

Case number: NAIH-85-3/2022

Former case number: NAIH-7350/2021

Subject: decision

H A T A R O Z A T

The National Data Protection and Freedom of Information Authority (hereinafter: Authority) a  
opposite Budapest Bank Zrt. (headquarters: 1038 Budapest, Váci út 193; hereinafter: Client,  
or in some cited texts: Bank) carried out by the Customer's telephone customer service  
related to audio recordings of telephone conversations, May 25, 2018 and  
present procedure

2021 in relation to the data management practice carried out by the Customer between the date of its initiation.  
on September 22, he initiated a data protection official procedure ex officio. The Data Protection Authority  
makes the following decisions in an official procedure:

I. The Authority ex officio determines that the Client is related to the analyzed sound recording analysis  
data management practices violated the handling of personal data of natural persons  
regarding its protection and the free flow of such data, as well as Directive 95/46/EC  
repealing Regulation (EU) 2016/679 (hereinafter: general data protection  
Regulation) points a) and b) of Article 5 (1), Article 6 (1), Article 6 (4),  
Article 12, paragraph (1), Article 13, Article 21, paragraphs (1) and (2), Article 24, paragraph (1), 25.  
(1) and (2) of Article

II. The Authority ex officio pursuant to Article 58 (2) point d) of the General Data Protection Regulation  
instructs the Customer to modify its data management practices to comply with it  
of the general data protection regulation, i.e. do not analyze emotions during voice analysis, and that  
in relation to data management, ensure the data subject's rights properly, in particular, but not  
only the right to adequate information and protest. In relation to the Customer's employees, it is  
data management must be limited to what is necessary to achieve the goals related to them, as well as  
corresponding information must be provided to them about the evaluation criteria and consequences

marking. Separately related to data management related to employees - for different purposes

consideration of interests must address the vulnerable situation resulting from this dependent relationship and suitable internal guarantees must be defined with this in mind.

III. The Authority is the Client ex officio

HUF 250,000,000, i.e. two hundred and fifty million forints

data protection fine

obliged to pay.

The II. from the date this decision becomes final

within 60 days of

certify to the Authority. Data management is only carried out with the definition of a suitable data scope, real with proof of impact assessment, valid legal basis, and maximum protection of the rights of the stakeholders can be continued, otherwise the Customer must prove the termination of the data processing under investigation to the Authority within the above deadline.

The III. fine according to point within 30 days of this decision becoming final a

Authority's centralized revenue collection target settlement HUF account (10032000-01040425-00000000 Centralized direct debit account IBAN: HU83 1003 2000 0104 0425 0000 0000)

must be paid. When transferring the amount, "NAIH-85/2022 BÍRS." number must be referred to.

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If the Customer does not fulfill his obligation to pay the fine within the deadline, a late fee will be charged is obliged to pay. The amount of the late fee is the legal interest, which is affected by the delay is the same as the central bank base rate valid on the first day of the calendar semester.

Non-payment of the fine and late fee, or the above II. no obligation according to point in case of fulfillment, the Authority orders the implementation of the decision.

There is no place for administrative appeal against this decision, but from the announcement within 30 days with a claim addressed to the Metropolitan Court in a public administrative case can be attacked. The letter of claim must be submitted electronically to the Authority in charge of the case

forwards it to the court together with its documents. A hearing can be requested in the statement of claim. The entire for those who do not receive a personal tax exemption, the administrative court fee is HUF 30,000, the per subject is subject to the right to record levies. Legal representation in proceedings before the Metropolitan Court obligatory.

CXII of 2011 on the right to information self-determination and freedom of information. law (a hereinafter: Infotv.) Based on point a) of § 61, paragraph (2), the Authority publishes this decision on the website of the Authority.

## I N D O C O L A S

### I. Procedure of the procedure

#### I.1. The History Case

(1) The Authority in the history investigation procedure No. NAIH-5161/2021 (hereinafter: History Case) on the basis of a complaint by the Customer as a legal entity engaged in financial institution activities data management, that the recorded audio of customer service calls is automatically recorded analyzes it and whether it provides relevant information to those concerned. The Customer is the analysis using its results, determine which dissatisfied customer needs to be called back, in this regard, it is automatically analyzed by both the caller and the person concerned, among other things customer service employee's emotional state and other characteristics of the conversation. The History In this case, the complainant can find a sentence on the Customer's website referring to voice analysis based on information, he asked questions about this, but he did not receive satisfactory information answers, so he turned to the Authority.

(2) The Client received the Authority's request on July 5, 2021, number NAIH-5161-5/2021 in his reply letter filed under, he made the following substantive statements in the Background Case, which the Authority classified the justification in the present procedure as III. in point:

(i) The audio analysis application (hereinafter: Software) was introduced by the Customer on 26.05.2017. THE the goal of the development was to make the work of nearly 180 telephone employees more effective, by improving the call selection procedure of the approximately 20 employees listening in on calls. THE

wiretapping takes place by means of random selection even when using the system, but the calls are prioritized by the Software based on the characteristics established by the Software. These characteristics they are not even known to the Customer, the software handles it privately. Call evaluation detailed results, the evaluated aspects cannot be known.

(ii) The purpose of the Software is to make quality control more professional for the Customer's employees individual development (professional and communication), improving the efficiency of processes and increasing customer experience. The system does not store any unique data suitable for identification

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or information about the customer. The data will be analyzed in aggregate. Areas of use of the program does not include increasing sales results.

(iii) One of the main areas of use is call quality control (eavesdropping): to be evaluated calls are screened for listeners by the analytics team. Selection criteria also includes data from the Software (e.g.: dissatisfaction, disappointment, etc.) if necessary these are parameters that can be changed every month, in order to be the most effective quality assurance, i.e. they can reveal shortcomings and possible development directions.

(iv) The second main area of use is the prevention of complaints and customer migration: monthly in advance a specific number of customers are called proactively in order to the complaint prevent or prevent possible customer migration. Enter the system using keywords based search conditions have been set, which will help you find it effectively affected customers. This report can be run on a daily basis, and the interviewer randomly, chooses freely among potential calls.

(v) The third main area of use is increasing efficiency: team leaders on a daily basis they investigate for their team, in which calls and why it was higher than average idle (quiet/music) ratio. In exceptional cases, this is for the individual development of employees, or it is used to improve the efficiency of processes.

(vi) The mandatory element of the concept of personal data is missing, the data is defined as natural

its nature can be linked to a person. The Software analyzes the conversation, therefore without eavesdropping (which and a new data management process) not a single feature of the conversation can be established.

(vii) Aggregated data on the regulated business process, conducted based on the script

they only enable conclusions to be drawn from conversations. The breaks, idle times

its length is not an indicator of individual competence, even in the case of a given clerk, but indicates

his work requires special support. For example, if it is a difficult IT system

waiting time due to access causes the longer silence.

(viii) The Software is, for example, similar to traffic counters and traffic lights

for its operation, which also determine the traffic participant (otherwise anyway

identifiable) order of natural persons crossing the intersection,

however, their operation is not considered personal data processing in practice.

(ix) The purpose of data management is complaints and incorrect banking transactions not objected to in the complaint

reducing the number of audit procedures, ensuring efficient and courteous customer service

by supporting its effectiveness, as detailed above. Legal basis for data management

the Client's legitimate interest detailed in the description of data management purposes is effective and legal

in the field of telephone administration. The duration of data management can be reviewed within the Software

45 days for audio recordings, statistics generated by the operation of the Software, in order

1 year for sorted call lists.

(x) The Software does not perform profiling related to identifiable natural persons, the calls

according to the above, it puts the calls in order and compiles call traffic summaries and statistics

broken down by complicating employees. Automated data management operation for calls

refers to, finishes with ordering. The result of the automated operation is the callback

or an increase in the chance of being included in the list by random human selection

can be minimized.

(xi) operation of [...] voice recorder:

[...] records all audio by default. An automaton runs every night

on the recorder's server, which destroys calls under 5 seconds. Default

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according to which all calls are deleted after 180 days, except for those with a business label have, which are on the [...] interface on the business tag settings tab for the given campaign have the Long-term preservation mark.

[...] has a dedicated server for voice analytics, which makes it intraday call recordings are displayed in duplicate. An automaton plays the sounds of [...] every night removes it from the hit list. Regardless, it is still in the internal system of the Software calls can be listened to up to 45 days after recording. There will be no calls after that can be heard within the Software.

(xii) Within the Software, with the help of the voice analytics function [...] ([...]) it is possible to [...] and to listen to the calls of [...] - [...] voice recording systems and analyze them. Furthermore it is possible to monitor and categorize calls made and received by [...] and [...] differently based on quality criteria, the results of which can be used to create customer-specific promotions and we can provide feedback on quality customer service, collection and sales in order to increase efficiency. The individual functional management members for their entire area, they can receive previously unmeasured data per area ([...]), per group, per administrator regarding quality.

(xiii) [...], using speech signal processing based on artificial intelligence, recognizes:

- waiting / silence / talking to each other in audio files,
- recognizing and finding keywords in sound files,
- detects emotional / mood elements in audio files.

(xiv) The measurement of waiting / silence allows the area manager to identify the efficiency-reducing factor and initiate an action either at the individual or area level (e.g.: individual development, field-related training, process development, etc.).

(xv) Keyword recognition (based on a dictionary created by us) enables complaining customers

screening and prevention of churn (upset customer), detection of prohibited / filler words.

(xvi) Detecting emotional / mood elements in calls shows the true customer experience or customer irritation.

(xvii) The Software stores audio materials in encrypted form on its own storage for 45 days, this then destroys them. The previously performed sound material analyzes also after that can be retrieved, but the call cannot be deduced from them.

(xvii) Automated decision-making in individual cases, including the profile linked to the person a decision on its creation is not made during data management with the Software. Hence the GDPR. The conditions of Article 22 (2) are not applicable.

(xix) The information to the stakeholders is provided by Chapter 3 of the Customer's Business Regulations and Telefonos customer service and complaint handling is provided by means of a detailed data management information sheet, which attached to your answer.

(xx) The Software has been operating without complaints since its introduction.

(3) The Client received the Authority's inquiry on July 5, 2021, number NAIH-5161-5/2021 in the appendices of its reply letter filed under

In the case, which the Authority also qualified in the present procedure, justification III. in point:

(i) Internal memo related to customer complaint No. [...] (verbatim quotes)

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"Before the phone call, our client was not informed that the artificial intelligence

and using a voice analysis software, they analyze the conversation and are curious

what is the purpose of this and what data management purposes does it correspond to.

He did not receive an answer to his question from the customer service representative. This is artificial intelligence please receive software data management information and data protection rules. Where can it be found?

How compliant is this with GDPR?"

"I'm sorry that our colleague was not aware of the relevant data management information: [link to intranet address]

Attach this to your answer. It should be emphasized that "The telephone customer service quality assurance, performs profiling based on legitimate interest for the purpose of complaint prevention and by means of an automatic decision selects the calls in which a more qualified bank employee answers by calling back the problem or complaint that arose during the telephone conversation."

The referenced document is available at [https://www.budapestbank.hu/hirdetmenyek/adatkezelesi-](https://www.budapestbank.hu/hirdetmenyek/adatkezelesi-also) also from the address of grantees. Maybe it's worth mentioning if it's general data management information (Chapter 3 of the Business Regulations) and the detailed data management information cited our clerk would read it out at the beginning of the call, this would extend the complaint by at least 10-15 minutes, the time of submitting a customer request. Our customers would not accept this. That is why the Bank decided with the use of written information."

(ii) Internal memo related to customer complaint No. [...] (verbatim quotes, same reply to another letter from the concerned person)

"[...] The software analyzes the audio recording according to [...] - the developer's business secret - aspect.

Among these, the developer is the speed of speech, volume, pitch, and speech pauses explained its length as an example. As a result of the analysis, no profile is created, but the recordings the system ranks it daily. The basis of the order is that it can be deduced from the examined aspects conclusion, whether the caller - although he did not submit a formal complaint - was dissatisfied with administration. Calls at the beginning of the ranking with higher qualifications and authorization our staff member will call you back in an attempt to remedy the cause of dissatisfaction. THE due to the closed operation of the system, the Bank does not recognize or handle the order of calls external data. Thus, it does not transmit or store data, nor can it provide further information about it.

In the absence of a breach of security, the operation of the system cannot be considered data protection incident. The investigation and elimination of latent complaints is in the common interest of the callers and the Bank. This basis of system operation. The preliminary data management information in its current form complies with the requirements of Article 12 (1) of the GDPR, which also requires the conciseness and transparency of information



make it a requirement. The adequacy of this is indicated by the fact that the information is provided by our customers and not by the customer

our stakeholders have not objected in more than 3 years."

(iii) Identifier: H-407/2018 (Telephone customer service and complaint handling detailed data management informative content)

a) Telephone customer service outgoing and incoming calls (in tabular form)

managed data: name, notification, permanent address, mailing address, telephone number (mobile, landline, workplace), e-mail address, mother's name, place and time of birth, ID document number (eye ID number; passport number, driver's license number), where applicable, income data, co-card holder, debtor, co-applicant, guarantor, debtor in rem, authorized representative personal data (name, date of birth, mother's name, personal identification document number etc.), account number, bank card number, credit censorship/reference number, etc., insurances, loans, savings, etc.,

for payment accounts, bank cards, credit cards

data of related transactions

purpose: handling phone calls initiated by the customer (stakeholders).

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duration: "See Section 3.1.8 of the Business Regulations"

legal basis: contract for incoming calls, "subscription" for outgoing calls

(typed)

data processors: n/a

b) Telephone customer service outgoing and incoming calls (in tabular form)

managed data: name, notification address, phone number, customer identifiers (account number, card number etc.), receipt channel, report date, complaint reference number, report type, whether it is a recurring complaint, complaint category, if applicable, amount claimed, report severity, identifiers of previous complaints, detailed description of the complaint, complaint letter, etc

attachments, detailed resolution of the complaint, where applicable, amount credited, complaint

response letter

purpose: handling a complaint submitted by a customer

duration: "See Section 3.1.8 of the Business Regulations"

legal basis: conclusion of contract

data processors: Where applicable, partners required for the investigation (insurance company,

credit broker, etc.)

c) other information at the end of the prospectus

For the data management of the specific product affected by the call or complaint, see the specific product

on your data sheet.

The telephone customer service is in the legitimate interests of quality assurance and complaint prevention

performs profiling based on and automatically selects the calls that

in which a highly qualified bank employee removes the

problem or complaint that arose during a telephone conversation.

The Customer about the audio recording

one of the following data necessary for identification is available:

information then

can give if the audio recordings

- the phone number of the relevant bank that provides call identification services, of this

in the absence of;

- the telephone number provided by the data subject providing the call identification service;

- the start time of the call provided by the data subject with an accuracy of at least 60 minutes

defining time data.

(iv) Identifier: H-526/2020 (Business regulations, effective from: 10.01.2021, 41 pages, quotation)

"3.1.8. point: If the law does not provide otherwise, the general data management period is

10 years from the termination of the customer relationship. This data management period is adjusted to

for the statute of limitations of general civil law claims, also with regard to the interruption of the statute of limitations. If that the purpose of data management is to assess a potential complaint, unless otherwise provided by law duration of data management is 1 year. Such are especially the withdrawn or rejected services data on demands for For marketing purposes - until you withdraw your consent - with such a transaction The Bank can also contact the affected party. The retention period of image recording for asset protection purposes sixty days. The legal retention period for audio recordings for complaint handling is 5 years. The transactional the general data retention period applies to audio recordings containing orders. It's the Bank block the Data after the end of the data management period, if the legal conditions for blocking and the technical capabilities make this possible. The Bank may shorten the duration of data processing, disclaims any responsibility in this regard."

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(v) Identifier: "interest assessment test voicemining.xlsx" (actually data protection impact assessment data sheet)

short description of data management: "Software and mass audio analysis, predefined search and analysis of contents and keywords, description. The conversation detection of emotions (negative, positive) found in his audio files."

brief summary of the necessity and proportionality test: "The data management a necessary in order to rank conversations according to listening relevance. THE ranking has no direct effect on the participants of the conversation. The ranking based on wiretapping, the client (calling party) initiated as a result recall is a new, independent data management."

The opinion of the data protection officer and the decision on data management

summary: "The purpose of data management is the rights of the data subjects and the Bank's business interests is legal based on, there is no indirect or direct legal prohibition. Data management for several reasons high risk, especially given the novelty of the technology used,

because the audio recordings are made automatically with the help of artificial intelligence for analysis and the findings are made automatically. The totality of the data is both suitable for profiling and scoring from the point of view of the stakeholder group, and the same automated decision-making does not take place in the process, data management is up to the data subjects may have legal effect. The high risk was indicated by the data controller in the impact assessment mitigates with measures, so, for example, at the end of the automated data processing, it is human decision making takes place. The exercise of the rights of those concerned is ensured according to standard practice. The exercise of rights does not mean any adverse consequences for those concerned. In the process no data processor.”

(vi) Identifier: "privacy register extract.xlsx" (only the relevant parts are highlighted)

name: audio storage

purpose: Through recorded conversations, the customer's voice is stored. You are later complaints this can be heard back in case of disputes.

legal basis: Law, legitimate interest, consideration of interests

processing: no

duration: 10 years from the termination of the contract

(4) The Client received the request of the authority on August 16, 2021, NAIH-5161-10/2021

in his response letter filed under no.

which the Authority classified in the present procedure as well in justification III. in point:

(i) "Based on this, it can be established that the main purpose of using the application is call time facilitating abbreviation. The Bank's telephone customer service capacity is limited. Hence the call time by shortening it, it can be ensured that the waiting time, which causes significant customer irritation, is reduced, cease. This goal is achieved by pauses in conversations and listening to music while waiting is achieved by the Bank's examination. In these cases, the calls of my colleagues are statistical methods are processed, they are only listened to when necessary. Their goal is to have a conversation

they find errors in control scripts, which are waiting, playing music, or talking to each other

(interrupting each other's words by the administrator and the interlocutor). In this case it is

not even the ones selected for listening from among the automatically arranged conversations

listen in full, but partially based on the examined aspects. So the

the listening worker does not hear the customer identification part. The application supports the same

examination of aspects per employee. This is in the performance-based pay system

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helps the employee to improve the effectiveness of individual calls and the time required for their calls

reduce it."

(ii) "The screening result can be overruled at any time by the interviewing employee. The software

it only gives the listener a "menu" to choose from, but the decision in each case is a

competence of the colleague performing the process."

(iii) The employee contribution annex that was not used in operative work is

The customer has superseded and attached the enforced regulations

- THE

recording, monitoring and handling of telephone conversations bank group level instructions), and a

also updated organizational changes in addition to the rationalization of the annexes.

([...]

(iv) The Software is not a call recording system. This task is performed by the [...] and [...] systems.

Calls are transferred from these to the Software system. The data content of the Software is the call

call identifier created in the recording system, the calling/called telephone number, the direction and time of the call,

length, name of the administrator, organizational unit, date of the analysis, quantified (in %)

results, an alphanumeric list of recognized language elements.

(v) Process of customer retention or complaint prevention calls:

- An interviewing employee starts filtering based on the rules and keywords set in the system

for the period selected by him.

- The Software lists the results, i.e. the calls that match the filtering

conditions.

- The employee randomly chooses from the proposed calls and listens (typically the call segment indicated by the Software). If this proves the condition indicated by the Software, the full call should be listened to.

- After the hearing, he decides that according to the specific case customer retention or complaint prevention.

is it possible

- If so, the customer's details are retrieved from the banking systems and called.

(vi) The detected emotions can also be displayed at the call level. These can be aggregated by group and according to the level of the area or to arrange them in order based on the strength of the emotion.

(vii) No information is given at the beginning of the calls that they are using the Software or how

they perform data management for audio analytics purposes. If it is an incoming call ([...]), the [...]

say the recording. In the case of an outgoing call ([...] and [...]), the employee informs a

about recording. If the customer complains about the use of the software, the administrators

they will be informed about the possibility of recording the report. If necessary, the complaint will be taken up,

which is investigated by the complaints management department - as necessary by the data protection officer

involving. We would like to note that the verbal information given at the beginning of phone calls

its practical possibilities are severely limited. A few words of information are necessary

it is misleading and forces the person concerned into an unfoundedly disadvantageous communication situation. Detailed,

thorough information is not made possible by the live audio as required by law and supervision

compliance with contact requirements. THE

part customer

interest. A customer related to the opening hours of an account or the current balance of an account

Detailed information provided before answering the request would necessarily violate Article 12 of the GDPR.

paragraph (1) of Article 1, the requirement for the conciseness of the information, because it is temporary

its scope would many times exceed the substantive administration, the actual data management.

(viii) The possibility of a protest other than the demolition of the line is precluded by technical circumstances. If

a completed call could be influenced by human intervention from the analysis

phone calls

significant

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extraction, it would significantly distort the efficiency of the analysis, since it is precisely the anomalies

in case of a call containing

(ix) The Customer provides the information on the website <https://www.budapestbank.hu/panaszkezeles>.

(x) When the primary purpose of data management ceases, it is deleted from the Customer's production systems

data, but the referenced 42/2015. (III. 12.) Government Decree § 3 (3) e) and (4) the Customer

makes it an obligation to create and manage archives, data backups, backup copies.

Their access order corresponds to the concept of blocking according to the GDPR, and therefore they are discussed in this

way

provided information by the Customer. The management of archival media can be found in the document management

regulations

is located.

(xi) In addition to the questions, among the experiences of the personal inspection, it is worth highlighting that a

voice analysis emotion cues to voice quality and expressions used

founded, therefore they provide false results about calls without human control. On the other hand

there are people with a voice - we had one such employee - who has a voice

always reflected dissatisfaction. With regard to these as well, while the pause-to-speech ratio, each other

speech and the speech/music ratio are relatively objective characteristics of the conversation, until it is

emotional tone, so experienced dissatisfaction and disappointment are less reliable characteristics.

My colleagues take this into account when using the system.

(xii) The caller will only be identified if it is necessary to compensate him due to a bank error,

or latent complaint, the Customer tries to settle it satisfactorily.

(5) The Client received the Authority's request on August 16, 2021, NAIH-5161-10/2021

in the appendices of his reply letter filed under no

In the Precedents Case, which the Authority also classified in the present procedure, justification III. in point:

(i) Identifier: [...] (Recording, monitoring and management of telephone conversations banking group level instruction)

"5. Detailed procedure [...]

Listening back to recorded conversations for audio analytics purposes:

In the Software system, with the help of the sound analysis software, [...] ([...],[...]) and

Calls to [...] and [...] voice recording systems are possible for complaint handling

listening back and analyzing them. It is also possible to drive in and [...] launched and

monitoring and categorizing received calls based on various quality criteria,

with the help of the results, we can formulate customer-specific actions and feedback

and for the purpose of increasing quality customer service, collection and sales efficiency. The

some functional management members for their entire area, per area ([...]), per group,

they can receive previously unmeasured quality data per clerk.

[...], using speech signal processing based on artificial intelligence, recognizes:

- waiting / silence / talking to each other in audio files,
- recognizing and finding keywords in sound files,
- detects emotional / mood elements in audio files.

The measurement of waiting / silence allows the manager of the area to identify the

efficiency-reducing factor and initiate an action either at the individual or area level

(e.g.: individual development, field-related training, process development, etc.).

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Keyword recognition (based on a dictionary created by us) enables complaining customers

screening and prevention of churn (upset customer), detection of prohibited / filler words.



The detection of emotional / mood elements in calls shows the true customer experience

or customer irritation.

The Software stores the audio materials in encrypted form on its own storage for 45 days, after that

destroys them. The previously performed sound material analyzes after that

too

are retrievable, but the call cannot be deduced from them."

(ii) Identifier: "interest balance test voicemining\_doc.docx"

"2.1. The specific, explicit and legitimate purpose of the data management, in accordance with the general

with point b) of Article 5 (1) of the Data Protection Regulation: during telephone administration a

reduction of call time, more effective filtering of latent customer complaints and the characteristics of calls

analysis, by increasing the efficiency of interception of calls.

2.2. Demonstration of legitimate interest: point f) of Article 6 (1) of the General Data Protection Regulation

According to the Bank, the data management is efficient, and the exercise of the rights of the affected parties is handled by

telephone

in the framework of

to enforce its legitimate interests

required.

defined in facilitating

3.1. The need for data management in 2.1. in accordance with the purpose of point: the calls

control by the data controller, optimization of data management processes GDPR Article 5 (1) a)

fair procedure according to point d), and accuracy according to point d) of the same paragraph

is necessary in order to ensure that faulty administration is not detected in any other way

remedy.

3.2. Proportionality of data management in accordance with 2.1. in accordance with the purpose of point, with regard to the

person concerned

interests, rights and freedom: data processing performed with the help of the Software

operations are carried out by the Bank in accordance with Article 11 of the GDPR, without identifying the specific data subject.

THE

A conversation listened to by random selection from a list created using software

in the case of

The data subject may not suffer any adverse legal effects in connection with data management. Preferential legal effect

(complaint

rectification, provision of credit) is the possible legal consequence.

The Bank ensures proportionality by personalizing the data generated in the system

there is only a low statistical chance. The person concerned does not have to count with certainty that

your call will have legal effects resulting from the use of the system, there is little chance of this, given that

also for the purpose of data management.

available alternative solutions: az

3.3. To replace data management

the data controller does not have at his disposal an alternative tool, procedure or solution which

using 2.1. point can be achieved.

3.4. The (estimated) disadvantages and damages for the data controller in case of failure to manage data: a

decrease in the efficiency of conversations, detection efficiency of latent complaints

decrease. The consequent increase in call dropout is limited

they can exercise their rights related to administration, including the protection of their personal data. THE

reduction in the detection efficiency of latent complaints and the accuracy of data management

reduces, where appropriate, causing financial and legal disadvantage to the person concerned.

[...] 4.2. The favorable and unfavorable effects of data management in relation to the data subject: az

data management has no self-realization

adverse effect on the person concerned

regarding.

4.3. In addition to the mandatory information on data management, the Data Subject can provide information at any time you can ask about the data managed by the Bank, the purpose, legal basis and duration of the data management.  
(right to information, Article 12 GDPR)

[...] 4.9. The Data Subject is entitled to, for reasons related to his own situation, at any time object to the processing of your personal data, including those based on GDPR provisions also profiling. In this case, the data controller may no longer process the personal data, unless the data controller proves that the data processing is carried out by compelling legitimate reasons justified, which take precedence over the interests, rights and freedoms of the Data Subject against, or for the presentation, enforcement or defense of legal claims are connected.

[...] 6.1. Existence of legitimate interest: The Bank's indisputable legitimate interest is that the Software system improve your telephone administration, uncover latent complaints.

6.2. Necessity of data management: in order to achieve the purpose of data management, the personal data management is essential.

6.3. Assessment of proportionality: the data subject's right to self-determination of information is certain cases in a necessary and proportionate manner, for the purpose of data management and with its duration

may be limited in accordance with Based on the balance of interests test, it can be established that it is data management does not represent an unnecessary and disproportionate restriction on the rights of the data subject and for his freedom. The data subject may object to the data processing, or may do so at any time

General Data Protection Regulation 12-22. with the rights guaranteed in Article

(6) In view of the above, the Authority shall inform Infotv. 2021 on the basis of § 55, paragraph (1), point a) point b) on September 23 closed the History Case and ex officio initiated the present data protection official procedure was carried out by the Customer's telephone customer service phone conversations

between May 25, 2018 and the date of initiation of the present proceedings

Regarding the data management practices carried out by the customer.

## I.2. This data protection official procedure

(7) The subject of this official data protection procedure is the customer's incoming calls to the telephone customer service and outgoing calls by automatically analyzing recorded audio recordings, and based on this, the by listening back to a part of audio recordings, and then the ones on the listened back recordings was an investigation of data management related to the recall of some of the stakeholders. The Authority is the above in connection with the activity, third parties who call the customer service are affected, as well as employees working at the Customer's telephone customer service are personal also examined the management of your data.

(8) The Authority CL. of 2016 on the general administrative order. law (hereinafter:

On the basis of § 76 of the Act, on September 23, 2021, he called the Customer to provide comments and may present a statement in connection with the present procedure, as well as ex officio in the present procedure History to be taken into account in connection with the Case, as well as by your telephone customer service asked questions clarifying the circumstances of customer identification and audio recording.

(9) At the request of the Authority, the Customer shall submit an electronically signed electronic form on October 29, 2021 in his reply received by letter, filed under number NAIH-7350-2/2021, he made the following statements:

(i) If information related to the person concerned (bank secrets) is released during the conversation should happen, the Customer always identifies the person concerned by requesting a unique telecode, or bank by requesting information related to products that can only be known by the person concerned. In case of an outgoing call

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the person concerned is called on the phone number registered with the Customer, and in addition as stated above are identified.

(ii) In the case of an outgoing call, the content of the verbal information: "Good day, I'm XY, from the Bank I'm calling, I'm looking for ZW. I would like to inform you that our conversation is for quality assurance reasons we'll record it."

(iii) The Customer maintains the statements made in the Case of History with the clarification that a

Software allows individual viewing of the ranked call with a click

and listening to it. In doing so, the ranking parameter on the speech diagram

appear. This is necessary to ensure human control, because it is purely a machine evaluation

can lead to a wrong conclusion. (For example, the reason for the silence is a line error, or the tone of the voice is the machine analysis incorrectly evaluates it as dissatisfied.

(iv) The Customer's data management practices have not changed substantially since May 25, 2018, and the Authority nor did his investigation reveal any circumstances that would justify a substantive transformation of the process. THE a review of the information practice is underway. It is expected to be more detailed on several points the Customer prepares information as a result of the investigation.

(v) The called party can communicate by hanging up that they do not agree to the recording.

If he does not do this, he gives it by hinting at it, by starting the conversation contribution.

(vi) The technical system records from the beginning of the call, in which the participating parties have no influence opportunity.

(vii) The system also monitors the voice of the Customer's employees. Aspects of queuing can be set to monitor the employee's voice characteristics. With this, the employee their development is supported, if necessary, without labor law disadvantage.

(viii) The Software does not contain artificial intelligence and does not make automated decisions. Analysis results can only be used with human intervention and interpretation.

(ix) Telephone customer service is not only used by customers. The average number of calls per month 2021- in 81,500/month. On an annual level, 1-1.5 million calls are affected by voice analysis.

(x) The Customer, as a financial institution, handles extremely complex and large amounts of data. For this in comparison, the number of data protection complaints is extremely low, and there have been no data protection fines so far received by the Customer.

(xi) The Customer's net sales in 2020 were HUF 81,002,000,000.

II. Applicable legal provisions

(10) Based on Article 2 (1) of the General Data Protection Regulation, the general data protection regulation must be applied to the automated processing of personal data in whole or in part processing, as well as the processing of those personal data in a non-automated manner for handling, which are part of a registration system, or which are a they want to make it part of the registration system.

(11) 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 specific additions.

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performance, economic situation, health status,

(12) Infotv. According to Section 60 (1), enforcement of the right to the protection of personal data 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.

(13) Infotv. Pursuant to § 71, paragraph (2), the Authority lawfully acquired during its procedures can use documents, data or other means of proof in other proceedings.

(14) In the absence of a different provision of the general data protection regulation, the request was initiated for official data protection procedure, Art. the provisions of Infotv shall be applied with differences.

(15) Pursuant to Article 4, Point 1 of the General Data Protection Regulation, "personal data" means the identified or any information relating to an identifiable natural person ("data subject"). It can be identified a a natural person who, directly or indirectly, in particular an identifier, for example name, number, location data, online identifier or physical, physiological, one or more related to your genetic, intellectual, economic, cultural or social identity can be identified based on a factor.

(16) According to Article 4, Point 4 of the General Data Protection Regulation, "profiling" means personal data any form of automated processing during which personal data is processed by a

to evaluate certain personal characteristics related to a natural person, in particular a workplace  
personal

preferences, interests, trustworthiness, behavior, location or  
used to analyze or predict movement-related characteristics.

(17) According to Article 4, Point 14 of the General Data Protection Regulation, "biometric data" is a natural  
any specific technical information relating to a person's physical, physiological or behavioral characteristics  
personal data obtained through procedures that enable or confirm the natural person  
unique identification, such as a facial image or dactyloscopic data.

(18) According to Article 4, point 15 of the General Data Protection Regulation, "health data" is a  
personal data regarding the physical or mental health of a natural person, including  
also data relating to healthcare services provided to natural persons,  
which carries information about the health status of the natural person.

(19) According to Article 5 (1) point a) of the General Data Protection Regulation, personal data  
its handling must be carried out legally and fairly, as well as in a transparent manner for the data subject  
("legality, due process and transparency").

(20) 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 treated with them  
in a way that is incompatible with the goals ("goal-boundness").

(21) Management of personal data according to Article 6 (1) of the General Data Protection Regulation  
it is only legal if and to the extent that at least one of the following is fulfilled:

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

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

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

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d) the data processing is for the vital interests of the data subject or another natural person

necessary for its protection;

e) the data management is in the public interest or is a public authority entrusted to the data controller

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

f) data management to enforce the legitimate interests of the data controller or a third party

necessary, unless the interests of the data subject take precedence over these interests

or fundamental rights and freedoms that require the protection of personal data,

especially if a child is involved.

driver's license

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

for data management.

(22) According to Article 6 (4) of the General Data Protection Regulation, if it is different from the purpose of data collection

purpose of data processing not with the consent of the data subject or any other EU or member state

is based on law, which is considered a necessary and proportionate measure in a democratic society

to achieve the goals set out in Article 23 (1) of the General Data Protection Regulation,

to determine whether data management for a different purpose is compatible with the purpose from which the

personal data were originally collected, the data controller takes into account, among other things:

a) between the purposes of collecting personal data and the purposes of planned further data management

possible relationships;

b) the circumstances of the collection of personal data, in particular the data subjects and the

for relationships between data controllers;

c) the nature of the personal data, in particular that it is personal data according to Article 9

is it about the management of special categories,

responsibility



and on the handling of data relating to crimes in accordance with Article 10

this word;

d) the potential consequences of the data for the data subjects

further treatment;

e) the existence of appropriate guarantees, which may also mean encryption or pseudonymisation.

or that it is criminal

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

referring to political opinion, religious or worldview beliefs or trade union membership

personal data and genetic data aimed at the unique identification of natural persons

biometric data, health data and sexual life of natural persons

processing of personal data regarding your sexual orientation - the general data protection regulation

Apart from the exceptional cases written in Article 9 (2) - prohibited.

(24) According to Article 12 (1) of the General Data Protection Regulation, the data controller is appropriate

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

all relevant information referred to in Articles 13 and 14 and Articles 15 to 22 and according to Article 34

all information in a concise, transparent, understandable and easily accessible form, clearly

and provide any information addressed to children in a comprehensible manner

case. The information in writing or in another way - including, where applicable, the electronic way

must also be specified. Verbal information can also be given at the request of the data subject, provided that it is done in

another way

the identity of the person concerned was verified.

(25) According to Article 12 (2) of the General Data Protection Regulation, the data controller facilitates the

affected 15–22. the exercise of his rights according to art.

(26) According to Article 13 of the General Data Protection Regulation

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

at the time of obtaining personal data, provides the data subject with a

all of the following information:

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- a) the identity and contact details of the data controller and, if any, the representative of the data controller;
- b) contact details of the data protection officer, if any;
- c) the purpose of the planned processing of personal data and the legal basis of data processing;
- d) in the case of data management based on point f) of paragraph (1) of Article 6, the data controller or a third party legitimate interests of a party;
- e) where appropriate, recipients of personal data, or categories of recipients, if any;
- f) where appropriate, the fact that the data controller is a third country or an international organization wishes to forward the personal data to, and the Compliance Committee existence or absence of its decision, or in Article 46, Article 47 or Article 49 (1) in the case of data transfer referred to in the second subparagraph of paragraph indication of guarantees, as well as the methods for obtaining a copy of them or that reference to their availability.

(2) In addition to the information mentioned in paragraph (1), the data controller is the personal data at the time of acquisition, in order to ensure fair and transparent data management ensure, informs the data subject of the following additional information:

- a) on the period of storage of personal data, or if this is not possible, this period aspects of its definition;
- b) the data subject's right to request from the data controller the personal data relating to him access to data, their correction, deletion or restriction of processing, and you can object to the processing of such personal data, as well as to the data portability concerned about his right;
- c) based on point a) of Article 6 (1) or point a) of Article 9 (2) in the case of data management, the right to withdraw consent at any time, which it does not affect the legality of data processing carried out on the basis of consent before the withdrawal;

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

e) that the provision of personal data is a legal or contractual obligation

is a basis or a prerequisite for concluding a contract, and whether the person concerned is obliged to the personal provide data,

it can work

failure to provide data;

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

also profiling, and at least in these cases to the applied logic and that

comprehensible information regarding the significance of such data management and the data subject

looking at the expected consequences.

(3) If the data controller uses the personal data for a purpose other than the purpose of their collection

wishes to carry out data processing, you must inform the data subject before further data processing

about this different purpose and about any relevant additional information mentioned in paragraph (2).

(4) Paragraphs (1), (2) and (3) do not apply if and to what extent the person concerned is already involved

has the information.

with their possible consequences

and what it's like

(27) 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 such compelling legitimate reasons

justified, which take precedence over the interests, rights and freedoms of the data subject

against, or for the presentation, enforcement or defense of legal claims

are connected.

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

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(29) 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 - the scope of the decision based on it, which would have a legal effect on him or her to a similarly significant extent would affect

(30) According to Article 24 (1) of the General Data Protection Regulation, the data controller is the data processing nature, scope, circumstances and purposes, as well as the rights and freedoms of natural persons taking into account the reported risk of varying probability and severity, appropriate technical and implements organizational measures to ensure and prove that the personal data is handled in accordance with this regulation. These measures are taken by the data controller review and update if necessary.

(31) 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 implications for the rights and freedoms of natural persons, vary taking into account the probability and severity of the risk and the method of data management when determining, as well as during data management, as appropriate technical and organizational implements measures, such as pseudonymisation, which are aimed at, on the one hand, data protection principles, for example, the effective implementation of data saving, on the other hand, the provisions contained in this regulation the inclusion of guarantees necessary to fulfill requirements and protect the rights of the affected parties in the process of data management.

(32) According to Article 25 (2) of the General Data Protection Regulation, the data controller is appropriate implements technical and organizational measures to ensure that by default only such personal data should be processed that are specific to the specific data management

are necessary in terms of purpose. This obligation applies to the collected personal data quantity, degree of treatment, duration of storage and accessibility. These are it measures must in particular ensure that personal data by default they cannot become accessible without the intervention of the natural person for person no.

(33) According to Article 57(1)(a) of the General Data Protection Regulation, the general without prejudice to other tasks specified in the data protection decree, the supervisory authority is its own monitors and enforces the application of the General Data Protection Regulation in its territory.

(34) According to Article 58 (2) of the General Data Protection Regulation, the supervisory authority acting in its corrective capacity:

- a) warns the data manager or the data processor that some planned data processing its activities are likely to violate the provisions of this regulation;
- b) condemns the data manager or the data processor if its data management activities violated the provisions of this regulation;
- c) instructs the data manager or the data processor to comply with this regulation for the data subject your request to exercise your rights under;
- d) instructs the data manager or the data processor that its data management operations - where applicable in a specified manner and specified within a period of time - harmonized by this regulation with its provisions;
- e) instructs the data controller to inform the data subject about the data protection incident;
- f) temporarily or permanently restricts data management, including the prohibition of data management also;
- g) in accordance with the provisions of Articles 16, 17 and 18, orders personal data rectification or deletion, or restriction of data processing, as well as Article 17 (2)

and in accordance with Article 19, orders the notification of those recipients,

with whom or to which the personal data was disclosed;

h) revokes the certificate or instructs the certification body to comply with Articles 42 and 43

to withdraw a duly issued certificate or instruct the certification body not to

issue the certificate if the conditions for certification are not or are no longer met;

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

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

j) orders the flow of data to a recipient in a third country or an international organization

suspension.

(35) According to Article 83 (1) of the General Data Protection Regulation, all supervisory authorities

ensures that the General Data Protection Regulation referred to in Article 83 (4), (5), (6)

administrative fines imposed for violation are effective and proportionate in each case

and be deterrent.

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

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

must be imposed in addition to or instead of the measures mentioned in points h) and j). In deciding whether

whether it is necessary to impose an administrative fine, and the amount of the administrative fine

in each case, the following must be taken into account:

a) the nature, severity and duration of the infringement, taking into account the data management in question

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

the extent of the damage they have suffered;

b) the intentional or negligent nature of the infringement;

c) mitigating the damage suffered by the data controller or the data processor

any action taken in order to;

d) the degree of responsibility of the data manager or data processor, taking into account the

technical and organizational, carried out on the basis of Articles 25 and 32 of the General Data Protection Regulation

measures;

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

f) with the supervisory authority to remedy the violation and the possible negative effects of the violation

extent of cooperation to mitigate;

g) categories of personal data affected by the infringement;

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

whether the data controller or the data processor reported the violation and, if so, how

with detail;

i) if against the relevant data manager or data processor previously - in the same a

subject matter - ordered referred to in Article 58 (2) of the General Data Protection Regulation

one of the measures, compliance with the measures in question;

j) whether the data manager or the data processor has observed general data protection

for approved codes of conduct according to Article 40 of the Decree or the general data protection

Regulation for approved certification mechanisms under Article 42; as well as

k) other aggravating or mitigating factors relevant to the circumstances of the case, for example

financial benefit gained or avoided as a direct or indirect consequence of the infringement

loss.

(37) According to Article 83 (5) of the General Data Protection Regulation, the following provisions

violation - in accordance with paragraph (2) - an administrative fine of up to EUR 20,000,000

with a fine, or in the case of enterprises, the total annual world market turnover of the previous financial year

shall be subject to an amount of no more than 4%, with the higher amount of the two

impose:

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a) the principles of data management - including the conditions of consent - the general data protection regulation

in accordance with Articles 5, 6, 7 and 9;

b) the rights of the data subjects are set out in Articles 12-22 of the General Data Protection Regulation. in accordance with

Article;

c) transfer of personal data to a recipient in a third country or an international organization

44-49 of the General Data Protection Regulation. in accordance with Article;

d) IX of the general data protection regulation. according to the law of the member state adopted under chapter liabilities;

e) according to Article 58 (2) of the general data protection regulation of the supervisory authority

instructions, or to temporarily or permanently restrict data processing or data flow

non-compliance with its suspension notice or general data protection

failure to provide access in violation of Article 58 (1) of the Decree.

(38) Infotv. According to § 75/A, the Authority is the General Data Protection Regulation Article 83 (2)-(6)

shall exercise its powers in accordance with the principle of proportionality, in particular

with the fact that you are in the legislation of the European Union regarding the processing of personal data

in the case of the first violation of the regulations specified in the mandatory legal act a

in order to remedy a violation - in accordance with Article 58 of the General Data Protection Regulation - primarily

takes action with the warning of the data manager or data processor.

III. The established facts and the Authority's decision

III.1. Recorded conversations conducted by the Customer's telephone customer service

description of data management related to the analysis of audio recordings

(39) As a financial institution, the Customer operates a telephone customer service. In this context, certain

legal obligation to record the conversation with the telephone customer service

and preservation. The Authority's current procedure for further data processing on recorded audio files

focused on operations, not recording.

(40) The data controller conducts data processing in connection with audio analysis with the Software

in the case of both the decision-making authority and the Customer based on his own statements. The Customer alone decided

on the use of the Software and its conditions of use were recorded in internal regulations.



(41) In the case of all telephone customer service calls, calls of a few seconds are non-essential

the audio of the call is recorded and stored in the Customer's systems, except

(42) The recorded audio material contains the Customer's employee working at the Customer's telephone customer service

as affected, as well as the third party called by him or who calls the Customer's telephone customer service

the voice of the affected party, and in addition, connected to it, a unique one in all systems of a Customer

call ID, the calling/called phone number, the direction and time of the call, the name of the clerk,

organizational unit.

(43) Every evening, an automation runs on the Customer's audio recording server, which destroys the 5

calls in seconds. The artificial

intelligence-based speech signal processing

in addition, waiting / silence / talking to each other is automatically analyzed,

keywords according to the given list, as well as the emotional/mood state of the speaker. This

can be linked to a specific person, as it can be filtered out if the Software detects the employee's emotion

recognized and not the calling party, which is the default assignment provided by the Customer in (4) above

is supported by the statement indicated in subparagraph (xi) of paragraph. Declaration under the same subsection -

also under NAIH-5161-5/2021

"voice

a system based on the recognition of emotions based on the attachment named skrensk.docx.doc".

to a filed statement

technical

attached

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its effectiveness is highly questionable, as there was no recognizable emotion in 91.96 % of cases

in. In this regard, the Authority emphasizes that the accuracy of personal data is not

rather, an order to a specific person becomes personal data. For example, an inaccurately recorded and

the storage of non-real age stored tied to a given identifiable data subject is likewise personal data

will be treated by the data controller as if the data were accurate.

(44) Analysis, use and storage of the voice and emotional/mood state of the persons concerned

it is classified as sensitive data management. Although, according to the Authority's judgment, not in the specific case special category personal according to Article 9 (1) of the General Data Protection Regulation it is data, regardless of this, their management affects the private sphere of those concerned.

(45) The Authority to the extent that the data produced during the examined data management is general

to special category personal data according to Article 9 (1) of the Data Protection Regulation

are qualified based on all the circumstances of the present case, he established the following. The sound analysis among the resulting data, only the emotion and psychological state is given

under certain circumstances, it may be classified as biometric data or health data. In this case, the

according to the revealed facts, data that uniquely identifies the person concerned is not created during voice analysis, thus, this condition of biometric data is missing. There is no such condition for health data

provided that a meaningful conclusion could be drawn on the physical or mental state of health of the person concerned

to be deducted from the result of the data management that is the subject of this case. Regardless, not the employee the conditions are not met due to the method or the quality of the data itself, so in some cases it is different

in cases under the same circumstances, similar data may qualify as special category personal data

data, if other circumstances, based on linking with additional data - which is the present

did not happen in the case - they fulfill the above conditions.

(46) Based on the above, the Software evaluates by analyzing waiting / silence / talking to each other

the performance of the Customer's telephone customer service employee, which is based on the manager

employees according to the Customer's statement indicated in sub-point (xiv) of paragraph (2) above

individual development, area-related training, process development can be ordered, and the Customer (4) above

according to the statement indicated in subparagraph (i) of this Customer's telephone customer service

also affects the employee's performance pay.

(47) The Software also displays the results of recognized keywords and emotions per call for the given call

switched on and stored, and calls can be listened to within the audio analysis software for up to 45 days,

beyond that, however, they remain in the audio recording system. In this context, paragraph (3) (iii) above data management information with the content specified in subsection only refers back to the Business Regulations 3.1.8 point, which lists different retention periods for data management for different purposes, is not clear and transparent to the average person concerned.

(48) The Software sets up a sequence of calls based on the above, which is a suggestion as to which concerned should be called back first, which complainant is more dissatisfied. On this, the affected person is a to describe the characteristic emotional and psychological state at the time of the call based on the analysis of the Software destination data is also stored in the Software in connection with the call. Based on this, the Customer has a senior position employees decide who the customer service calls back to handle dissatisfaction for the purpose of The purpose of the Software is not to deal with individual specific complaints, but with the complaint indicated on the phone regardless of the operation of the Software, all complaints are handled in some way by the customer service staff. The purpose of the recall is not to address the specific complaint, but to of the customer's remaining dissatisfaction regardless of the solution of the customer's specific complaint in principle screening and treatment.

(49) In the History Case indicated by the Customer in subparagraphs (iii), (iv) and (v) of paragraph (2) above based on his statements, the purpose of the data management is to check the quality of the calls, parameters that can be changed

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on the basis of, the prevention of complaints and customer migration, and the staff handling the call increasing its efficiency. Paragraph (3) above (iii) provided to the data subjects on the Customer's website The data management information sheet with the content specified in subsection 11.1.1 states this in very general terms in relation to data management, "performs profiling based on legitimate interests and makes automatic decisions selects the calls in which a more qualified bank employee calls back eliminates the problem or complaint that arose during the telephone conversation" does not indicate the merits of voice analysis

method and its essence, it does not articulate clearly. In the brochure, quality assurance and complaint prevention is only listed as a goal, but the description above, which does not provide substantive information, is only that

refers to the prevention of the complaint. For this reason, with the existence of data management and its essential content and about all its purposes, the people involved obviously cannot be aware, and on this they do not receive information during the phone call or call back.

(50) The Customer based the above data management on its legitimate interests to retain its customers, and increase the efficiency of its internal operations. Related to these interests - strongly different - however, data management is neither in the minimum information nor during the consideration of interests were separated, they were treated together by the Customer.

(51) Although it is not the subject of the present procedure, the Authority records as a fact that it is general before the data protection regulation becomes applicable, Infotv.

Based on Section 68 (4), due to the use of new data processing technology, the investigated registration of data management in the data protection register would not have been automatic. The Authority is the Client upon request, the conditions and guarantees of data management are qualified individually in such cases, and the Authority without its prior approval, the Customer could not have started the data management. Since this is the the approval procedure was blamelessly missed by the Client, and therefore the Authority obtained it with a significant delay information about this data management. In addition, the Customer sent to the Authority - (3) above Article 30 of the General Data Protection Regulation indicated in paragraph (vi) – does not mention the processing of the audio recording in its data management records related to audio recordings related data management, only storage.

### III.2. Application of the General Data Protection Regulation to data management with the Software

(52) Based on Article 4, point 1 of the General Data Protection Regulation, the quality of "personal data" can be indirect identifiability is also sufficient.

(53) Article 57(1)(a) and Article 58(2) of the General Data Protection Regulation points b) and d) of paragraph 83, paragraphs (1), (2) and (5) of Article 83, as well as Infotv. Based on § 75/A a

The Authority ex officio investigated the effect of the Customer's general practice on the present case during its procedure part. The Authority is Infotv. Legally in any other procedure based on § 71, paragraph (2).

can use the created documents and evidence in other proceedings.

(54) The Customer stated that it was received on July 5, 2021, filed under NAIH-5161-5/2021

in his reply letter in the History Case that, in his opinion, the Software does not store identifiers

data, and the analysis result produced by the Software is the caller and the customer service employee

about his emotional state is not personal data, because it cannot be linked to anyone, and the system is a

he compared it to the operation of traffic counters and traffic lights. This obviously

refuted by the Client in the History Case received on August 16, 2021, NAIH-5161-10/2021

information written in his reply letter filed under no

they are provided with a unique internal identification number, which is outside the Software, but on the Customer's systems

they can be connected internally with the calling party and the customer service employee, and a unique identifier for this

it is also used by the Software as a pseudonym. When applying the consequence (for example recall,

sending for training) this connection is realized. A traffic counter or traffic light

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based on this, it is not possible to re-identify, for example, the fourth car that passed in front of it and the driver

to call The Software does not work on this principle at all, but its express purpose is stakeholder-specific

operation in order to take measures.

(55) Based on the above, both actors of the call can be clearly identified by the Customer, who

during the normal operation of the system, the Customer continuously does so in relation to them,

whose recorded calls are listened to and then called back based on this, if appropriate, or a

an employee working at the telephone customer service is evaluated based on this. If you don't do that

and the Customer, but if he had the opportunity to do so, the analysis by the Software would still be personal data

result until the relationship is irreversibly terminated

with stakeholders.

(56) The above interpretation is confirmed, among others, by the Court of Justice of the European Union No. C-582/14

judgment<sup>1</sup> in relation to dynamic IP addresses analogous to the present case, which are also personal data in relation to all data managers who use legal means - even indirectly a by forwarding it to authorities - they can access that information from the internet service provider, which subscriber belonged to an IP address at a given time. In this case, the required identifier information – connecting the pseudonym identification number with the phone number and other call data – is available to the Customer within its own systems, so there can be no question that it is legal tool was available for this. It is important to emphasize that it is a legal instrument designated by the court term does not refer to the legality of data management, compliance with data protection rules, but that the tool used is not illegal in itself (such as a black market database is an illegal tool regardless of the data management to be implemented with it). Using an illegal device it is not possible to carry out legal data processing in the first place, but with legal means from the other conditions – purpose, legal basis etc. - data processing may be legal or illegal depending on In the absence of identification based on the results of the analysis, the customer service would obviously not know who should be called back, and the customer service employees would not be able to be controlled in the same way as the Customer he verifies them based on his own statements.

(57) Although the Authority's investigation focused on the operation of the Software, such a complex data management in this case, the nature of personal data is not determined by the fact that it can be identified within a subsystem e is affected. It is necessary to examine all data sources legally available to the Customer to whether the condition of direct or indirect identifiability is met. The aliasing (use of pseudonymous identifiers) is a circumstance that increases data security, but is not affected by it unique identification nature and the quality of personal data of third-party affected callers regarding. The client regarding employees of its telephone customer service a the nature of personal data cannot be questioned, since their names are also stored in the given audio recording linked to the result of analysis, which is linked to a specific audio recording. The third in relation to the persons affected, Article 4, point 1 of the General Data Protection Regulation is indirect

places identifiability under the same assessment as direct identifiability, and the general on the basis of Article 4, point 5 of the data protection decree, the pseudonymized identifier itself is also personal data qualifies, as well as other information stored in connection with it, if the identifier is given by itself can be linked to a natural person. And the phone call does not exist by itself, there is one behind it natural person is found. The Customer's customer service is always at the beginning of telephone conversations identify the data subject with whom you are speaking, thus both the rehearsed and the potentially playback recordings contain identification data. That it was revealed to the Customer according to his own statement, that in some cases the recognized emotion was that of his own employee, also proves the possibility of unique identification.

1 <https://curia.europa.eu/juris/document/document.jsf?docid=184668&doclang=HU&cid=1095511>

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(58) Based on the above, the emotional state recognized by the Software, the length of silence and also in the Software data linked to the used call ID and phone number are still personal data are considered regardless of their encryption or pseudonymization, as long as they belong to certain individuals can be connected even with the help of other data legally available to the Customer. The listening the first audible data on the audio recording is always the identification of the speaker, thus the rehearsed in the case of recordings, even pseudonyms do not exist at this point of data management. This is regardless of whether whether the connection is made by the Customer in the specific case, it is sufficient if there are legal means a available 2. Because, for example, the length of the silence is not primarily directed at the calling party, but at it they draw conclusions about the work of a customer service representative - which or they are correct during human control or not - even if applicable, the given employee constitute your personal data for the duration of the data management. The fact that a piece of data is subsequently wrong or inaccurate it turns out, it still does not cast doubt on the nature of its personal data, since any - not only real - data linked to a specific natural person results in personal data.

(59) On the basis of the above, the provisions of the General Data Protection Regulation as a general rule are applicable to data management using the Software and do not apply in this case there is an opposite circumstance.

### III.3. Use of artificial intelligence in the Software

(60) The Customer in this procedure arrived on October 29, 2021, under the number NAIH-7350-2/2021 in his filed reply, he stated that "the Software does not use artificial intelligence contains, does not make automated decisions, analysis results only with human input, they can be used by interpretation."

(61) Information about the Software that is available through public Internet searches is the company that developed it website, the questions asked by the Authority and the answers given to them, the Authority established the following. There is one company involved in the development of the Software, but there are several products a Hungarian company distributing in the country. According to the description available on the company's website: "artificial with intelligence and predictive analytics solutions, software development and customer service consulting, operation, project and HR management related to activities company [...]."3

(62) The basis of the operation of the Software is prominently displayed on the company's website in Hungarian an application called the voice analysis platform (hereinafter: Platform), which can be found on the website the following description was published by its developer: "The platform is a speech and data analysis-based comprehensive performance and quality management solution for customer services. The app analyzes it it recognizes conversations held at customer services from both the customer and the operator side spoken words, angry, displeased, disappointed, unsure, neutral or satisfied mood and the quality of customer service and performance factors such as silence, music, speech tempo, volume, speech quality and intonation and other quality characteristics. The system provides full insight by processing all conversations provides the elements that decisively influence the quality and performance indicators of customer services. Get the most out of your customer service, reduce your average call time, increase your performance and



the level of customer service at the same time. In addition to advanced business intelligence-based analyses, it is active,  
2 see analogously the judgment of the Court of Justice of the European Union No. C-582/14, paragraph 49: "[...] by the  
electronic media service provider

when a person visits a website made available to the public, it is recorded by this service provider

a dynamic IP address is considered to be personal data according to this provision with regard to the aforementioned service  
provider, if it is legal

means are available to the person concerned, which are available to the person's Internet access service provider  
to identify you through additional data"

3 [...]

23

the

and

and

emotional-

emotions,

keywords

expression-based

with automated performance management support, the system will be able to

to make operator work more efficient."

(63) According to the description on the English-language information page about the Platform<sup>4</sup>, the Platform is mechanical  
it uses learning and artificial intelligence to identify and match your speaking style  
grounded

it's like that

speech characteristics, such as speech speed, intonation and articulation<sup>5</sup>. On the page

there is also a statement from its developer regarding the operation of the product,

according to which a well-trained neural network sorts out the sound fragments by three people

category.6

(64) As stated in the referenced descriptions, the Platform is also discussed

artificial intelligence, machine learning and neural networks.

(65) Artificial intelligence refers to the development of computers and robots in a direction that

allows them to function in ways that can mimic or exceed it

human abilities. Programs using artificial intelligence are able to analyze and

put data into context to provide information or automatically

trigger certain events without human intervention<sup>7</sup>.

(66) Machine learning is one possible path to artificial intelligence, actually

one of its tools. Algorithms are used in this subfield of artificial intelligence

in such a way that they learn to automatically recognize what is present in the data

patterns and connections, and then apply what they have learned to make better and better decisions

(or they make suggestions for better and better decisions).<sup>8</sup>

(67) Neural networks are a possible approach within the field of machine learning which

it tries to provide a solution based on a simplified scheme of human brain functioning

for tasks that ordinary algorithms cannot handle<sup>9</sup>. A neural network is simple

it consists of units - neurons - each of which, like real neurons, receives incoming signals

receives, then sums them up and gives output signals. However, the incoming signals are not the same

taken into account by each neuron to determine the output value, but –

described in statistical terms - weighted. The reason for this can be illustrated by an example

best, that if the neural network can be used to estimate (predict) real estate prices

is applied, then the Budapest location of a property is not of the same importance

is it located in the district and what is the level of comfort like whether it is the 3rd or the 4th

is it located on the first floor? It is important to note that neurons perform calculations, but

not processors after all. The main difference between the two is that while the processors

it is programmed, i.e. to be executed one after the other, it is essentially bound, so not by itself

4 [...]

5 "[...] uses Machine Learning and Artificial Intelligence to identify and measure speech style based emotions, keyword, and expression-

based sentiment, and speech characteristics such as speech rate, intonation, articulation, etc."

6 "An extensively trained deep neural network classifies speech segments into three main categories [...]"

7 See: <https://ai.engineering.columbia.edu/ai-vs-machine-learning/> "Artificial Intelligence is the field of developing computers and robots

that are capable of behaving in ways that both mimic and go beyond human capabilities. AI-enabled programs can analyze and

contextualize data to provide information or automatically trigger actions without human interference."; confirms this approach including the European Union

also: <https://eur-lex.europa.eu/legal->

[content/HU/TXT/HTML/?uri=CELEX:52021PC0206](https://eur-lex.europa.eu/legal-content/HU/TXT/HTML/?uri=CELEX:52021PC0206)

8 See: <https://ai.engineering.columbia.edu/ai-vs-machine-learning/> "Machine learning is a pathway to artificial intelligence. This subcategory of AI uses algorithms to automatically learn insights and recognize patterns from data, applying that learning to make

increasingly better decisions."

9 See more: Report of the Council of the European Union on artificial intelligence, its main capabilities and scientific about his methods; published: on April 8, 2019; URL:

[https://digital-strategy.ec.europa.eu/en/library/definition-artificial-intelligence-main-](https://digital-strategy.ec.europa.eu/en/library/definition-artificial-intelligence-main-capabilities-and-scientific-disciplines)  
[capabilities-and-scientific-disciplines](https://digital-strategy.ec.europa.eu/en/library/definition-artificial-intelligence-main-capabilities-and-scientific-disciplines)

legislative

proposal

phase

draft

currently

being

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it is given a modifiable sequence of instructions, which always have a predefined output values, while the neurons are taught - by setting the values of the weights - so they a depending on the algorithm used, even a value unknown to the user of the algorithm can result in 10.

(68) According to the descriptions referred to above, the developer himself provides the information that a Platform as a software product, what parameters it can identify and evaluate, and how to do so what IT methods and solutions fall within the scope of artificial intelligence applies.

(69) The Software is suitable for being received and initiated by call center workers automatically evaluates calls based on predefined rules, so for example the so-called based on the "greeting rule" (original text: "greeting rule"), check that the employee properly greeted the customer, or the so-called "test rule" based on which the system can to check whether the employee tried to collect from the customer a sufficient number of questions necessary information.<sup>11</sup>

(70) The system is an automatic evaluation of the performance of telephone customer service employees is also able to measure how much time it takes to ask a question within a call and between the substantive response and the employee's silence (the so-called "silence period"), from which it is clear a conclusion can be drawn regarding the knowledge level and preparedness of the employee. <sup>12</sup>

(71) Based on the above, it can be established that the Software uses artificial intelligence carries out automatic processing of personal data, the result of which is, on the one hand, set up by him list of the order of those to be recalled, on the other hand, until they are deleted - which period is in the Customer History Case according to his statements, 45 days - the recognized emotions and voice recording characteristics assigned to each call (e.g. length of breaks). It is not a condition for automatic data processing that the machine does the decision, it is enough if its purpose is to produce a result that influences the decision-makers,

they are taken into account during the human decision that takes place here. This is confirmed by the Customer's History

In this case, the attachment of the reply letter received on July 5, 2021, filed under number NAIH-5161-5/2021 forming, according to the name of the file, it is a consideration of interests, it is actually a data protection impact assessment document (identifier: "weighing of interests test voicemining.xlsx"), according to which "The data management high risk for several reasons, especially considering the novelty of the technology used, because the audio recordings are analyzed automatically with the help of artificial intelligence and the findings are made automatically. The totality of the data is for both stakeholder groups suitable for profiling and scoring, but not for automated decision-making occurs in the process, the data management may have legal effects on the data subjects."

(72) Due to the above, data management using the Software shall be subject to Article 21 of the General Data Protection Regulation. In addition, Article 4, Point 4 of the General Data Protection Regulation profiling also takes place, since the data generated by the system - the system is essential due to its functionality - at the workplace of the Customer's telephone customer service employees it is also used to monitor and evaluate its performance as specified in sub-point (i) of paragraph (4). According to the customer statement and the online source indicated in paragraph (66). It also supports profiling below is that dissatisfied customers are prioritized for callbacks based on keywords and emotions, which property corresponds to a personal characteristic according to Article 4, Point 4 of the General Data Protection Regulation

10 See more: Tamás Klein: Robot law or human right? In: "The regulatory challenges of artificial intelligence", Budapest, 2021, 129.

p., also see "A Closer Look at Neural Networks"; published: 02.08.2019 on the day of; URL: <https://docs.microsoft.com/en-us/archive/msdn-magazine/2019/february/artificially-intelligent-a-closer-look-at-neural-networks>

11 [...]

12 [...]

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evaluation. The term profiling is also used by the Customer in paragraph (3) (i) above

described internal memo related to customer complaint no. [...], and paragraph (3) (iii) c) above

data management information described in subsection. The data management of the emotions of natural persons is based on technology that performs analysis, which is a new technology. This is with the statements made by the Customer during the procedure

on the contrary, it actually causes increased fundamental rights threats, thus Article 24 of the General Data Protection Regulation.

and 25 in accordance with the risk-based approach, the Customer is related to this data controller responsibility is also increased.

#### III.4. Lack of adequate information and the right to protest

(73) By voice analysis and automatic analysis and evaluation of their emotions, and from this the parties concerned did not provide any information regarding the possibility of a subsequent recall are given verbally at the beginning of the conversation.

(74) The Customer does not provide any specific information referring to data management with the Software containing information for those concerned about the "Telephone customer service and complaint handling detailed information on data management" that says "The telephone customer service performs profiling based on legitimate interest for quality assurance and complaint prevention purposes and automatically selects those calls in which a bank employee is more qualified resolves the problem or complaint that arose during the telephone conversation by calling back.". On top of that, it is affected parties do not receive any information about the specific type of their data and what kind way and how they manage to evaluate their emotional reactions. 13 of the General Data Protection Regulation. article lacks all mandatory information apart from the legal basis, and no indication of the purpose complete. Nor the "Telephone customer service and complaint management detailed information on data management". 3.1.8 of the Business Regulations. does not indicate it clearly and comprehensibly for an average person concerned the duration of data management.

(75) The purpose indicated in the above information is quality assurance and complaint prevention. Neither is it the prevention of customer migration, nor the increase of internal efficiency are not included

among the goals set for him.

(76) The Customer's statements made in sub-points (vii) and (viii) of paragraph (4) above of the justification

the above is confirmed by the fact that the Customer is aware that with the analyzed sound analysis

In connection with data management, it has not provided the appropriate transparent and

concise information, as well as the right to protest due to their particular difficulty. It is the opposite

The customer's data management information, according to which it ensures the data subject's rights. It is the Customer

during its consideration of interests, among other things, with reference to the adequate protection of the rights of the

stakeholders

classified it - unfounded for several reasons - as risk-free and harmless

data management.

(77) The right to protest against automated data processing based on legitimate interest is not

depends on the decision of the data controller, to ensure this, the Customer is obliged to comply with general data protection

also based on Article 21 of the Decree. Due to the complete absence of the right to protest, basically in the present case

there is certainly a violation of Article 21 of the General Data Protection Regulation, but on a principle level a

The authority notes that telephone agitation aimed at customer retention is similar to customer acquisition

is considered a marketing purpose, so in this regard Article 21 (2) of the General Data Protection Regulation

the objective right of objection must be provided to the persons concerned, other purposes -

21 of the General Data Protection Regulation in terms of quality control, increasing internal efficiency.

a conditional right of objection according to paragraph (1) of Article Not because of this, among other things

different data management purposes and data controller interests are appropriate when considering interests

26

merging and evaluating it together, since the end result - and the right end result

the conditions to be fulfilled to achieve them - they are not necessarily the same for each goal.

(78) Although the Client did not indicate consent as a legal basis, it was also referred to. With this

regarding this, the Authority notes that it is only appropriate according to the general data protection regulation

it could be a contribution given with thorough knowledge, free and active action

basis of data management, which is the service

(telephone customer service) refusal as

excluded under legal consequences. The same is true for employees, as a general rule in dependent relationships

application of this legal basis is excluded, its job is to be completely free from influence

in connection with its execution is not conceivable. It is also fundamentally wrong and unacceptable

The customer's argument that so far no data subject complaints have been received with regard to the investigated data management

in connection with it, if the concerned parties could not have learned about it.

(79) Based on the above, it is related to the Customer's customer service voice recording analysis activity

data processing in its current form violates Article 5 (1) paragraph a) of the General Data Protection Regulation and b), Article 12, Paragraph (1), Article 13, and Article 21, Paragraphs (1) and (2).

III.5. Qualification of the consideration of interests regarding data management with the Software

(80) Artificial intelligence is defined in III.3 above. operating principle as explained in point

difficult to see and follow. Among other things, it requires special attention - not only that

written down on paper, but actually implemented - the use of artificial intelligence is

during data management, if transparency and

the data controller wants to meet accountability conditions. This is beyond an average risk

in the case of data management, from the default level of expectation, and - taking into account

a risk-based approach according to Articles 24 and 25 of the General Data Protection Regulation - this a

taking into account the difficulty, the data controller must make a decision about when and for what

uses artificial intelligence and how it ensures transparency in this regard.

(81) The sentiment analysis and satisfaction evaluation and recording system used in the Software

effectiveness of the technical attachments submitted by the Customer in the Background Case (identifier: "voice screens.docx.doc") is relatively low. This does not confirm that in the given form

implemented sound analysis is suitable for achieving the indicated goals, and its use is current

form, there would be an unavoidable and proportionate limitation of the rights of those concerned, even if -



unlike in the present case - the rights of the stakeholders would be properly ensured by the Customer. The client his consideration of interests did not take this into account in any way, as of the date of the consideration of interests or any information about its review is not confirmed by the documents provided by the Customer, nor does it appear from the consideration of interests that any regular review is scheduled to verify that the actual operation of the Software meets expectations and does it adequately protect the rights of the stakeholders.

(82) Voice analysis activity carried out by the Customer using artificial intelligence

- with particular regard to the evaluation of the emotions of those involved - raises a data protection principle in itself questions. In its 2012 annual report, the Authority recorded years ago that "A it is typical of the financial sector that it is at the forefront of the application of new data management technologies. The bank such hidden information from the analysis of the audio of conversations with customer service can also be extracted, from which the customer's ability to pay can be inferred. THE psycholinguistic features, as well as the use of tools for examining the emotional content of speech however, it is not sufficient to examine the formal existence of the data subject's consent. THE ranking technology based on speech processing means an intervention to the extent of a into the private sector and carries risks that the data subject bears when giving consent

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he is unable to recognize and judge their impact on his personal rights. The Authority drew attention to the fact that, through data mining technology, the financial institution comes into possession of data that which the customer is not even aware of, so the application of such tools is the procedure for the affected party it reduces it from its subject to its object."<sup>13</sup> This also supports the fact that artificial intelligence in the case of application, the choice of the data management method and guarantees, rights of stakeholders is of particular importance. Aliasing - the application of an internal audio recording identifier - usually it is useful, but in itself, especially in the present case, it is not a sufficient guarantee.

(83) The European Data Protection Board and the European Data Protection Commissioner 5/2021. s. common opinion on the harmonized rules on artificial intelligence (art

legislation on intelligence) to the European Parliament and Council decree establishing regarding the proposal, contains the following statement: "The European Data Protection Board and the The European Data Protection Commissioner also believes that the emotions of MI natural persons its use for derivation is extremely undesirable and should be prohibited in certain wells specific use cases – namely medical or research use (e.g. patients, in whose case it is important to recognize emotions) – except in all cases appropriate safeguards and of course all other privacy terms and restrictions in addition to its application, including the limitation to the purpose."<sup>14</sup>

(84) In addition to the above, the revealed facts and the justification to the Customer in paragraph (4) above (vii) and (viii) based on his statements in subsections, neither the appropriate prior information nor the protest is not guaranteed for the given data management method, so the rights of the data subjects are the responsibility of the Customer's customer service

his practice of analyzing recordings made with telephone voice recordings completely empties them.

(85) The consideration of interests was not done separately for each goal, but all goals were combined into one to data management. The question of suitability and proportionality was needed to achieve the given data management goal should be examined, instead, the Client only considers his own – perceived or real – interests examined whether the data management is necessary and proportionate, and even this is only formal was done according to criteria. The Customer has only established that it is his interest that he wants to achieve data management is necessary for its validation, the individual goals were not compared with the data subject's rights the effect of your activity in case of Proportionality, the stakeholder side, is actually not examined, trivialized the took it counterfactually taking into account the guarantee effect of the right to information and protest, which rights a in reality, due to the structure of the system, they do not fully provide for those concerned taking away the affected person's right to self-determination. Thus, the result of the consideration of interests is as explained above

is fundamentally wrong and misleading in terms of suitability and proportionality, and it is not compares what should be. The fact that the Customer has fewer customer service employees fulfill the tasks by using it, the parties involved are not in themselves a proportionate and adequate reason to empty your basic rights, and by the Authority and the European Data Protection Board - still appropriate while ensuring the rights of stakeholders - data management considered undesirable and high risk to apply form. Innovation only benefits people if it is appropriate, efficient and coupled with strong guarantees. Instead of enhanced guarantees, the Customer has the opposite proved during the clarification of the facts regarding the sound analysis.

(86) Unfounded or incorrect planning and consideration of data management does not qualify as

An unavoidable cause beyond the scope of the Customer's interests, which is solely the Customer's intentional act, which started and continued data management with the knowledge that it is fundamental suffered from shortcomings and was not actually supported by the consideration of interests, only papered out. The Customer has not proven that he has actually examined any alternative. THE significant fundamental rights risks. Especially

13 <https://www.naih.hu/eves-beszamolok?download=17:naih-beszamolo-2012-februar>

14 see paragraph 35: [https://edpb.europa.eu/system/files/2021-10/edpb-edps\\_joint\\_opinion\\_ai\\_regulation\\_hu.pdf](https://edpb.europa.eu/system/files/2021-10/edpb-edps_joint_opinion_ai_regulation_hu.pdf)

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audio recording - in case of complaints due to legal obligation, otherwise it is the Customer's decision based on - it is an unavoidable element of the telephone customer service, and it is a significant violation of interests if a telephone customer service is not available to those who are connected to it - absolutely not can also be known - does not wish to accept data management. If the Customer is the mandatorily recorded you want to perform additional data management operations with audio recordings, you want to analyze them automatically with new and not fully known, risky technologies, you must comply with it also of Article 6 (4) of the General Data Protection Regulation, since it is for a purpose other than the purpose of data collection

wishes to process personal data. In such a case, the question is whether the people involved can count reasonably

to the data management and the new data management with the original purpose - in this case, the legal obligation with the recording of conversations due to its fulfillment - the data controller is obliged to check whether it is consistent to examine even before the start of data management, and the existence of appropriate guarantees is constantly obliged to provide. Without the substantive knowledge and right of choice of those concerned, one an audio recording available for a completely different reason cannot be analyzed from a data protection point of view it is legal if the affected parties could not have learned about it, and the guaranteed rights of the affected parties are missing, which, despite the knowledge of the Customer, was not taken into account later, even knowing this continued data management. This proves the intentional nature of the infringement.

(87) Based on the Customer's decision, the voice of its employees is also analyzed and evaluated, which, among other things, on the basis of the Customer's declaration according to subparagraph (i) of paragraph (4) above they are also used for performance pay. In the case of employees involved, it is also questionable whether how many actual protest opportunities they would have due to the dependency relationship. This circumstance also was not considered by the Customer. Checking the fulfillment of the contract with regard to employees, a quality assurance - also due to labor law rules - can be established under certain circumstances certain legitimate interest. However, suitability and proportionality are also extremely important in this case question, which includes the Customer's own statement according to subparagraph (xi) of paragraph (4) above questionable, and an adequate system of guarantees is not provided in the dependency relationship for employees who are more vulnerable than a third party. The no emotion analysis that is demonstrably effective and deeply and severely limits the right to self-determination in the case of employees, it cannot be substantiated in a reasonable way either. Because in the case of employees specifically for workplace performance in accordance with Article 4, point 4 of the General Data Protection Regulation associated profiling is also carried out, as well as a thorough analysis of the relevant rules and guarantees necessary before data management with a new technology, which the Customer also did not do during its consideration of interests.

(88) The Authority also does not share the Customer's point of view that the affected parties do not suffer any harm suffer in connection with the data management under investigation. The general data protection regulation a

serves to protect the right to the protection of personal data, which is provided for in Article VI of the Basic Law. article (3) paragraph and Article 8 (1) of the Charter of Fundamental Rights of the European Union is constitutional is considered a fundamental right. In the relevant legislation - such as general data protection Regulation III. in chapter - defined rights of stakeholders for the protection of the fundamental right are unnecessary restricting or making it impossible causes a significant violation of fundamental rights even without direct financial loss, and this applies to a large number of stakeholders in this case. This is based on the Customer's statement it means data processing related to approximately 1-1.5 million audio recordings per year.

(89) The Authority also assesses the applicability of Article 22 (1) of the General Data Protection Regulation considered in relation to the data management that is the subject of this case, as it is also affected by the Customer stakeholder rights to be ensured. The Customer also failed to do this when planning the data management during. In the present case, the decision based on fully automated data management is implemented on it with regard to data subjects who are not selected for recall by the system or not notified by the administrators error, so in these cases a negative decision is made without human intervention. The workers evaluation of work performance is also carried out. Nevertheless, in the present case, the Authority established that the condition of Article 22 (1) of the General Data Protection Regulation

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it is not realized in the event of a negative decision that there would be a legal effect or a similar significant effect those affected by the decision based on fully automated data management, since in their case it is not reaction occurs. Human intervention is required for those persons to take further steps in the case of which the Software selects for recall or labor law verification, so for these the a significant impact is realized, but the decision is based on fully automated data management condition is missing. For this reason, in the present case, based on all the circumstances of the case, the Authority does not established the applicability of Article 22 (1) of the General Data Protection Regulation, thus nor its violation. However, in the case of extensive automatic data management, the consideration of interests its inadequacy is supported by the fact that the data controller does not even consider this option on its merits, as the Customer also failed to do so in this case.

(90) Based on what is explained in this section, the evaluation of interests performed by the Customer does not give a real, the result based on the analysis required by the general data protection regulation, so that established legitimate interest does not take precedence over the rights and freedoms of the data subject can be established during the given data management.

### III.6. Lawfulness of data management with the Software

(91) Due to the invalidity of the consideration of interests, according to the Authority's position, the audio recordings nor is it general in relation to the automatic analysis carried out by the Customer legal basis according to Article 6, paragraph 1, point f) of the data protection decree, nor any other general data protection the legal basis listed in Article 6 (1) of the Decree does not exist.

(92) The Customer does not make any guarantees or guarantees in relation to third-party stakeholders has not provided the right to protest so far, so in this regard, objective factors other than emotions (words, pauses) analysis is only possible if it is proportionate and necessary based on consideration, it carries out this activity with the appropriate guarantees. If it is it requires the analysis of other factors other than emotions that can be precisely indicated in the information to be carried out by the Customer, only with guarantees in accordance with the general data protection regulation, no you can do unlimited. One of the big challenges of artificial intelligence is to ensure transparency question, which in this case completely failed for the concerned parties<sup>15</sup>.

(93) The Customer knows about its employees more easily than third parties to base the analysis of objective factors (words, pauses) other than emotions, as it is to check the obligations associated with holding a customer service position - the bank account unlike driving – it is necessary under certain circumstances it could be customer service analysis of audio recordings. In the case of employees, information is also easier than a phone call in the case of a third party who, as the case may be, does not yet have any legal relationship with the Customer. However, the application of new and extremely risky technology - Hungary, among others Also highlighted in the Artificial Intelligence Strategy<sup>16</sup> - only very strong guarantees

and with proper planning, it can take place in a reliable and people-oriented way. Stakeholder rights  
its emptying cannot be the goal and result of development. To achieve the goal, a proportionate amount and  
identification of type data requires a more thorough and verifiable justification for data management  
when planning. If it uses innovative and less well-known and regulated technology  
a data manager, then the expectation is higher than in the case of classic technologies, so a  
increased guarantees and careful planning are also needed in the area of employee control  
to prevail. The current form of monitoring and profiling - especially employees  
15 see paragraph 72: the European Data Protection Board and the European Data Protection Commissioner 5/2021. s.  
common opinion

16 Page 34, "Creation of an efficient and supportive domestic regulatory environment and ethical framework necessary for the  
operation of the MI  
development, taking into account the legal framework of the EU."

<https://ai-hungary.com/api/v1/companies/15/files/146072/download>

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to analyze his emotions – raises a number of legal and ethical issues that have not been identified by the Client  
and not processed during data management.

(94) On the basis of the above, the Customer with the automatic analysis of customer service voice recordings  
related data management practice in its current form violates the general data protection regulation  
Article 5 (1) point a) and Article 6 (1) and Article 6 (4).

### III.7. Systemic violation of stakeholder rights

(95) Based on Article 12 (1) of the General Data Protection Regulation, the Customer is obliged to be as concise as possible  
and it is understandable to provide the minimum information necessary to understand the data management  
for data subjects, on the basis of which the data subjects are at least the basic nature of the data management  
they are aware. The Customer does not do this either in advance or during the callbacks  
and interested parties who call your customer service by phone have no idea that their voice is automated  
analysis and cannot reasonably expect to be called back without being asked, among other things

because of the tone of their voice. In accordance with Article 24 (1) of the General Data Protection Regulation the novel nature of data management, the analysis of emotions and other psycholinguistic analyses on the basis of its sensitive nature and the other data management circumstances disclosed above, the Customer became obligated

data management should be designed in such a way that it maximally ensures the rights of the stakeholders and liberties which he clearly did not take. The fact that so far there have been few complaints from stakeholders received, it does not confirm that it did not bother those concerned, but that it reasonably did not could have known about this, which in itself strongly questions data protection compliance.

(96) Based on Article 12 (2) of the General Data Protection Regulation, the Customer is obliged to facilitate the exercise of stakeholder rights. The right to object is a fundamental guarantee, the lack of which is everything regardless of other circumstances, it could have made the primacy of the legitimate interest unsuccessful in itself the finding. The existence of a legitimate interest is not sufficient, it must precede it in the appropriate case affected rights, which in this case is clearly not due to the complete lack of adequate guarantees may exist. Given that it is within the discretion of the Customer and is obviously counterfactual condition is the assurance of the rights of the stakeholders, this cannot be considered a careless mistake, only it is possible to depart so far from the facts on purpose and the theory described in the discussion is practical its implementation can only be deliberately ignored for years without a substantive review.

(97) Based on Article 25 (1) and (2) of the General Data Protection Regulation, the Customer is obliged should be assessed before starting the automatic voice analysis using artificial intelligence, whether the data management is feasible under the current technical and social conditions with maximum compliance with data protection rules. The Customer's consideration of the interests is the justification above It is contrary to his statements indicated in subparagraphs (vii) and (viii) of paragraph (4), and the revealed facts are also supports an illegal status. The Customer was aware of, or in addition to the legally expected care you could have known before the start of data processing in which way it was possible or not it is possible to inform the stakeholders and enforce the rights of protest and other stakeholders.

Based on the above and Articles 24 and 25 of the General Data Protection Regulation, the Customer does not



could have decided to start voice analysis data management in this form.

(98) The Customer shall use the Software even before the general data protection regulation becomes applicable a

It was introduced in 2017. It is not clear from the text of the impact assessment and the assessment of interests that

when it was prepared by the Customer and whether it was revised at any time. General data protection

a reference to a decree does not in itself indicate the specific date of creation. The impact assessment is formal

is appropriate, however, as explained in this decision, its content does not correspond to reality, that is

the issue of emotion analysis is not settled on merit, and the Customer is responsible for these shortcomings

obviously he could have known when preparing the impact assessment, and during the operation, it is mandatory and regular

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above

review – including review due to the introduction of the General Data Protection Regulation –

at the time of This is supported by the Customer's statements presented in this decision.

(99) The system of appropriate information in the general data protection regulation serves to

the data subject can be aware of which personal data, which data controller and for which purpose,

how will you handle it. This is essential if you are in a position to affect your rights

can practice it effectively. To point f) of Article 6 (1) of the General Data Protection Regulation

in the case of established data management, enhanced based on paragraph (47) of the General Data Protection Regulation

an information requirement applies. Accordingly, it is mentioned in Article 13 of the General Data Protection Regulation

in addition to special information, an additional condition is, among other things, that the reasonable expectations of the data

subject must be met

extend to the given data management, you should expect it. Appropriate

in the absence of information

by definition, the data subject is not in a position to properly exercise his data subject rights,

especially if you do not have the actual opportunity to exercise the substantive right - protest. THE

information obligation a

as also explained, it is not purely administrative,

means a "de-paperization" obligation in the General Data Protection Regulation. Some document its production in itself is not the fulfillment of the data controller's obligations, it is only the means, its recording there must be substantive consideration and decision preparation, decision, and necessary their review at intervals. Application of a new type and increased risk technology in this case, there is also an increased expectation for regular and substantive review. All in the preamble contained, and the articles of the General Data Protection Regulation require the data controller to achieve results in determining its obligations, not just a specified minimum administration performed by the data controller. The aim of the information is to put the person concerned in a situation where to be in the right decision-making position regarding the exercise of the data subject's rights. THE There is nothing meaningful about data management and audio analysis using software information is not available to those concerned who call the Customer's customer service by phone, or who are called or called back by the Customer's customer service.

(100) In connection with the legal basis of legitimate interest, it is important to emphasize that it does not serve to that, in the absence of other options, the data controller at any time and for any reason, the other legal grounds in the absence of its applicability, refer to Article 6 (1) point f) and treat it as personal data. Although it seems to be the most flexible legal basis, by applying it the data controller undertakes a significant responsibility - not only in the narrow sense of handling personal data, but that also by assuming the fulfillment of other warranty obligations related to it. No

We are therefore talking about "paperwork" here, but a substantive task, which statement is particularly true in the case of data management, where the data controller is in a position of trust and a significant power advantage against victims. In the absence of adequate guarantees, it is a violation of the rights of the stakeholders the risk is such that the result of the consideration of interests in the event of its actual performance it can only reasonably be that the legitimate interest of the third party is overridden by the rights of the data subject.

(101) It is very important for data controllers to be aware that they are not the data subject and that they are not the task and responsibility of the Authority during an official procedure, instead of the data controller, is data management identification and justification of its purpose and legitimate interests. For what purpose and how legitimate

wishes to process personal data due to his interests, the data controller must specify, at the data and target level broken down, to clearly justify, consider and create guarantees for this. These require guarantees, to ensure, among other things, that the data subject is aware of the data management and that be able to object to it even before the data processing, since after the data processing - especially in the case of a short-term or one-time data processing - your right to object is no longer valid, thus in fact, he is not granted this right. In the present case, based on what was explained above it can be established that the general data protection

(47) in the preamble

defined predictability and guarantee conditions at the system level, chosen by the Customer

they were not fulfilled due to the implementation method. The possibility of adequate information and prior protest decree

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it cannot technically be excluded, only the solution chosen by the Customer did not make it possible

the Customer is aware according to the statements made during the procedure and presented in the justification.

(102) The fact that the Customer's choice is legitimate also means an injury or reduction of the rights of the stakeholders during data processing based on interest, significantly for data processing based on the consent of the data subject worse conditions are provided by the Customer. In case of the consent of the data subject, the consent is given by the individual

with regard to data management purposes - for example, audio recording initiated by the data subject

due to complaint handling, and the subsequent analysis of the audio recording made in this way - separate reason for rejection

you should. Because the making of a sound recording is not based on the consent of the person concerned, but largely

is based on a legal obligation, which in the first place significantly limits the freedom of the person concerned, on this

in addition, with regard to further data management, based on the Customer's unilateral decision, all those involved are taking away his choice only worsens the already highly restrictive situation. The client

- among other things - he deliberately ignored this obvious fact on paper only

in the course of consideration, solely for its own business interest, which is contrary to the general

with the requirements imposed on the data controllers by the data protection regulation.

(103) The systemic violation of stakeholder rights is also supported by the fact that in the Precedents Case the

The customer could not even provide the complainant with basic information about data management in a comprehensible manner,

even if this was specifically requested by the complainant on the Customer's website

as a result of a sentence that aroused his suspicion (see subsection (3) (iii) c) above). The client

even after the fact, he could not describe clearly and concretely for the complainant, for which purposes

your data, with which legal basis and how it is handled in connection with voice analysis, are only specifics

the data management indicated general findings and references in its response

its adequacy. The Customer's defense that such a question has not arisen so far, no

relevant, on the one hand, because there is no such aspect in the general data protection regulation

in the case of data controller obligations, on the other hand, the main reason is the significant lack of information on the part of

those concerned

lack of interest so far. Information pursuant to Article 13 of the General Data Protection Regulation

obligation is not absolute, its express purpose is the data controller – in this case the Customer –

with regards to its data management operations, its great information superiority over the data subjects

equalization. If it is a complicated and new technology data management, then on this

information supremacy is typically greater than data management that does not have such characteristics

case, so the Customer should have paid even more attention to compensate for this. This

however, despite his legal obligation, the Customer did not do so. And this supports the

that the system consciously created by the Customer usually does not meet the built-in and

default data protection principle.

(104) On the basis of the above, the Customer with the automatic analysis of customer service voice recordings

related data management practice in its current form violates the general data protection regulation

Paragraph (1) of Article 12, Paragraph (1) of Article 24, Paragraphs (1) and (2) of Article 25.

III.8. Legal consequences

(105) The Authority is based on Article 58(2)(i) and Article 83(2) of the General Data Protection Regulation may impose a data protection fine instead of or in addition to the other measures. It's not it was doubtful that in case of violation of the general data protection regulation, the general data protection on the basis of Article 58 (2) point d) of the Decree, it is necessary to oblige the data controller to brings data management into line with the general data protection regulation. Due to the nature of data management the Authority established 60 days for this instead of the usual 30-day deadline. In addition, the Authority in accordance with the governing judicial practice, in such a case, the fine is imposed in general of the aspects listed in Article 83 (2) of the Data Protection Regulation, taken into account in the merits presents the reasons for the decision.

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(106) Regarding the question of whether the imposition of a data protection fine is justified, the Authority Article 83 (2) of the data protection decree and Infotv.75/A. It was considered ex officio on the basis of § all the circumstances of the case and established that in the case of violations discovered during this procedure conviction according to Article 58 (2) point b) of the General Data Protection Regulation is not a proportionate and dissuasive sanction, therefore a fine must be imposed. First of all in this round the Authority took into account that the Customer's data management practices are essentially complete ignored the relevant legal obligations as a whole, handled personal without it data that he has made any real effort to ensure the legality of data management outside of formal administration. In this case, the protection of personal data - which is a It is the responsibility of the authority – based on the totality of the fine-imposing circumstances detailed below, no is available without imposing a data protection fine. Infotv. None of the conditions according to § 75/A are met above, the Customer does not qualify as a small or medium-sized enterprise. The imposition of fines is both special and it also serves general prevention, for which purpose the decision is also on the website of the Authority will be published.

(107) When determining the amount of the data protection fine, the Authority took it as a mitigating circumstance taking into account the following:

(i) no direct decision-making takes place with the Software, the result of artificial intelligence

are used, which are corrected by human review (Article 83 of the General Data Protection Regulation

Paragraph (2) point a)

(ii) the Authority has not yet established a data protection violation against the Customer (general

Article 83 (2) point (e) of the Data Protection Regulation.

(108) When determining the amount of the data protection fine, the Authority as an aggravating circumstance

took into account the following:

(i) The nature of the violation is particularly egregious, serious, the case is significant, the general data protection

the Customer has violated several provisions of the Decree. The largely automated data management,

the use of new technology, the social questions it raises about the challenges of the digital age,

and the inadequacy of the data controller's responses to them, the present case beyond the individual assessment

they also make it significant on a principle level. The behavior of data protection authorities in this case

may be decisive in the future with respect to the similar data management of many data controllers,

which is an inestimable number of personal data of millions of Hungarian stakeholders

may affect your treatment. (General Data Protection Regulation Article 83 (2) point a)

(ii) The longer period of the infringement, before the general data protection regulation became applicable

starting from and throughout the application of the General Data Protection Regulation

has existed continuously and is still existing. (General Data Protection Regulation Article 83 (2)

paragraph point a)

(iii) The scope and market position of the Customer's data management, as well as in the financial sector

on the basis of his activities, the expectation towards the Customer is higher than an average one

in the case of a data controller, the number of audio recordings affected by automated data management is 1-1.5 per year

million. (General Data Protection Regulation Article 83 (2) point a)

(iv) The data management activity was carried out using new and risky technology. The banking

sector is a particularly sensitive area, financial institutions are responsible for customers and

in general, those of a similar magnitude, but operating in a different field, are also highlighted to the stakeholders

also compared to data controllers. It is fundamentally opposed to the trust invested in the financial sector  
an ill-considered use of technology that raises significant fundamental rights issues

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up, and in the absence of adequate guarantees, it significantly violates the rights of the stakeholders. (general  
data protection regulation Article 83 (2) points a) and d)

(v) Analysis of human emotions with artificial intelligence both by the Authority<sup>17</sup> and

the practice and express of both the European Data Protection Board and the European Data Protection Commissioner  
in his opinion, it is very risky and should be avoided as a general rule except in some areas.

When such technology is used, there are significantly stronger guarantees and a more meaningful consideration  
necessary, as the Customer testified based on the revealed facts. (general data protection  
Regulation Article 83 (2) points a) and d)

(vi) A consideration of interests that is contrary to the obvious facts and only "documented" is serious  
trivializing and ignoring risks internal to the Customer

in its materials and regulations, in its consideration of interests, the impact on the stakeholders is substantial  
the complete lack of examination in advance and during data management, the right to information and  
protest

supported by the data protection rules

to bypass. There had to be at least a possible intention to violate the law, accidentally a

the above cannot be implemented. Based on his statements, the Customer could have known that because of the above  
data management can be problematic, but you deliberately ignored these aspects

during his decisions regarding data management, he made them based on a fictitious situation  
turning a blind eye to reality. (General Data Protection Regulation Article 83 (2) point b)

right to empty intentionality

(vii) The Customer has done nothing regarding the right to information and the right to object

to enforce it, as according to his statements he believed it to be unfeasible, instead of it being

would have modified data management so that it is in accordance with the General Data Protection Regulation

can fulfill its obligations. (General Data Protection Regulation Article 83 (2) point c)

(viii) Article 24 (1) of the General Data Protection Regulation, the risk-based approach

prescribes to the Customer, which he did not fulfill in this case. Audio recordings are not recorded

can be avoided by those concerned, so in such a case their use for any further purpose is still

to be judged more strictly. The Customer is excluded from using the telephone customer service

is the only alternative offered by

this is also questionable for the stakeholders called by the Customer, and there is also no lack of adequate information

in a decision-making situation, the most affected, according to Article 25 of the General Data Protection Regulation

can be traced back to a systemic problem that violates the principle. Artificial intelligence is not

its application with due care is the previous one without artificial intelligence

compared to automated data management, it poses orders of magnitude more significant risks,

which can only be evaluated in the strictest way. (General Data Protection Regulation Article 83

(2) point d)

(ix) The regulation governing specific new technology is still very rudimentary, so this a

should have been taken into account as a higher risk during consideration, and the specific

in the absence of strong concrete guarantees due to the lack of regulation of the area, the Customer

would have been even stronger than usual under the General Data Protection Regulation

to apply guarantees, however, it did not even reach the level of average guarantees. (general

Article 83 (2) point (d) of the Data Protection Regulation

(x) The warranty effect of the used pseudonym was only minor, since a

in practice, everything is in front of the employees who have access to the Software and who listen back to the recordings

times, the caller was identified, since the recorded call is always with personal identification

begins, and among other things, this obvious circumstance also appeared untruthfully

17 See general data protection

<https://www.naih.hu/hatasvizsgalati-lista>

Regulation Article 35



(4) of the published impact assessment

list item 21:

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during consideration of interests, as a guarantee that exists only on paper. (general data protection regulation 83.

Article (2) point (d)

(xi) The data management involved the recording and use in analysis of such personal data,

such as the emotional state, the voice of the affected person, the use of profanity, which affect them more deeply

the private sphere of those concerned, as a technical or contact data, their handling deserves special attention

need. (General Data Protection Regulation Article 83 (2) point g)

(xii) The Authority only became aware of it through a complaint filed in the Precedent Case

Done by the customer, a

about the data management examined in this procedure, which is delayed

becoming aware of the Customer's failure detailed in paragraph (51) above.

(General Data Protection Regulation Article 83 (2) point h)

(xiii) The total annual net sales of the Customer in 2020 was HUF 81,002,000,000, therefore a small

a fine amounting to no punitive or preventive effect would be neither unique nor

in general terms. (General Data Protection Regulation Article 83 (2) point k)

(xiv) The Customer uses the data specifically for indirect profit-making purposes, the internal

carried out in order to reduce costs and obtain profits by retaining customers, and

all other things that are unlawfully subordinated to this, are taken into account as a matter of law

consideration. (General Data Protection Regulation Article 83 (2) point k)

(109) Based on the above, the Authority, based on all the circumstances of the given case, according to the relevant part

considered the imposition of a data protection fine in the amount proportionate based on all the circumstances of the case and

deterrent.

ARC. Other questions

(110) Infotv. According to § 38, paragraph (2), the Authority is responsible for the protection of personal data,

as well as for learning data of public interest and public in the public interest

law

control and promotion of its validity, as well as personal data within the European Union

facilitating its free flow. Infotv. According to Section 38 (2a), general data protection

the tasks and powers established for the supervisory authority in Hungary

with regard to legal entities under its jurisdiction in the general data protection regulation and e

it is exercised by the Authority as defined by law. The jurisdiction of the Authority is Hungary

covers its entire territory.

(111) The Art. Based on Section 112, Paragraph (1), Section 114, Paragraph (1) and Section 116, Paragraph (1), the

a decision can be appealed through an administrative lawsuit.

\* \* \*

(112) 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. § 13, subsection

(3) a)

Based on point aa), the Metropolitan Court is exclusively competent. The Kp. Paragraph (1) of § 27

legal representation is mandatory in administrative proceedings before the tribunal. The Kp. Section 39 (6)

according to paragraph of the submission of the claim for the administrative act to take effect

does not have a deferral effect.

(113) 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 Section 9 (1) point b) of the Act, the customer

legal representative is obliged to maintain electronic contact. The time of submission of the statement of claim and

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place in Kp. It is defined by § 39, paragraph (1). On the possibility of a request to hold the hearing

information about Kp. It is based on paragraphs (1)-(2) of § 77.

(114) The amount of the fee for the administrative lawsuit is determined by the XCIII of 1990 on fees. law

(hereinafter: Itv.) 45/A. Section (1) defines. It is from the advance payment of the fee

Itv. Paragraph (1) of § 59 and point h) of § 62 (1) exempt the party initiating the procedure.

(115) If the Customer does not adequately certify the fulfillment of the prescribed obligations, the Authority

considers that the obligations have not been fulfilled within the deadline. The Akr. According to § 132, if

The customer has not complied with the obligations contained in the Authority's final decision, it is enforceable. THE

Authority's decision of the Acr. According to § 82, paragraph (1), it becomes final with the communication. The Akr. 133.

Pursuant to §, the execution - unless otherwise provided by law or government decree - a

ordered by a decision-making authority. The Akr. Pursuant to § 134, enforcement - if it is a law,

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

has - it is carried out by the state tax authority. Infotv. Based on Section 61 (7), the Authority

to carry out a specified act or conduct specified in its decision,

in relation to the obligation to tolerate or cease, the Authority shall implement the decision

undertakes.

Budapest, February 8, 2022.

Dr. Attila Péterfalvi

president

c. university teacher