

Case number: NAIH-535-8/2021

History: NAIH/2020/4008

Administrator:

Subject: decision partially granting the request

H A T A R O Z A T

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

started following the request of the applicant ([...]hereinafter: Applicant) received on May 19, 2020,

the [...] ([...], hereinafter: [...]), furthermore

[...] ([...], hereinafter: [...]),

the [...] ([...], hereinafter: [...]), as well as

with the National Ethics Committee of the Hungarian Medical Chamber (1068 Budapest, Szondi u. 100, hereinafter:

MOK EOB), the legality of the processing of the applicant's personal data, and the

a data protection official initiated in the matter of failure to provide information on the circumstances of data management

makes the following decisions in the procedure.

In the Authority's decision, to the request submitted by the Applicant

partially correct.

I. He finds that [...] in connection with the management of the Applicant's personal data has violated the

Article 6 (1), Article 9 (1) of the GDPR, Article 12 (4) of the GDPR, Article 13 of the GDPR

point c) of paragraph (1) and point e) of paragraph (2),

and obliges [...] to take action within 15 days from the date of this order becoming final in the E-

8/8/2020 for the transmission of the applicant's personal data processed during the ongoing procedure

by sending a copy of the entire document stored on paper to [...].

II. Obliges [...] to take action within 15 days from the date of this order becoming final, E-

8/8/2020 for the transmission of the applicant's personal data processed during the ongoing procedure

by sending a copy of the entire document stored on paper to [...].

III. In addition to this, the request for prohibition from illegal data processing and the imposition of a fine

rejects the relevant part.

ARC. The Authority states that for the assessment of the bias notification and designation request by [...] related to the Applicant's personal data (in this case, his health data).

his data management activities were not illegal.

A. The Authority establishes that during the ethical procedure conducted by [...] the Applicant's personal data There was no data management activity in connection with (in this case, your health data).

illegal.

VI. Given that the Authority has exceeded the administrative deadline, the Applicant will be fined HUF 10,000, i.e. ten thousand HUF is due.

* **

I. and II. taking the measure prescribed in point [...] and [...] from the taking of the measure

It must be certified by the Authority in writing within 8 days, along with the submission of supporting evidence to, the transcript addressed to [...] and the copy of the post book confirming its posting to the Authority by sending

.....
.....

1055 Budapest

Falk Miksa utca 9-11

Phone: +36 1 391-1400

Fax: +36 1 391-1410

ugyfelszolgalat@naih.hu

www.naih.hu

2

There is no place for administrative appeal against this decision, but within 30 days from the date of notification can be challenged in an administrative lawsuit with a letter of claim addressed to the Metropolitan Court. The statement of claim a

It must be submitted to an authority, electronically¹, which forwards it to the court together with the case documents. THE
a request for a hearing must be indicated in the action. Not in the full personal tax exemption
for beneficiaries, 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.

The Authority draws the attention of [...] and [...] to the open legal action to challenge the decision
until the deadline expires, or in the case of a public administrative lawsuit, until the final decision of the court with the disputed
data management
affected data cannot be deleted or destroyed!

I.

The course of the procedure

I N D O C O L A S

The Applicant 19.05.2020. submitted a request for the conduct of a data protection official procedure.

The Authority, in order to clarify the facts, 19.06.2020. in its order dated on the

[...]

[...] to respond to the contents of the order one day before the deadline for making a statement

- referring to the necessity of convening a board meeting, measures taken for this purpose

without proof - he requested an additional deadline of 30 days, which request was granted by the Authority on 23.07.2020. in
its order dated

rejected.

[...] to the questions contained in the Authority's fact-finding order on 28.07.2020. in his statement dated
responded (document number NAIH/2020/4008/6).

The Authority 22.09.2020. in its rulings dated [...], [...], [...] to the official data protection procedure
involved him as a client and invited him to make a statement in order to clarify the facts (NAIH/2020/4008/8-10.
documents under subnumber).

[...] to the provisions of sub-number 9 fact-clarification order 08.10.2020. given in his statement dated

answer (document number NAIH/2020/4008/13).

[...] to the facts contained in sub-number 10. 05.10.2020. given in his statement dated

answer (document number NAIH/2020/4008/14).

[...] to the provisions of sub-number 8 fact-clarification order 09.10.2020. given in his statement dated

answer (document number NAIH/2020/4008/15).

The Authority 15.01.2021. in its order dated

invited him to exercise his right, none of them wanted to exercise his right to inspect documents.

The [...] 21.01.2021. in his statement dated on

maintained, thus, his position that [...] is not an independent legal entity, and is therefore questionable in the procedure as a client

included.

II.

Clarification of the facts

According to the application, the Applicant performs the position of [...] (hereinafter: [...]) [...], in addition to [...] (the hereinafter: [...]) is led by . In the capacity of the latter, he regularly performs health care activities.

1 The NAIH_K01 form is used to initiate the administrative lawsuit: NAIH_K01 form (16.09.2019) The form is the general can be filled out using a form-filling program (ÁNYK program).

3

The Applicant 29.02.2020. and 07.03.2020. he was abroad privately in the period between [...]

20.03.2020 on the day of his illness, he noticed a health symptom that caused him to have the COVID-19 virus as a precaution applied for testing. The test result was positive, so he was quarantined. The Applicant is large

due to press interest, 22.03.2020. on [...] issued a notice (hereinafter: [...] notice), which the

[...] also published on his website². The [...] announcement is currently available in the news archive of [...], by the Authority last download: 22.03.2021

The [...] (hereinafter: [...]) 23.03.2020. in its announcement dated on (hereinafter: [...] announcement)³ about it

notified the public that [...] will initiate proceedings ex officio and with immediate effect against [...] [...]. THE

in a statement, the ethical violations that led to the procedure were specifically named

his initiative was considered justified ([...] Code of Ethics points II.1.15., II.4.1., II.4.2.). The announcement is here at the time of issuing the decision, it is not available on the website of [...].

On behalf of [...], its president 31.03.2020. dated on [...] no. in an order, he was invited to provide information

An applicant. The legal basis for the invitation and the obligation to provide data is the one operating in the health sector XCVII of 2006 on professional chambers. Act (hereinafter: Ektv.) to paragraph (5) of Section 23, and

CL of 2016 on general administrative regulations. Act (hereinafter: Act) § 63, § 105 (1)-(2)

paragraphs, authority and competence of the Act. It was founded on Section 20, Section 21 (1).

The Applicant shall comply with the contents of the notice on 08.04.2020. he complied with his statement dated

Acr. The provision of the notification contained in paragraphs (3)-(4) of § 104 to [...].

The [...] 21.04.2020. in its response dated (hereinafter: response letter) informed the Applicant that

the Ákr. The notification according to § 104 is sent to him in the event that [...] initiates proceedings against him.

According to the Applicant's point of view, the right to make a statement and to provide data indicated in the notice of [...]

the subject of the obligation is the Ákr. according to the customer, and for the quality of the customer it is essential that it be so

Acr. subject matter. In the absence of such a case, the client does not exist, and thus the rights and obligations to which he is entitled

neither. Accordingly, in the response letter of [...] he called, Ákr. Obligation to clarify the facts according to § 62

its application is subject to an existing procedure, in the absence of a procedure there is no authority to clarify the facts.

According to the Applicant's point of view, [...] could not have legally obliged the Ákr. according to

to fulfill the provision of data with the burden of legal consequences in the event of failure to do so, exclusively

could have invited him to provide voluntary data, in which case he would have been able to refuse it

data provision regarding the personal and health data provided to [...].

In the Applicant's opinion, the legal basis for the data management of [...] does not comply with the provisions of the GDPR, that is

data was collected illegally, as there was no ethical procedure in progress, so the Ákr. or other

data management is not required by law. [...] in order to fulfill its task defined in the Act only

could have managed the applicant's personal data with the consent of the Applicant, but the consent was not required it should have been voluntary and based on adequate information.

The Applicant claimed that in the [...] announcement he published, he only disclosed that [...] stayed on 08.03.2020 to date and that he tested positive for the coronavirus. Provided at the request of [...] however, the scope of data is related to both the private journey and the health status of the Applicant, through it regarding the health activity carried out was much more extensive than the one given in the [...] announcement in the scope of data, and regarding the legal basis of data management, he received specifically misleading information from [...], and he did not receive any information about the other circumstances of data management.

According to the Applicant's point of view, the above procedure of [...] violated the legal basis of GDPR data management, that is

regulations regarding the obligation to provide information related to data management.

The Applicant requested that the Authority initiate a data protection official procedure, establish that the data controller collected his data illegally, the Applicant did not release the information related to data management at your disposal, therefore prohibit the data controller from unlawful data processing and impose a data protection fine.

2 [...]

3 [...]

4

III. Legal provisions applicable in the case

Based on Article 2 (1) of the GDPR, the GDPR must be applied to the data management in this case.

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

GDPR Article 4, Point 1 "personal data": for an identified or identifiable natural person

any information concerning ("data subject"); the natural person who is directly you can be identified

indirectly, in particular an identifier such as name, number, location data, online

physical, physiological, genetic, intellectual, economic, cultural, or identifier of the natural person

can be identified based on one or more factors related to his social identity;

GDPR Article 4, point 2 "data management": personal data or data files are automated

any operation or set of operations performed in a non-automated manner, such as collection, recording, organization, segmentation, storage, transformation or change, query, insight, use, communication by means of transmission, distribution or otherwise making it available, coordination or linking, restriction, deletion or destruction;

GDPR Article 4, Point 6 "registration system": personal data in any way - centralized, decentralized or according to functional or geographical aspects - its staff, which accessible based on specific criteria;

GDPR Article 4, Point 7: "data controller": the natural or legal person, public authority, agency or any other body that determines the purposes and means of personal data management independently defines with others; if the purposes and means of data management are EU or member state law determines the data controller or the special aspects regarding the designation of the data controller can also be defined by EU or member state law;

Article 4, point 15 GDPR: "health data": physical or mental health data of a natural person personal data regarding your condition, including health care provided to the natural person also data relating to services that the natural person carries about your state of health;

Article 6 (1) GDPR: The processing of personal data is only lawful if and to the extent that if at least one of the following is met:

a) the data subject has given his consent to the processing of his personal data for one or more specific purposes for its treatment;

b) data management is necessary for the performance of a contract in which the data subject is one of the parties, or to take steps at the request of the data subject prior to the conclusion of the contract required;

c) data management is necessary to fulfill the legal obligation of the data controller;

d) data management is to protect the vital interests of the data subject or another natural person necessary due to;

e) the data management is in the public interest or for the exercise of public authority delegated to the data controller necessary for the execution of the task carried out in the context of;

f) data management is necessary to enforce the legitimate interests of the data controller or a third party, unless the interests of the data subject take precedence over these interests or are essential rights and freedoms that require the protection of personal data, especially if affected child.

Point f) of the first subparagraph cannot be applied by public authorities in the performance of their duties for data management.

Article 9, paragraph (1) GDPR: (1) Racial or ethnic origin, political opinion, religious or personal data referring to religious beliefs or trade union membership, as well as a genetic data, biometric data aimed at the unique identification of natural persons, that is health data and the sexual life or sexual orientation of natural persons processing of relevant personal data is prohibited.

(2) Subsection (1) does not apply in the event that:

5

a) the data subject has given his express consent to the said personal data for one or more specific purposes for its management, unless EU or member state law provides that in paragraph (1). said prohibition cannot be lifted with the consent of the data subject;

b) data management for the data controller or the data subject, employment and social fulfilling its obligations arising from legal regulations governing safety and social protection and in order to exercise his specific rights, it is necessary if he protects the fundamental rights and interests of the data subject EU or member state law that also has adequate guarantees, or a collective according to member state law contract allows this;

c) data management to protect the vital interests of the data subject or other natural person necessary if the person concerned is unable to give his consent due to his physical or legal incapacity to give;

d) the data management is a foundation with political, ideological, religious or trade union purposes, association or any other non-profit organization is legal under appropriate guarantees takes place within the framework of its activities, on the condition that data management is carried out exclusively by such an organization applies to current or former members, or to persons who are regular with the organization are related to the goals of the organization and that the personal data are the data subjects they are not made available to persons outside the organization without their consent;

e) the data management refers to personal data that the data subject expressly requests made public;

f) data processing is necessary for the establishment, enforcement and protection of legal claims, or when the courts are acting in their judicial capacity;

g) data management is necessary due to significant public interest, based on EU law or Member State law, which is proportionate to the goal to be achieved, respects the right to the protection of personal data and is essential adequate and specific to ensure its content and the fundamental rights and interests of the data subject prescribes measures;

h) data processing for preventive health or occupational health purposes, the employee assessing your ability to work, establishing a medical diagnosis, medical or social provision of care or treatment, or health or social systems and services necessary for its management, based on EU or Member State law or with a healthcare professional pursuant to the concluded contract, as well as the conditions and guarantees mentioned in paragraph (3). with attention;

i) data management is necessary for reasons of public interest in the field of public health, such as at borders protection against serious health threats or health care, a ensuring the high quality and safety of medicines and medical devices, and on the basis of EU or Member State law on appropriate and specific measures has guarantees protecting the rights and freedoms of the data subject, and especially professional confidentiality

regarding;

j) data management in accordance with Article 89 (1) for the purpose of archiving in the public interest,

EU or member states necessary for scientific and historical research or statistical purposes

on the basis of law, which is proportionate to the goal to be achieved, respects the protection of personal data

adequate and

prescribes specific measures;

GDPR Article 13 Information to be made available if personal data is collected from the data subject

(1) If personal data concerning the data subject is collected from the data subject, the data controller is the personal one

provides the following information to the data subject at the time of data acquisition

all of them:

a) the identity and contact details of the data controller and - if any - the representative of the data controller;

b) contact details of the data protection officer, if any;

c) the purpose of the planned processing of personal data and the legal basis of data processing;

d) in the case of data management based on point f) of paragraph (1) of Article 6, the data controller or a third party
your legitimate interests;

e) where appropriate, recipients of personal data, or categories of recipients, if any;

f) where applicable, the fact that the data controller is a third country or an international organization

wishes to forward the personal data to, as well as the Commission's compliance decision

existence or absence thereof, or in Article 46, Article 47 or the second subparagraph of Article 49(1)

in the case of data transfer referred to in subsection

as well as the methods for obtaining copies of them or their availability

reference.

6

(2) Mentioned in paragraph (1).

In addition to information, the controller is personal data

at the time of acquisition, in order to ensure fair and transparent data management

ensure, informs the data subject of the following additional information:

a) on the period of storage of personal data, or if this is not possible, this period

aspects of its definition;

b) the data subject's right to request from the data controller personal data relating to him/her

access, their correction, deletion or restriction of processing, and may object to such

against the processing of personal data, as well as the data subject's right to data portability;

c) based on point a) of Article 6 (1) or point a) of Article 9 (2)

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

affects the legality of data processing carried out on the basis of consent before withdrawal;

d) on the right to submit a complaint to the supervisory authority;

e) that the provision of personal data is based on legislation or contractual obligations

or whether it is a prerequisite for entering into a contract, as well as whether the data subject is obliged to provide personal

data

to give

the provision of data may occur

failure to do so;

with their possible consequences

and what it's like

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

profiling, as well as, at least in these cases, the applied logic and that

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

has expected consequences.

GDPR Article 31 The data controller and the data processor, as well as - if any - the data controller

during the execution of the tasks of the representative of the data processor with the supervisory authority - its inquiry

based on - cooperates.

GDPR Article 58 (2) points b), c) and i): Acting within the corrective powers of the supervisory authority:

- b) condemns the data manager or the data processor if his data management activities violated e the provisions of the decree;
- c) instructs the data manager or the data processor to fulfill the data subject's requirements according to this regulation your request to exercise your rights;
- d) instructs the data manager or the data processor that its data management operations - where applicable in a specified manner and within a specified time - bring it into line with the provisions of this regulation;

GDPR Article 99 (2): This regulation shall apply from May 25, 2018.

Infotv. According to Section 2 (2), the general data protection regulation is indicated there shall be applied with additions contained in provisions.

Infotv. Validation of the right to the protection of personal data based on § 60, paragraph (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. The general procedure for data protection authorities CL of 2016 on public administration. the rules of the Act (hereinafter: Act) must apply with the additions specified in Infotv. and according to the general data protection regulation with differences.

Infotv. According to § 61, 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.

Infotv. Section 71, paragraph (2): The Authority lawfully obtained documents, data or you can use other means of proof in your other proceedings.

Acr. § 22 [General rule of exclusion]

A person who cannot be expected to handle the case objectively may not participate in the handling of the case judgement.

Acr. § 23. (5) The authority whose head has a reason for exclusion is excluded from handling the case arises.

Acr. § 24. (4) If the reason for exclusion arises against the authority, the reason for exclusion shall be submitted by the authority to the supervisory

announces for the body. The supervisory body decides on the exclusion of the authority, at the same time - the legislation is different

in the absence of a provision - has the same authority acting in the case as the other authority excluded from the procedure on the designation of a competent authority.

Acr. § 27 [Rules of data management]

(1) The authority is necessary to identify the client and other participants in the procedure personal identification data and personal as defined in the law governing the type of case data, and - unless otherwise provided by law - for the effective conduct of the procedure manages other personal data that is absolutely necessary.

(2) The authority ensures that secrets protected by law and other data protected by law (a hereinafter together: protected data) should not be made public or accessible to unauthorized persons to his knowledge, and the protection of this protected data as defined by law in the authority's procedure as well be insured.

(3) The authority, in the course of its procedure, to conduct it - in the manner defined by law and in the circle - manages the protected data that are related to its procedure, and the management of which necessary for the successful completion of the procedure.

The Acr. According to § 63, if the clarification of the facts makes it necessary, the authority is the client may invite you to make a statement.

Acr. § 104. (3) The ex officio procedure begins on the day the first procedural act is performed, the authority will notify the known customer of its initiation. The notification can only be omitted if

- a) after the initiation of the procedure, the authority makes a decision or terminates the procedure within eight days,
- b) it is excluded by law for reasons of national defense, national security, or public safety, or
- c) it would frustrate the success of the procedure.

(4) The notice contains

- a) the subject matter and number of the case, the date of initiation of the procedure and the deadline for handling the case, the periods not included in the administration deadline, the administrator's name and contact information, and
- b) information on customer rights and obligations.

XCVII of 2006 on the professional chambers operating in the health sector. Act (hereinafter: Act)

§ 20. The professional chamber conducts an ethical procedure in the event of suspected ethical misconduct. This law ethical offense in the application of:

- a) culpable violation of the rules contained in the code of ethics according to point c) of § 2,
- b) included in the statutes or other internal regulations of the professional chamber or chosen breach of an official duty.

Also § 21. (1) In ethical matters, the ethics committee of the regional organization acts in the first instance, in which, at the start of the ethical procedure, the membership of the professional chamber of the member subject to the procedure

exists. In the case of the involvement of several chamber members - with different regional organizational memberships - it is an ethics committee acts, which is determined first by one of the chamber members involved in the complaint case territorial jurisdiction in the matter.

(2) In the employment relationship, civil servant, public service, government service, judicial

by a chamber member in an employee service relationship (hereinafter referred to as: employed).

in case of suspected ethical misconduct, the ethics committee of the regional organization will notify the employer in writing informs you. The employer must notify the Chamber of its position and the measures taken within 30 days within, but at the latest - if there is a place for it according to a separate law - to conduct the disciplinary procedure to be informed within 5 days after the end of the applicable deadline.

Also § 22. (1) The ethical procedure shall be initiated ex officio in the event of knowledge of suspected ethical misconduct to start. The procedure for initiating the ethical procedure - if the procedure was initiated based on a complaint report the complainant must be notified in writing at the same time as it is initiated.

Also § 23. (5) For the ethical procedure - in the absence of a different provision of this law - the administrative authority

the provisions of the Act on the General Rules of Procedure must be properly applied by

a) are not applicable to the law

aa)

ab) to bear procedural costs,

ac) free of charge,

8

give)

its relevant provisions, furthermore

b) the administrative deadline is forty-five days.

Also § 24. (1) In the first instance ethical procedure, holding a hearing within the framework of the evidentiary procedure is mandatory.

(2) The person entitled to appeal may report a reason for exclusion at any stage of the procedure. The reason for exclusion the reason for exclusion against the chairman of the ethics committee, the chairman of the ethics committee of the regional organization

the chairman of the national ethics committee, the reason for disqualification against the chairman of the national ethics committee

it must be reported to the president of the national presidency, who makes a decision on exclusion from the procedure.

ARC. Decision

(1) In this procedure, the Authority examined whether [...], [...], [...], [...] qualify as data controllers, whether the data management activity carried out by them falls within the scope of the GDPR, and the Applicant whether your personal data has been processed in accordance with the provisions of the GDPR.

(2) The Authority's decision

a) the application and its attachments,

b) NAIH/2020/4008/6 submitted by [...] and NAIH/2020/4008/12. statement under no.

c) on [... 02.01.2020. Organizational and Operational Regulations effective from

SZMSZ),

d) the [...] 25.10.2011 its Operating Regulations and Rules of Procedure dated on

e) the Articles of Association consolidated with the amendments of 24.11.2018 (hereinafter:

[...] Statutes),

f) its Code of Ethics consolidated with the amendments of [...] 24.11.2018,

g) document management regulations of [...] (effective date: March 13, 2019)

h) the [...] 30.04.2020. Dated on [...] designation order (hereinafter: designation order),

i) on [...] 31.03.2020. a transcript of the reason for exclusion sent to [...] dated

j) the [...] 24.03.2020. 9 and 10 adopted at the ethics committee meeting held on of its decision

extract,

k) the [...] 31.03.2020. order dated [...], file number [...],

l) the [...] 24.03.2020. dated [...], file number [...] on the transmission of a complaint report to [...]

for,

m) the [...] 24.03.2020. information to the complainant dated [...]

n) the [...] 10.06.2020. dated [...], made in ethical procedure, 12.06.2020. in writing on the day

its decision,

o) the rules of procedure of [...],

p) Organizational and Operating Regulations of [...] (hereinafter: [...] SZMSZ),

q) NAIH/2020/4008/14 submitted by [...] declaration and its annexes,

r) NAIH/2020/4008/15 submitted by [...] declaration and its annexes,

s) NAIH/2020/4008/13 submitted by [...] declaration and its annexes

based on

ARC. Data management of [...] and [...]

IV.1. Position of [...] and [...] as data controller

(3) According to point 24.b) of the Statute of [...], the territorial organization of [...] is a legal entity. 25.a) of the Articles of Association

based on point 25.m) of the regional organization represents [...] in the area of competence, ethical

operates a committee, with its members in the cases specified in the chamber law and in separate legislation

conducts an ethical procedure against

(4) Clause 29.b) of the [...] Articles of Association stipulates that the ethics committee appoints the members of the regional organization

in matters concerning it, based on the relevant legislation and the provisions of the Code of Ethics

its decisions, and in the law, and the public administrative authority procedure and service are general

acts in the first instance in accordance with the provisions of the Act on the Rules of Procedure (Ket.).

(5) 2.2 of the [...] SZMSZ and 2.5. according to point [...] represents [...] in [...] county. [...] is independent legal entity person.

(6) Article 8.1 of [...] SZMSZ according to point, the ethics committee's task is ethical, which affects the members of the regional organization

conducting first-degree ethical procedures in cases raising suspicions of wrongdoing.

9

(7) Article 8.5 of [...] SZMSZ point, to the ethics committee or its members in individual cases

during the conducted ethical procedure, neither with management nor supervisory authority, nor to the given body

a body with authority to elect officials cannot issue instructions.

(8) Following the receipt of the complaint, the President of [...] dated March 24, 2020, E/97-2/2020

forwarded the complaint report with a copy of the registration number to "the person with the authority and competence" [...] for

(9) The appointing order of [...] in the ethics case appointed [...] for the procedure, which was issued in the ethics case, EB 6-5. (VI.10.) established that the Applicant did not commit an ethical offense.

(10) Act No. According to § 20, in case of suspected ethical misconduct, the ethical procedure is conducted by the professional chamber, the

Also Paragraph (1) of § 21 places the substantive responsibility on the ethics committee with regard to procedural acts

decisions - in this round, the formal order that starts the procedure, and also the formal order that closes the ethical procedure

decision - the adoption of the Ákr. with the appropriate application of its provisions.

(11) 1.2 of the [...] SZMSZ point, the chairman of the ethics committee has the right to grant the ethical decisions, other case files and correspondence related to matters within the committee's remit regarding.

(12) According to [...]’s letter dated May 19, 2020, written to [...] in connection with the submission of case files "due to the suspicion of an ethical violation, he was invited to make a statement in order to clarify the facts [...]. THE following a call for a statement [...] announced the reason for exclusion (...).”⁴

(13) The [...] 28.07.2020. according to the statement dated on the means and purposes related to data management decisions related to the definition depending on the specific decisions of the current [...]

its president, presidency or assembly of delegates is entitled to make it, as necessary the data protection officer

with its involvement (document number NAIH/2020/4008/6, point 15). Dated January 21, 2021 on [...]

in his statement, he considered his involvement as a client in the present proceedings to be questionable, because his position [...] is not an independent legal entity, nor a natural or legal person, nor from any point of view

it does not qualify as another organization either (last paragraph of document sub-number NAIH-535-6/2020).

(14) According to the Authority's point of view, the purpose and means of data management in the specific case are those of the Hungarian Member States

law, the Ektv. is determined by Art. with the proper application of its rules: did [...] professional

breach of rules, did it take place [...] Conduct that conflicts with the Code of Ethics. It is also the data controller itself

Also It is defined by § 21, paragraph (1). Based on Article 4, point 7 of the GDPR, any other data controller

it can be a body, hence also the ethics committee of a regional organization.

(15) In connection with the determination of the purpose and means of data management, the Authority shall refer to IV.1.(13)

against the declaration specified in paragraph IV.1.(3)-(10) of the document listed in paragraphs

accepted what was contained in the evidence. Based on all of this, data collection and data transmission as

With regard to the data management activities defined in Article 4, point 2 of the GDPR, [...] is the GDPR

qualifies as an independent data controller according to: [...] SZMSZ 8.5. according to the ethics committee,

and its members, neither management nor during the ethical procedure conducted in individual cases

a body with supervisory powers, nor with the power to elect officials to the given body

cannot give instructions, i.e. [...] independently determined the means of data management, which in the questions asked during the ethical procedure, in the formal order calling for a statement, in its independent issuance, as well as to the questions asked by the Applicant in the order by sending and filing the given answer with its own delivery stamp indicating [...], furthermore, they were embodied in the transmission of the documents of the ethical procedure to [...].

(16) The Authority's statement received under [...] NAIH/2020/4008/6 and [...] NAIH/2020/4008/14 on the basis of his statement and annexes under no.

documents created during the procedure, hence the storage of the documents of the ethical procedure as in terms of data management activities, [...] and [...] are joint data controllers.

IV.2 The scope of the managed data, the data management activities carried out by [...] and [...]

(17) According to the [...] announcement published by the Applicant, "[...]"

(18) The [...] 31.03.2020. The following were the questions asked in the order dated [...]

a) February 1, 2020-2020 in the period between March 15, exactly from when until when and which countries, in which province did you stay abroad?

b) To your knowledge, what epidemiological measures have been issued by [...] and especially by [...] regarding its operation in 2020, before your departure or after your return home?

c) Returning home from a trip abroad between February 1, 2020 and March 15, 2020 government decrees published after, and issued with respect to [...] and especially [...]

4 NAIH/2020/4008/15 file sub-number Ü/9. annex, initial document.

10

why he did not consider it necessary based on local regulatory instruments (circulars, instructions, etc.). the [...] stay?

[...] what measures did [] take after February 01, 2020?

d)

e) On which days and what activities did you do after returning home?

f) Between the appearance of upper respiratory symptoms and the application for testing for COVID-19 infection

how much time has passed

g) Have your coworkers indicated that you have symptoms that would prevent you from working?

h) What precautions did you take when the symptoms of your upper respiratory illness appeared [...]?

i) To your knowledge, how many people had to be tested for COVID-19

regarding?

j) According to your knowledge, how many [...]i employees had to be quarantined due to illness

regarding?

(19) Applicant on 09.04.2020. dated, sent to [...] and by [...] 16.04.2020. on the day of

in his statement, in response to the questions, he stated, among other things, that between [...]

during [...] he stayed in [...] region, and that [...] he presented himself as [...] a symptom, which

no other

the severity of your symptoms

(Annex of document number NAIH/2020/4008/6, points 1.a., 1.f.).

walked and did not exceed

not with symptoms

[...]

(20) [...] stated that it does not process the Applicant's special personal data, and neither does the

affected by the investigation [...], neither his environment nor his patient care work was taken into account

based on access to medical databases, nor from third parties or bodies

data provision. In the Applicant's own, public statement to the public

did not manage any health data beyond what was stated (as a fact) (subnumber NAIH/2020/4008/6.

document points 5 and 11).

(21) [...] stated that it does not process the Applicant's special personal data, nor

the person affected by the investigation [...] was not considered either in terms of his environment or his patient care work

into medical databases, based on insights not requested from third parties or bodies

data provision. In the Applicant's own, public statement to the public

did not manage any health data beyond what was stated (as a fact) (NAIH/2020/4008/14.

document sub-number, points 5 and 11).

(22) The [...] 05.10.2020. according to his statement on

shall store a copy of the procedure documents in a file repository after forwarding them to [...]. Requested currently, the procedure documents are not stored in electronic form." (document number NAIH/2020/4008/12)

(23) The [...] 05.10.2020. according to his statement on

shall store a copy of the procedure documents in a file repository after forwarding them to [...]. Requested currently, the procedure documents are not stored in electronic form." (document number NAIH/2020/4008/14)

(24) The Authority stated in the [...] announcement, on [...] 31.03.2020. in its order dated [...]

by comparing the questions asked and the answers given to them, he established that by the Applicant given answers contained a wider range of your personal data, because the [...] communication only that included that the applicant [...] stayed on 08.03.2020. until today and that he tested positive for the coronavirus test. Compared to this, additional information is the date of the beginning of the applicant's stay abroad, as well as the following data considered special personal data (health data): a

positive

Time

(document NAIH/2020/4008, Annex 2, point 1.a., 1.f.). The [...] 31.03.2020. dated [...], registration number among the data management operations specified in Article 4, point 2 of the GDPR when the order is issued performed collection.

your state of health before the test,

symptoms and those

of your application

(25) On the basis of the statements of [...] and [...] indicated in paragraphs (22) and (23), the Authority established, that the documents of the ongoing procedure under [...] are present by the data controller subject to both investigations it is also handled at the time of the issuance of the decision, and the documents are stored on a paper basis, in duplicate.

(26) The Authority would like to point out here that health data quality is not the source of the data in itself

determined, i.e. from a health database, outpatient card, final report, etc

whether the data is the result of retrieval from an electronic registry system containing documents,

rather, the data itself is provided for the physical health of a natural person

refers to a health service and the natural person can be identified. Healthcare

a document containing data is part of the registration system according to Article 4, point 6 of the GDPR, because

was given a registration number [...] according to the uniform document management regulations of [...], the scope of which is [...]

it covers all organizational units and those who work there in any legal relationship. 5

5 Annex to document NAIH/2020/4408/6 and document NAIH/2020/4408/14, [...] Document Management Regulations 2.1.1.

point

11

IV.3. Legal basis for data management

(27) [...] as the legal basis for data management, point c) of Article 6 of the GDPR (tasks contained in the Chamber Act provision, fulfillment of a legal obligation) as the primary legal basis (sub-number NAIH/2020/4408/6 document point 5, paragraph 3, point 11).

(28) [...] as the legal basis for data management, point c) of Article 6 of the GDPR (tasks contained in the Chamber Act provision, fulfillment of a legal obligation) as the primary legal basis (sub-number NAIH/2020/4408/14 document point 5, paragraph 3, point 11).

(29) Both data controllers under investigation stated that "from public news sources (e.g.[...]6, or from the applicant's own public announcement ([...] announcement) or received by the Respondent he found out about what happened from a complaint, which in total could raise the suspicion of [...] ethical misconduct, the request for the statement was to clarify suspicions."

(30) The annex to the document NAIH/220/4008/6 presented by [...] is the [...] 24.03.2020. on the day of adopted at the ethics committee meeting, nos. 9 and 10 extract of its decision. The extract in writing date of booking 25.03.2020.

(31) According to EC decision No. 9: "The Ethics Committee announces a reason for exclusion to [...], the suspended

as a result of the existence of a relationship. At the same time, the Ethics Committee requests [...], as a second instance supervisory body to appoint another body with the same competence to investigate the case."

(32) According to EC decision No. 10: "The Ethics Committee of the [...] Code of Ethics II.4. points 1), 2), and II.1.3. 15) asks him to make a written statement [...]."

(33) Questions included in the invitation to make a statement based on EC Decision No. 10 with listed questions

in points a)-j) of paragraph IV.2.(18).

this decision

definition

it happened by agreement.

(34) The conclusion can be drawn from the numbering of the decisions that the lower numbered 9.

EC decision no

resolution that decides on the invitation to make a statement and the questions to be asked.

(35) According to the Authority's point of view, [...] incorrectly identified the legal obligation incumbent upon him a due to the following: existing against itself, the Ákr. According to Section 22 and Section 23 (5).

after detection of an exclusionary reason, no legally substantive procedural action is taken

could have excused himself, the applicant could not have made a decision in this round

about inviting him to make a statement, nor about the questions to be asked of the applicant, because a

after detecting a reason for exclusion - notification of the reason for exclusion and distribution of documents

with the exception of - he has no procedural rights, his duties are defined in the chamber law

it was not related to an ethical procedure. In the absence of procedural rights for data management

it has no legal basis and purpose.

(36) The [...] by making EC decision No. 9 on notification of the reason for exclusion

(24.03.2020), after 31.03.2020 to make a statement in the order dated [...]

called the Applicant, violated Article 6 and Article 9 (1) of the GDPR, because the exclusion

personal data after the detection and notification of the EC decision

(starting time of travel, exact location), health data (the Applicant's positive test previous medical condition, date of onset of symptoms, symptoms) legally not could have collected.

(37) After the notification of the reason for exclusion, the storage of case files was legal until [...] appointed the acting new ethics committee and [...] was informed about this. Learning about it after that, the case files had to be forwarded to the designated [...]. To forward the case files a According to Annex 9 of document NAIH/2020/408/15, it took place on May 19, 2020, this date [...] and [...] with the appropriate legal basis for storing the case files of the ethical procedure after that has

IV.4. Provision of information related to data management

(38) In its submission written to [...], dated April 9, 2020, the Applicant responded to the data controller's to the questions asked (hereinafter: applicant's response).

(39) In points 1.a), 1.b), 1.d), 1.i) and 1.j) of the applicant's response, he requested information from [...] that the given data provided in the response to assess the facts of the violation that is the subject of the ethical procedure for what reason it is considered necessary. According to the Authority's findings, this is in terms of its content information regarding the purpose of data management is considered a request.

6 Last download by the authority: 22.03.2021.

12

(40) According to [...] 's reply dated April 21, 2020, the purpose of the questions asked in the call is "that the Commission to comply with the General Administrative Regulations to the fullest extent possible 2016 CL. of the obligation to clarify the facts defined in § 62 of the Act (...)."

(41) The Authority notes that the response of [...] dated April 21, 2020 was formal, it is not can be held responsible for information according to Article 13 (1) of the GDPR, burdening the data controller fulfillment of the obligation to make available.

(42) In this round, the Authority examined the submission of [...] NAIH/2020/4008/6 annex data protection regulations (data protection regulations dated 25.05.2018 [...])

in connection with its website, [...] data protection policy dated 31.08.2018) however none contains specific information regarding the ethical procedure conducted by the Ethics Committee what is the purpose of data management with regard to managed data.

(43) Based on the provisions of paragraphs IV.4.(38)-(42), [...] with the fact that the Applicant is a serial despite his request, he gave misleading information in his reply dated April 21, 2020

The Ethics Committee did not provide any information about the ongoing procedure about information related to data management - in this context, specifically about the purpose of data management - violated Article 13(1)(c) and (2)(e) of the GDPR.

(44) With the fact that the answer given by [...] did not contain a complaint to a supervisory authority training on the right to submit, as well as the right to judicial redress, [...] violated the GDPR Article 12, paragraph 4.

V. Data management of MOK OEB

(45) The document confirming the Applicant's infection with COVID-19 was sent to [...] by [...] on April 7, 2020 The application notifying the reason for exclusion dated March 31, 2020, was received at [...]. THE the order calling for a statement dated March 31, 2020, was attached to the submission.

(46) According to point 3.1.d) of the declaration of [...] filed under sub-number NAIH/2020/4008/13, the Applicant treats COVID infection as special data among your personal data. Healthcare data only in the application submitted to [...], containing notification of the reason for exclusion, and the Applicant's legal was included in the objection of bias submitted by its representative, this data is used to assess the application it was unnecessary.

(47) [...] indicated the evaluation of the bias notification and designation request as the purpose of the data management.

(48) [...] stated that the COVID infection as a special data is only for the assessment of the application for the sake of [...] is included in the documents submitted to the president, such information is the nomination application was unnecessary for its assessment. The handling of the special data by [...] is only by ([...]) EB was realized as a result of a referral (document number 3.1., 3.2, 3.3. of NAIH/2020/4008/13).

(49) [...] states in the reasons for the appointing authority's order that "In the ethics committee's bias report,

as well as those contained in the complainant's bias report dated April 9, 2020

establish the basis for establishing the exclusion and appointing another acting ethical body."7, which is the Authority in his opinion, it leads to the conclusion that the Applicant's covid infection was not relevant data during the determination of exclusion and the appointment of another ethical body.

(50) The Authority's statement of [...], as well as the file of the case pending under case number [...] before [...] established that [...] the Applicant's covid infection as special data for [...] it contained submitted documents, which form a unit.

(51) The Authority concludes that the MOK OEB was entitled and obliged to conduct the ethical procedure to appoint another ethics committee due to [...]s bias report, resulting in the GDPR on the legal basis according to Article 6 paragraph (1) point e), for a legitimate purpose (report of bias, evaluation of a designation request) legally handled the background information sent to him by [...] document with all the personal data contained therein - so the Applicant's health together with special data on its condition. The treatment of health data is GDPR

Based on point e) of Article 9, paragraph (2), it was not illegal, they were made public by the Applicant brought.

VI. Data management of [...]

7 Document number NAIH/2020/4008/13, [...] 30.04.2020. dated E/110-3/2020. designation order, page 2, paragraph 3
13

(52) According to the rules of procedure of [...], the task of the EC is the Ekt. VI. liability rules contained in chapter and Ket. III. the conduct of an ethical procedure according to the relevant rules of the chapter, as well as the Ket. ARC. chapter making a decision according to its relevant provisions. Ethical procedure in case of suspected ethical misconduct of the EC continues. An ethical offense is the culpable violation of the rules set out in the [...] Code of Ethics, as well as [...] included in its articles of association or other internal regulations of the professional chamber, or the chosen one culpable breach of an obligation arising from official position (document sub-number NAIH/2020/4008/15 Annex Ü/1 I.6. point, V.1. point).

(53) [...] was appointed by [...] on 30.04.2020. dated [...], with the designating order "for the procedure in the ethical case".

(54) He sent the case documents and the appointing order to [...] with a copy dated May 19, 2020.

the documents were received on May 25, 2020. [...] is the Ektv. contained in § 20, paragraph (1).

acting in his duties and powers based on the provision, he continued the ethical procedure with the Applicant

against, the subject of which was the finding that the Applicant February 29-March 7, 2020

the fact of being infected with the COVID-19 virus during or after your private trip between

until it is established whether he has implemented ethical responsibility-based behavior. The ethical procedure

for conducting the Ekt. Based on paragraph (5) of § 23, Ákr. provisions contained in Ekt

apply with deviations (document number NAIH/2020/4408/15, point 1).

(55) As far as [...] is aware, the ethical procedure against the Applicant is public knowledge (in the press

published), or data cited in a citizen report that raises suspicions of ethical misconduct,

started based on information.

(56) In his statement, [...] emphasized that if the Territorial Organization of [...] becomes aware of the

on behavior that raises the suspicion of an ethical offense falling within the scope of [...], Ektv. (1) of § 20

based on its first sentence, "the professional chamber conducts an ethical procedure in case of suspected ethical misconduct",

without discretion, he is obliged by law to initiate the ethical procedure, that is

in an ex officio ethical procedure, based on the exclusion motion, the Ákr. Section 24 (4)

in accordance with paragraph [...] to designate [...].

(57) The Art. according to its provisions, [...] therefore had a legal obligation to have [...] jurisdiction

on the basis of his appointment, conducting the (already ongoing) ethical procedure, together with the procedure

in the documents sent to him in connection with the Applicant, what he affected

learning and further handling of personal data. This data management authority has

its general legal basis is the Acr. It is created by § 27, paragraph (1), according to which the customer and

natural personal identification data necessary to identify other participants in the procedure and

personal data defined in the law governing the type of business, and - if the law states otherwise

does not have - something else is absolutely necessary for the successful conduct of the procedure

handles personal data.

(58) According to [...]’s statement, all this means that it is provided by law during the ethical procedure in order to carry out his duties in the exercise of his public authority managed, and currently manages, all the personal data that came to his attention during the procedure On the legal basis according to Article 6 (1) point (e) GDPR.

(59) [...] highlighted that during the conduct of the ethical procedure, only the information contained in the historical documents, recognized and handled personal data that could be associated with the person concerned, nothing else did not ask the Applicant to provide additional personal data.

(60) In his statement, [...] emphasized that the subject of the ethical procedure conducted by him was determined by the Applicant catching a disease or detecting ethical violations possibly related to the fact of the disease formed. The Applicant’s medical data (the fact of his illness) received press publicity, which the fact was acknowledged by the Applicant, based on this information the suspicion of ethical misconduct arose. The due to the aforementioned, the ethical violation, legally and factually founded the Applicant’s health data, as special, was essential for making a decision handling of personal data.

(61) According to [...], the legal basis for data management in this context is Article 9 (2) of the GDPR point i), since data management is necessary for reasons of public interest in the field of public health, such as ensuring the high quality and safety of health care. In addition, since the the fact of illness has been publicly acknowledged by the Applicant, thus the legal basis for handling the health data it is also created by point e) of Article 9, paragraph (2) of the GDPR (points 1, 3 of document number NAIH/2020/4006/15).

(62) In his statement, [...] drew the attention of the Authority to the fact that it was in progress before him In the ethical procedure, the Applicant acted with a legal representative, who made several statements during the procedure presented, which helped to discover the facts, but was also contained in the Applicant’s present your personal data affected by official data protection procedures, in respect of these, Article 6 (1) of the GDPR indicated the consent of the data subject according to paragraph a) as the legal basis for data management

(point 3 of document sub-number NAIH/2020/4006/15).

14

(63) The [...] 10.06.2021. dated [...], made in ethical procedure, 12.06.2020. entered into writing on stated in its decision that the Applicant did not commit an ethical offense.

(64) [...] stores the physical documentation of ethical procedures separately, while the electronic one documents are stored separately on a password-protected computer.

(65) The Authority establishes that [...] against the Applicant based on the appointing order of [...] was entitled and obliged to conduct the ethical procedure, hence Article 6 (1) of the GDPR on the legal basis according to point e) of paragraph (for the exercise of delegated public authority execution of a task within the scope of) was legally handled by the [...] sent to him historical documents together with all the personal data contained therein. The Applicant with regard to special data regarding your state of health, GDPR Article 9 (2) g) point, the chamber ethical procedure to be conducted in the public interest creates the legal basis for data management the Akr. Section 27, subsections (1) and (3), subject to subsections.

VII. Justification of point I of the provision

(66) The Applicant collected personal data on [...] wrongly identified legal basis, without procedural a copy of the document containing your data and health data, the data collected without authorization it is also handled (stored) when this decision is issued, unnecessary for the evaluation of the exclusion motion forwarded the Applicant's special person's data to [...] therefore, the Authority has IV.1., IV.2., IV.3. and IV.4. established by Article 6 (1) of the GDPR and Article 9 of the GDPR based on the provisions of (1), Article 12 (4) of the GDPR, Article 13 (1) point c) and (2) of the GDPR violation of point e) of paragraph

(67) In view of the fact that personal data collected without authorization cannot legally be stored row, therefore the Authority obliged [...] the applicants handled during the [...] ongoing procedure transfer of personal data to [...] by sending

VIII. The possessory part II. justification of point

(68) Even at the time of the issuance of this decision, [...] stores the wrongly identified by [...]

collected on a legal basis, without procedural authorization, personal data concerning the Applicant and your health information.

(69) In view of the fact that personal data collected without authorization cannot legally be stored

line, therefore the Authority obliged [...] the procedure in progress on case number [...] stored on paper complete

by

to send.

the ethical procedure for a copy of the document

to conduct

[...] for

is eligible

IX. The possessory part III. justification of point (rejected applications)

(70) Taking into account that neither [...] nor [...] the personal data of the Applicant in accordance with this data protection

in connection with an ethical procedure that is the subject of an official procedure - the issuing of this decision

at the time - it does not handle it beyond the storage of document copies, I. and

II. the Authority did not have to provide for further prohibition in addition to the obligations according to point

(71) The Authority did not consider the imposition of a fine to be justified because, based on the revealed facts

it could be clearly established that he was wrongly identified on the basis of his own procedure and that

by misidentifying its legal framework, the Applicant's personal

collection of your data by issuing a summons to make a statement.

X. Legal consequences (sending illegally stored documents to the body authorized to proceed, fine non-imposition)

(72) The Authority partially approves the Applicant's request and Article 58(2)(b) of the GDPR

convicts based on

i.

ii.

[...] because he violated Article 6 (1) of the GDPR, Article 9 (1) of the GDPR, the

GDPR Article 12 (4), GDPR Article 13 (1) c) and (2) e)

point,

[...], because it stores the documents of the proceeding under the number E-8/8/2020 without a legal basis

in copy.

(73) On the basis of Article 58 (2) point c) of the GDPR, the Authority instructs [...] and [...] that the

forward a copy of illegally stored documents with authorization to conduct the ethical procedure

15

holder [...], and the fact that the transmission has taken place is certified to the Authority to [...]

by sending information to the addressee and a copy of the post book confirming its mailing.

(74) The Authority ex officio examined whether a data protection fine was justified against [...], [...]

imposition.

(75) In this context, the Authority is GDPR Article 83 (2) and Infotv. 75/A. considered the case based on §

all its circumstances. The Authority took it into account above all

i.

ii.

iii.

arc.

the Authority has not previously established a violation of the GDPR by the data controllers

regarding

the negligent nature of the violations committed by [...] and [...], that is, it is fundamentally wrong

their legal interpretation, the legal framework of their own procedure, the nature of the health data and

regarding its possible source,

although they acted in a deceptive manner, this, based on the Authority's judgment, did not reach the a

extent that a fine has to be imposed, the decision achieves its purpose even without it,

regarding the scope of the data management in question, that the number E-8/8/2020 is in progress

Both data controllers store the documents of the previous procedure only in hard copy, on paper.

XI. The possessory part IV. justification of point

(76) Taking into account that [...] legally according to the provisions of point V of the justification of this decision

acted due to [...]’s bias report during the appointment of [...], the personal data of the Applicant

handled it with an appropriate legal basis and purpose, the Authority applied Part IV. according to the provisions of decided

XII. Explanation of point V of the provision

(77) Given that [...] VI. of the reasons for this decision acted legally according to the provisions of

during the ethical procedure conducted by him, the Applicant’s personal data with an appropriate legal basis and purpose, the Authority made its decision in accordance with point V of the provision.

XIII. Part VI of the provision. justification of point

(78) During the procedure, the Authority exceeded Infotv. One hundred and fifty days according to paragraph (1) of § 60/A administrative deadline, which expired on October 16, 2020, therefore the Ákr. Based on point b) of § 51

pays HUF ten thousand to the Applicant, or by bank transfer at the Applicant’s choice with postal order.

XIV. Other questions

The competence of the Authority is set by Infotv. Article 38, paragraphs (2) and (2a) defines it, the country as a whole has jurisdiction

covers its territory.

The decision is in Art. 80-81 § and Infotv. It is based on paragraph (1) of § 61. The decision is in Art. Section 82 (1) based on paragraph The Ákr. § 112 and § 116 (1) and § 114

Based on paragraph (1), the decision can be appealed through an administrative lawsuit.

** *

The rules of the administrative procedure are laid down in Act I of 2017 on the Procedure for Administrative Procedure

(hereinafter:

Kp.) is determined. The Kp. On the basis of point a) of § 12, paragraph (2), administrative against the decision of the Authority per case falls under the jurisdiction of the court, the Kp. Based on Section 13 (11), the Capital Court exclusively competent. The Kp. According to Section 27 (1), in a lawsuit within the jurisdiction of the court, the legal representation is mandatory. Cp. 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. Applicable according to § 604, electronic administration and CCXXII of 2015 on the general rules of trust services. Act (hereinafter: E-administration etc.) According to § 9, paragraph (1), point b), the client's legal representative is obliged to maintain electronic contact.

16

The time and place of submitting the statement of claim is set by Kp. It is defined by § 39, paragraph (1). Holding the trial information about the possibility of applying for the Kp. It is based on paragraphs (1)-(2) of § 77. The administrative lawsuit the amount of the levy is determined by Act XCIII of 1990 on levies. Act (hereinafter: Itv.) 45/A. (1) of § Define. Regarding the advance payment of the fee, the Itv. Section 59 (1) and Section 62 (1) h) exempts the party initiating the procedure.

If the fulfillment of the prescribed obligation is not duly verified by [...] and [...], the Authority considers that that he did not fulfill the obligation within the deadline. The Akr. According to § 132, if the obligee is the Authority did not comply with the obligation contained in its final decision, it is enforceable. The Authority's decision in Art. 82. According to § (1), it becomes final with the communication. The Akr. Pursuant to § 133, enforcement - if the law or government decree does not provide otherwise - it is ordered by the decision-making authority. The Akr. § 134 according to the implementation - if it is a local law, government decree or municipal authority case the municipal decree does not provide otherwise - it is carried out by the state tax authority. Infotv. Section 60 (7) on the basis of paragraph regarding the obligation to behave, tolerate or stop, the execution of the decision a It is undertaken by an authority.

Budapest, June 2, 2021

Dr. Attila Péterfalvi

president

c. professor