

File number:

History case number:

NAIH-770-4/2022

NAIH-7599/2021

Subject: decision

H A T A R O Z A T

It is the National Data Protection and Freedom of Information Authority (hereinafter: Authority).

With Oraculum 2020 Limited Liability Company (headquarters: 1074 Budapest, Dohány utca

16-18. party 8.) (hereinafter: Customer 1) and the SzondaPhone Telemarketing service provider and

with Commercial Limited Liability Company (headquarters: 1096 Budapest, Thaly Kálmán

u 39.) (hereinafter: Customer 2) against ex officio - by Customer 1 and Customer 2 in 2021.

data management related to the telephone survey conducted between April 7 and April 14, 2021

practice - makes the following decisions in the initiated data protection official procedure:

I. The Authority determines that Customer 1 according to points III.1.4.(i) and III.2.1.(i) of the justification

in terms of data management, the personal data of natural persons has been violated

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

Regulation 2016/679/EU on the repeal of Directive 95/46/EC (hereinafter:

General Data Protection Regulation) legal and transparent according to Article 5 (1) point (a).

the basic principle of data management and the basic principle of accountability according to Article 5 (2), and

Article 6 (1), Article 12 (1), Article 14 of the General Data Protection Regulation

(1) and (2), Article 24 (1) and Article 25 (1).

II. The Authority determines that Customer 1 data processing according to point III.1.4.(ii) of the justification

violated Article 5 (1) point (a) of the General Data Protection Regulation

lawful and transparent data management according to Article 5 (1) b) for the purpose

binding, data saving according to Article 5(1)(c) and Article 5(2)

the basic principle of accountability and Article 6 (1) of the General Data Protection Regulation

paragraph, paragraph (1) of Article 9, paragraph (1) of Article 12, paragraphs (1) and (2) of Article 13, Article 24(1) and Article 25(1) and (2).

III. The Authority determines that Customer 2 according to point III.2.1.(ii) of the justification breached Article 5 (1) of the General Data Protection Regulation in terms of data management lawful data processing according to point a), according to point c) of Article 5 paragraph (1). data saving, accuracy according to Article 5(1)(d), Article 5(1). limited storage according to point e) and accountability according to Article 5 (2). principle, as well as Article 6 (1), Article 12 (1) of the General Data Protection Regulation paragraph, Article 14 (1) and (2), Article 24 (1) and Article 25 (1) and (2) paragraph.

ARC. The Authority based on Article 58 (2) point d) of the General Data Protection Regulation ex officio instructs Customer 2 to, as explained in the justification change your phone number's database practices to match that of the General Data Protection Regulation, i.e. only continue data processing if it is appropriate after meeting the purpose, legal basis, consideration of interests if necessary, and other conditions can be continued legally, otherwise delete the database, and about the measures taken notify the Authority immediately. The about law and that

CXII of 2011 on freedom of information. Act (hereinafter: Infotv.) § 61. (6) until the expiry of the time limit open for challenging the decision pursuant to paragraph and administrative proceedings until the final decision of the contested data affected by data management cannot be deleted or destroyed.

in case of initiation, the court information self-determination

A. The Authority ex officio ex officio Customer 1 due to the above data protection violations

HUF 7,000,000, i.e. seven million forints

data protection fine

obliged to pay.

VI. The Authority ex officio ex officio Customer 2 due to the above data protection violations

HUF 6,000,000, i.e. six million forints

data protection fine

obliged to pay.

HUF account

The above IV. the fulfillment of the obligation prescribed in point 2 for Customer 2 with this decision must be in writing within 30 days of the expiry of the legal remedy deadline - the supporting evidence together with the presentation of evidence - to prove it to the Authority.

The fine according to point V above shall be paid to Customer 1 and VI. fine according to point 2-

centralized by the Authority within 30 days of this decision becoming final

revenue collection target settlement

(10032000-01040425-00000000

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

to pay. When transferring the amount, "NAIH-770/2022 BÍRS." number must be referred to.

If Customer 1 or Customer 2 does not pay the fine within the deadline

is obliged to pay a sufficient late fee. The amount of the late fee is the legal interest,

with the central bank base rate valid on the first day of the calendar semester affected by the delay matches.

Non-payment of the fine and late fee, or the above III. and IV. according to point

in case of non-fulfilment of the obligation, the Authority orders the unfulfilled part of the decision implementation.

There is no place for administrative appeal against the decision, but only from the announcement

within 30 days from the date of issue, with a letter of claim addressed to the Capital Tribunal can be challenged in a lawsuit. The claim must be submitted to the Authority electronically<sup>1</sup>, which forwards it to the court together with the case documents. The request for the holding of the trial is submitted by the must be indicated in the application. For those who do not receive full personal tax exemption the fee for the judicial review procedure is HUF 30,000, the lawsuit is subject to the right to record the fee. THE Legal representation is mandatory in proceedings before the Metropolitan Court.

Infotv. Based on point a) of § 61, paragraph (2), the Authority identifies this decision published with data on the website of the Authority.

## I N D O C O L A S

1 The NAIH\_K01 form is used to initiate the administrative lawsuit: NAIH\_K01 form (16.09.2019) The form is can be filled out using a general form filling program (ÁNYK program).

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The course of the procedure and the clarification of the facts

I.

### 1. History matters

1.1. The Authority in background investigation case No. NAIH-5510/2021 (hereinafter:

History Case) as a result of several announcements of public interest, Client 1 is related to it

investigated its data management ex officio that Customer 1 via Customer 2 on the phone en masse

contacted stakeholders in order to assess their political opinion, as well as

at the same time requested consent for the future processing of their contact data.

1.2. On June 14, 2021, the Authority contacted him in the Background Case with the following questions

Customer 1:

(i)

Who or who is/are the data controller(s) that is the subject of the Background Case about automatic political opinion polling?

(ii) Which data processors does the data controller use

with the above data management

in relation? Attach the contract with them regarding data processing

copies of contracts containing provisions!

use the

(iii) What types of personal data are processed in connection with the above data management,

for what purposes, with what legal basis, for how long, in what way (data management

process description)? Support your answer with documents!

(iv) In connection with the above data management, to which third party recipients of the data

are they handed over, for what purpose and legal basis?

(v) In connection with the above data management, personal based on the consent of the data subjects

in relation to the data, it confirms the acquisition of the consents!

(vi) In relation to the above data management, the data controller or a third party is entitled

attach the interest assessment in relation to personal data based on your interest

copy!

(vii) In what manner and form is the data management information provided to the data subjects

in relation to the above telephone data management, where is it available? Attach the phone number

automatic text and a copy of the data management information!

(viii) In what way can the data subjects exercise Article III of the general data protection regulation.

their rights as stakeholders in relation to the above data management?

(ix) Attach the register according to Article 30 (1) of the General Data Protection Regulation

copy in relation to the above data management!

1.3. Customer 1 received the above request from the Authority on July 8, 2021, NAIH-5510-

2/2021, the following is relevant to the decision

made statements:

With the automatic political opinion survey that is the subject of the Precedents Case

in this connection, the exclusive data controller is Customer 1.

(i)

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(ii) With the automatic political opinion survey that is the subject of the Precedent Case

in connection with the Customer 1 exclusively used the data processor Customer 2 a

based on the contract attached to the reply letter.

(iii) Customer 1 is exclusively aggregated and depersonalized during the examined data management

receives data from the data controller summarizing the answers to the 4 questions asked.

It does not handle personal data regarding these answers. The opinion request

after that, with a separately documented consent (pressing a button), the data subject can indicate that

for later information, Customer 1 receives the name and telephone number of the person concerned

yes. The processed data is the name and telephone number of the data subject, as well as the data of the data subject

address stored legally accessible to the data processor. At the beginning of the call

information is given about the type of call that follows, so the called party

to the subject before the questions asking for opinions on specific political topics

they will inform you of the possibility to disconnect the line if you do not wish to do so

to listen to this kind of message.

(iv) Customer 1 did not transfer data to a third party through the data processing under review

in context.

(v) The consent is documented online by the data processor's (Customer 2) robocaller software.

Customer 1 will not receive a log file or anything else about this, only the consent giver

receives personal data from Customer 2.

(vi) Customer 1 attached a copy of the interest assessment to his response.

(vii) At the beginning of the call, it provides information about the nature of the messages that will be spoken later, and a

In accordance with the authority's relevant decision, it allows the line to be dismantled

before the questions are asked. Information according to the script attached to the answer

provided in the last third of the call regarding consent.

(viii) In order to exercise the data subject's rights, the data subject receives information from Customer 1 about your contact information as part of the phone call, according to the attached script.

The purpose of the data management that is the subject of a

(ix) Record according to Article 30 of the General Data Protection Regulation attached to the answer according to the History Case

telephone

with citizens actively expressing their interest as part of an opinion poll

contact, the persons concerned are those interested in the media products and news of the data controller,

the processed personal data are the name, landline telephone number and address of the person concerned,

if the latter is available in the telephone number register. Data management

the legitimate interests of the data controller and the data subjects were indicated as legal grounds

contribution. The time allotted for deletion is 30 days, and the data in digital form,

The data manager stores it in an Excel table.

(x) Attached to the answer, dated March 31, 2021, Client 1 as Principal and Client

According to point 2 of the assignment contract concluded between 2 as agents, the Client 1

instructs Customer 2 that between April 7, 2021 and April 14, 2021

during the period of the telephone campaign (hereinafter: Campaign) by Customer 2 a

public

1,105,284 wires secured by sorting

calls the phone numbers in the phone number database, and it

Customer 1's voice message is played on the line. The results of the Customer 2 are the Customer

1, broken down at the county level, by type of settlement. THE

according to point 3 of the assignment contract, the Campaign will run from April 7, 2021 to April 14, 2021

lasted until According to point 7 of the assignment contract, Client 1 and Client 2 shall comply

phone book

the Infotv. and the provisions of the General Data Protection Regulation, the relevant based on legislation, it is necessary to fulfill an order during the phone call before information, Customer 2 says an informative text and the Customer asks for permission 1 to communicate your messages. The text of the phone calls is in the commission contract included in the annex.

1.4. The Authority in the Background Case twice, on July 13, 2021 and September 14, 2021 contacted Customer 1 with the following questions:

(i) By what method was it selected?

up the

from the phonebook? Describe the procedure by which the database was created for the calls.

phone numbers are called

down which one

(ii) How the data processor carried out the data aggregation, added in real time

the individual answers to the aggregated result, or the collection of individual data

after aggregated and deleted individual data? Support your answer with documents!

(iii) What is the difference between general and special data processing based on consent

between?

(iv) Attach to the phone number 06203762777 or to the email address [info@ezalenyeg.hu](mailto:info@ezalenyeg.hu) the

data management information available at the time of initiation of this procedure (June 14, 2021).

text!

(v) In the database according to Article 30 of the General Data Protection Regulation, the examined

In relation to data management, the duration of data management is 30 days. This

means that it is processed by the data subjects only for 30 days based on the consent of the data subjects

your contact data for the purpose specified during the phone call, and it will be deleted after that

data? Support your answer with any relevant internal regulations,

with documents!



1.5. Customer 1 received the above request from the Authority on September 20, 2021, NAIH-5510-5/2021, the following is relevant to the decision

made statements:

(i)

can also be found - nationwide

Sorting method: Customer 1 - as it is on the website of its media products

publicly

has online

with publications. Strengthening their sales and customer relations goals

selected on a geographical basis

areas of the country where

makes phone calls. All landline telephone numbers in the given geographical area

wanted to call, which is legally possible to reach.

with coverage

down on it

(ii) Method of data aggregation: The relevant data management in the previous statement

carried out by a specific data processor (Customer 2), who is only for Customer 1

provided aggregated and depersonalized data regarding the responses of those called.

Customer 1 received the information from Customer 2 that Customer 2 was using the VCC

system to handle calls, and if the pickup

done, then from there they will be added in JSON format with a webhook

into a result table. This

it happens

at data processor. Only the button press and the area code are transferred. If it is

general and/or specific consent is given, then the phone number is added

to be saved with a "general" and/or "specific" designation.

integrated, in the same a

system

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on the proposal, in accordance with the President of the Authority

(iii) The general and special consent: The data processing robot call involved in the work

cameraman

recent

with its resolution on separate data management and consent according to expediency

regarding treatment, the two types of consent differ in that the specific

consent applies to Customer 1's (political) news distribution, and the examined

promises later information on topics and news related to a phone call; until then that is

general consent concerning the activities of Customer 1 is not exclusively political

requests consent for subsequent inquiries regarding news.

(iv) A

data management attached to the answer

information is available online a

<https://ezalenyeg.hu/adatkezeles> link.

(v) The duration of data management means the time specified in the question.

1.6. The statements and attached documents made by Customer 1 in the History Case are such data protection

questions have been raised that concern the Authority's ex officio procedure and official means

their action was justified.

1.7. In view of the above, the Authority approves Infotv. On the basis of Section 55, Paragraph (1), Point a) Subpoint b).

closed the Precedent Case and initiated the current data protection official procedure ex officio

Examined in Case History, by Client 1 and Client 2 on April 7, 2021 and April 14, 2021.

in the subject of data management practices related to the telephone survey conducted between

2. This official data protection procedure

2.1. On October 7, 2021, the Authority contacted Customer 1 with the following questions:

(i)

In the data processing contract concluded with Customer 2 dated March 31, 2021

marked Did the campaign end on April 14, 2021?

(ii) Whether it was carried out outside the Campaign is essentially the same as the one investigated in the Precedent Case

conducted a telephone campaign using the method on May 25, 2018 and the present procedure

between the day of initiation? If so, how many are there in total

have you been contacted by the person concerned?

(iii) What method is used to provide the list of telephone numbers for the Campaign

Act C of 2003 on Electronic Communications (hereinafter: Act) § 162 (2)

compliance with the obligation according to para

did you object to such inquiries in advance with the telephone provider?

(iv) The exact purpose for which the residential address data is processed, given that the contact

according to the information sent in the History Case, by email, SMS or phone

Does it take place through your Facebook channels?

(v) Where and with what content is information about the persons concerned from the phone book

address information is transferred to their register, and for what purpose and in what way is it managed?

(vi) The data retention in the record according to Article 30 sent in the History Case

time is 30 days, while according to the information sent in the History Case, the consent

until withdrawn. Which data processing takes exactly how long is indicated

regarding a telephone survey purpose?

(vii) Declare whether you maintain the statements you made in the Precedence Case! The Authority

informs that the documents created in other related cases were sent to Infotv. Section 71 (2)

can be used in this procedure based on paragraph

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(viii) By whom and when the interest assessment related to data management based on legitimate interest

made by? Support your answer with documents!

(ix) Who prepared the information during the telephone inquiry and when? Your answer support it with documents!

(x) How many data subjects and which types of personal data are currently being processed by them via the telephone have given consent to this, and specifically what they are currently used for (for example what kind of information was sent to these stakeholders last time and when)? Mark it type of database and where it is physically stored, and send it as a sample from the database, the part containing the data of those with surnames beginning with "He" and "Sze"!

(xi) Send a copy of your database access log between April 7, 2021 and today between days!

(xii) Because in the course of the official data protection procedure, in the event that the Authority establishes a violation of law can impose a data protection fine ex officio, so present everything that is relevant fact and circumstance that may be important in the possible imposition of a fine (measures taken by the data controller to ensure data subject rights, previous financial year total annual world market turnover, etc.)!

(xiii) CL of 2016 on the general administrative procedure. law (hereinafter:

On the basis of § 76 of the Civil Code, you may submit statements before the conclusion of the evidence.

In making its decision, the Authority also uses the documents created in the History Case.

2.2. Customer 1 received the above request from the Authority on November 30, 2021, NAIH-7599-

5/2021, the following is relevant to the decision

made statements:

(i)

According to the subcontractor, the Campaign was closed on time.

(ii) carried out a telephone campaign using the same method as indicated in December 2020, other with content that affected approximately 550,000 landline telephone numbers.

(iii) Customer 1 does not manage any phone number list and is called by subcontractors

attention to compliance with legislation.

(iv) Customer 1's publishing company has more than 70 local news portals, the residential address data collection would have made it possible to address the residents of the given settlement in a targeted manner, however it could not be used for this due to the low consent rate.

(v) Spoken at the end of the played script, before the so-called specific data protection question the data controller and the purpose of the data management are indicated in the information sheet.

(vi) The data retention period is 30 days.

(vii) Customer 1 maintains the statements made in the Case History.

(viii) Client 1 has carried out an interest assessment attached to the answer by expert lawyers involving.

(ix) Client 1 prepared the information given during the telephone inquiry by lawyers involving, there is no document available for this.

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(x) Customer 1 does not currently manage the data from the Campaign, it has all been deleted the consent rate was not sufficiently high.

(xi) The database created during the Campaign was destroyed by Customer 1 in this connection does not have any data.

(xii) According to Customer 1's point of view, he acted prudently, in good faith and lawfully telephone information campaign.

2.3. The "interest balance test" document attached to Customer 1's reply letter above - which it contained neither date nor signature - it contained the following:

"Weighing of interests test

At the end of the telephone survey, the specific COVID crisis management and general information regarding the processing of the data of those who have given separate consent.

Personal data affected by data management

At the end of the telephone survey, the two different (concerning specific and general objectives)

name, landline telephone number and address of consenting persons, which data is officially accessible in the telephone number register.

#### Determination of the legitimate interest of the data controller

As a media company, the data controller operates nearly 100 online portals and is in its legitimate interest informing those interested in the news it provides. Those interested in this they can express it voluntarily and through documented, active consent.

#### Determination of the interests, fundamental rights and freedoms of the data subject

The name, address and landline number of the person concerned are personal data. At the same time, it is political preference, the opinion expressed in the telephone opinion request is broken down by person data manager does not manage, does not receive such data from the involved data processor, so it is political no profiling takes place. Transfer of data enabling political conclusions only in an aggregated and depersonalized form.

However, the data subject has a protected interest in the case of any personal data, including here due to

- exercise your right to informational self-determination, and as part of this, your own personal you can generally dispose of the processing of your data by others,
- your privacy should be respected by the data controllers,
- the legal provisions ensuring the protection of the private sector apply.

#### Interest balance test result

THE

during the consideration of the above interests, we determined that the data controller is data processing its activity in relation to the personal data of the person concerned can be matched to the necessary and subject to the requirement of proportional data management, subject to the following:

- on a personal level, the data controller does not handle data that allows for political profiling, opinions expressed on political issues are not stored in the Data Controller database
- the data controller has a legitimate and compelling interest in the personal data of the data subjects

processing after the documented recording of their active consent"

THE

for technical reasons - they are missing

At the end of the title "Result of weighing of interests" are the points below, which are the History

In the consideration of interests submitted in the case, you can find:

above consideration of interests

Probably

from test -

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"- data management is necessary and cannot be replaced by a procedure that does not require data management,

bearing in mind that in the absence of the data subject's personal data as contact details

cannot provide interested parties with the information requested by them

- the data manager - in accordance with the principle of data saving - only data management

the most necessary personal data to achieve its purpose, and only for the necessary time and

manages it to the extent that the managed data is only official essential for communication

covers contacts

- the Data Controller issues a detailed data protection information to the data subject, in which

informs the data subject about the legal basis and purposes of the data management, the personal data it manages

about the scope of data, as well as the rights of the data subject

- the data management is necessary to enforce the Data Controller's legitimate interests and on this

the interests or rights of the data subject do not take precedence over interests and

freedoms that require the protection of personal data

- the Data Controller handles personal data in a way that ensures that they are appropriate

level security and confidential handling

Based on the above, it can be established that the processing of the subject personal data is legal, that is

does not cause a high degree of harm to the interests of those involved."

2.4. On October 7, 2021, the Authority contacted Customer 2 with the following questions:

(i)

(ii)

(iii)

(arc)

(v)

(v)

In the data processing contract concluded with Customer 1 dated March 31, 2021

marked Did the campaign end on April 14, 2021?

Under what conditions were those who were filtered from their database for the Campaign

did you contact me by phone? Briefly introduce the people to be called during the Campaign

method of determination, calls and result production!

What personal data was collected for Customer 1 during the Campaign, and those

when and in what form was it handed over to you? If you are a diary of the handover

a document has been prepared, attach a copy of it!

How were the respondents' answers recorded and stored during the Campaign?

e at any time tied to a given person?

What information was provided during the Campaign and in what form was it called

for those concerned? Attach a copy of the information or script!

Are the personal data collected for Customer 1 during the Campaign still processed?

If this data has been deleted, attach the database log file

a copy of the relevant part!

(vii) Personal information given to the Customer or a third party on the basis of an order

in terms of data, how is the consent verified? Proof of consent

acquisition of the personal data of those with surnames beginning with "He" and "Sze".

in respect of which he gave to the Customer during the Campaign!



(viii) During the Campaign, did you transfer personal data to Customer 1, which you are entitled to treated with the legal basis of interest? If so, attach the relevant consideration of interests copy, and mark and support with documents who and when made by!

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(ix)

(x)

Did you use sub-data processors during the Campaign? If so, please include it a copy of the data processing contract concluded with them!

Has the telephone been conducted outside the Campaign using essentially the same method? campaign between May 25, 2018 and the date of initiation of this procedure?

If so, how many of those affected in total, in order of magnitude, by contacting them visited, and how many of these were automatic and how many were personal by clerks call?

(xi) In what manner and filtering conditions was the base telephone number compiled their database, which is used as the basis of the campaigns, from what sources, what kind type of personal data, for which purposes and legal basis? If data were obtained from official records with requests May 25, 2018. after the day of, attached by the manager of these applications and the official register a copy of the decision sent!

(xii) In what way have Articles 13 and 14 of the General Data Protection Regulation been complied with according to their phone number database during its compilation and management? Attach a copy of the text of the information. the basis of their obligation to provide information

(xiii) What method do they use to ensure the Eht. 162.

compliance with the obligation according to paragraph (2) of § that the person concerned is personal data should not be processed if you objected to telephone inquiries in advance with the telephone provider, so your number is not public or the marketing and research ban does the provider database indicate? Support your answer with internal regulations!

(xiv) Is there separation between the personal data used for telephone inquiries, and if so, what logical and organizational solutions are used to separate them personal data used for direct business acquisition for non-direct business acquisition (e.g. polls) from personal data used? (e.g. separately database, access rights, marking in the database, etc.)

(xv)

Mark that contains personal data used for telephone enquiries type of database(s), physical location, and send as a sample from the database to

The section containing the data of those with family names beginning with "He" and "Sze"!

(xvi) If the legal basis of consent is applied, in what manner the consents are given treated? The family name starting with "He" and "Sze" proves that the consent has been obtained personal data of those concerned

legal basis

treated!

in respect of which consent

(xvii) If the legal basis of legitimate interest is applied, attach the relevant interest assessment copy!

(xviii) By whom and when the interest assessment related to data management based on legitimate interest made by? Support your answer with documents!

(xix) How does the general data protection regulation ensure III. according to chapter, so-called affected exercising rights? Attach your relevant internal regulations!

(xx) The personal data of how many data subjects is processed by the data subject for the purpose of initiating telephone calls

in your database?

(xxi) At what intervals do you update the database of the fund reserved for initiating telephone calls and in what way?

(xxii) When and what kind of data processing is provided during telephone inquiries information, who prepares the information and when? Support your answer with documents and regulations!

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(xxiii) Send access to the fund's database used for telephone inquiries a copy of your diary between April 7, 2021 and today!

(xxiv) Since the Authority established a violation of law during the data protection official procedure may impose a data protection fine ex officio, so present all such essential fact and circumstance, which during the possible imposition of a fine may be significant (measures taken by the data controller to ensure the rights of the data subject, previous financial year's total annual world market turnover, etc.)!

2.5. Customer 2 received the above request from the Authority on November 17, 2021, NAIH-7599-4/2021, the following is the decision to the following questions of the Authority made relevant statements in terms of:

(i)

The commission contract for the Campaign was fully complied with, that is as stipulated, the work was closed.

(ii)

It did not use sub-processors.

(iii)

The net turnover of the two campaigns for Customer 1 was HUF 29,866,866.

(arc)

(v)

(v)

Customer 2 does not have any database, so no filtering,  
does not organize or log data, names and phone numbers.

According to its interpretation, personal data is only identified or identifiable living  
personal data, its storage and handling are avoided.

Customer 2 manages so-called "number lines", which internally is superficially called a "database"  
they call me.

(vii) The numbers begin with 06-1 or 06-XX and the telephone number formed by the sequence of numbers  
the two-digit number 1 or XX provides information on its physical/geographical location.

(viii) Customer 2 assumes that the number line refers to a real, working telephone device.

(ix) Customer 2 does not have any linked, assigned data for the number line,  
neither name, email address, IP address nor other data is stored in connection with these.

(x)

The work ordered by Customer 1 was performed in such a way that the above-mentioned number line  
Customer 2 called. Within this, Customer 1 has the opportunity to make inquiries  
to narrow down to a certain physical/geographical location is the developer described above (1 or XX).

by entering numbers. When someone picks up the phone ringing by the called number,

the system plays the first sentence in the script: "Please listen to This

the national news portal's questions about the treatment of the coronavirus! But also

would like, then please press button 1." If button 1

are pressed, the text (Farewell) is played and in the system

it is recorded that someone under the given number line is not interested in the given topic.

If no button is pressed or anything else is pressed, then by Customer 1

the 1st question you want to ask is played. It follows after the questions

question, "Would you like the news portal Ez a Lényeg to deal with the coronavirus in the future

to be informed about your related news directly by phone. If so, then

as a sign of your consent, please press button 2. If you want the This is a  
Essential news portal to keep in touch with you in the future, press button 3."

If button 2 or 3 is pressed, the system records the  
the fact of future interest for the given number line. Pressing the 2 or 3 button

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(xi)

before the following information is heard according to the script: "Your data is published by This is the essence  
Managed by Oraculum 2020 Kft. In relation to data management, call 06203762777

you can get information on the phone number and the e-mail address [info@ezalenyeg.hu](mailto:info@ezalenyeg.hu)".

If button 2 or 3 is pressed at the end of the call, the system  
turns on the voice recognition protocol and asks the person to "Please speak  
your name, address and telephone number, through which Oraculum 2020. Kft. in the future  
can keep in touch with you". The voice recognition protocol records the name and which one  
recorded in a data table belonging to the task. Then this part of the assignment ends.

(xii) Between the voice-recognized telephone number and data and the number line used for the call  
there is no connection, the called person can enter any phone number and other data.

The system does not record the sound, so it cannot be listened back or checked  
afterwards.

(xiii) The data of the data table belonging to the order is automatically entered by the system of Customer 2  
code it (bank, with 128-bit automation) and to the contracting party (in the contract  
listed electronic contact information) at the end of the work in a password-protected, coded state  
transmits it in such a way that it is automatically deleted at Customer 2 after sending. All of this  
processes take place without human intervention. At the end of the work, only the original  
number line remains with Customer 2.

(xiv) The data management information of Customer 2 (available online) records the following:

The majority of Customer 2's activities are contract performance on a legal basis

handles personal data as a data processor. The detailed rules of data management are some contracts contain it. The Customer's 2 main activities are data processing for its customers, based on a contract. Customer 2 is subject to the General Data Protection Regulation and the Infotv. complying with its regulations with its contractual partners only such contracts establishes a relationship in which the parties guarantee compliance with the new legislation in force compliance. Customer 2's business partner can get to know the information, and Customer 2 a provides the partner with all necessary information that is legal data management, data processing and contractual obligations refer to its safe performance. In the current assignment contracts the rights, obligations and responsibility. The data controllers are obliged to make Customer 2, as a data processor, a to indicate in their documents. Legal basis for data processing: performance of contract, recipient: the client, scope of personal data: scope according to the contract, duration: a contract duration.

(xv) The questions defined by Customer 1 are the script attached to Customer 2's statements according to the following:

Question 1: Have you heard that in the last few days all over the world in Hungary did the most people die of coronavirus infection in proportion to the population? (Yes No)

Question 2: In your opinion, was Viktor Orbán able to keep the promise he made a put it as follows on the coronavirus link: Everyone can relax, if he gets this disease, will we cure him? (Yes No)

Question 3: What do you think is the reason for Viktor Orbán's apparent failure a in preventing deaths caused by coronavirus? (They stole from ventilators, also with vaccines/They delayed health care/They went to Dubai instead, because they didn't they are interested in Hungarian people/They tried to work well, but failed)

Question 4: If there were elections this Sunday, who would you vote for? (Fidesz/Opposition

joint list/Other/Would not vote)

13

2.6. On December 8, 2021, the Authority contacted Customer 2 with the following questions:

(i)

According to your statement dated November 16, 2021, what method did you use to produce it?

number sequence database (hereinafter: Number sequence)?

(ii)

During the production of the Number Series, how did you ensure the validity of the presumption that should a working phone number be part of the number line?

(iii) How often and how do you update the Number Line, and when was the last time this was done?

(arc)

Does the Number Line only contain numbers in the format of landline numbers?

(v)

In what way is it ensured during the production of the Number Line, and then the phone call

even before its launch, that Act C of 2003 on electronic communications

According to § 162, paragraph (2) of the law, do not call prohibited telephone numbers (secret numbers and objection against the purpose of marketing, research telephone numbers registered with the service provider)?

(vi) In what way is it provided for Customer 1 with automatic speech recognition

the accuracy of the result of dictation converted into data, the possible misrecognition

elimination of name and contact data errors due to?

(vii) How do they ensure that the person gave consent to Customer 1

transferred personal data transformed into data by automatic speech recognition

who is considered affected with regard to the data reported over the phone?

(viii)

Certifies how the data subject's consent was recorded in a way that can be verified afterwards,

and send a copy of it to the persons concerned with surnames beginning with "He" and "Sze".

with regard to personal data provided to Customer 1 during the Campaign,

or indicate when and in what form this verification data was provided

For 1 customer!

(ix)

The script according to Annex 1 of his statement dated November 16, 2021

Created by Customer 1 or Customer 2, how was it created, who defined the content?

2.7. Customer 2 received the above request from the Authority on January 13, 2022, NAIH-770-

1/2022, the following is relevant to the decision

made statements:

(i)

Ügyfél 2 has been dealing with telephone research since 1998. It was still there in the 2010s

possibility, a linear database from TeleData Kft., owned by MATÁV at that time

to buy, for the purpose of telephone research. Customer 2 is a customer of Teledata Kft until its termination

was MATÁV and a subscriber to the database Teledata Kft. has no legal successor

upon termination, Customer 2 deleted all data and databases of the contract at that time

appropriately.

(ii)

(iii)

(arc)

It ceased to exist in Hungary in 2013 and there has been no institution/company since then. which

sells a telephone database suitable for research.

The number line was then generated by Customer 2, as it probably was at that moment

real, usable wired

written



format.

phone numbers, the already previous one

in a letter

The Number Line did not contain any attachments at the time of generation, nor does it now  
information, no attached data.

14

Customer 2 has been using the "number line" since the early 2010s, fixed lines  
due to its continuous decrease, it is assumed that the phone numbers in the number line  
number is also constantly decreasing.

(v)

Pursuant to the above, Customer 2 does not update the "number line".

(v)

(vii) As written in the previous letter, Customer 2 only has 061xxxxxxx and 06XYxxxxxx  
format, uses a "number line" corresponding to landline telephone numbers.

(viii) When Customer 2 generated the "number line" in 2013, only numbers  
could be included, which were suitable to be used for research purposes. Since then  
it is not possible for Customer 2 to check the authenticity of the phone numbers, as he is not available today  
In Hungary, a database of this kind is officially available, so there is nothing to do  
compare the number series. The "number line" was thus never increased or supplemented  
with phone number.

(ix)

(x)

(xi)

If someone applies to any of the given data management contacts, that  
does not request more calls from Customer 2 on a certain phone number, that phone number  
will be immediately deleted from the "number line", any kind of examination or authorization

without checking.

The data plate automatically delivered to your customers by the text recognition software takes a copy, is not recognized by Customer 2, does not have access to, or can not be edited to check. Only the customer can unlock the encryption with the separately received key. THE according to the above, Customer 2 has no influence on who says what to the software, how meaningful or real it is.

Customer 2 does not know, manage, validate or not any personal data you can also give it to your customers.

(xii) In all cases, the script and audio material belonging to the task are provided by the customer (in this case, Customer 1) makes it, Customer 2 does not have it and cannot input.

(xiii) The script attached to the previous answer contains the specific and general data management consent requests:

for specific data management: "Would you like the Ez a Lényeg news portal in the future to be informed about news related to the treatment of the coronavirus directly, also by phone.

If so, please press button 2 as a sign of your consent. Your data is

The publisher of this essence is managed by Oraculum 2020 Kft. Regarding data management a

You can find out more by calling 06203762777 and by e-mail at [info@ezalenyeg.hu](mailto:info@ezalenyeg.hu)."

for general data management: "If you want the Ez a Sényeg news portal to be with you a

to keep in touch in the future, press button 3. Your data is published by Ez a essent

Managed by Oraculum 2020 Kft. In relation to data management, call 06203762777

you can get information on the phone number and the e-mail address [info@ezalenyeg.hu](mailto:info@ezalenyeg.hu)."

(xiv) The data including the data subject's consent, together with other personal data, is

It was handed over to Customer 1 without knowing its contents, the affected person

Customer 1 could report any request regarding data management a

contact details provided. Subsequent verification of this is only for Customer 1

possible.

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(xv) Based on the above, Customer 2 does not manage personal data and cannot give consent to send a certificate in the requested namespace.

2.8. The Akr. Pursuant to § 76, the Authority, after the completion of the proof procedure, the Customer 1- et and Customer 2 on March 1, 2022, to make a statement and indicated that the receipt within 15 days thereafter, they are entitled to view the documents of the case as part of a document inspection. THE call according to the receipt Customer 1 on March 10, 2022, Customer 2 on March 17, 2022 took over. Neither Customer 1 nor Customer 2 made any statement to the Authority's call within the above deadline.

2.9. Because neither Client 1 nor Client 2 indicated it, despite the Authority's previous calls annual sales, the Authority is authentic at <https://e-beszamolo.im.gov.hu/oldal/kezdolap> determined from 2021 financial reports downloaded from a public database. Accordingly, Customer 1 the net sales revenue of its last available sales in 2021 was HUF 667,141,000, while Customer 2 the net sales revenue of its last available sales in 2021 was HUF 333,934,000.

II.

Legal provisions applicable in the case

further

technology

technologies, and the

Based on recital (26) of the General Data Protection Regulation, the principles of data protection for any information relating to an identified or identifiable natural person must be applied. The pseudonymized personal data that information can be used to connect and identify a natural person shall be considered as data relating to a natural person. Some natural person

when determining its identifiability, all methods must be taken into account -

including, for example, the designation - which it is reasonable to assume that you are the data controller

another person can use it to directly or indirectly identify the natural person.

In determining which instruments may reasonably be assumed to be a particular

all objective factors will be used to identify a natural person

must be taken into account, such as the costs and time required for identification, taking into account the

available during data processing

development. The

accordingly, the principles of data protection do not apply to anonymous information,

namely to information that is not identified or identifiable in nature

relate to a person, as well as to such personal data that in such a way

are anonymized, as a result of which the data subject cannot or can no longer be identified. The

the general data protection regulation therefore does not apply to the handling of such anonymous information,

including data management for statistical or research purposes.

According to recital (74) of the General Data Protection Regulation, personal data

processing of any kind by the data controller or on behalf of the data controller

the authority and responsibility of the data controller must be regulated. The data controller

must be obliged, in particular, to implement appropriate and effective measures,

and to be able to prove that the data management activities are general

they comply with the data protection regulation, and the effectiveness of the measures applied is the same

level required by the general data protection regulation. These measures are data management

its nature, scope, circumstances and purposes, as well as natural persons

it must be made taking into account the risk to your rights and freedoms.

According to recital (171) of the General Data Protection Regulation, the general

data protection regulation repeals directive 95/46/EC. General data protection

data processing started before the date of application of the regulation is governed by the general data protection

it must be harmonized within two years from the date of entry into force of the decree

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with the general data protection regulation. If the data management is in accordance with 95/46/EC

according to the directive

is based on consent and the data subject meets the conditions set out in the General Data Protection Regulation

has given his consent in accordance with the

that the data controller also after the date of application of the general data protection regulation

continue data processing. Decisions taken by the Commission on the basis of Directive 95/46/EC,

and the licenses issued by the supervisory authorities remain in force as long as

until they are amended, replaced or repealed.

According to Article 2 (1) of the General Data Protection Regulation, the general data protection

regulation must be applied to personal data in part or in whole in an automated manner

processing, as well as the non-automated processing of data that

are part of a registration system or which are a registration system

want to be part of.

You are identified as "personal data" on the basis of Article 4, point 1 of the General Data Protection Regulation

any information relating to an identifiable natural person ("data subject"); can be identified

the natural person who, directly or indirectly, in particular

identifier such as name, number, location data, online identifier or natural

to a person's physical, physiological, genetic, mental, economic, cultural or social identity

can be identified based on one or more relevant factors.

According to Article 4, point 2 of the General Data Protection Regulation, "data management" is personal

any performed on data or data files in an automated or non-automated manner

operation or a set of operations, such as collection, recording, organization, segmentation, storage,

transformation or change, query, insight, use, transmission of communication,

by means of distribution or other means of making available, coordination or

connection, restriction, deletion or destruction.

Pursuant to Article 4, Point 5 of the General Data Protection Regulation, personal data are "pseudonyms".

handling it in a way that results in the use of additional information

without it, it is no longer possible to determine which personal data is specific and natural

pertains to a person, provided that such additional information is stored separately and technical and

it is ensured that it is identified or can be identified by taking organizational measures

this personal data cannot be linked to natural persons.

Pursuant to Article 4, point 7 of the General Data Protection Regulation, "data controller" is the natural or

legal entity, public authority, agency or any other body that is personal

determines the purposes and means of data management independently or together with others. If that

the purposes and means of data management are determined by EU or member state law, the data controller

or special considerations for the designation of the data controller by the EU or the Member States

can also be determined by law

Pursuant to Article 4, point 11 of the General Data Protection Regulation, it is "the consent of the data subject".

of the will of the person concerned, based on voluntary, specific and adequate information and clear

declaration by which the relevant statement or confirmation is unambiguously expressed

indicates by action that he gives his consent to the processing of his personal data.

According to Article 5 (1) point a) of the General Data Protection Regulation, personal data

must be handled legally and fairly, as well as in a transparent manner for the data subject

carry out ("legality, due process and transparency").

According to Article 5 (1) point b) of the General Data Protection Regulation, personal data

should only be collected for specific, clear and legitimate purposes and should not be processed

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in a manner inconsistent with these purposes; in accordance with Article 89 (1).

is not considered incompatible with the original purpose for the purpose of archiving in the public interest,

further data management for scientific and historical research purposes or for statistical purposes

("goal-boundness").

According to Article 5 (1) point c) of the General Data Protection Regulation, the personal data must be appropriate and relevant for the purposes of data management and must be limited to what is necessary ("data saving").

According to Article 5 (1) point d) of the General Data Protection Regulation, the personal data must be accurate and, if necessary, up-to-date; everything makes sense measures must be taken to ensure that, from the point of view of the purposes of data management inaccurate personal data be deleted or corrected immediately ("accuracy").

According to Article 5 (1) point (e) of the General Data Protection Regulation, personal data storage must take place in such a way that the identification of those concerned is only personal enables the processing of data for the time necessary to achieve its goals; the personal data it can only be stored for a longer period if it is personal to manage data in accordance with Article 89 (1) for the purpose of archiving in the public interest, will take place for scientific and historical research or statistical purposes, e in order to protect the rights and freedoms of the data subjects technical and organizational ("limited storability").

According to Article 5 (1) point f) of the General Data Protection Regulation, personal data management must be carried out in such a way that appropriate technical or organizational measures adequate security of personal data should be ensured by using unauthorized or illegal handling, accidental loss or destruction including protection against damage ("integrity and confidentiality").

According to Article 6 (1) of the General Data Protection Regulation, personal may be legal processing data if at least one of the following is met: to implement measures

with attention

too

the data subject has given his consent to his personal data for one or more specific purposes

for its treatment;

data processing is necessary for the performance of a contract in which the data subject is

one of the parties, or at the request of the data subject prior to the conclusion of the contract

necessary to take steps;

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

data processing is vital for the data subject or another natural person

necessary to protect your interests;

the data management is in the public interest or the data controller is authorized by a public authority

necessary for the execution of a task performed in the context of its exercise;

the data management is the data controller or a third party

legitimate interests

necessary for its enforcement, unless priority is given to these interests

enjoy the interests or fundamental rights and freedoms of the data subject which

they require the protection of personal data, especially if the person concerned is a child.

afraid

the)

b)

c)

d)

e)

f)

18

According to Article 9 (1) of the General Data Protection Regulation, racial or ethnic origin,



political opinion, religious or worldview beliefs or trade union membership

referring personal data and genetic data, natural persons are unique

biometric data for the purpose of identification, health data and natural persons

processing of personal data concerning your sex life or sexual orientation is prohibited.

According to Article 9 (2) point a) of the General Data Protection Regulation, paragraph (1) does not

is applicable in the event that the data subject has given the said express consent

to process personal data for one or more specific purposes, unless you are in the EU

Member State law provides that the prohibition referred to in paragraph (1) cannot be lifted

with the consent of the person concerned.

Based on Article 11 (1) of the General Data Protection Regulation, if the purposes from which

the data controller manages the personal data, it is not or no longer necessary

identification of the data subject by the data controller, the data controller is not obliged to supplement it

to retain, obtain or process information in order to merely

identify the data subject to comply with the General Data Protection Regulation.

Based on Article 12 (1) of the General Data Protection Regulation, the data controller is compliant

takes measures in order to allow the data subject to process personal data

all relevant information mentioned in Articles 13 and 14 and Articles 15-22 and Article 34

according to each information is concise, transparent, comprehensible and easily accessible

provide it in a clear and comprehensible form, especially to children

for any information received.

Based on the first sentence of Article 12 (1) of the General Data Protection Regulation, the data controller

is facilitated by the concerned 15–22. the exercise of his rights according to art.

Based on Article 13 (1) and (2) of the General Data Protection Regulation, if the personal

data were obtained from the data subject, the data controller makes the data available to the data subject

following information:

the identity of the data controller and, if any, the representative of the data controller and

your contact information;

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

the purpose of the planned processing of personal data, as well as the legal basis for data processing;

based on point f) of Article 6 (1) of the General Data Protection Regulation

in the case of data management, the legitimate interests of the data controller or a third party;

where appropriate, recipients of personal data and categories of recipients, if any

such;

where applicable, the fact that the data controller is in a third country or international

organization wishes to forward the personal data to, and the Commission

the existence or absence of a compliance decision, or general data protection

regulation in Article 46, Article 47 or Article 49 (1) second

in the case of data transfer referred to in subsection, the appropriate and suitable guarantees

designation, as well as the methods for obtaining a copy of them or that

reference to their availability;

the)

b)

c)

d)

e)

f)

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d)

h)

i)

j)

k)

i)

on the duration of storage of personal data, or if this is not possible, on

aspects of determining the duration;

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

access to data, their correction,

deletion or handling

limitation and may object to the processing of such personal data, as well as the

about the data subject's right to data portability;

Article 6(1)(a) or Article 9 of the General Data Protection Regulation

In the case of data processing based on point a) of paragraph (2), the consent is any

the right to withdraw at the time, which does not affect before the withdrawal a

the legality of data processing carried out on the basis of consent;

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

about the provision of personal data

statutory or contractual

whether it is based on an obligation or a prerequisite for concluding a contract, and whether it is

whether the data subject is obliged to provide personal data, and how it is possible

failure to provide data may have consequences;

referred to in Article 22 (1) and (4) of the General Data Protection Regulation

the fact of automated decision-making, including profiling, as well as at least

in these cases it is understandable for and regarding the applied logic

information about the significance of such data management and for the data subject

what are the expected consequences.

Based on Article 13(4) of the General Data Protection Regulation, Article 13(1)-(3)

it does not have to be applied if and to what extent the data subject already has the information.

Based on Article 14 (1) and (2) of the General Data Protection Regulation, if the personal

data was not obtained from the data subject, the data controller makes it available to the data subject

the following information:

the identity of the data controller and, if any, the representative of the data controller and

your contact details;

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

the purpose of the planned processing of personal data, as well as the legal basis for data processing;

categories of personal data concerned;

where appropriate, recipients of personal data and categories of recipients, if any

such;

where applicable, the fact that the data controller is in a third country or international

organization wishes to forward the personal data to, and the Commission

the existence or absence of a compliance decision, or general data protection

Regulation in Article 46, Article 47 or Article 49 (1)

second

in the case of data transfer referred to in subsection, the appropriate and suitable guarantees

designation, as well as the methods for obtaining a copy of them or that

reference to their availability;

of paragraph

the)

b)

c)

d)

e)

f)

20

d)

h)

i)

j)

k)

i)

m)

on the duration of storage of personal data, or if this is not possible, on

aspects of determining the duration;

if the data management is based on point f) of paragraph (1) of Article 6, you are the data controller

about the legitimate interests of third parties;

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

access to data, their correction,

deletion or handling

limitation and may object to the processing of such personal data, as well as the

about the data subject's right to data portability;

Article 6(1)(a) or Article 9 of the General Data Protection Regulation

In the case of data processing based on point a) of paragraph (2), the consent is any

the right to withdraw at the time, which does not affect before the withdrawal a

the legality of data processing carried out on the basis of consent;

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

the source of the personal data and, where appropriate, whether the data is publicly available

whether they come from accessible sources; and

referred to in Article 22 (1) and (4) of the General Data Protection Regulation

the fact of automated decision-making, including profiling, as well as at least

in these cases it is understandable for and regarding the applied logic

information about the significance of such data management and for the data subject

what are the expected consequences.

Based on Article 14 (3) of the General Data Protection Regulation, the data controller shall: (1) and (2)

provide information according to paragraph as follows:

the)

b)

c)

taking into account the specific circumstances of personal data management, the personal

within a reasonable period of time from the acquisition of data, but no later than one month;

if the personal data is used for the purpose of contacting the data subject, at least

during the first contact with the data subject; obsession

if it is expected that the data will be shared with other recipients, the personal data will come first at the latest

at the time of notification.

Based on Article 14(5) of the General Data Protection Regulation, Article 14(1)-(4)

shall not apply if and to the extent that:

the)

b)

the data subject already has the information;

the provision of the information in question proves to be impossible, or

would require a disproportionate amount of effort, especially for archiving in the public interest,

for scientific and historical research purposes or for statistical purposes, Article 89 (1)

data management taking into account the conditions and guarantees contained in paragraph

in the case of, or if the obligation referred to in paragraph (1) of this article

would be impossible

probably

would do or seriously jeopardize it

achieving the goals of data management.

In such cases, it is appropriate for the data controller

must take measures – including making information publicly available

– to protect the rights, freedoms and legitimate interests of the data subject;

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c)

d)

the acquisition or communication of the data is expressly required to apply to the data controller

EU or member state law, which serves to protect the legitimate interests of the data subject

provides for appropriate measures; obsession

professional confidentiality of personal data prescribed by an EU or member state law

on the basis of an obligation, including the obligation of confidentiality based on law,

must remain confidential.

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

object to your personal data at any time for reasons related to your own situation in accordance with Article 6 (1)

against treatment based on points e) or f), including the mentioned provisions

based profiling as well. In this case, the data controller may not process the personal data

further, unless the data controller proves that the data processing is so compelling

justified by legitimate reasons that take precedence over the interests, rights and

against their freedoms, or for the submission and enforcement of legal claims

or related to its protection.

According to Article 21 (2) of the General Data Protection Regulation, if the personal data

is handled for the purpose of obtaining direct business, the data subject is entitled to at any time

object to the processing of your personal data for this purpose, including a

also profiling, if it is related to direct business acquisition.

According to Article 21 (3) of the General Data Protection Regulation, if the data subject objects a

against the processing of personal data for direct business acquisition, then a

personal data can no longer be processed for this purpose.

According to Article 22 (1) of the General Data Protection Regulation, the data subject is entitled to

do not cover such exclusively automated data management - including profiling

- based on the scope of the decision, which would have a legal effect for him or is similarly significant for him

would affect to an extent.

According to Article 24 (1) of the General Data Protection Regulation, the data controller is the data management

nature, scope, circumstances and purposes, as well as the rights of natural persons and

taking into account the risk of varying probability and severity to his freedoms

appropriate technical and organizational measures are implemented to ensure and prove it

for the purpose of processing personal data in accordance with the General Data Protection Regulation

is happening. These are

review and if necessary

updates it.

According to Article 25 (1) of the General Data Protection Regulation, the data controller is science and

the state of technology and the costs of implementation, as well as the nature and scope of data management,

its circumstances and purposes, as well as the rights and freedoms of natural persons,

taking into account risk of variable probability and severity, all data management

when determining the method, as well as during data management such appropriate technical and

implements organizational measures, such as aliasing, which are aimed, on the one hand, at

effective implementation of data protection principles, such as data saving, on the other hand, e

to fulfill the requirements contained in the decree and to protect the rights of the data subjects

the inclusion of necessary guarantees in the data management process.

According to Article 25 (2) of the General Data Protection Regulation, the data controller is appropriate

implements technical and organizational measures to ensure that default

according to that, only personal data that is specific to the given case shall be processed

measures by the data controller



their storage

necessary from the point of view of data management purposes. This obligation applies to the collected

the amount of personal data, the extent of their processing,

for the duration and

their accessibility. In particular, these measures must ensure that a

personal data by default without the intervention of the natural person

become accessible to an unspecified number of people.

For data management under the scope of the General Data Protection Regulation, Infotv. Section 2 (2)

according to paragraph of the general data protection regulation in the provisions indicated there

must be used with included additions.

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.

Infotv. According to § 61, paragraph (1), point a), it was made in the official data protection procedure

in its decision, the Authority issued Infotv. Data management defined in paragraph (2) of § 2

operations in connection with general data protection

defined in the decree

may apply legal consequences.

Infotv. Pursuant to § 71, paragraph (2), the Authority lawfully obtained during its procedures

can use documents, data or other means of proof in other proceedings.

Infotv. 75/A. Based on § 83 of the General Data Protection Regulation, Article 83 (2)–(6)

exercises its powers in accordance with the principle of proportionality,

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

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

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

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

It is ordered by the Authority based on Article 58 (2) point d) of the General Data Protection Regulation

the data manager or the data processor to perform its data management operations - where applicable

in a specified manner and within a specified time - is harmonized by the general

with the provisions of the data protection regulation.

On the basis of Article 58 (2) point i) of the General Data Protection Regulation, the Authority has the 83.

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

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

Based on Article 83 (1) of the General Data Protection Regulation, all supervisory

authority ensures that paragraphs (4), (5), (6) of the general data protection regulation

due to the said violation, each of the administrative fines imposed on the basis of this article

should be effective, proportionate and dissuasive.

According to Article 83 (2) of the General Data Protection Regulation, administrative fines

depending on the circumstances of the given case, Article 58 (2) of the General Data Protection Regulation

must be imposed in addition to or instead of the measures mentioned in points a)-h) and j) of paragraph

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

sufficiently in each case when determining the amount of the administrative fine

the following should be taken into account:

the)

the nature, severity and duration of the infringement, taking into account the one in question

the nature, scope or purpose of data management, as well as the number of data subjects whom the

affected by the infringement, as well as the extent of the damage suffered by them;

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the intentional or negligent nature of the infringement;

damage suffered by the data controller or data processor

any measures taken to mitigate;

the extent of the data manager's or data processor's responsibility, taking into account technical performed by him on the basis of Articles 25 and 32 of the General Data Protection Regulation and organizational measures;

relevant violations previously committed by the data controller or data processor;

with the supervisory authority to remedy the violation and the violation may be negative extent of cooperation to mitigate its effects;

categories of personal data affected by the breach;

the way in which the supervisory authority became aware of the violation, in particular whether the data controller or the data processor has reported the violation, and if so yes, in what detail;

subject - the general data protection was ordered

if against the relevant data manager or data processor earlier - in the same

the

(2)

rotating

compliance with measures;

one of the measures, orally

mentioned in paragraph

Article 58 of the Decree

whether the data controller or the data processor considered itself to be general

for approved codes of conduct pursuant to Article 40 of the Data Protection Ordinance or

general data protection

certification

for mechanisms; as well as

Regulation 42.

approved

according to

article

other aggravating or mitigating factors relevant to the circumstances of the case,

for example, financial acquired as a direct or indirect consequence of the infringement

profit or avoided loss.

b)

c)

d)

e)

f)

d)

h)

i)

j)

k)

In the absence of a different provision of the General Data Protection Regulation, the request was initiated

for official data protection procedure, Art. provisions shall be applied in Infotv

with certain deviations.

2008 on the basic conditions and certain limitations of economic advertising

XLVIII. Act (hereinafter: Grtv.) on the basis of point d) of § 3, "business advertisement": such communication,

information or display method, which is a movable property that can be taken into possession

thing - including money, security and financial instrument, and in the manner of the thing

natural forces that can be used - (hereinafter together: product), service, real estate,

the sale of property-valued rights (hereinafter referred to as goods) or in other ways

to promote its use, or in connection with this purpose, the name of the enterprise,

mark, to promote its activities or to increase the awareness of goods and trademarks

is aimed at (hereinafter: advertising).

Grtv. According to paragraph (1) of § 6, unless a separate law provides otherwise, advertising by directly contacting a natural person as an advertising recipient (a hereinafter: direct business acquisition), so especially electronic correspondence or with it through another equivalent individual means of communication - defined in paragraph (4).

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with an exception - it can only be disclosed if the recipient of the advertisement is clearly informed in advance and specifically contributed.

Grtv. According to paragraph (4) of § 6, the addressee of advertising mail is a natural person such as a for the recipient of advertising through direct business acquisition, the recipient is preliminary and explicit it can be sent even without your consent, but the advertiser and the advertising service provider are obliged to ensure that the recipient of the advertisement can send the advertisement at any time free of charge and without restriction can prohibit without. In the event of a ban, direct advertising to the person concerned can no longer be sent through business acquisition.

Based on points a) and b) of Section 160 (4) of the Eht. effective in April 2021, the subscriber at no extra cost, the right to request:

the)

b)

be omitted from the printed or electronic directory;

indicate in the subscriber list that your personal data cannot be used

for the purpose of direct business acquisition, information, public opinion or market research.

Based on Section 162 (1) of the Eht. effective in April 2021, human intervention

automated calling system or other means of establishing a subscriber connection

automated tool can only be used for direct business acquisition with respect to the subscriber,

for the purpose of information, public opinion and market research, if the subscriber agrees to this in advance contributed.

Based on Section 162 (2) effective in April 2021, the Eht. is prohibited from direct business acquisition, information, public opinion or market research, as well as the Grtv. The scope of § 6 direct acquisition of business not covered by Grtv. does not qualify as advertising for the purpose of information, initiate contact with a subscriber who stated that you do not wish to receive such contact.

The Eht. for the subscriber based on points a) and b) of Section 160 (4) currently in force at no extra cost, the right to request:

the)

b)

be omitted from the printed or electronic directory;

indicate in the subscriber list that your personal data cannot be used

- according to the subscriber's instructions - direct business acquisition, information, for the purposes of public opinion polls or market research, if one of these purposes is subscriber has expressly indicated in the subscriber contract.

The Eht. According to Section 162 (1) currently in force, without human intervention, automated calling system or other automated system for establishing a subscriber connection device with respect to the subscriber

the)

b)

can only be used for the purpose of direct business acquisition, information, market research, if the subscriber consented to this in advance,

it cannot be used for the purpose of public opinion research if it is subscribed to

ba) according to point a) of § 160, subsection (4),

bb) according to point b) of § 160, subsection (4), the purpose of the public opinion poll is expressly you are a marker

bc) during the period of using the subscriber service,

with a statement made to the communications service provider at least once a year a  
opposes contact.

The Eht. According to Section 162 (2) currently in force, direct acquisition of business is prohibited,  
information, public opinion or market research, as well as the Grtv. not within the scope of § 6  
direct acquisition of business belonging to, or other, the Grtv. does not qualify as advertising  
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for the purpose of information, initiate contact with a subscriber who stated that  
you do not wish to receive such contact.

The Eht. according to § 162, paragraph (5) currently in force, if it is for the purpose of polling  
for contact without the use of a public database, randomly, the availability  
phone number generated based on a fixed number range (hereinafter: random number generation)  
dialing, the provisions of paragraph (2) are not required during contact  
apply unless the subscriber

- a) according to point a) of § 160, subsection (4) or
- b) in accordance with § 160, subsection (4), point b), which explicitly indicates the purpose of the public opinion survey  
obsession
- c) during the period of using the subscriber service,

with a statement made to the communications service provider at least once a year a  
opposes contact.

The Eht. according to the currently effective Section 162 (6), the pollster is obliged to  
National Media and Communications Authority's phone number used for public opinion polls  
and thirty for the telecommunications service provider, before the start of the public opinion survey  
deliver during the day.

The Eht. according to the currently effective § 162, paragraph (7) in paragraphs (1) and (5).  
in relation to a specified public opinion survey, § 160 (4) paragraph a) and - if  
the subscriber specifically indicated the purpose of the public opinion poll in his statement - point b),

also according to subparagraph (1) point b) bc) and point c) of paragraph (5).

made a statement in order to ensure a restriction on the call termination

the traffic service provider blocks the pollster as a calling party.

The Eht. according to the currently effective Section 162 (8), following random number generation

in case of dialing, the initiator of contact for the purpose of public opinion research, the research and

of 1995 on the management of name and address data for the purpose of direct business acquisition

19th century law (hereinafter: Kktv.) obliges the subscriber

to inform you that the data of the subscriber's phone number was formed from random number generation

and for what purpose the polling body conducts the poll.

The Eht. as defined in paragraph (5) according to paragraph (9) of Section 162 currently in force

to be contacted only by Kktv. may take place for the purpose of a public opinion poll.

The Kktv. According to Section 2, point 2, "poll" of the opinions of individuals and their groups

and researching the components of their judgment.

The Kktv. Based on Section 2.10, "anonymization" is a technical procedure that ensures the

the final exclusion of the possibility of restoring the connection between the data subject and the data.

III.

1. Activity carried out by Customer 1

1.1. According to the revealed facts, Customer 1 is the Campaign and the substantially identical method

During the campaign in December 2020, he exclusively defined what it was like

intends to carry out data management operations using which personal data, which

all available telephone numbers in a geographical location are called on your behalf, and the inquiry

method was also chosen by Customer 1 by stating that the contract concluded with Customer 2 is automatic

Decision

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volt

interested parties



obtaining your contact information

to robocalls. One of the goals of the Campaign was to get aggregated responses from Customer 1

to the political questions asked and hence to the political opinion distribution of the population

be able to draw conclusions about the subject matter of the questions, the other goal is the news of Customer 1

get to know

future

for inquiries by Customer 1. Article 9 (1) of the General Data Protection Regulation

according to the special category, i.e. higher risk by default, is sufficient

to belong to the data type if the data referring to political opinion is handled by the data controller. THE

method of asking questions, not the wording of the questions described in point I.2.5.(xv) above

leaves no doubt that among those contacted, he has a specific political orientation

Subscribers are expected by Customer 1. For this reason, the risk associated with data management is higher,

as in the case of data processing that does not involve special data even at the reference level. The Campaign and

the Customer during the campaign carried out in December 2020 using a substantially identical method

2 on behalf of Customer 1 from among the numbers in Customer 2's phone number list, Customer

Those meeting the criteria defined by 1 were contacted by automated call, who were a

they were able to respond to the questions asked using the phone's buttons.

1.2. Customer 1 arrived on July 8, 2021, delivered under NAIH-5510-2/2021

in his reply letter, he stated that with the automatic political opinion survey

in this connection, the exclusive data controller is Customer 1.

1.3. In accordance with the above, on the basis of Article 4, Point 7 of the General Data Protection Regulation

Customer 1 is considered a data controller for the Campaign and the essentially identical method in 2020.

regarding the campaign conducted in December.

1.4. Customer 1 completed the Campaign in December 2020 using essentially the same method

During the campaign, it carried out data processing with two separable purposes and with different legal bases:

(i)

management of the numbers in Customer 2's phone number list, which is provided by Customer 2 provided phone number list with an automatic device, on the Customer 2 data processor was realized by calling via, in connection with which Customer 1 is entitled based the data management on his interest, and the purpose indicated by Customer 1 is political it was a poll;

(ii) name of the data subjects,

phone number data

residential address data

connection and the management of this data by Customer 1, with whom it is related

Customer 1 based the data management on the consent of those concerned, and its purpose

specifically promoting the services of Customer 1 as a news portal, more readers

acquisition, the Customer 1

increasing its awareness was a direct request

method, which is the Grtv. direct based on point d) of § 3 and subsection (1) of § 6

is considered a business acquisition goal.

recording and

1.5. Based on the practice of the Authority, the telephone number is, as a general rule, personal in itself is considered data. Personal data according to Article 4, point 1 of the General Data Protection Regulation based on its definition, it is not necessary for the nature of personal data to be given by the data controller should be able to link to a given natural person, indirect identifiability sufficient. That is, there must be a legal possibility for either the data controller or a third party may link the given personal data to a natural person.

1.6. The Court of Justice of the European Union C-582/14. s. in paragraph 49 of its judgment in the case<sup>2</sup> stated that technical data such as an IP address are considered personal data if available to the person concerned

if

legal instruments available to the data controller

2 <https://curia.europa.eu/juris/document/document.jsf?text=&docid=184668&pageIndex=0&doclang=HU>

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too. This circumstance

for identification, linking the data to the data subject. For this, it is not absolutely necessary that a

excess information should be in the possession of the given data controller, it may be different, independent

at the data controller

to establish its existence, the given is unique

examination of circumstances is necessary.

1.7. The phone numbers called in this case are specifically from a phone list,

their express purpose is for a working telephone device used by a natural person

get attached. The Number Line was formed in such a way that it was linked to the phone numbers in the phone book

other data was deleted and only phone numbers remained. Between Customer 1 and Customer 2

commission contract also expressly states that it comes from a publicly available database

Customer 2 calls real numbers, not random numbers. Identifiability is both a

public phone book, and can be implemented in other ways. For example, the phone number

without knowing any other information, the person who answers the phone at the start of the phone call

announced by him or her as part of a standard greeting, or by the telephone service provider as a third party

in appropriate cases, you can link this data to a given person at any time. Since the

phone number can be linked to a given natural person in a number of ways, and the Campaign and

One of the stated goals of another campaign in December 2021 was precisely that it is natural

connected to a person by using the telephone number using an automated call center

will be called, and the personal data of the person receiving the call will also be recorded if they give their consent

automatically, the possibility of indirect identifiability in this case is automatic

there was no doubt about all phone numbers handled for calls.

1.8. Based on the above, the phone numbers themselves are without any other attached data

pseudonymized personal data according to Article 4, point 5 of the General Data Protection Regulation, since neither Recital (26) of the General Data Protection Regulation nor Kktv. § 2. 10.

do not meet the definition of anonymous data according to point Customer 1 also as data processing classified the call of the phone numbers and made an interest assessment about it, and that it was also recorded in its internal register pursuant to Article 30 of the General Data Protection Regulation related legitimate interest-based data management.

1.9. On the basis of Article 4, Point 2 of the General Data Protection Regulation, you have graduated on personal data any operation, such as calling the phone number, is considered data processing for which it is General Data Protection Regulation applies whether the call is made automatically or not no.

1.10. In view of the legal basis chosen by Customer 1 and the purposes of data management, it is general on the basis of Article 21 (1) and (2) of the Data Protection Regulation, the data subjects are either for marketing purposes, even in the case of research or information purposes, they are entitled to the above 1.4. with data management according to point (i).

to protest against. They have the right to do so in advance, to which in Hungarian member state law, Eht. 160. Section (4) points a) and b) give a practical opportunity, and they have the right during the call in the future also object to calls. The Eht. Section 160, paragraph (4), points a) and b) are the examined has changed slightly since data processing, however, this has no impact on the merits of the case.

1.11. With regard to the automated data management chosen by Customer 1, the Authority examined it the existence of a case according to Article 22 (1) of the General Data Protection Regulation. The Authority concluded that there was no automated data processing in this case based on decision-making, so Article 22 (1) of the General Data Protection Regulation does not apply here applicable. According to Article 22 (1) of the General Data Protection Regulation, automated decision-making requires, on the one hand, that the data is handled in an automated manner take place, and in addition, a substantive decision based on automated data management is also required, which has a legal effect or a similar significant impact on the data subject. On this

in the present case, a special decision element could not be identified during data management, that is

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automated call system did not make any decision based on the available information

according to him, he only recorded the reactions of those involved.

1.12. As a general rule, based on Article 9 (1) of the General Data Protection Regulation a

political opinion is a special category of personal data, its handling is the same as usual

subject to express consent obtained with extra care. The aggregate,

it is not collected personally and cannot be linked to any individual afterwards

opinions do not qualify as Article 4, Point 1 of the General Data Protection Regulation

personal data, so specifically, the Authority does not manage answers to questions

investigated. However, the above III.1.1. for further news and inquiries as explained in point

subscribing stakeholders indicated their political opinion by subscribing. For this reason, III.1.4.(2) above

Article 9 of the General Data Protection Regulation also governs data management according to point THE

in the case of data processing involving special category data, the obligation to provide information is not

its proper performance is given increased weight, according to Article 9 (2) point a).

"express" consent is even more serious than consent according to Article 6 (1) point a).

conditions must be met, one of which is adequate information.

## 2. Activity carried out by Customer 2

2.1. Customer 2 handled data for two different purposes with the Campaign and it

in connection with the campaign carried out in December 2020 using essentially the same method,

and during the management of a general database that is inextricably linked to the Campaign

with data management during:

(i)

calling telephone numbers and contact data during data processing by Customer 1

during its collection, Customer 2 handled personal data in the capacity of a data processor;

(ii) creating a telephone number database owned by Customer 2 and compiled by him

and storage of personal data managed by Customer 2 as an independent data controller

data, since independently of Customer 1 and other persons years ago

Customer 2 decided to donate to help with his future business

creates and maintains a content database, thus the database of tools and goals

with regard to its maintenance - outside of the fulfillment of specific assignments - alone

Defined by customer 2.

2.2. III.1.5.–III.1.9. above as explained in points, telephone numbers are personal data, a

their collection, storage, and access are considered data management operations. By Customer 2 it is

created before and after the General Data Protection Regulation became applicable

further managed number line specifically contains telephone numbers, all of Customer 2

this was the express goal according to his statement, and the practical implementation resulted in this.

Deletion of names from a database of specifically affected telephone numbers by leaving the numbers

does not result in new data, the nature of the phone numbers remains personal data, that's all

will be pseudonymous personal data to which the general data protection regulation remains

is also applicable.

2.3. The above III.1. as explained in point III.2.1.(i) above for data management

primarily, Customer 1 as a data controller is responsible for Articles 24 and 25 of the General Data Protection Regulation

Based on. Customer 2 as a data processor only by the General Data Protection Regulation

is specifically responsible for the obligations imposed on the data processor. This does not affect Customer 1 and

Client 2 any related to mutual accounting and responsibility distribution

agreement regarding the two of them, which, however, third parties and the

It does not change the responsibility defined by law towards the authority.

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poll

2.4. According to the General Data Protection Regulation, the data processor is primarily the data controller

manages personal data based on its written instructions, ensures data security, that is

does not use additional data processors without the approval of the data controller, it helps data controller in the fulfillment of data controller obligations according to the law, it informs data controller about possible data protection incidents or other legally relevant, personal about events affecting the management of data.

### 3. Obligation to provide appropriate information

3.1. According to Article 12 (1) of the General Data Protection Regulation, the data controller obligation to take appropriate measures in order to ensure that for those concerned all those mentioned in articles 13 and 14 regarding the management of personal data information and 15–22. and each piece of information according to Article 34 is concise, transparent, in an understandable and easily accessible form, clearly and intelligibly formulated extend it.

3.2. The system of appropriate information in the general data protection regulation serves to so that the data subject can be aware of which personal data, which data controller and for which purpose, how you will handle it. This is essential in order to be affected in such a situation to be able to meaningfully exercise your rights as a stakeholder.

3.3. Extensive, carried out by several contributors, of the personal data of a significant number of stakeholders political treatment

in this context, a risk that exceeds the usual level arises. Because of this, it is enhanced an information requirement applies. In the absence of adequate information, the data subject is by definition he is not in a position to affect it actual

contribute to something you are not fully aware of. General data protection

Recital (74) of Regulation and Article 24(1) and Article 25(1)

on the basis of paragraph

reported

must meet expectations commensurate with its risk.

#### 3.4. Data management based on point a) of Article 6 (1) of the General Data Protection Regulation

based on Article 4, point 11 of the General Data Protection Regulation, not only the data management beginning, but before obtaining consent, the data controller is obliged to provide information on the basis of which informed consent can be given.

#### 3.5. In relation to the legal basis of data subject consent according to the General Data Protection Regulation

it is important to emphasize that stakeholder consent to data management is only possible when it is valid if it is requested for specific purpose(s) - which can be specified separately for each purpose - and is suitable before that

they provide information that puts the person concerned in a position to make an appropriate decision be able to give consent and comply with the general data protection regulation to all other validity requirements. 12 of the General Data Protection Regulation.

(1) expressly imposes a performance obligation on the data controller, i.e. the data subject you must provide assistance in such a way that all stakeholders are informed of their rights practice.

#### 3.6. As explained above, the obligation to provide information is not a mere "paperwork"

is an obligation in the General Data Protection Regulation. Everything contained in the preamble, all the articles of the General Data Protection Regulation require the data manager to achieve results in determining its obligations, not just a specified minimum effort

confirmation by the data controller. The purpose of the information is to put you in such a situation exercise their rights properly and

business acquisition

direct

rights

respectively

purpose



data subject to be in the appropriate decision-making position by exercising the data subject's rights in connection. If this is not objectively achieved in relation to the average stakeholders, then it will not comply with the General Data Protection Regulation.

#### 4. Method of appropriate information

4.1. Based on Article 12 (1) of the General Data Protection Regulation, it is not enough if it is the data controller declares to the data subject that he/she learned about it from another source information related to data management. It is not the task of the data subject to provide information obtaining it from a source, its ease and the circumstances of the given consent request must be available as reasonably expected. It is rare that the affected person is affected by it online data management prior to any unforeseen telephone inquiry he is reading information on the website of a data controller he does not know, so it is general based on Article 12 (1) of the Data Protection Regulation, the data controller has an active obligation the information is made available to the data subject in a way that is adapted to it for the currently used communication channel.

4.2. In statements made by Customer 1 and Customer 2 regarding the telephone script the text of the scripts was uniformly marked, and the Authority has other means of proof in its absence, it classified the information received by the affected parties based on these. The ones described above based on this, the Authority only took into account the data management information given over the phone.

4.3. With data management according to point III.1.4.(i) and point III.2.1.(i) and point III.1.4.(ii) in connection with the Customer 1, as a data controller, is obliged to provide the appropriate information within the scope of data controller obligations.

4.4. Since Customer 2 is the data processor in relation to the data processing according to point III.2.1.(i), and according to both Customer 1 and Customer 2's statements, Customer 1's obligation was a definition of the text of the script containing information, therefore Customer 2 only a

In relation to data management according to point III.2.1.(ii), he is responsible for providing appropriate information.

5. Lack of adequate information by Customer 1, point III.1.4.(i) above and

During data processing according to point III.2.1.(i).

5.1. By the fact that Customer 1 based it on the legitimate interest of Customer 2 in its database calling telephone numbers for information pursuant to Article 14 of the General Data Protection Regulation became an obligation to the stakeholders.

5.2. Information according to Article 14 (1) and (2) of the General Data Protection Regulation is provided by must be provided in time according to Article 14 (3) of the General Data Protection Regulation. Present case, Customer 1 would have been obliged to do so at the latest when the personal data is it is used for the purpose of contacting the data subject, the first contact with the data subject (a phone call).

5.3. Based on the telephone scripts, the Authority established that Customer 1 is in its legitimate interests in relation to data management based on Article 14 (1) and (2) of the General Data Protection Regulation did not provide any of the information contained in paragraph 1 to those concerned, a goal except (listening to questions related to the treatment of the coronavirus). The "This is the point news portal" does not indicate a specific legal entity, a news portal in itself with rights and has no obligations, and apart from the above, Customer 1 has no other obligations information listed in paragraphs (1) and (2) of Article 14 of the General Data Protection Regulation

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(the

board

3

(source of telephone number, possibility of protest, legal basis, etc.) was not released by those concerned at your disposal. The commercial name alone is not enough in the imprint of the news portal either it is necessary to make it stand out, to indicate the specific legally responsible company, there is no other way than that nor in relation to data management, for the same reason, since only the legal entity can be responsible for anything. This is particularly problematic in this case, as the stakeholders could not know why and how

they were able to be contacted by phone by unknown persons using contact information from a source with questions related to current politics, they could not reasonably have expected this, and they did not they knew how to avoid this in the future. The line is disconnected only for the given call terminates and does not prevent repeated inquiries in the future. On top of that, it is

5/2020 European Data Protection

hereinafter: 5/2020

Based on paragraph 86 of the Guidelines), the absence of breaking the line alone does not make it so data processing as legal and does not indicate that the data subject is not against future calls wishes to protest. In the absence of other immediate and easily enforceable protest options, it is limitation of stakeholder rights is so severe and one-sided that a real consideration is not possible may result in the legitimate interest being stronger than the data subject's rights circumstances.

5.4. As the Authority has already explained above, the general data protection regulation (74)

on the basis of its recitals and Articles 24(1) and 25(1)

the data controller is actively responsible for the data controller's obligations, so the information is available for his release. Merely in a data processing contract, the description and "documentation" of that

the contributor chosen and used by him is obliged to comply with the legislation – which

is evident even without a separate description - it does not exempt the data controller from legal responsibility. Present in this case, Customer 1 alone determined the text of the script, so its information

for this reason, Customer 1 is also responsible for its shortcomings in relation to its own data management. The

during the planning of data management, Customer 1, Article 24 (1) of the General Data Protection Regulation paragraph and Article 25 (1) should have taken into account the fact that a

the chosen method and its implementation must comply with legal requirements, and

he would have been obliged not only to prescribe it, but also to implement it and check its implementation.

Based on the revealed facts, Customer 1 failed to fulfill this obligation.

5.5. Based on Customer 1's declaration according to point I.1.5.(iv) above, the data management information

available online under the link <https://ezalenyeg.hu/adatkezeles>. The Authority is the Customer 1

its data processing outside of this data protection official procedure and its online information

did not examine its adequacy in the present data protection official procedure, as it is relevant to the present case

it was not possible based on the points explained above due to the telephone inquiry method

with a substantial impact, which the invited stakeholders could not know in advance, the - highly theoretical -

and subsequent information does not remedy the lack of prior information obligation

fulfillment.

6. Point III.1.4.(i) and point III.2.1.(i) above, conducted by Customer 1 as a data controller

legality of data management according to

6.1. In connection with the legitimate interest legal basis, it is important to emphasize that it does not serve to

that, in the absence of other options, the data controller may refer to this at any time and for any reason

with reason, in the absence of applicability of other legal grounds, process personal data.

Although it seems to be the most flexible legal basis, by applying it the data controller

undertakes significant responsibility - not only in the narrow sense of handling personal data,

but by assuming the fulfillment of other related warranty obligations

too. Appropriate consideration, planning and guarantees must be provided in practice by several

3 [https://edpb.europa.eu/sites/default/files/files/file1/edpb\\_guidelines\\_202005\\_consent\\_en.pdf](https://edpb.europa.eu/sites/default/files/files/file1/edpb_guidelines_202005_consent_en.pdf)

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among others, that the data subject is aware of the data management and can object to it

know, since after data processing - especially a short-term or one-off

when handling data, making calls - all the rights of the person concerned are already vacated.

6.2. Article 5 of the General Data Protection Regulation is closely related to the legal basis of legitimate interest

(2) of the principle of accountability, which is personal to the data controller

administrative burdens for the transparency, accuracy and fairness of data management

means the obligation to fulfill. So it's not about "paperwork", it's about substance

task, which statement is particularly true in the case of high-risk data management,

which include goals related to political opinions and direct business acquisition

contain

6.3. An official procedure is neither the task nor the responsibility of the person concerned, nor of the Authority during the identification of the purpose and legitimate interests of the data management instead of the data controller and justification. For what purpose and for what legitimate interests you want personal data handled, the data controller must clearly justify, broken down into data and target level, consider and create guarantees for this. Failure to do so is solely the responsibility of the data controller responsibility.

6.4. In the present case, the above I.2.3. sent by Customer 1 to the Authority's inquiry. consideration of interests presented in point merely stated, did not support the fact that that data management is the legitimate interest of Customer 1. The Authority, the European Data Protection Board, and based on the unbroken practice of the Court of Justice of the European Union<sup>4</sup>, general data protection a legitimate interest according to Article 6 (1) point f) of the Decree is not the same as merely a legitimate one with economic interest.

6.5. It is for what purpose and for what legitimate interests you wish to process personal data the data controller must clearly justify and consider it concretely, broken down into data and target levels and create guarantees for this. After determining the legitimate purpose, even that before starting data processing, the data controller must check whether it is necessary data management to achieve the goal. In this round, it is necessary to check whether they are available alternative solutions, the intended purpose of which is the specific data management without, too

feasible. If the data controller has the same result, the right to personal data can reasonably achieve it with a less restrictive method and means, it does not exist necessity, so the legal basis according to Article 6 (1) point f) cannot be applied either. The goal exact definition is also necessary, while during the Campaign the public opinion survey,

informational and self-marketing goals were mixed and not clearly defined

By Customer 1 .

6.6. Within the scope of necessity, specific facts must be evaluated taking into account the given situation

taking into account - why and how data management solves the desired goal, and from the other side

analysis of why the other means that can reasonably be considered are not suitable for the goal

to reach. This was completely missing from Customer 1's consideration of interests. The consideration of interests

the date and time sent by Customer 1 were not revealed

from unsigned text.

6.7. It was also not affected in any meaningful way by the one sent by Customer 1

consideration of interests, why and to what extent it means to the private sphere of those concerned a

limitation of data management, why data management is efficient and why it is the least restrictive

a means to an end. Merely a goal that is legitimate in itself will not automatically be legitimate

and with less restrictive means compared to the given data management

4 See several points in the Authority's 2019-2021 reports: <https://www.naih.hu/eves-beszamolok>

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interest from the data controller declaring this, "legal" here is not only a synonym for "lawful",

covers significant additional conditions as stated above. The stakeholders' interests and expectations are meaningful

in addition to the complete lack of a survey, Customer 1 could not identify and compare the legitimate

interest with the rights and freedoms of the stakeholders - which goes beyond specific stakeholder rights

category, the legal requirement of the least possible disturbance of the wider "private sphere" - so no

could also draw a correct conclusion at the end of the consideration of interests. Not only for the legitimate interest

there must be, and not only the requirements described above beyond the "not legally prohibited" category

comply, but it must also be substantiated in the interest assessment that it is identified

legitimate interest takes priority over the rights and freedoms of the data subjects in the given case

against. In this context, it is not only necessary to explain why it is "good" for the data controller

data management, but all aspects of the given data management must be taken into account, and then

to be considered individually and as a whole. Also, why you can't choose another device, why the given data management is most suitable for achieving the goal and what safeguards it provides data controller for the data subject to enforce his rights. This did not happen in the present case.

6.8. In terms of legality, Customer 1 is also unclear as to how

ensured by the Eht. conditions according to Section 162 (2), i.e

not indicated in the online reference book, as well as in the online reference book for research and

filtering out phone numbers marked as prohibited for marketing purposes. Customer 1 and Customer 2 a

Despite the authority's questions, he did not make a statement either in the Background Case or in the present proceedings that any screening or preliminary checks were carried out on a given phone number

before your call, and the technical description of the Campaign does not contain any reference to this. The Eht.

§ 160 (4) paragraphs a) and b) currently in force and in force at the time of the examined data processing

point and § 162, paragraphs (1) and (2) give a general right to object to

to data subjects, which the data controllers are subject to in Article 5 (1) of the General Data Protection Regulation

based on point a) are required to be taken into account during data management. This general protest

right clearly expresses its objection according to the general data protection regulation concerned

against data processing involving your phone number for marketing or research purposes, for which

did not specifically contribute in advance. The Eht. also paragraphs (5)-(9) of Section 162 currently in force

this is confirmed or explained in more detail, but not the substantive content of the previous regulation

affected. Based on all of this, in the absence of the specific and prior consent of the data subject, it is

at the time of data processing and at present, the processing of telephone number data is prohibited and illegal, and the

the result of a legitimate interest consideration is not

in legislation

phone numbers are handled (called or stored) despite a specified prohibition, and

specific preliminary, as explained in the present decree of the general data protection regulation

adequate consent was also not available for the examined data management. Since the examined

phone calls not by calling random numbers, but a fixed number and many times

were made using a list of used telephone numbers, and in this case also applies the content unchanged Eht. Section 162 (2) and its supplementary new paragraph (5), thus data management happened since Eht. This legality of data management has not been modified by a change in legislation requirement, i.e. at the time of the examined data processing and according to the currently effective regulations it was also illegal that secret and forbidden numbers were not filtered out of the numbers to be called, and this was not incorporated into the process by Customer 1 at the process planning level in any way and did not verify in any specific way regarding Customer 2. For the data processor Customer 1 is liable as if he had acted himself, he can only be exempted from this if the Customer 1, the data processor would have acted in violation of the specific instructions, for which no circumstance did not show during the present procedure.

6.9. Based on the above, Customer 1 according to point III.1.4.(i) and point III.2.1.(i) above violated Article 5 (1) of the General Data Protection Regulation during data processing (a) of the principle of legal and transparent data management and Article 5 (2).

the basic principle of accountability, as well as Article 6 of the General Data Protection Regulation (1), Article 12 (1), Article 14 (1) and (2), Article 24 (1) may be appropriate when

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paragraph and Article 25 (1) with the fact that the preliminary information is almost complete in his absence, he called without a valid legal basis and without screening out prohibited phone numbers Through Customer 2, a total of millions of telephone numbers were examined during campaigns.

7. Lack of adequate information by Customer 1, point III.1.4.(ii) above during data processing according to

7.1. Paragraph 62 of Directive 5/2020 also states that if the data controller does not provide accessible information, the user's control over the data becomes apparent and consent becomes an invalid basis for data management. Easy accessibility



its basic requirement is also confirmed by paragraphs 66 and 67 of the 5/2020 Guidelines. The 5/2020 based on paragraph 69 of the Guidelines in the case of electronic information multi-level information can typically be used. This option is basically for postal travel its nature cannot be interpreted, access to additional information is a disproportionate time investment would cause and it is impractical to base the information on this.

7.2. From the point of view of data management, providing basic information and separately for each purpose it is possible and expected of the Customer to provide the possibility of consent on all channels from 1. In addition to the other provisions of the General Data Protection Regulation, consent is a legal basis In connection with this, Article 6 (1) point a) of the General Data Protection Regulation also highlights it the necessity of the opportunity to contribute by specific purpose. This does not preclude a "for everything "contributes", but there must also be a more detailed option.

7.3. Article 4, point 11, Article 7, paragraph 2 of the General Data Protection Regulation, and 5/2020 Paragraph 90 of the guidelines also confirms that the consent of the data subject is a legal basis in the case of its application, the consent of the data subject must always be obtained before that the data controller would start the personal data management for which you have consented need. 5/2020 Guideline regarding consent-related information

Paragraph 63 also highlights that it concerns consent based on information the consequence of not complying with the requirements is that the consent will be invalid and the controller may violate Article 6 of the General Data Protection Regulation.

7.4. Based on paragraph 64 of Directive 5/2020, in order for the consent to be informed be based on, the person concerned must be informed of certain things that are crucial for decision-making about elements. Therefore, the European Data Protection Board considers that valid consent at least the following information is required:

the identity of the data controller (this has been fulfilled);

- (i)
- (ii) the purpose of each data processing operation for which consent is requested (this is not

was quite specific about the general contribution, it is meaningless that

a news portal "keep in touch" with the data subject);

(iii) what type of data is collected and used (consent only

after recording, they indicated which data is requested and whose knowledge

essential for deciding whether the data subject wishes to provide the data,

which could then still decide not to provide data, however, the preliminary,

express consent to provide specific data for specific purposes is not

fulfilled);

(iv) the existence of the right to withdraw consent (this has not been fulfilled);

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(v) where applicable, to use the data for automated decision-making

relevant information in accordance with point c) of Article 22 (2) (this

case, based on the available information, it is not applicable);

(vi) the compliance decision for data transmissions and described in Article 46

possible risks arising from the lack of adequate guarantees (this in this case is a

based on the available information, not applicable).

7.5. At the end of the above list, the European Data Protection Board specifically indicates that it is

based on Article 13 of the General Data Protection Regulation, it is only a minimum requirement, but in addition

it is necessary to provide all information that may be important to a typical stakeholder

decision. With the obligation to plan data management in accordance with legislation

in connection with the above III.5.4. are applicable here as well.

7.6. The above III.5.5. The information described in point 10.1.1 on subsequent online information is applicable accordingly

also in relation to this data management.

8. Data management carried out by Customer 1 as a data controller according to point III.1.4.(ii) above

legality

8.1. The data subject is based on Article 6 (1) point a) of the General Data Protection Regulation

you can give informed consent to the processing of your personal data for specific purposes.

However, for this to be valid, the consent must comply with general data protection

other generally applicable rules of the regulation, such as the general data protection regulation

Data management principles according to Article 5 (1) and (2) and the concept according to Article 4, point 11

conditions indicated in the definition.

8.2. The principles in Article 5 (1) of the General Data Protection Regulation are not limited to that

they serve to make theoretical findings with the implementation of data management

in connection. These principles cover specific obligations that can be held accountable

in specific cases on the data controllers.

8.3. According to Article 5 (1) point b) of the General Data Protection Regulation, the personal

data may only be collected for specific, clear and legitimate purposes, and not

may be treated in a manner inconsistent with these goals. For this reason, data management

also indicating the sufficiently specific goal during planning and informing the stakeholders

a prerequisite for legal data management. This interpretation is reinforced, among other things, by the general

point a) of Article 6 (1) of the Data Protection Regulation, since the data subject is not valid based on this

a statement of consent that is not sufficiently specific and sufficiently known

contributes to data management in such a way that it can be separate for separable data management

to contribute. Compliance with the purpose cannot be checked if the designation of the purpose is too general, such as

in this case, the purpose indicated in the information before the general consent is that a

news portal "keep in touch" with the data subject. Article 4, point 11 of the General Data Protection Regulation

based on the consent of the data subject

indeterminate in time

is not valid in the absence of adequate information for data management. Telephone information

it does not indicate a duration for this either. In the absence of valid consent, data management is not appropriate

the legal basis according to Article 6 (1) point a) of the General Data Protection Regulation, and others

the existence of a legal basis cannot be established based on the facts, but the search for it is not a

Authority task.

too general purpose,

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8.4. Customer 1 fulfills its obligation to define the above specific goal in the above

did not perform as described. The purpose of handling contact data cannot be one

an elusive and boundless goal like "keeping in touch". Moreover, maintaining contact is one

it assumes two-way communication, it is actually requested to send one-way information

consent by Customer 1 in an obscure manner. For further inquiries by Customer 1

in the case of subscribing data subjects, in addition to the specifically provided personal data, the above III.1.1.

as explained in point, there is also a reference to special data, namely political data

opinion and political sympathy can be inferred from the fact that it exists among the subscribers

given data subject, therefore the database created or expanded with such requests e

shall be considered as a register containing special category data. On this

in the absence of additional conditions, the special category political opinion in any way

does not comply with Article 9(2)(a) of the General Data Protection Regulation

nor the condition of express consent pursuant to the general data protection regulation

It does not comply with Article 6 (1) either.

8.5. The consent of the data subject - and any legal basis - is required in the case of application

to comply with all provisions of the General Data Protection Regulation, in this case

in particular, but not exclusively, according to Article 13 of the General Data Protection Regulation

obligations.

8.6. The exception according to Article 13 (4) of the General Data Protection Regulation does not apply a

in this case, because the people concerned cannot reasonably know what was planned by Customer 1

specific data processing on behalf of Customer 1 before it is foreseen by them

they receive a phone call.

8.7. According to Customer 1's own statement, residential address data is handled exclusively by the relevant city

used for level positioning, however, a

address for this

unnecessarily. When planning data management, Article 5 (1) of the General Data Protection Regulation

c) and the principle of data saving according to Article 25 (2).

in order to comply, the scope of the requested data should have been indicated in such a way as to include the full residential address

do not ask the concerned parties to provide it. Article 24 (1) of the General Data Protection Regulation

and based on Article 25 (1) the above circumstance should have been assessed by Customer 1

even before the start of data management, which he failed to do based on the revealed facts.

8.8. According to point I.1.3.(v) above, Customer 1 referred to the fact that the stakeholder's consent was

data processor (Customer 2)'s robocaller software documents it online, Customer 1 a

can't show anything regarding proof of contributions. Meanwhile, Customer 2 that

declared according to point I.2.5.(xiii) above that the Customer provided all available data

1, and deleted the transferred data, so after each campaign only the original

number line (list of phone numbers) remains with Customer 2. Customer 1 is point I.1.5.(ii) above

also supports the fact that it cannot be verified afterwards what it actually is

button was pressed by the person concerned, or whether a button was pressed, as there is no such thing for Customer 2

no data is left, and for Customer 1 only the fact of consent, without substantiation. Since

the contributions cannot be verified by anyone afterwards, this violates general data protection

the principle of accountability according to Article 5 (2) of the Decree. To manage address data

even though Client 1 did not even ask for the consent of the persons concerned, the addresses are known to the persons concerned

was subsequently attached to the data without using public databases for their intended purpose.

It is also controversial that Article 30 of the General Data Protection Regulation applies to Customer 1

according to its records according to

according to page 3 of the statement dated November 17, 2021, filed under sub-number NAIH-7599-4/2021

the person concerned is asked to enter his address, and the voice is digital with automatic voice recognition it is converted into data and recorded. If the addressee is voluntary despite the telephone request complete

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basis does not provide consent with a reference to a legal basis, then from a different source replacing it violates the rights of the affected parties.

8.9. Based on the above, Customer 1 during data processing according to point III.1.4.(ii) above violated Article 5 (1) (a) of the General Data Protection Regulation lawful and transparent data management, for the purpose of Article 5 (1) point b).

binding, data saving according to Article 5 (1) c) and Article 5 (2)

the basic principle of accountability according to paragraph, as well as general data protection

Article 6 (1), Article 9 (1), Article 12 (1), Article 13

(1) and (2), Article 24 (1) and Article 25 (1) and (2) by

above III.7.4. As explained in points (ii), (iii), (iv), he did not fulfill the pre-trial

legal requirements for information, and without a valid legal basis, is general

with insufficient specific purpose in terms of information, outside the city in terms of address

processed personal data in an unnecessary amount.

9. Lack of adequate information by Customer 2, point III.2.1.(ii) above

during data processing according to

9.1. Customer 2 mistakenly classified the pseudonymized phone numbers as non-personal data,

and did not fulfill any data controller obligations, such as providing information

when handling phone numbers.

9.2. It can be established that the Customer has been in the 2 years and the General Data Protection Regulation

after it became applicable, he managed it from a telephone number database until today

numbers produced by deleting non-phone number data without notifying the data subjects

would have provided any information, but nothing when calling the phone numbers regularly

did not prevent the source of the telephone number and the purpose of its long-term management, indicate its legal basis and the identity of Customer 2. For the complete lack of basic information, and for the fundamentally incorrect design of data management, see III.5.4 above. and III.8.3. explained in points are applicable here as well.

10. Data management carried out by Customer 2 as a data controller according to point III.2.1.(ii) above  
legality

10.1. Customer 2 with the above III.7. personal data as explained in point continued to process it in such a way that it did not consider them to be personal data, many of which are general did not comply with its obligations under the data protection regulation, the rights of the data subjects in full vacated one-sided, obvious with his logically contradictory decision. One a telephone number becomes a telephone number not because of Customer 2's rating, but because of its data content, i.e if it corresponds to an existing or at least a valid phone number. Since both the source and the on the basis of the objective, this was achieved, it was obvious that it could be connected with the stakeholders, which otherwise, it was implemented with each successful call, the one that can no longer be connected is invalid and telephone numbers are not called by Customer 2 next time, as it is known to be the stated purpose they don't match. This is supported by the March 31, 2021 agreement between Customer 1 and Customer 2. also dated commission contract, in which Customer 2 is specified, over one million undertakes to call real telephone numbers, legally available public database using.

10.2. Although it is not the Authority's task to identify the legal basis, Customer 2 has provided the above III.2.1.(ii) for data processing according to point Article 6 (1) of the General Data Protection Regulation among the legal grounds according to facts

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10.3. Customer 2 did not carry out an interest assessment, and the existence of a legitimate interest is defined in III.8 above.

based on the conditions and reasoning explained in point 2, it cannot be established that the one sent by Customer 2 from documents, the data management of Customer 2 examined in this official data protection procedure regarding. For this reason and for the reasons explained below, there is no valid legal basis for Customer 2 regarding the telephone number database managed by

10.4. Customer 2 did not provide information or the right to protest to those concerned a against future calls, their only option was to cancel the specific call, which was not actually "insured" by Customer 2, as he would not have had the opportunity to do so otherwise to prevent. At the beginning of the call, the automatic technology used by Customer 2 is enabled would have done the provision of basic information (source of telephone number, objection option, legal basis, etc.) and the request to be deleted from the database at the press of a button. This opportunity is Customer 2 did not include it in its process during the planning of its data management, III.1.5.–III.1.9 above. neither the facts explained in points when creating the database, nor the general data protection did not revise it when the regulation became applicable. During the examined Campaign it is affected parties did not receive any information about the role of Customer 2 and what he managed telephone numbers, so as the Authority stated in III.3 above. he also explained in point, it is appropriate in the absence of information, the stakeholders could not be in a situation where any of the stakeholders exercise their right in an easy way in relation to the Customer 2 phone number database. It's not the task of those concerned is to identify the data controller of Customer 2 and to investigate whether their telephone number data is managed by Customer 2, and how can they object to this, that's it Customer 2 would have been obliged to properly communicate with the data subjects at the very first call to their phone number, and then announce it at the beginning of every call.

10.5. Based on recital (171) of the general data protection regulation, the general data protection regulation becoming applicable, i.e. created before May 25, 2018 further management of databases - regardless of their previous legality or lack thereof, which is not the subject of this procedure - automatically the general data protection regulation



brings their management under its scope, so Customer 2 would have been obliged to comply with them to investigate. Based on the documents and statements provided by Customer 2, Customer 2 he did not do this, he did not review his practice on the merits, and he did not take any substantive action measures for data protection legal compliance. In contracts, the general law declaring compliance without specifics only on paper does not make it legal in itself the data management. The general data protection regulation originally provided for a 2-year grace period for the review of data management between 2016 and 2018, and since May 25, 2018, 4 another year. If a previous data management has not been substantially reviewed so far, and its failure to do so is based on an anti-document and self-contradictory argument, then it is the data controller it supports its bad faith procedure, its attempt to evade the data protection rules. The The burden of proof for a substantive review of data management is the General Data Protection Regulation 5. on the basis of paragraph (2) of Article 2, Customer 2 was charged, which he did not comply with during the procedure, therefore, the lack of proof in this area is to be assessed at the expense of Customer 2.

10.6. In relation to Article 5 (1) point a) of the General Data Protection Regulation the above III.8.8. are accordingly applicable. were explained in relation to Eht.

10.7. At the time of the examined data management and the currently effective Eht. to paragraph (2) of § 162 (and new paragraph (5) is related to ensuring data accuracy during data management. No performed by the database according to Article 5 (1) point d) of the General Data Protection Regulation the principle of accuracy, if the controller has never checked and at appropriate intervals - at the latest before calling the given phone number - it does not follow the phone numbers are hidden or a change in its prohibited status - which, among other things, Customer 2 was notified in I.2.7.(v) above also confirms - and does not guarantee that it will not be treated as such

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telephone numbers, in respect of which the person concerned is the Eht. Section 160, paragraph (4), points a) and b). with the general right of objection, which remains essentially unchanged at the time of data processing and is currently in effect lived. In the absence of this legality condition, the legal basis for data management can neither be valid nor valid

neither the consent of the data subjects nor the legitimate interest can exist if the data subjects are

They could not even know about the exact role of Customer 2 and the existence of its database, and it is still general even in the event of their objection, they were not exempted from data processing. To ensure this legality and the obligation to enforce the principle of accuracy at reasonable intervals is

Customer 2 acting as a data controller in the scope of database storage and maintenance, each specific before calls, it was charged to Customer 1, who acts as the data controller for them. The client 2 in relation to Article 5 (1) points a), c), d) and e) of the General Data Protection Regulation compliance with the basic principles according to the above Eht. protest under and related due to the complete lack of follow-up of the prohibition of data processing, the General Data Protection Regulation without affecting the scope of other obligations under

10.8. Based on Customer 2's declaration according to point I.2.7.(ii) above, since 2013

There is no institution/company in Hungary that has a telephone database suitable for research sells. Customer 2's reference to this is not within the scope of the need for its own database exempts him from data controller responsibility according to the General Data Protection Regulation, since the Customer 2 must meet the same conditions even if others currently have a similar database not offered for sale. The necessity must be in relation to a legitimate data management purpose exist, a mere economic demand in itself does not automatically create legality data management purpose, and after examining comparable alternatives, it can be done that there is no real alternative, and that proportionality, legal basis, etc. additional terms and conditions exist. However, the general data protection regulation and Eht. provisions in this is cannot be ignored in any case.

10.9. Based on the above, Customer 2 appropriate data management planning and consideration of interests in the absence of legitimate interest

in the actual and clear absence of primacy, according to point III.2.1.(ii) above

breached Article 5 (1) paragraph a) of the General Data Protection Regulation during data processing

according to point

lawful data management, according to Article 5 (1) point c).

data saving, accuracy according to Article 5(1)(d), Article 5(1).

e) is limited

according to paragraph (2).

the basic principle of accountability and Article 6 (1) of the General Data Protection Regulation

paragraph, Article 12 (1), Article 14 (1) and (2), Article 24 (1)

paragraph and Article 25 (1) and (2) by providing that the prior information is complete

in its absence, without a valid legal basis, the database of the telephone number for an unlimited period of time and

without substantively ensuring the right to protest or other stakeholder rights, the Eht. According to the

at the time of calls, in the absence of respect for the prior objections of the relevant parties

treated for years. The Authority is the applicability of the general data protection regulation

it did not investigate the period before, however, the data management has been ongoing since 2013 and is relevant

circumstances without review are taken into account when determining the legal consequences

he took

ARC. Legal consequences

1. Obligation to comply with the General Data Protection Regulation

1.1. Since Customer 1 collected with the Campaign and the December 2020 campaign is personal

data has already been deleted, in relation to Customer 1, to eliminate the illegal status

obligation is no longer necessary.

also according to the general data protection regulation

storability and Article 5

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1.2. There is no doubt that in case of violation of the general data protection regulation, the general

on the basis of Article 58 (2) point d) of the Data Protection Regulation, it is necessary to oblige Customer 2

to bring the data management related to the existing telephone number database

in accordance with the general data protection regulation. The Authority judged that the Client 2 to bring its data management in line with the general data protection regulation and with this the usual 30-day deadline is sufficient to prepare related information. The data management only with the definition of an appropriate data scope, real and concrete for specific purposes, with a valid legal basis, and the rights of the affected parties are maximum you can continue with proof of insurance, otherwise, Customer 2's phone number

The termination of data management related to the maintenance of the database must be certified by the Authority within the above deadline. Customer 2 must indicate which personal data, which for which purpose and legal basis. In the case of data processing based on the consent of the data subject you must be able to prove the acquisition of each contribution. The legal basis based on legitimate interest in which case, it must be precisely determined whose specific legitimate interest makes it necessary data management, to what extent it limits the rights of the data subjects, and by what means ensure the right to the protection of personal data. It is general for all legal grounds information according to Article 14 of the Data Protection Regulation is required (e.g. by telephone with text), in the framework of which it is necessary to ensure that those concerned learn that who, from what source, which of their data is processed for which purpose and legal basis, and in relation to this, where they can receive more information, as well as in the case of a simple protest (legal basis of consent revocation) must be provided against further data processing (e.g. telephone by pressing a button) both the first time and at the end of each call. The phone numbers that Eht. in the absence of specific consent expressed based on it is forbidden to call (not found in the phone book, or with marketing or research inquiries as opposed to the person who filed a protest with the telephone service provider, marked with the sign "\$" in the online phone book numbers) in the event of a lack of individual consent in accordance with the General Data Protection Regulation must be deleted, and they cannot be called either from a database or by random number generation in the absence of prior consent.

## 2. Necessity of the fine in relation to Customer 1 and Customer 2

### 2.1. The Authority pursuant to Article 58(2)(i) and Article 83 of the General Data Protection Regulation

(2) also imposes a data protection fine instead of or in addition to the other measures

can impose. The Authority, in accordance with the governing judicial practice, in such cases the fine

in the scope of its imposition in Article 83 (2) of the General Data Protection Regulation

among the listed aspects, the decision presents those considered in merit

in its justification.

### 2.2. On the question of whether the imposition of a data protection fine is justified, the Authority

made a decision based on statutory discretion, taking into account Infotv. Section 61 (1)

to paragraph a), Infotv. 75/A. 83 of the General Data Protection Regulation.

(2) and Article 58 (2) of the General Data Protection Regulation. THE

Based on the authority's assessment, the conviction in itself is disproportionate and dissuasive

neither Client 1, nor Client 2, nor general prevention would be sanctioned

therefore a fine must be imposed.

### 2.3. In the present case, the protection of personal data - which is the responsibility and authority of the Authority -

it is not available based on the totality of the fine imposition circumstances detailed below

without imposing a data protection fine for both Customer 1 and Customer 2, by them

in connection with the activity performed as a data controller.

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### 2.4. The imposition of fines serves both special and general prevention, which

the decision will also be published on the website of the Authority.

## 3. The amount of the fine for Customer 1

### 3.1. When determining the amount of the fine, the Authority first identified that a

Article 83 (5) (a) and (b) of the General Data Protection Regulation on legal violations established

points, based on this, the maximum fine that can be imposed is EUR 20,000,000, and the

in the case of enterprises, no more than 4% of the total annual world market turnover of the previous financial year

% amount. The net sales revenue of Customer 1's sales is available

according to the latest 2020 data, it was HUF 667,141,000. For this reason, in the case of Customer 1 a  
the maximum fine was HUF 26,685,640.

3.2. Since the two data operations carried out by Customer 1 were carried out on a different legal basis, but the one above

III.1.1. were closely related to each other, therefore the Authority

when determining the amount of the fine, it examined them as a whole.

3.3. The Authority identified the following aggravating circumstances in the present procedure for Client 1  
in relation to your examined data management:

(i) The Eht. IV.1.2 above of its data protection guarantees and rules. detailed in point

its violation deprived those concerned of a prior statutory guarantee which

committed a serious violation of law in relation to a significant number of stakeholders. Given that

that neither Customer 1 nor Customer 2 had anything to do with the numbers called

logging, and that neither Customer 1 nor acting on its behalf is a data processor

Customer 2 did not check which of these phone numbers cannot be used for the planned call

legally for the purpose of the Eht. Based on § 162, paragraph (2), it is therefore not known whether

exactly how many people were involved, whose telephone number was previously protested to the telephone service provider  
against its use for this or any purpose without your express consent. On this

lack of information is an aggravating factor that can be blamed on Customer 1, especially the entire database

considering its size. The Client handles the personal data of a significant number of stakeholders

1 for a short time, but this alone does not significantly reduce the above

(General Data Protection Regulation Article 83 (2) point a)).

(ii) Customer 1's responsibility for the violation can be established, he did not act as a data controller

accordingly (General Data Protection Regulation Article 83 (2) point d)).

(iii) Contact personal data is not considered sensitive, however specifically

the parties concerned were approached by Client 1 in connection with a political opinion

carried out during data management according to III.1.4.(i) above, and according to point III.1.4.(ii) above

The purpose of data management was also to agree with the questions asked by Customer 1

the contact details of those interested in politically oriented news and questions

obtain (General Data Protection Regulation Article 83 (2) point (g)).

(iv) The Authority conducted an investigation against Customer 1 based on several public interest reports

detected the likelihood of the unlawful nature of the data management practice,

which ultimately resulted in the present ex officio official data protection procedure (general

Article 83 (2) point h) of the Data Protection Regulation.

(v) III.11.6 above. as explained in point 1, as a news portal, the stakeholders are large

he searches for his number as part of his main activity due to various surveys, for this reason a

his responsibility is increased compared to an average data controller (General Data Protection Regulation Article 83

Article (2) point (k)).

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(vi) According to point I.2.2.(x) above, Customer 1 referred to the fact that the contributions are extremely

due to its small size

deleted the collected personal data. This is data management

eliminated its illegality, however, Customer 1 did so for his own benefit, as well as

this made the investigation of the legality of data management significantly more difficult and

it made it impossible to clarify some questions, and he could not justify it in any way

and did not even declare that the affected parties were informed about this decision and the fact that the deletion had taken

place

notified, as well as the practical possibility of notification of deletion by the data management

was not taken into account when planning (General Data Protection Regulation Article 83 (2)

paragraph k) point).

3.4. The Authority identified the following mitigating circumstances in the present procedure for Client 1

in relation to your examined data management:

(i) Intentional infringement could not be established from the documents used during the procedure and

based on information regarding Customer 1 (Article 83 of the General Data Protection Regulation

(2) point b).

(ii) The Authority has not yet determined general data protection against Customer 1

violation of the regulation in a data protection official case (general data protection regulation, Article 83

(2) point (e)).

(iii) Customer 1 did not forward personal data to third parties

during data processing (General Data Protection Regulation Article 83 (2) point k)).

(iv) Customer 1 answers to questions about political opinion

used aggregated, non-personally identifiable data (general

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

(v) This official data protection procedure has exceeded Infotv. according to the procedural deadline. Since

the reason for this is to a large extent in Customer 1 and Customer 2 - in several places in this decision

referred to, presented in point I above – contradictory, evasive, contrary to the facts

statement

clarifying orders

was necessary, so the Authority took this circumstance less seriously

into account.

more and more because of his answers

fact

3.5. Based on the Authority's call according to point I.2.1.(xii) above, Customer 1 did not indicate the

in addition to the above, other circumstances for the imposition of fines that can be taken into account on the merits. The

above and that

based on all the circumstances of the case, the Authority provides data protection in the amount according to the provision

considered the imposition of a fine to be proportionate and deterrent, both special and general

in connection with the examined data management of Customer 1 in relation to prevention, which

amount is significantly below the maximum fine. In other cases, this amount is unique



may be significantly different based on circumstances, it does not bind the Authority in other matters.

#### 4. The amount of the fine for Customer 2

4.1. When determining the amount of the fine, the Authority first identified that a

Article 83 (5) (a) and (b) of the General Data Protection Regulation on legal violations established

points, based on this, the maximum fine that can be imposed is EUR 20,000,000, and the

in the case of enterprises, no more than 4% of the total annual world market turnover of the previous financial year

% amount. The net sales revenue of Customer 2's sales is available

according to the latest 2021 data, it was HUF 333,934,000. For this reason, in the case of Customer 2 a

maximum fine was 13,357,360.

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4.2. The Authority identified the following aggravating circumstances in the present procedure for Client 2

in relation to the examined data management:

(i) The Eht. above IV.1.2. of the data protection guarantees and rules detailed in point

non-compliance unlawfully deprived the protest of its fundamental rights under the Eht. according to

stakeholders who did this in advance, and Customer 2 managed the database for years without

that he would have deleted from it the telephone numbers in respect of which the persons concerned lived

the Eht. with the possibility of protesting according to the General Data Protection Regulation

provides a preliminary technical opportunity to exercise the right to protest. It's for anyone

public information if a phone number is not found in the online directory, or

in addition, a special indication shows the objection against calls from certain purposes. The

Compliance with the General Data Protection Regulation is not necessary in one moment, that is

must be maintained during the entire period of data management. For this, the data controller is suitable

you should periodically review it

legality,

which are not managed with the express consent of the data subject, and it is necessary to ensure it

Maybe compliance with the express prohibition according to a reasonable deadline from the point that

the affected party notified the Eht at any time with their telephone provider. Section 160, subsection (4) a) or b) statement according to point Considering the millions, active (no error on call indicator) to the phone number and the lack of logging, the number of specific calls cannot be determined, however, it is significant. Based on all of this, the violation of the right to informational self-determination was serious (General Data Protection Regulation Article 83 (2) point a)).

telephone number data management

(ii) Customer 2 illegally and irrationally classified the number as not a telephone number created by Customer 2 by deleting the other data from the list of specific phone numbers the content of a number line, the sole purpose of which numbers are to have specific stakeholders behind them are available, which is regularly confirmed by Customer 2 using the numbers as telephone numbers using This declaration of Customer 2 is accepted by the Authority - as stated in III.10.5. also in point explained - he classified it as an objection to the rules for the protection of personal data, therefore, in the opinion of the Authority, the database is ignoring the legislation

Based on the circumstances of its creation by Customer 2 detailed in this decision was in bad faith and intentional as it was contrary to Customer 2's factual knowledge drew conclusions. Dated March 31, 2021, concluded by Customer 1 and Customer 2 the assignment contract expressly states that Customer 2 is the public telephone directory in a database containing 1,105,284 landline telephone numbers calls the phone numbers listed. Despite this, Client 2 is both during the procedure database, denied that the phone numbers were personal data, claiming that they were not manages

thus the General Data Protection Regulation with its database does not have to comply with (General Data Protection Regulation Article 83 (2) paragraph b) point).

phone numbers,

(iii) Customer 2's responsibility for the infringement can be determined in the database managed by him

personal data

for its legal compliance

responsible as a data controller (General Data Protection Regulation Article 83 (2) point d).

storage as data management

phone numbers

(iv) Telephone number data is not considered sensitive in itself, but the database is

based on several cases, it was specifically sought in connection with a political opinion

those concerned. Due to the complete lack of information, those involved could not know that it was

For what purposes does Customer 2 handle their personal data by asking for their political opinion

context, and what they could do about it in the future.

(v) The Authority launched against Customer 1 ex officio based on several public interest reports

during the investigation, the data management practices of Customer 2 were found to be unlawful

probability, the result of which was that Customer 2 was also present

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was involved as a client in official data protection proceedings (general data protection decree

Article 83 (2) point (h)).

(vi) The data management was specifically aimed at making a profit, maintaining a database,

which the Customer 2

within its main activity for the benefit of other data controllers

uses it as a data processor and implements such an old bad data management practice,

which was already problematic in the time before the general data protection regulation, and it is

it is also under the scope of the General Data Protection Regulation. Data subjects from the database of Customer 2

the complete lack of information puts those concerned in a situation where their rights are denied

they can also learn about and practice, so often such violations do not even occur

are known to the Authority (General Data Protection Regulation Article 83 (2) point (k)).

(vii) Customer 2's main activity is making phone calls on behalf of others

with automated tools, especially a large number of telephone numbers and personal data on a regular basis management, with regular appearances in the private sphere of those concerned, for this reason the responsibility, the expectations are increased compared to an average data controller with no such profile (General Data Protection Regulation Article 83 (2) point (k)).

(viii) According to Customer 2's declaration according to points I.2.5.(xi) and (xii) above, automatic a voice recognition system is used to transform the data given by the people concerned into a computer into a text that can be interpreted by, however, they do not provide any information about it for those concerned. The data obtained in this way is forwarded without any kind of control For Customer 1 (or other customer), which thus complies with the principle of data accuracy it doesn't help at all, on top of that the name and phone number of the person concerned is also different you can announce that it is not the one who was called and the phone number that is recorded the relevant right of disposal presumably existed at a given moment (general data protection Article 83 (2) point (k) of the Decree.

4.3. The Authority identified the following mitigating circumstances with the data management of Customer 2 regarding:

(i) The Authority has not yet determined general data protection against Customer 2 violation of the regulation in a data protection official case (general data protection regulation, Article 83 (2) point (e)).

(ii) Customer 2's personal information has not been forwarded to any third party, except for its principals data during the investigated data management (General Data Protection Regulation Article 83 (2) point (k).

(iii) Customer 2 is aggregated in relation to the answers to political questions, no used personal data (General Data Protection Regulation Article 83 (2) paragraph k) point).

(iv) This official data protection procedure has exceeded Infotv. according to the procedural deadline. Since the reason for this is to a large extent in Customer 1 and Customer 2 - in several places in this decision

referred to, presented in point I above – contradictory, evasive, contrary to the facts

statement

clarifying orders

was necessary, so the Authority took this circumstance less seriously

into account.

more and more because of his answers

fact

4.4. Based on the notice of the Authority according to point I.2.4.(xxiv) above, Customer 2 did not indicate the

in addition to the above, other circumstances for the imposition of fines that can be taken into account on the merits. The

above and that

based on all the circumstances of the case, the Authority provides data protection in the amount according to the provision

considered the imposition of a fine to be proportionate and deterrent, both special and general

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in relation to prevention in connection with the examined data management of Customer 2, which

amount is significantly below the maximum fine. In other cases, this amount is unique

may be significantly different based on circumstances, it does not bind the Authority in other cases.

A. Other questions

1. The Authority notes that the "banking, 128-bit" coding indicated by Customer 2 does not exist

concept, there is no such category as bank encryption. Banks use different encryption standards

algorithms (e.g. AES) are used differently

together with technical solutions

for data security (e.g. sending the password via a separate secure channel, etc.). The 128

bit encryption is now obsolete, the minimum of 256 bits can be said to be satisfactory, and currently the

256-bit standard will slowly be replaced by 512-bit encryption as a minimum in hardware

and due to the rapid development of computing capacities.

2. Infotv. According to § 38, paragraph (2), the Authority is responsible for the protection of personal data,

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

control and promotion of the validity of personal data in the European Union

facilitating its free flow within. Infotv. According to Section 38 (2a), the general

tasks and powers established for the supervisory authority in the data protection decree

general data protection for legal entities under the jurisdiction of Hungary

is exercised by the Authority as defined in the decree and this law. The Authority

its jurisdiction covers the entire territory of Hungary.

3. The Art. Based on § 112, paragraph (1), § 114, paragraph (1) and § 116, paragraph (1), the

a decision can be appealed through an administrative lawsuit.

\* \* \*

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

hereinafter: Kp.) is defined. The Kp. Based on § 12, paragraph (1), by decision of the Authority

the administrative lawsuit against falls within the jurisdiction of the court, the lawsuit is referred to in the Kp. Section 13, paragraph (3).

Based on point a) subpoint aa), the Metropolitan Court is exclusively competent. The Kp. Section 27 (1)

according to paragraph 1, legal representation is mandatory in administrative proceedings before the tribunal. The Kp.

According to paragraph (6) of § 39, the submission of a claim is an administrative act

does not have the effect of postponing its entry into force.

5. The Kp. Paragraph (1) of Section 29 and, in view of this, CXXX of 2016 on the Code of Civil Procedure.

applicable according to § 604 of the Act, electronic administration and trust services

CCXXII of 2015 on its general rules. according to § 9 (1) point b) of the Act, the

the client's legal representative is obliged to maintain electronic contact. The submission of the statement of claim

time and place of Kp. It is defined by § 39, paragraph (1). Request to hold the hearing

information about the possibility of the Kp. It is based on paragraphs (1)-(2) of § 77.

6. The amount of the fee for the administrative lawsuit is determined by Article XCIII of 1990 on fees. law

(hereinafter: Itv.) 45/A. Section (1) defines. From the advance payment of the fee

the Itv. Paragraph (1) of § 59 and point h) of § 62 (1) exempt the person initiating the procedure half.

7. If the required customer fails to fulfill the prescribed obligations in an appropriate manner certifies, the Authority considers that the obligations have not been fulfilled within the deadline. The Akr.

According to § 132, if the customer has not fulfilled the obligations contained in the final decision of the Authority enough, it is enforceable. The Authority's decision in Art. according to § 82, paragraph (1) with the communication 46

becomes permanent. The Akr. Pursuant to § 133, enforcement - if you are a law government decree does not provide otherwise - it is ordered by the decision-making authority. The Akr. 134.

pursuant to § the execution - if it is a law, government decree or municipal authority

the local government decree does not provide otherwise - the state tax authority

undertakes. Infotv. Based on § 61, paragraph (7), contained in the Authority's decision,

to carry out a specific act, for specific behavior,

you are patient

regarding the obligation to stop, the Authority will implement the decision

undertakes.

dated: Budapest, according to the electronic signature

Dr. Attila Péterfalvi

president

c. professor