

Case number: NAIH-3151-2 / 2021.

History: NAIH / 2020/615.

Subject: Partial decision granting the application

DECISION

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

at the request of the applicant (hereinafter: the Applicant) with [...] (hereinafter: the Applicant)

as opposed to fulfilling a request for blocking and accessing camera recordings

and the obligation to provide information on the data protection incident

The following decisions were taken in the data protection authority proceedings concerning the failure to fulfill an obligation

brings:

I. At the request of the Applicant

partially accepts and

I.1. finds that the Applicant

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did not inform the Applicant of the receipt of his requests for the exercise of the data subject's rights

the action taken on its requests within one month of

the reasons for the failure to take measures which infringed the provisions of

protection of personal data and the protection of such data

and repealing Directive 95/46 / EC

Article 12 (3) and (4) of Regulation (EU) No 182/2011 (hereinafter referred to as the General Data Protection Regulation)

and

violated the Applicant's right of access, ie Article 15 of the General Data Protection Regulation.

Article 3 (3), as the recordings requested by the Applicant are subject to the general data protection rules

provided for in this Regulation, together with an extension of the deadline, shall not exceed 3 months

sent it out of time, so that it was not the only and only third party

recordings of persons and business secrets were covered.

I.2. Finds that the Applicant has infringed Article 18 (1) of the General Data Protection Regulation as the Applicant's request for blocking of camera recordings did not fulfill.

I.3. obliges the Applicant to be sent by the Applicant on 30 September 2019 fulfill the request in such a way that only the third parties and covers information covered by business secrecy.

I.3. the measures provided for in paragraph 1 shall be finalized must be in writing within 15 days of the divorce to the Authority.

I.4. The Authority rejects the part of the Applicant's application that falls on 20.09.2019. on the day of Applicant at the reception of the central building at [...] and at the street front between 10:51 am and 12:12 pm The Applicant requested that the Authority

(a) instruct the Applicant to apply for a restriction and to provide information to fulfill,

b) the Authority shall oblige the Applicant to release the camera recordings to the Applicant available to you,

(c) declare that the Applicant has infringed Article 5 (1) of the General Data Protection Regulation; points (a) to (f) and (2), provided that the camera recordings are provided at the request of the not locked, restricted, but deleted "unexpectedly and at an unknown time",

(d) declare that the Applicant has infringed Article 18 of the General Data Protection Regulation. Article 3 (3)

(e) declare that the Applicant has infringed Article 33 (1) (5) of the General Data Protection Regulation;

(f) declare that the Applicant has infringed Article 34 (1) (3) of the General Data Protection Regulation;

(g) oblige the Applicant to comply with Article 34 (4) of the General Data Protection Regulation

inform the Applicant of the privacy of the camera recordings

incident.

II. The Authority ex officio due to unlawful data processing by the Applicant in this decision

within 30 days of becoming final

HUF 500,000, ie five hundred thousand forints

data protection fine

obliges to pay.

The data protection fine shall govern the initiation of legal proceedings

after the expiry of the time limit or, in the case of a review, 15

the settlement forint account of the collection of centralized revenues of the Authority within days

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

0425 0000 0000). When transferring the amount, NAIH / 2020/615. JUDGE. for

should be referred to.

If the Applicant fails to meet the obligation to pay the fine within the time limit, it shall be delayed

must pay a supplement. The rate of the late payment interest is the statutory interest, which is in arrears

equal to the central bank base rate valid on the first day of the calendar half-year concerned. The fine and the

in the event of non-payment of the late payment allowance, the Authority shall order enforcement of the decision.

There is no administrative remedy against the decision, but it has been available since its notification

Within 30 days of the application addressed to the Metropolitan Court in an administrative lawsuit

can be challenged. The application must be submitted to the Authority, electronically, which is the case

forward it to the court together with his documents. During the tightened defense, the court is hearing

acting outside the scope of this Regulation, including redress procedures. Not in full personal exemption

for the beneficiaries, the fee of the administrative lawsuit is HUF 30,000, the lawsuit is subject to the right to record material

fees.

Legal representation is mandatory in proceedings before the Metropolitan Court.

EXPLANATORY STATEMENT

I. Procedure

The Applicant submitted an application to the Authority on 21 November 2019. The Applicant does so on the right to information and freedom of information

2011 CXII. on the basis of Section 60 (1) of the Information Act (hereinafter: the Information Act)

official proceedings were initiated on 22 November 2019.

The Authority shall issue NAIH / 2020/615/8. s. requested information on the matter

In order to clarify the facts.

The Applicant sent a letter to the Authority on 7 April 2020 with the procedure

and made further requests.

The Authority shall issue NAIH / 2020/615/12. s. again requested information on the matter

in order to clarify the facts from the Applicant on 20.09.2019. on the day of the Requested [...] number

at the reception of the central building below and on the street front in the interval from 10:51 to 12:12

recording.

II. Clarification of the facts

II.1. In its application submitted to the Authority on 21 November 2019, the Applicant submitted that a

In his application sent by electronic means on 30 September 2019, he requested the Applicant to

to lock on 08/30/2019 and 02/09/2019 on the day of [...] no. bank branch outside and inside

cameras and a camera in the ATM area, 02/09/2019. on the day of the bank branch under number [...]

cameras, and September 20, 2019. and 23/09/2019 by the cameras of the bank under number [...] on

Camera recordings made during periods specified by the applicant, as well as the said

fulfill your access request for camera recordings. The Applicant submitted that the

The applicant did not comply with or respond to the applicant's request, and therefore his request

nor did he inform him of the reasons for the refusal.

The Applicant requested the Authority to:

- declare that the Applicant has infringed the General Data Protection Regulation

by failing to comply with the data subject's requests, he did not inform his requests

the reasons for the failure to comply with the request or for the refusal to comply with his requests,

and (hereinafter referred to as application 1)

- order the Applicant to comply with the requests and information obligations of the data subject,

and to lock camera recordings, lock information is available

non-'anonymised', ie non-masked (masked) version

To be viewed at the applicant's registered office. (hereinafter referred to as application 2)

II.2. The Applicant shall submit to the Authority NAIH / 2020/615/8. s. sent on 17 February 2020

received - in his letter stated that the Applicant dated 26 August 2019 complex

at the request of the Applicant submitted on 30 September 2019 during the examination of the application a

failed to reply within the time limit. To request the camera to lock the recordings

failure to inform the Applicant within the time limit

in addition - the Applicant has fulfilled, the masking of the camera recordings is fulfilled by the fulfillment of the application

in order to start.

According to the Applicant's statement, it is for the Applicant's complex applications dated 26.26.2019

extended the deadline for replying by 60 days (to be announced on 24 September 2019)

informed the Applicant by letter dated 22 November 2019) and in its reply dated 22 November 2019

also informed the Applicant that its requests received in the meantime (after 26.08.2019)

their blocking requests were also met and masking was started.

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The Applicant sent to the Applicant on 22 November 2019, referred to above

did not provide a copy of the letter to the Authority, despite the fact that the Authority did not

in his order, he specifically called for documents to be substantiated.

Of the recordings indicated by the Applicant, the masking of the following was sent to the Authority

completed at the same time as the declaration:

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08/30/2019 [...]

09/02/2019 [...]

09/02/2019 [...]

9/20/2018 [...].

The Applicant provided the Authority with a copy of the above recordings.

According to the Applicant's statement, further recordings will be sent to the Applicant as soon as the masking is completed and it also notifies the Authority.

The Applicant also stated that in his opinion the Applicant had a large number of stakeholders at the request of the

it also had to expand the capacity of available human resources.

By letter received by the Authority on 24 February 2020, the Applicant informed the Authority that, as indicated in its previous statement, was omitted

camera recordings, which is 23/09/2019. made at the [...] branch, also forwarded to

To the applicant. He sent a copy of the camera footage to the Authority.

II.3. In a letter to the Authority dated 7 April 2020, the Applicant stated that

that in his opinion the Applicant did not properly fulfill the Applicant's concerns

unjustifiably disguised the recordings to such an extent that they were made

its location is almost unidentifiable, and the 20/09/2019. on the day below the Requested [...] number

at the reception of the central building and on the street front between 10:51 and 12:12

did not provide camera recordings to the Applicant.

In its statement sent to the Authority, the Applicant stated that the Applicant's

Sent a letter to the Applicant dated 20.02.2020, enclosing a DVD,

however, the Applicant contended that they could not accept his request for access

as 95% of the footage is 'blurred, almost nothing is visible'. THE

Applicant further submitted that "Masking is also orally implied to be just different

applies and may apply to the blurring of the image of persons. In addition, the

only to obscure strict business secrets (eg a bank computer monitor,

if it is on the recording) is possible. "

Simultaneously with the above statement, the Applicant submitted the following eight - to the Authority on April 7, 2020.

received a partial application, which largely coincided with the Applicant

in its first application:

The Applicant requested the Authority to:

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establish that the Applicant has violated the Applicant's general privacy policy

the right of access and copy under this Regulation by on the day of

At the reception of the central building at the requested number [...] and at the street front 10: 51-12: 12

not at the request of the Applicant

made it available to the Applicant and did not provide insight into them (a

hereinafter referred to as application)

the Authority shall oblige the Applicant to comply with the on the day of the Requested [...] number

at the reception of the central building below and on the street front between 10:51 and 12:12

make the camera recordings made available to the Applicant in such a way that they

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masks only the image of other persons (hereinafter: No. 4).

application)

declare that the Applicant has infringed Article 18 of the General Data Protection Regulation; article

1.C. on 20.09.2019. on the day of the central building at number [...]

at its reception and on the street front in the interval from 10:51 to 12:12

camera recordings were not blocked despite the request of the Applicant, or its data management

(hereinafter referred to as application 5)

find that the Applicant has infringed Article 18 of the General Data Protection Regulation

(3) on 20.09.2019. on the day of the Central Number under the Requested [...] number

at the reception of the building and on the street front in the interval from 10:51 to 12:12

camera recordings were released without prior notice to the Applicant, (a

hereinafter referred to as "No. 6" application)

find that the Applicant has infringed Article 5 of the General Data Protection Regulation

Paragraphs 1 (a) to (f) and 2 (2), provided that on the day of

At the reception of the central building at the requested number [...] And at the street front 10: 51-12: 12

not at the request of the Applicant

locked it, restricted it, but deleted it "unexpectedly and at an unknown time" (a

hereinafter referred to as "No. 7" application)

declare that the Applicant has infringed Article 33 of the General Data Protection Regulation

(1) to (5), with the proviso that 20.09.2019. on the day below the Requested [...] number

at the reception of the central building and on the street front between 10:51 and 12:12

did not notify the Authority of a data protection incident which was manifested in

"Allegedly not recorded for unconfirmed technical reasons" (a

hereinafter referred to as "No. 8" application)

declare that the Applicant has infringed Article 34 of the General Data Protection Regulation

Paragraphs 1 to 3, with the proviso that 20.09.2019. on the day below the Requested [...] number

at the reception of the central building and on the street front between 10:51 and 12:12

did not notify the Applicant of the data protection incident, which manifested itself in the fact that

"Allegedly not recorded for unconfirmed technical reasons" (a

hereinafter referred to as application)

oblige the Applicant to comply with Article 34 (4) of the General Data Protection Regulation

inform the Applicant on 20.09.2019. on the day below the Requested [...] number

at the reception of the central building and on the street front between 10:51 and 12:12

in relation to the data protection incident (hereinafter: application 10)

II.4. The Applicant is the Authority in NAIH / 2020/615/12. s. in response to the order of 20.09.2019.

at the reception of the central building at the requested number [...] and on the street front at

forwarded a masked version of the recordings made at the bank branch to the Applicant on 11 February 2020 and these recordings were also blocked.

The Authority shall issue NAIH / 2020/615/12. s. in the interval specified in the order of the central building

The Applicant did not know the exact information about the recordings made at the reception and on the street front

provided only the information that "the lock was not made or the recording

was not available "and informed the Authority that "given that a

no evidence can be obtained from the image capture system that the

whether recordings have been made and the data processing area has not, contrary to the usual procedure

documented the shortage, we can not determine whether the recordings are administrative, clerical

they have not been blocked due to an error, nor have they been completed. "

III. Applicable legal provisions

Pursuant to Article 2 (1) of the General Data Protection Regulation, this is the case here

the general data protection regulation applies to data processing.

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The relevant provisions of the General Data Protection Regulation in the present case are the following:

Article 4 (1) of the General Data Protection Regulation: "personal data" means identified or

any information relating to an identifiable natural person ("data subject"); identifiable by a

a natural person who, directly or indirectly, in particular by means of an identifier,

such as name, number, location data, online ID or physical,
physiological, genetic, intellectual, economic, cultural or social identity
identifiable by one or more factors.

According to Article 4 (12) of the General Data Protection Regulation, "data protection incident" means security
damage to personal data transmitted, stored or otherwise handled
or unlawful destruction, loss, alteration, unauthorized disclosure or
resulting in unauthorized access to them.

Pursuant to Article 5 (1) to (2) of the General Data Protection Regulation:

1. Personal data:

(a) be processed lawfully and fairly and in a manner which is transparent to the data subject
("legality, fairness and transparency");

(b) collected for specified, explicit and legitimate purposes and not processed
in a way incompatible with those objectives; in accordance with Article 89 (1)
does not constitute incompatibility with the original purpose for the purpose of archiving in the public interest,
further processing for scientific and historical research or statistical purposes
("Purpose limitation");

(c) be appropriate and relevant to the purposes for which the data are processed; and
they should be limited to what is necessary ("data saving");

(d) be accurate and, where necessary, kept up to date; take all reasonable measures
should be done in order to be inaccurate for personal purposes
data shall be deleted or rectified without delay ("accuracy");

(e) stored in a form which permits identification of data subjects for personal purposes only
allows the time necessary to achieve the purposes of data processing; personal information than this
longer storage can only take place if personal data
for archiving in the public interest in accordance with Article 89 (1)
and will be carried out for historical research or statistical purposes, those covered by this Regulation

appropriate technical and organizational arrangements to protect their rights and freedoms

subject to the implementation of measures ("limited storage");

(f) be handled in such a way that appropriate technical or organizational measures are taken

ensure the adequate security of personal data

unauthorized or unlawful handling, accidental loss, destruction or

including protection against damage ("integrity and confidentiality").

2. The controller shall be responsible for complying with paragraph 1 and shall be able to do so

to demonstrate compliance ('accountability').

Under Article 12 (3) of the General Data Protection Regulation, the controller is unjustified

without delay, but in any case within one month of receipt of the request

inform the data subject in accordance with Articles 15 to 22. on the action taken in response to a request under Article. Need

In view of the complexity of the application and the number of applications, this time limit shall be extended

it may be extended by two months. The extension of the deadline by the data controller is a delay

within one month of receipt of the request, stating the reasons

concerned. If the person concerned has submitted the application electronically, the information shall be provided

shall be provided by electronic means unless the data subject requests otherwise.

Pursuant to Article 12 (4) of the General Data Protection Regulation, if the controller does not do so

measures at the request of the data subject without delay, but at the latest at the time of the request

within one month of receipt of the measure

the reasons for the non-compliance and the possibility for the person concerned to lodge a complaint with a supervisory

authority

authority and may exercise its right to a judicial remedy.

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Pursuant to Article 15 (1) of the General Data Protection Regulation, the data subject is entitled 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, failing that 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 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 sources information;
- (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 comprehensible information on the significance of such data processing and the the expected consequences for the data subject.

Under Article 15 (3) of the General Data Protection Regulation, the controller is the controller provide the data subject with a copy of the personal data By the person concerned for additional copies requested, the controller shall be reasonable on the basis of administrative costs may charge a fee. If the person concerned submitted the application electronically, the information shall be made available in a widely used electronic format, unless concerned requests otherwise.

Pursuant to Article 15 (4) of the General Data Protection Regulation, the data referred to in the right to request a copy shall not adversely affect the rights and freedoms of others.

Pursuant to Article 18 (1) (c) of the General Data Protection Regulation, the data subject is entitled to that, at his request, the controller restricts the processing if one of the following is met:

(c) the controller no longer needs the personal data for the purpose of processing the data, but the data subject requests them to bring, assert or defend legal claims.

Pursuant to Article 18 (3) of the General Data Protection Regulation, the controller at whose request the processing has been restricted pursuant to paragraph 1, the processing shall give advance notice of the lifting of the restriction.

Pursuant to Article 25 (1) of the General Data Protection Regulation, the controller is a scientific and the state of the art and the cost of implementation, as well as the nature and scope of data the rights and freedoms of natural persons, varying in the probability and severity of risk taking into account both data management appropriate technical and administrative procedures for determining the organizational measures, such as pseudonymisation, aimed at data protection principles, such as the effective implementation of data protection; to meet the requirements of this Regulation and to protect the rights of data subjects incorporating the necessary guarantees into the data management process.

Pursuant to Article 33 (1) to (5) of the General Data Protection Regulation:

3. The controller shall, at the request of the data subject to whom the data subject has been restricted pursuant to paragraph 1 data management, inform you in advance of the lifting of the data processing restriction.

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1. The data protection incident shall be processed by the controller without undue delay and, if possible, no later than 72 hours after becoming aware of the data protection incident.

to the competent supervisory authority pursuant to Article 3, unless the data protection incident occurs it is unlikely to endanger the rights and freedoms of natural persons viewed. If the notification is not made within 72 hours, a delay must be attached reasons for the justification.

(2) The data processor shall become aware of the data protection incident after becoming aware of it
notify the controller without undue delay.

3. The notification referred to in paragraph 1 shall include at least:

- (a) describe the nature of the data protection incident, including, where possible, the data subjects
the categories and approximate number of data and the categories of data involved in the incident; and
approximate number;
- (b) be communicated to the Data Protection Officer or any other contact person for further information
name and contact details;
- (c) a description of the likely consequences of the data protection incident;
- (d) describe the actions taken or planned by the controller to remedy the data protection incident
measures, including, where appropriate, any adverse consequences arising from the data protection incident
mitigation measures.

4. If and where it is not possible to communicate the information at the same time, it shall be additional
they may be communicated in detail without undue delay.

(5) The data controller shall keep records of data protection incidents, indicating the data protection
the facts of the incident, its effects and the measures taken to remedy it. E
records shall enable the supervisory authority to verify compliance with the requirements of this Article
compliance.

Pursuant to Article 33 (1) to (4) of the General Data Protection Regulation:

(1) If the data protection incident is likely to involve a high risk of natural
the rights and freedoms of individuals without undue delay
inform the data subject of the data protection incident.

The information provided to the data subject referred to in paragraph 1 shall clearly and
the nature of the data protection incident shall be clearly explained and at least Article 33 shall be communicated
The information and measures referred to in points (b), (c) and (d) of paragraph 3.

3. The data subject need not be informed as referred to in paragraph 1 if the following

any of the following conditions is met:

(a) the controller has implemented appropriate technical and organizational security measures, and these measures have been applied to the data affected by the data protection incident,

in particular the measures, such as the use of encryption, which:

for persons not authorized to access personal data

make the data incomprehensible;

(b) the controller has taken further action following the data protection incident which:

ensure that the rights and freedoms of the data subject referred to in paragraph 1

high risk is unlikely to materialize in the future;

(c) the information would require a disproportionate effort. In such cases, those involved

by means of publicly available information or a similar measure

which ensures that those concerned are informed in an equally effective manner.

(4) If the data controller has not yet notified the data subject of the data protection incident, the supervisory authority shall

authority after considering that the data protection incident is likely to be at high risk

order the data subject or establish the information referred to in paragraph 3

one of the conditions is met.

Pursuant to Article 58 (2) (b), (c), (g) and (i) of the General Data Protection Regulation, the supervisory

acting within the corrective power of the competent authority:

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

has infringed the provisions of this Regulation;

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

the exercise of his rights under this Regulation;

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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)

order notification to the addressees in accordance with

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

(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.

Article 83 (1) to (2) and (5) (a) to (b) of the General Data Protection Regulation:

1. Each supervisory authority shall ensure that the provisions of paragraphs 4, 5 and 6 of this Regulation are complied with.

administrative fines imposed pursuant to this Article for each of those infringements

be effective, proportionate and dissuasive.

(2)

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

shall be imposed in addition to or instead of the measures referred to in points (a) to (h) and (j) of

In deciding whether it is necessary to impose an administrative fine, or a

the amount of the administrative fine in each case

the following must be taken into account:

(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 the infringement;

the extent of the damage they have suffered;

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

(c) the mitigation of damage suffered by the controller or the data subject

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 breaches 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

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

in detail;

(i) if previously against the controller or processor concerned, in the same

have ordered one of the measures referred to in Article 58 (2),

compliance with the measures in question;

(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 gained or avoided 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

An administrative fine of EUR 1 000 000 or, in the case of undertakings, the preceding financial year

amounting to a maximum of 4% of its total annual world market turnover, provided that the

the higher of the two shall be charged:

(a) the principles of data processing, including the conditions for consent, in accordance with Articles 5, 6, 7 and 9;

appropriately;

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

Infotv. Pursuant to Section 2 (2), the general data protection decree is indicated therein

shall apply with the additions provided for in

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

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

CL of the General Administrative Procedure Act 2016. Act (hereinafter:

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Ákr.) Shall apply with the additions specified in the Information Act and the general

with derogations under the Data Protection Regulation.

Infotv. Pursuant to Section 71 (2), the Authority has lawfully obtained a document in the course of its proceedings, data or other means of proof in another procedure.

Infotv. 75 / A. § according to Article 83 (2) - (6) of the General Data Protection Regulation exercise the powers set out in paragraph 1 in accordance with the principle of proportionality, in particular by providing for the law or regulation on the processing of personal data

Requirements laid down in a binding act of the European Union

Article 58 of the General Data Protection Regulation in particular by alerting the controller or processor.

Ákr. Pursuant to Section 35 (3), the decision made on the subject at the request of the client shall be final until his divorce.

LIV of 2018 on the protection of business secrets. Act (hereinafter: Business Secrets Act) § 1 (1)

business secrets relating to an economic activity in its entirety, or

not generally known or engaged in the economic activity concerned

not easily accessible to persons, and therefore a fact of material value

information, other data and a compilation thereof, the confidentiality of which shall be kept

in order to do so, the holder of the secret shall behave in a manner which is normally expected in the situation.

ARC. Decision:

IV.1. Failure to comply with the Applicant's request and failure to provide information

(Application 1)

IV.1.1. The Applicant submitted the applications for the exercise of the rights of the data subject on 30 September 2019 to the Applicant, which is also acknowledged by the Applicant.

The data subject's requests to the data subject shall be governed by Article 12 (3) of the General Data Protection Regulation. within one month of receipt, or

in the absence of such an extension, the person concerned shall be informed of the extension of the one - month period, or pursuant to Article 12 (5) of the General Data Protection Regulation

as the requests submitted by the data subject are excessive, in particular due to their repetitive nature.

The controller is therefore not in a position to do so under the provisions of the General Data Protection Regulation not to reply to the request at all within one month of receipt.

The Applicant stated during the proceedings that the Applicant had the camera footage granted the request for blocking, but did not inform the Applicant in accordance with the provisions of Article 12 (3) of the General Data Protection Regulation, and nor did it inform you that, under the cited paragraph of the General Data Protection Regulation, the the time limit for complying with the request for access shall be extended by a further two months. According to the Applicant's statement, although the Applicant's submission of 30 September 2019 did not respond explicitly, however, to the complex requests of the Applicant dated 26.08.2019 extended the deadline for replying by 60 days (to be announced on 24 September 2019) informed the Applicant by letter dated The Authority found that by this letter however, the Applicant did not comply with Article 12 (3) of the General Data Protection Regulation. as this letter was sent to the Applicant on 30 September 2019 submitted before that date, so it can only be included for applications received by that date information, not for subsequent requests.

In view of the above, the Authority therefore concludes that the Applicant did not inform the Applicant, in respect of his application, filed on 30 September 2019, for consideration the complexity and number of your applications will be extended by a further two months

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the one-month deadline for reply provided for in the Data Protection Regulation

The applicant infringed Article 12 (3) of the General Data Protection Regulation.

The application concerned on 30 September 2019 and the Applicant on 17 February 2020 a

More than four months elapsed between the date of its reply,

as a result, the Applicant infringed Article 12 (3) and (4) of the General Data Protection Regulation.

as it did not inform the Applicant within one month of receipt of the application

the action taken on his request and the reasons for not taking action.

This omission was also acknowledged by the Applicant in a statement sent to the Authority.

IV.1.2. Obligation of the Applicant to comply with the requests of the data subject and the obligation to provide information, and viewing unmasked versions of the images at the Applicant's registered office

(part of your application No. 2)

The Application No. 2 of the Applicant covered the date of 20.09.2019. on the day below the Requested [...] number at the reception of the central building and on the street front between 10:51 and 12:12

however, the Authority's findings in relation to this recording

IV.2. included.

IV.1.2.1. Upon the request of the Applicant concerned, the Applicant immediately restricted the the camera footage indicated in the application, so it was not violated by the Applicant general the right of the data subject under Article 18 (1) (c) of the Data Protection Regulation.

Given that the Applicant has restricted his data processing with respect to the requested recordings, therefore the Authority shall reject the Applicant's request to instruct the Applicant to restrict to comply with your request.

IV.1.2.2. According to the applicant's statements of 17 February and 24 February 2020 sent to the Authority in two separate letters sent at the same time as the letters sent to the Authority

Applicant's request for access and sent the camera footage requested by Applicant, which a copy of which was also forwarded to the Authority by the Applicant.

The Authority, having examined the above recordings, found that the Applicant's general recordings sent after the deadline set in the Data Protection Regulation for the processing of data subjects' requests has also failed to fulfill its obligations by making it available.

Article 15 (4) of the General Data Protection Regulation is considered by the Authority to be so shall be construed as meaning that in the case of a reference to business secrets, only the

A detailed substantiated justification for the trade secret / secrets may be accepted as a reason for exemption from a request for access, this can only be invoked in general.

The Authority is officially aware of [...]. (set out in point II.1

Statement of Obligation) that the Applicant shall, in connection with the concealment of camera recordings, a during the period under review, it was of the view that "all shooting - the location and angle of view of each camera, the focal length, the size of the sensor and due to its other parameters, is considered a business secret '.

In its decision [...], the Authority stated the following, which is also the case here it can be stated:

"The equipment of the part of the bank branches open to customer traffic, monitoring the customer space the placement of cameras is also not a trade secret as it is an economic one information that is easily accessible to the person carrying out the activity.

Pursuant to Article 5 (2) of the General Data Protection Regulation, the controller is responsible for shall be able to demonstrate compliance with this Article

(Principle of "accountability"). Article 15 of the General Data Protection Regulation (access to request a copy as referred to in Article 15 (3)

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the rights and freedoms of others. Those paragraphs a

In the Authority's view, they should be interpreted as referring to business secrets

only the detailed and detailed information provided by the controller in relation to the specific trade secret (s) a substantiated justification may be accepted as a ground for exemption from the request for access, a general reference is not suitable for this. If the above argument of the Applicant were correct, it would make it completely impossible to release personal data recorded by camera systems, since with reference to this, all recordings could be refused. "

Based on the above, the Authority has concluded that the bank branches are open to customers

Recordings made available with full coverage shall not be accepted in general

compliance with the right under Article 15 (3) of the Data Protection Regulation, ie the Authority

found that the Applicant had violated Article 15 of the Applicant 's General Data Protection Regulation.

The Authority therefore grants the applicant 's request and instructs the

Requested to use the requested recordings without undue disguise

make it available to the Applicant.

IV.1.2.3. The Applicant's request to view the recordings of the Applicant

ensure that the Applicant, in its terminology, is not "anonymised", i.e.

without obscuring it, not under Article 15 of the General Data Protection Regulation

it can be fulfilled in all cases, as the recording cannot be viewed without masking in all cases

as the right of the data subject guaranteed in Article 15 of the General Data Protection Regulation is only his own

allows access to personal data and on camera recordings, which

The Applicant requested that the unmasked version be viewed by third parties.

Requested employees, clients, agents - are also included, i.e., the recordings are his

their personal data as well as their additional personal data.

Based on the above, the Applicant is governed by Article 15 of the General Data Protection Regulation

shall not be required to fulfill its obligation to provide a right of access by:

provide insight into uncovered recordings.

In view of the above, the Authority rejected the Applicant 's request to instruct

Applicant to provide the opportunity for uncovered camera footage

for inspection.

IV.2. The Applicant 2-10. s. applications dated 20.09.2019. on the day of the Requested [...] number

at the reception of the central building below and on the street front between 10:51 and 12:12

apply to camera shots

The Application No. 2 of the Applicant covered the date of 20.09.2019. on the day below the Requested [...] number

at the reception of the central building and on the street front between 10:51 and 12:12

therefore the Authority has made findings in this respect.

The Applicant 3-10. s. your application only on 20.09.2019. on the day of the Central Number under the Requested [...]

number

at the reception of the building and on the street front in the interval from 10:51 to 12:12

camera recordings, in respect of which the Applicant stated that

"Not locked or recording not available".

Based on the above, the Applicant merely stated that he could not adequately

to provide information that 20.09.2019. on the day of the central building at number [...]

with cameras located at the front desk and on the street front in the interval from 10:51 to 12:12

whether it carried out data processing, however, it did not doubt that the Applicant

and did not prove that the cameras did not work on that

place and time, therefore, the Authority finds that the Applicant failed to lock, ie

as defined by the Applicant in accordance with the wording of the General Data Protection Regulation

in breach of Article 18 (1) (c) of the General Data Protection Regulation.

point.

IV.2.1. 2-5. s. application

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Based on the above, the Authority granted the Applicant's request that the Authority establish

that the Applicant has infringed Article 18 (1) (c) of the General Data Protection Regulation

as it did not restrict the requested recordings.

Given the destruction of images, that is, the restriction of personal data

due to his failure to do so, the Applicant was no longer in a position to comply with the request for access

therefore, the Authority rejected the Applicant 's request that

note that the Applicant also has a right under Article 15 of the General Data Protection Regulation

violated the Applicant. Furthermore, because the recordings are no longer available to the Applicant

therefore, the Authority rejected the Applicant's request to instruct the

Authority of the Applicant to

block these recordings and inform in this connection, and

- make it available to the Applicant in such a way that only other persons can disguise them

obscures his image.

IV.2.2. 6-7. s. application

In view of the fact that the Authority has established that the Requested on the day of [...] at the reception of the central building and at the street front between 10:51 and 12:12 failed to lock the camera recordings, the Authority rejected the Applicant request that

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the Authority shall establish that the Applicant has violated the Applicant's general Article 18 (3) of the Data Protection Regulation and therefore did not inform the lifting restrictions on data processing, and

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the Authority finds that the Applicant has violated Article 5 of the GDPR by canceling the inclusion. the provisions of paragraphs 1 to 2 of this Article.

IV.2.3. 8-10 application

Article 4 (12) of the General Data Protection Regulation defines the data protection incident that a data protection incident is a breach of security which accidental or unlawful destruction of personal data stored or otherwise processed, loss, alteration, unauthorized disclosure or unauthorized disclosure results in access.

A privacy incident involving the handling of pre-existing, available personal information to be interpreted. Given that it has not been substantiated and demonstrated that a Applied 20.09.2019. at the reception of the central building at [...] and on whether the camera was taken in the interval from 10:51 to 12:12 on the street front, the Authority rejected the Applicant 's request that the Authority establish that the Applicant infringed Article 33 (1), (2) and (3) of the General Data Protection Regulation and Article 34 Article 1 (1), (2) and (3), since during the data protection incident manifested itself in the fact that he did not make any recordings in the Requested on the day

At the reception of the central building at [...] and on the street front between 10:51 am and 12:12 pm interval) did not notify the Applicant of this fact.

For the above reasons, the Authority rejected the Applicant's request that the Authority shall oblige the Applicant to provide information to the Applicant in general in accordance with Article 34 (4) of the Data Protection Regulation, as the obligation to provide information it may only be related to a data protection incident in an existing data management above.

IV.3. Calculation of the deadline for administration

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The Ákr. Section 35 (3) states that a decision is made on the matter at the request of the client until it becomes final. The Authority The procedure prescribed in Section 15 (1) obligation and the time limit for administration shall begin when the application is pending suitable, so if the client modifies their request, the modified request will be a new request the basis of the procedure, so the official procedure corresponding to the application starts from here. Given that the The applicant supplemented his application on 07 April 2020, therefore the administrative deadline is 2020. began on April 7th.

ARC. 4. Legal Consequences

IV.4.1. The Authority grants the Applicant's request in part and in general data protection condemns the Applicant under Article 58 (2) (b) of the Regulation for violating it Article 12 (3) and (4) of the General Data Protection Regulation, the General Data Protection Regulation Article 15 (3) of the General Data Protection Regulation, Article 18 (1) (a) of the General Data Protection Regulation and instructed the Applicant to comply with Article 58 (2) of the General Data Protection Regulation. pursuant to paragraph (d).

IV.4.2. The Authority examined of its own motion whether data protection against the Applicant was justified imposition of a fine. In this context, the Authority is Article 83 (2) of the General Data Protection Regulation and Infotv. 75 / A. § considered all the circumstances of the case. Given the case

circumstances and that the Applicant did not violate the general rule for the first time provisions of the Data Protection Regulation, the Authority therefore concluded that in the present proceedings in the case of detected infringements, the warning is neither a disproportionate nor a dissuasive sanction, it is therefore necessary to impose a fine. The Authority shall take the following factors into account when imposing a fine took into account:

In particular, the Authority took into account that the infringements committed by the Applicant were in accordance with Article 83 (5) (b) of the General Data Protection Regulation constitute an infringement falling within the category of fines because they infringe the rights of the data subject they went.

The Authority considered the following circumstances as aggravating circumstances when imposing the fine take into account:

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The Applicant's violation lasted for a longer period of time as it did not last more than four months or only after the start of the official data protection proceedings Applicant's application. (Article 83 (2) (a) of the General Data Protection Regulation)

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To convict the Applicant for violating the General Data Protection Regulation already took place in the following cases in the present case also established general data protection for infringements of the same provision of this Regulation:

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[...] ∴

THE [...]. In Decision No 1/2005, in which the Authority found that

Applicant has not complied with the Applicant's right of access and data restriction and was not informed of his omission or action the applicant, and in this decision the Authority

the Applicant was also instructed by his application submitted on the basis of the Applicant's right as a data subject

to fulfill. In addition to the established violations, the Authority has HUF 700,000

the Authority ordered the Applicant to pay a data protection fine.

•

[....]. and the [...] ::

The Authority shall notify the Applicant of [...]. and the [...]. He also condemned him in his decision no

for breach of the right of access by failing to provide adequate information to

In connection with the processing of the applicant's personal data.

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[...] ::

The Authority shall notify the Applicant of [...]. in its decision no

due to improper execution of a request for access and restriction, and

He was obliged to pay a HUF 500,000 data protection fine.

•

[...] ::

The Authority convicted the Applicant because of the Applicant's access

did not reply to his request within the time allowed.

•

[...] ::

The Authority has convicted the Applicant of a request for access that is not valid

and was obliged to pay a HUF 1,000,000 data protection fine.

(Article 83 (2) (e) and (i) of the General Data Protection Regulation)

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The Claimant shall remedy the breach after the expiry of the time limit for performance

nor did it fully comply with the Applicant's requests for the exercise of the rights of the data subject.

(Article 83 (2) (k) of the General Data Protection Regulation)

In imposing the fine, the Authority considered the following circumstances as significant mitigating circumstances take into account:

- The Applicant is more complex, broadly repetitive, but in smaller details

has applied - and continues to apply - for a different exercise of the rights of the data subject

To an applicant, making it almost untraceable which application is exactly what

aimed at. The serial submission of these applications makes it difficult and slows down the accuracy of your applications and its proper assessment and performance by the Applicant. With these requests

In this context, 48 data protection authorities and investigations were initiated before the Authority

At the request of the Applicant, based on his complaint, which number clearly indicates that the Applicant a imposes a heavy workload on the Applicant with his / her ongoing requests.

(Article 83 (2) (k) of the General Data Protection Regulation)

Based on the nature of the breach - the principle of data processing and the breach of the right concerned - the fine that can be imposed

the ceiling under Article 83 (5) (b) of the General Data Protection Regulation is 20 000 000

EUR or up to 4% of total world market turnover in the preceding business year. (general

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

In view of the above, and in view of the Applicant's consolidated financial statements for 2019

The pre - tax profit was approximately HUF 59,000 million

the amount of the data protection fine shall be considered to be exceptionally low and shall not exceed what is applicable maximum fine. (Article 83 (5) (a) of the General Data Protection Regulation)

Article 83 (2) of the General Data Protection Regulation applies to the imposition of fines.

The following provisions of paragraph 1 were not taken into account because, in its view, the were not relevant in the present case: points (c), (d), (f), (g) and (h).

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

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

V. Other issues:

15

The powers of the Authority shall be exercised in accordance with Infotv. Section 38 (2) and (2a), its jurisdiction is covers the whole country.

The decision is based on Ákr. 80.-81. § and Infotv. It is based on Section 61 (1). The decision is based on Ákr. 82. § (1), it becomes final with its communication.

The Ákr. § 112 and § 116 (1) and § 114 (1), respectively
there is an administrative remedy against him.

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

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

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

Legal representation shall be mandatory in proceedings falling within the jurisdiction of the General Court under paragraph 1 (b).

A Kp. Pursuant to Section 39 (6), the filing of an application is an administrative act
has no suspensive effect.

A Kp. Section 29 (1) and with this regard Pp. Applicable pursuant to Section 604, the
of 2015 on the general rules of electronic administration and trust services

CCXXII. Pursuant to Section 9 (1) (b) of the Act (hereinafter: E-Administration Act), the customer
his legal representative is obliged to communicate electronically.

The place and time of the submission of the application is Section 39 (1). THE
reintroducing certain procedural measures in the event of an emergency

112/2021. (III. 6.) of the Government Decree, it is the time of the tightened defense
during which the court shall act out of court, including appeal proceedings. If trial

it would be appropriate to hold it, or it was requested by either party or a hearing has already been scheduled, the proceeding
the court shall inform the parties out of turn of the fact of the out-of-court settlement and provide an opportunity

to allow the parties to submit their statements in writing. If the lawsuit is a tightened defense should a hearing be held outside of time, the plaintiff may then request that the court be out of court postpone the hearing until after the end of the enhanced defense,

if (a) the court has not ordered at least part of the suspensory effect of the administrative act,

(b) the action has suspensory effect and the court has not ordered the suspension of the suspensory effect

(c) no interim measure has been ordered.

The amount of the fee for an administrative lawsuit shall be determined in accordance with Act XCIII of 1990 on Fees. law (hereinafter: Itv.) 45 / A. § (1). From the advance payment of the fee is

Itv. Section 59 (1) and Section 62 (1) (h) shall release the party instituting the proceedings.

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

it considers that it has failed to fulfill its obligations within the prescribed period. The Ákr. According to § 132, if a the obligor has not complied with the obligation contained in the final decision of the authority, it shall be enforceable.

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

The Ákr. Section 133 of the Enforcement - unless otherwise provided by law or government decree ordered by the decision-making authority. The Ákr. Under section 134 of the enforcement - if a law, a government decree or, in the case of a municipal authority, a decree of a local government unless otherwise provided - by the state tax authority. Infotv. Section 60 (7)

to carry out a specific act contained in a decision of the Authority

the decision as to the obligation to conduct, tolerate or stop

shall be carried out by the Authority.

Budapest, March 22, 2021

Dr. Attila Péterfalvi

President

c. professor