the processing;
- (b) the categories of personal data concerned;
- (c) the recipients or categories of recipients with whom the personal data are held have been or will be communicated, including in particular to third country consignees, and international organizations;
- (d) where applicable, the intended period for which the personal data will be stored or, if that is not possible, criteria for determining this period;
- (e) the data subject's right to request personal data concerning him or her from the controller rectification, erasure or restriction on the processing of such personal data against its treatment;
- (f) the right to lodge a complaint with a supervisory authority;
- (g) if the data were not collected from the data subject, all available information on their source;
- (h) the fact of automated decision-making referred to in Article 22 (1) and (4), including: profiling and, at least in these cases, the logic used understandable information about the significance of such data processing and what it is for the data subject with expected consequences.

(2) If personal data are transferred to a third country or to an international organization the data subject is entitled to be informed of the transfer

appropriate guarantees in accordance with Article 46.

(3) The data controller shall receive a copy of the personal data which are the subject of the data processing make it available. For further copies requested by the data subject, the data controller shall be the administrative one may charge a reasonable fee based on costs. If provided by the data subject electronically the information shall be made available in a widely used electronic format unless the person concerned requests otherwise.

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

According to Article 18 of the General Data Protection Regulation: '1. The data subject shall have the right, at his request, to: data controller restricts data processing if one of the following is met:

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

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

(c) the controller no longer needs the personal data for the purpose of processing the data, but is concerned requires them to bring, assert or defend legal claims; obsession

(d) the data subject has objected to the processing in accordance with Article 21 (1); in this case the restriction it shall apply for as long as it is established that the controller has a legitimate reason take precedence over the legitimate reasons of the data subject.

(2) If the processing is subject to a restriction pursuant to paragraph 1, such personal data shall be: except with the consent of the data subject or for the purpose of bringing legal actions, or the protection of the rights of another natural or legal person or in the important public interest of the Union or of a Member State.

3. The controller shall, at the request of the data subject to whom the data subject has been restricted pursuant to paragraph 1 prior notice of the lifting of the restriction on data processing. "

According to Article 23 (1) of the General Data Protection Regulation: "The controller or

Union or Member State law applicable to the processor may restrict the

12–22. Articles 34 and 34 and Articles 12 to 22. with the rights set out in Article

the rights and obligations set out in Article 5 in

obligations if the restriction respects fundamental rights and freedoms

necessary and proportionate measure to protect the following

in a democratic society:

(a) national security;

b) national defense;

(c) public security;

(d) the prevention, investigation, detection or prosecution of criminal offenses; or

enforcement of criminal sanctions, including against threats to public security

protection and prevention of these dangers;

(e) other important general interest objectives of general interest of the Union or of a Member State, in particular:

Important economic or financial interests of the Union or of a Member State, including monetary,

budgetary and fiscal issues, public health and social security;

(f) protection of judicial independence and judicial proceedings;

g) in the case of regulated professions, the prevention, investigation and detection of ethical violations

and conducting related procedures;

(h) in the cases referred to in points (a) to (e) and (g), even occasionally,

control, inspection or regulatory activity related to the provision of

(i) the protection of the data subject or the protection of the rights and freedoms of others;

(j) enforcement of civil claims. "

Under Article 58 (2) of the General Data Protection Regulation: "The supervisory authority

acting in its corrective capacity:

(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) condemn the controller or the processor if he or she has breached his or her data processing activities the provisions of this Regulation;

(c) instruct the controller or processor to comply with the conditions laid down in this Regulation request for the exercise of his rights;

(d) instruct the controller or processor to carry out its data processing operations, where applicable in a specified manner and within a specified period, in accordance with the provisions of this Regulation;

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

(f) temporarily or permanently restrict the processing, including the prohibition of the processing;

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(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)

shall notify the addressees with whom it is addressed in accordance with paragraph 1 and Article 19

or with whom personal data have been communicated;

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

revoke a certificate issued by the. or instruct the certification body not to issue the

a 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. "

Under Article 83 (2) and (5) of the General Data Protection Regulation:

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

It shall be imposed in addition to or instead of the measures referred to in points (a) to (h) and (j). When deciding whether it is necessary to impose an administrative fine or the amount of the administrative fine

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

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

the nature, scope or purpose of the infringement and the number of persons affected by and affected by the infringement

the extent of the damage suffered;

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

(c) the mitigation of damage caused to the data subject by the controller or the processor

any measures taken to

(d) the extent of the responsibility of the controller or processor, taking into account the

and the technical and organizational measures taken pursuant to Article 32;

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

(f) the supervisory authority to remedy the breach and the possible negative effects of the breach

the degree of cooperation to alleviate

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

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

whether the breach was reported by the controller or processor and, if so, what

in detail;

(i) if previously against the controller or processor concerned, on the same subject matter

- has ordered one of the measures referred to in Article 58 (2), the person in question

compliance with measures;

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

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

and

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

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

loss.

[...]

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

With an administrative fine of EUR 1 million or, in the case of undertakings, the previous financial year in full up to 4% of its annual worldwide turnover, the higher amount shall be charged:

- (a) the principles of data processing, including the conditions for consent, in accordance with Articles 5, 6, 7 and 9;
- (b) the rights of data subjects under Articles 12 to 22. in accordance with Article
- (c) the transfer of personal data to a recipient in a third country or to an international organization transmission in accordance with Articles 44 to 49. in accordance with Article
- d) the IX. obligations under the law of the Member States adopted pursuant to this Chapter;

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- (e) the instructions of the supervisory authority pursuant to Article 58 (2) or the temporary processing of data or a request to permanently restrict or suspend the flow of data non-compliance or failure to provide access in breach of Article 58 (1). "

Infotv. 75 / A. §: "The Authority shall, in accordance with Article 83 (2) to (6) of the General Data Protection Regulation, shall exercise the powers set out in paragraph 1, taking into account the principle of proportionality, in particular: by the law on the processing of personal data or by the European Union in the event of a first breach of the requirements laid down in a mandatory act of the in accordance with Article 58 of the General Data Protection Regulation take action by alerting the controller or processor. "

The Fgyt. 17 / A. § (7): "The company shall keep a record of the complaint and a response shall keep a copy for a period of five years and shall keep it at the request of the inspection authorities to present. "

### III. Decision

#### III. 1. Distinction between data controller and data processor

In the present case, the Authority sent the applicant to [Company 2.] on 20 October 2019 examined his requests for the exercise of the right. Under these requests, the right of access under it requested information from the ticket vending machine [...] on 15 July 2019

occurred during the purchase, which recorded your personal information in the system, as well as that of your purchase whether a video was recorded. The Applicant also requested the sending of a video recording made by the vending machine when recording. The Applicant also requested information from the Applicant and [Company 2] personal data processed in the course of an investigation and the investigation by a government agency requested the blocking of all personal data until the end of the period.

In the course of the examination of data management, it was first necessary to clarify that the Applicant and the Which of the [Company 2.] companies qualifies as a data controller.

On the basis of the statements and documentary evidence, it can be stated that [...] the Municipality of a appointed the Applicant as a transport organizer to perform transport management tasks. On this

In addition, in order to perform its tasks more efficiently, the Local Government decided to establish [Company 2], which company has sub-tasks within certain transport management tasks, as well as certain supporters performs tasks.

The [Company 2.] is the Requested Sales and Sales Support, Customer Service, Ticket and duties of traffic control for ticket control, revenue control and customer information involved in the performance of the tasks of the transport manager by being the consignee of the transport manager and The Applicant, as the transport manager, remained fully and exclusively responsible for the provision of THE with regard to the performance of revenue control tasks, the task of [Company 2.] with ticket vending machines professional investigation of complaints related to sales through ticket vending machines and daily / monthly / annual revenue, inventory and on-site cash register related to personal sales performing control activities.

According to the data management information available on the Applicant's website, the data processors of [Company 2.] handles complaint handling (including fairness claims) and / or in connection with sales.

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With regard to the performance of contributors' tasks, the provisions on data management shall be laid down in It is included in Annex 7 of the Framework Agreement, according to which the Applicant qualifies

data controller, while [Company 2.] data processor. Data protection and data security activities

its rules are contained in the joint regulations of the Applicant, [Company 2] and [Company 4].

According to Annex 7 of the Framework Contract, the goods handed over during the performance of the Framework Contract or a

With regard to the data generated during the performance, the Applicant shall be deemed to be the principal data controller, while [Company 2.] as a service data processor.

The data management and data processing order concluded between the [Applicant 2.] and [Company 4.]

according to the contract, it qualifies as the requested data controller, the [Company 2.] data processor. THE

According to the contract, data processors are obliged to assist the data controller in the performance of their duties.

that he is able to fulfill his obligation in connection with the exercise of the rights of the data subject in terms of answering.

Based on the above, he acted on behalf of and in the name of the Applicant in the case under investigation

the [Company 2.] when the Applicant approached the Applicant with respect to his rights as a data subject. THE

According to the information available to the Authority, the addressee of the traffic management tasks and

The Applicant as the transport manager is fully and exclusively responsible for the provision of The [Company 2.] a

On behalf of the applicant, it continues to handle complaints and related data management. The

the purpose of data processing was determined by the Applicant, in addition to [Company 2.] for other purposes

use the personal data processed. The Applicant is further determined by the data management

the duration of the data, the range of persons entitled to access personal data, the data management operations.

On the basis of the above, the Authority finds that the Requested Data Controller, [Company 2.]

is therefore a data processor in the present case and therefore under the rules of the General Data Protection Regulation the Applicant must comply with requests to exercise the rights of the data subject.

The Authority draws attention to the need to distinguish between the handling of complaints and the rights of data subjects procedure for the exercise of The rules governing the exercise of the rights of data subjects are set out in

contained in the General Data Protection Ordinance and are independent of the fact that, where applicable, someone is



covered by the Fgytv.

would lodge a complaint with the Applicant or [Company 2]

context. The quality of [Company 2.] data processing in terms of complaint handling is not excluded,

however, requests to exercise the rights of data subjects are not an investigation of any complaints

to be answered or fulfilled.

### III. 2. Applicant's right of access

In the e-mail dated 20 October 2019 of the Applicant based on the right of access

requested information that on 15 July 2019 from the vending machine [...]

made during the purchase, which personal information was recorded by the system, as well as that of your purchase

whether a video was recorded. The Applicant also requested the sending of a video recording made by the vending machine,

if recorded. The Applicant also requested information following his application

personal data initiated and processed during the investigation carried out by [Company 2].

By e-mail dated 19 November 2019, on behalf of the Applicant, [Company 2.]

replied to the Applicant within the deadline. The letter is relevant for the protection of personal data

According to the part, "the number of season tickets and other cards printed on a season ticket will not be included

either in the ticket vending machines or in the cash register system,

prints on a coupon but does not store it. Therefore, [Applicant] cannot provide information that

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that two season tickets for the same period were purchased for the same period. THE

Ticket vending machines owned by [applicant] have a built-in camera.

The camera shots of the automatic camera do not contain images that can be seen as

whether or not customers receive the fee product, the banknote. The storage time of the recordings is shown in

XLI of 2012 on passenger transport services. Section 8 (6) - (9) of the Act

regulated. "

However, this information is not included in Article 15 (1) of the General Data Protection Regulation

information specific to the Applicant and does not include that the

During the purchase of [...] from ticket vending machines on 15 July 2019, whether and if so, which personal data was recorded by the system and that a whether there was a video recording of your purchase. Furthermore, the reply does not state that [Company 2] which personal data and information about the Applicant managed by this company.

On the basis of all this, the Authority concludes that the Applicant as data controller did not provide adequate, concise, transparent and comprehensible information to the Applicant about the personal data handled by him data and data processing information relating to it, in breach of the general data protection rules Article 12 (1) and Article 15 of that Regulation.

III. 3. The Applicant's right to restrict data processing and the right to restrict data processing deadline for fulfilling your request for

By letter dated 20 October 2019, the Applicant is the government agency to be initiated by him requested the blocking of all personal data processed by the Applicant until the end of the investigation, restrictions on data processing under the General Data Protection Regulation.

According to the Applicant's statement, the blocking will prohibit the modification of data and access means limiting it to the minimum necessary. In his view, the lock requested by the Applicant refers to the case where [Company 2] no longer has a purpose for which has the right or obligation to process personal data and would delete the processed data. The Requested considers that this cannot be interpreted at this stage of the data processing in the present case, nor does it apply to this in view of the complaint handling activity.

According to [Company 2], the Applicant's request for blocking relates to the case where there is no longer a purpose on the part of the Applicant for which he is entitled or obliged to personal data and delete the processed data. According to the statement of [Company 2], the Applicant The request for a restriction on data processing cannot be interpreted in the light of the present case, and Article 18 (1) (c) of the General Data Protection Regulation conditions do not apply. The processing of personal data by the data controller is the processing of data

pending the existence of a legal basis under Article 6 (1) (c) of the General Data Protection Regulation

In this case, Fgytv. according to which it is necessary to deal with the complaint for 5 years from the closing of the complaint, therefore the

deletion of personal data may not occur. As long as the data controller needs the

personal data - and there are no other reasons for blocking - the data processing is carried out by the data controller

submission of a request based on Article 18 (1) (c) of the General Data Protection Regulation

however, it cannot be restricted. Restriction of data processing, locking is therefore in the position of [Company 2]

does not apply to the data processing activity for the complaints set out above

with regard to.

In the Authority's view, Fgyt. 17 / A. § (7), the company picked up on the complaint

minutes and a copy of the reply, together with the personal data contained therein.

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is indeed required to keep it for five years, however, the Applicant is not limited to his complaint and complaint

requested the blocking of his personal data in connection with the investigation initiated following the

personal data processed by the vending machine, including camera recordings

also in relation to the latter Fgyt. Article 18 of the General Data Protection Regulation instead

applicable from a data management point of view. Article 18 (2) of the General Data Protection Regulation

According to him, if the data processing is restricted, such personal data will be stored

except with the consent of the data subject or for the submission and enforcement of legal claims

or to protect the rights of another natural or legal person, or

Important public interest of the Union or of a Member State. Consequently,

restrictions on data processing may be applied in the present case and for the submission of legal claims

personal data of the Applicant may be used, and there is no obligation to delete in this case

the General Data Protection Regulation.

The Applicant's personal data handled by the Applicant's ticket and season ticket vending machine is therefore

pursuant to Article 18 (1) (c) of the General Data Protection Regulation, as they are

An applicant needs to file, assert or defend a legal claim

Should have complied with the Applicant 's request for a restriction on data processing, or  
if the ticket machine does not store your personal data, you should have been informed  
to provide for.

Based on all this, the Applicant should have complied with the Applicant's data management restrictions  
and should have informed the Applicant that in the present case the ticket and  
the vending machine does not store the Applicant's personal data or the camera recordings anymore  
previously deleted from the Act. the reasons why you do not know

to comply with the Applicant's request for restriction in connection with the complaint. THE

However, only Annex III to this decision is requested. Provided the information referred to in point 2, which is  
does not provide any information regarding restrictions on data processing.

In view of the above, the Authority notes that the Applicant, as data controller, has not  
fulfilled the request of the Applicant for the restriction of data processing handled by the ticket and season ticket vending  
machine  
personal data has infringed Article 18 (1) (c) of the General Data Protection Regulation.  
point.

Furthermore, as the Applicant did not provide adequate, concise, transparent and comprehensible information to  
In the context of the applicant 's request for a restriction on data processing,  
Article 12 (1) of the General Data Protection Regulation.

#### III. 4. Partial termination of the proceedings

The Authority Pursuant to Section 47 (1) (c), it terminates the data protection authority proceedings  
in respect of [Company 2], since [Company 2], as a data processor, is not liable for the conduct committed in the present case  
therefore the proceedings in respect of [Company 2] have become devoid of purpose.

#### III. 5. Sanctioning

1. The Authority grants the applicant's request in part and Article 58 of the General Data Protection Regulation.  
condemns the Applicant pursuant to Article III (2) (b) of this 2. and

III. Infringed Article 12 (1) of the General Data Protection Regulation, as set out in point 3,

Article 15 and Article 18 (1) (c), as he did not inform the

Applicant about the personal data processed about him and the information on data management, no

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complied with the Applicant's request for a restriction on data processing and the rights of the data subject

The applicant did not provide a concise, transparent and comprehensible

information.

The Authority also granted the Applicant's request in part and the General Data Protection Regulation

Pursuant to Article 58 (2) (c), it shall instruct the Applicant to comply with it

request access to your personal data and provide information to the personal data processed about it

data and data management information relating to it.

2. The Authority rejected the Applicant's application for a fine on the grounds that e

the application of a legal sanction does not directly affect the right or legitimate interest of the Applicant,

such a decision of the Authority shall not create any right or obligation for it

As regards the application of a sanction falling within the scope of the public interest,

with regard to the imposition of fines, the Applicant shall not be considered a customer in accordance with Ákr. Section 10 (1)

or, as the Acre. Does not comply with Section 35 (1), application in this regard

this part of the application shall not be construed as an application.

However, the Authority examined of its own motion whether it was justified in respect of the applicant

imposition of a data protection fine. In this context, the Authority shall, in accordance with Article 83 (2) of the General Data

Protection Regulation,

and Infotv. 75 / A. § considered all the circumstances of the case and found that

that in the case of infringements detected in the present proceedings, the warning is neither proportionate nor disproportionate

a dissuasive sanction, it is therefore necessary to impose a fine.

3. The Authority considered that the infringements committed by the Applicant were of a general nature

Article 83 (5) (b) of the Data Protection Regulation

constitute an infringement.

The Authority took into account as an aggravating circumstance when setting the amount of the fine:

that

-

the Applicant has interpreted the

The applicant 's request for a restriction on data processing [Article 83 of the General Data Protection Regulation.

Article 2 (2) (k)].

-

the Applicant's requests to exercise the rights of the Applicant as a data subject are not

prevented the Applicant from enforcing his legal claims [general

Article 83 (2) (k) of the Data Protection Regulation].

The Authority took into account as an attenuating circumstance when setting the amount of the fine:

that

-

the Applicant then applied to the Applicant for a restriction on data processing,

when it had to be deleted from the Ssztv., which the Applicant wanted to block

camera recordings [Article 83 (2) (k) of the General Data Protection Regulation].

-

to convict the Applicant for violating the General Data Protection Regulation

has not taken place [Article 83 (2) (e) of the General Data Protection Regulation].

The Authority did not comply with the request of the Applicant when setting the fine

Article 83 (2) (a), (b), (c), (d), (f), (g), (h), (i), (j) of the General Data Protection Regulation

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

In view of this, the Authority set the amount of the data protection fine at HUF 5,000 thousand.

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The net sales revenue of the Applicant in 2019 was in the order of HUF 90,000.00 million, so the imposed

the data protection fine is remote from the maximum fine that can be imposed.

### III. 6. Deadline exceeded

During the procedure, the authority exceeded the Infotv. One hundred and fifty days according to Section 60 / A (1) administrative deadline, therefore Ákr. Pursuant to Section 51 b), it pays ten thousand forints to the Applicant.

ARC. Other issues:

The powers of the Authority shall be exercised in accordance with Infotv. Section 38 (2) and (2a) determine the jurisdiction of the country

covers the whole territory.

The present decision of the Authority is based on Art. 80-81. § and Infotv. It is based on Section 61 (1). The decision is Ákr. Pursuant to Section 82 (1), it becomes final upon its communication. The Ákr. Section 112 and Section 116 (1) and (4) (d) and § 114 (1)

there is a right of appeal through an administrative lawsuit.

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The Ákr. Pursuant to Section 135, the debtor is entitled to a late payment supplement equal to the statutory interest is obliged to pay if it fails to meet its obligation to pay money on time.

The Civil Code. 6:48. § (1), in the case of a debt owed, the debtor is in arrears

valid on the first day of the calendar half-year affected by the delay

shall pay default interest at the same rate as the basic interest.

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)

The General Court has exclusive jurisdiction under point (aa) of A Kp. Section 27 (1)

In a dispute in which the tribunal has exclusive jurisdiction, the

representation is mandatory. A Kp. Pursuant to Section 39 (6), the filing of an application is administrative has no suspensory effect on the entry into force of the act.

A Kp. Section 29 (1) and with regard to this, Act CXXX of 2016 on Civil Procedure. law

604 applies, electronic administration and trust services are general

CCXXII of 2015 on the rules of According to Section 9 (1) (b) of the Act, the customer is legal representative is required to communicate electronically.

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

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

the amount of the fee for an administrative lawsuit in accordance with Act XCIII of 1990 on Fees. Act (hereinafter:

Itv.) 45 / A. § (1). From the advance payment of the fee, the Itv. Section 59 (1)

and Section 62 (1) (h) shall release the party initiating the proceedings.

If the Applicant does not duly demonstrate the fulfillment of the required obligation, the Authority shall

considers that it has failed to fulfill its obligations within the prescribed period. The Ákr. According to § 132, if the Applicant

has not complied with an obligation contained in the final decision of the authority, it shall be enforceable. The Authority

decision of the Ákr. Pursuant to Section 82 (1), it becomes final with the communication. The Ákr. Section 133

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enforcement, unless otherwise provided by law or government decree

ordering authority. The Ákr. Section 134 of the Enforcement - if law, government decree

or in the case of a municipal authority, the decree of the local government does not provide otherwise - the

carried out by a state tax authority. Infotv. Pursuant to Section 61 (7) in the decision of the Authority

to perform a specific act, conduct or tolerate a specific act

the Authority shall enforce the decision in respect of the standstill obligation

implements.

Budapest, September 3, 2020

Dr. Attila Péterfalvi

President

c. professor