

Case number: NAIH / 2019/2402/9.

Subject: Decision granting the application and
an order relating to the treatment of business secrets

Before the National Authority for Data Protection and Freedom of Information (hereinafter referred to as the Authority) [...] the right of the applicant (hereinafter: the Applicant) to cancel [...] (hereinafter: the Debtor) in the data protection official proceedings initiated at the request of
make the following decisions.

I.1. In violation of the Authority's right to delete personal data in the Authority's decision
request to establish
gives place.

I.2. The Authority finds that the Debtor has not complied with the obligation to delete the Applicant's personal data to exercise the right of the data subject to the application of the data subject and is handled without legal basis by the Applicant's telephone number
telephone number data after the withdrawal of the data processing consent
also violated the purpose limitation and data protection principles.

I.3. At the same time, the Authority prohibits the Debtor from handling the [...] landline and [...] mobile telephone numbers, and instructs you to delete this data from all your records. The fact of data deletion as well
certify to the Authority that it has also notified the applicant of the cancellation.

I.4. The Authority calls on the Debtor to provide proof of the measures taken in accordance with the decision.
within 30 days of its final adoption, together with the
- send it to the Authority.

II. However, the Authority shall reject the part of the application concerning the imposition of a data protection fine
Obliged ex officio for unlawful data processing by him
HUF 1,000,000, ie one million forints
data protection fine
obliges to pay.

No procedural costs were incurred during the official proceedings, so it was not ordered to pay them

Authorities.

The time limit for bringing an action for the initiation of a judicial review shall be the data protection fine

within 15 days after the expiry of the court decision or, in the case of initiation of a review, a

Authority's centralized collection account for centralized revenue collection (10032000-0104042500000000 Centralized collection account IBAN: HU83 1003 2000 0104 0425 0000 0000)

to pay. When transferring the amount, NAIH / 2019/2402. JUDGE. number should be referred to.

If the Debtor fails to meet the obligation to pay the fine within the time limit, a late payment allowance

is obliged to pay. The rate of the late payment interest is the statutory interest, which is the calendar affected by the delay

equal to the central bank base rate valid on the first day of the first half of the year. Fines and penalties for late payment

In the event of non-payment, the Authority shall order enforcement of the decision, including fines and late payment

recovery. Recovery of fines and late payment in the manner of taxes by the National

Tax and Customs Office.

There is no administrative remedy against this decision, but from the date of notification

within 30 days of the action brought before the Metropolitan Court in an administrative action

can be challenged. The application must be submitted electronically to the Authority, which must file it with the case file

forward it to the court together. The request for a hearing must be indicated in the application. The entire

for those who do not benefit from personal exemption, the fee for the judicial review procedure is 30,000

HUF, the lawsuit is subject to the right to record material taxes. Legal representation in proceedings before the Metropolitan

Court

obligatory.

The Authority draws the Debtor's attention to the fact that an action is open to challenge the decision

until the expiration of the term or, in the case of an administrative lawsuit, until the final decision of the court

data affected by data processing may not be erased or destroyed.

III. The Authority shall inform the Debtor about the contract concluded with the Applicant and the correspondence with the

Applicant,

and "The order of data protection activity is [...]". Chief Executive Officer 's Instruction hereinafter referred to as the "Instruction").

ARC. The Authority shall contact the obligated parties by telephone during the claims management (hereinafter referred to as "balance of interests") by the Authority rejects his request for confidentiality.

A III. and IV. There is no place for an independent appeal against the order under point 1, only on the merits of the case may be challenged in an appeal against a decision taken.

EXPLANATORY STATEMENT

I. Procedure and clarification of the facts

The Applicant's authorized legal representative [...] will apply on 26 February 2019 filed, in which he initiated the initiation of data protection official proceedings and requested the Debtor the investigation of the data processing, the establishment of the fact of illegal data processing, and requested the Authority to instruct the Debtor to delete the requested personal data, prohibit the Debtor from infringing the conduct and requested that the Debtor be sanctioned, including a fine. finding.

At the request of the Applicant, the right to information self - determination and the CXII of 2011 on freedom of information Section 60 (1) of the Information Act (hereinafter: the Information Act) data protection authority proceedings have been initiated.

The application was accompanied by a letter dated 28 January 2019 addressed to the Debtor. application (hereinafter: the affected party's application) and the Debtor's application dated 15 February 2019. reply (hereinafter referred to as the reply letter). In the data subject's application, the Applicant requested that the Debtor delete all phone contact information and email address. The Debtor in the reply letter informed the Applicant that "Until the debt is settled, our Company is entitled also at the Debtor 's other contact details, either in person, by telephone or in writing relationship with the Debtor in order to enforce the legitimate interests of our Company, ie to recover the debt or to take possession of the car. "

In the reply letter, the Debtor also informed the Applicant that "The title of the data register Regulation 2016/679 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data the free movement of such data and Directive 95/46 / EC a legitimate interest within the meaning of Article 6 (1) (f) of the repeal of the Directive ('the Regulation') the right to object or request the erasure of data necessary for the enforcement of the data processing is necessary for the submission and protection of legal claims. "

According to the reply, "Infotv. We have complied with the provisions of Section 17 (2), given that the legal basis for data management is available on our website in the data management prospectus. "

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The Authority shall issue the Debtor in accordance with NAIH / 2019/2402/4. called for the first time in his order no a statement on the general administrative procedure in order to clarify the facts

on the 2016 CL. (hereinafter: the Act). At the request of the Authority

by letter dated 10 April 2019

hereinafter referred to as the Debtor's Declaration) and the copies of documents attached thereto.

According to the Debtor's statement, the Applicant's electronic contact details are not only the telephone number the legal basis for its management is consent. The [...] landline number and the [...]

The mobile phone number was indicated by the Applicant on the "Loan Application Form" signed on 11 September 2008.

According to the Debtor's statement, the legal basis for data processing is the general data protection from 25 May 2018 with reference to Article 6 (1) (f) of Regulation (EC) No

the purpose of registration is to verify the accuracy of the data when assessing the loan,

and the contact during the contract and the contract is not - or not - at a later stage

in the case of contractual performance, informing the customer of the amount of the debt and default

the legal consequences of Date of registration: 11.09.2008

The Debtor attached to his statement the "Interest Balance Test by Telephone Contacts

on the processing of personal data during the claim "(hereinafter" Balance of Interest "),

with reference to which the Debtor did not delete the telephone number data at the request of the Applicant a

However, it also claimed that the processing of data was subject to the

limited. The restriction in this case, according to the Debtor's statement, means that "the

the purpose of data processing is only to withdraw the vehicle from the market during the third round of recovery

inform the data subject as soon as possible after receipt of the final decision

the motor vehicle may not engage in road transport, including compulsory liability insurance due to withdrawal

has ceased and you will not be able to park in public areas. The data may not be processed for any other purpose. "

In connection with the restriction, the Applicant further stated that "the Applicant is wired

In addition to the telephone number of the Applicant, the mobile telephone number of the Applicant is also registered, however,

they are currently managed

prohibited on grounds of protest from the person concerned. "

In connection with the Balance of Interests, the Debtor emphasized that data management is not the only thing

data controller, but also in the interests of the data subject and of a third party, it is necessary to point.

The Debtor has requested from the Authority that the contract concluded with the Applicant, the

correspondence, as well as the Debtor's balance of interest test and the content of the instruction as business secrets.

II. Applicable law

On the protection of individuals with regard to the processing of personal data and

on the free movement of such data and repealing Directive 95/46 / EC

Pursuant to Article 2 (1) of Regulation (EU) No 2016/679 (hereinafter referred to as the General Data Protection Regulation) a

Regulation shall apply to the processing of personal data in a partially or fully automated manner

and the non-automated handling of data

are part of a registration system or are intended to be part of a registration system

to do.

According to recital 47 of the General Data Protection Regulation, if the legal basis for data processing is

the legitimate interest, a prior balancing of interests must be carried out, in the framework of which, inter alia

the legitimate interest, the effect on the data subject and the fact that the data processing must be determined

whether it is necessary or proportionate and whether a legitimate interest or a right of the data subject should be considered a higher order.

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Collection of personal data pursuant to Article 5 (1) (b) of the General Data Protection Regulation only for specific, clear and legitimate purposes and should not be treated for those purposes in an incompatible manner. ("Purpose-bound").

Pursuant to Article 5 (1) (c) of the General Data Protection Regulation, personal data are: they must be appropriate and relevant to the purposes of the data processing and necessary limited ('data saving').

Pursuant to Article 5 (2) of the General Data Protection Regulation, the controller is responsible for shall be able to demonstrate such compliance ("Accountability").

Pursuant to Article 6 (1) of the General Data Protection Regulation, the processing of personal data is limited to is lawful if and to the extent that at least one of the following is met:

(a) the data subject has given his or her consent to the processing of his or her personal data for one or more specific purposes

...

(f) processing is necessary for the protection of the legitimate interests of the controller or of a third party, unless the interests or fundamental rights of the data subject take precedence over those interests and freedoms which necessitate the protection of personal data, in particular where they are concerned child.

Pursuant to Article 13 (3) of the General Data Protection Regulation, if the controller is personal intends to carry out further data processing on data other than for the purpose of their collection, further data processing shall inform the data subject of this different purpose and of any of the reasons referred to in paragraph 2 relevant additional information.

Pursuant to Article 17 (1) (b) of the General Data Protection Regulation, the data subject is entitled to

that, at his request, the controller deletes personal data concerning him without undue delay,

and the data controller is obliged to make the personal data concerning the data subject unjustified

cancel it without delay if the data subject withdraws it in accordance with Article 6 (1) (a)

consent to the processing and there is no other legal basis for the processing.

Pursuant to Article 58 (2) (b), (c) and (i) of the General Data Protection Regulation, the supervisory authority acting in its corrective capacity:

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

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

(i) impose an administrative fine in accordance with Article 83, depending on the circumstances of the case in addition to or instead of the measures referred to in this paragraph.

Pursuant to Article 17 (3) of the General Data Protection Regulation, paragraphs 1 and 2 do not applicable if data processing is required:

...

e) to file, enforce or defend legal claims.

Pursuant to Article 83 (1) of the General Data Protection Regulation, all supervisory authorities ensure that any breach of this Regulation referred to in paragraphs 4, 5 and 6 the administrative fines imposed shall be effective, proportionate and dissuasive in each case be.

Pursuant to Article 83 (2) of the General Data Protection Regulation, administrative fines are granted the measures referred to in Article 58 (2) (a) to (h) and (j), depending on the circumstances of the case should be imposed in addition to or instead of. When deciding whether an administrative fine is necessary

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the amount of the administrative fine in each case

due account shall be taken of the following:

(a) the nature, gravity and duration of the breach, taking into account the nature of the processing in question; the scope or purpose of the infringement and the number of persons affected by the infringement and the extent of damage;

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

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

(d) the extent of the responsibility of the controller or processor, taking into account the
Technical and organizational measures taken pursuant to Article 32;

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

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

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

(h) the manner in which the supervisory authority became aware of the infringement, in particular that:
whether the controller or processor has reported the breach and, if so, in what detail;

(i) if one of the measures referred to in Article 58 (2) has previously been ordered against the controller or processor
concerned
compliance with measures;

(j) whether the controller or processor has kept itself approved in accordance with Article 40
codes of conduct or approved certification mechanisms in accordance with Article 42; and

(k) other aggravating or mitigating factors relevant to the circumstances of the case, such as:
financial gain or avoidance as a direct or indirect consequence of the infringement
loss.

Pursuant to Article 18 (2) of the General Data Protection Regulation, if the processing is covered by paragraph 1
subject to restrictions, such personal data shall be stored only by the data subject
or to bring, assert or defend legal claims, or otherwise
to protect the rights of a natural or legal person, or by the Union or a Member State

important public interest.

Infringement of the following provisions pursuant to Article 83 (5) of the General Data Protection Regulation

in accordance with paragraph 2, an administrative fine of up to EUR 20 000 000, or

in the case of undertakings, not exceeding 4% of the total annual worldwide turnover in the preceding business year

the higher of the two amounts shall be imposed:

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

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

Infotv. Pursuant to Section 2 (2), personal data shall be processed in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council

covered by the Council Regulation (hereinafter referred to as the General Data Protection Regulation)

General Data Protection Regulation in Annexes III-V. and VI / A. Chapter and Section 3, Sections 3, 4, 6, 11, 12, 13, 16, 17, 21, 23-24. Section 4 (5), Section 5 (3) to (5), (7) and (8), Section 13 (2)

§ 23, § 25, 25 / G. § (3), (4) and (6), 25 / H. § (2)

paragraph 25 / M. § (2), 25 / N. §, 51 / A. § (1), Articles 52-54. § 55 (1) - (2), 56-60. §, 60 / A. § (1) - (3) and (6), § 61 (1) paragraph 61 (a) and (c), Section 61 (2) and (3), paragraph (4) (b) and paragraphs (6) to (10)

paragraphs 62 to 71. §, § 72, § 75 (1) - (5), 75 / A. § and 1.

shall apply with the additions set out in Annex I.

Infotv. The time limit for bringing an action pursuant to Section 61 (6) is open to challenge the decision

or until the final decision of the court with the disputed data processing

the data concerned may not be erased or destroyed.

Infotv. 75 / A. §, the Authority shall comply with Article 83 (2) to (6) of the General Data Protection Regulation shall exercise its powers in accordance with the principle of proportionality, in particular by:

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legislation on the processing of personal data or a binding act of the European Union

for the first time in the event of a breach of the rules laid down in

in accordance with Article 58 of the General Data Protection Regulation, in particular the controller or

by alerting the data controller.

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

based on trade secrets related to economic activity, secret - in whole or in part

not generally known or engaged in the economic activity concerned

not easily accessible - hence the fact, information, other data and

a compilation of those for which the secret holder is required to keep it secret

normally behaves in an expected situation.

Ákr. Pursuant to Section 27 (3), the authority shall, in the course of its proceedings, conduct it in accordance with law

manage the protected data relating to its

or the handling of which is necessary for the efficient conduct of the proceedings.

III. Authority decision

III.1. Applicant's request for deletion of data

The Debtor has no legal authority to process the data of the Applicant's telephone number. THE

The legal basis for the processing of the data of the Applicant 's telephone number for the Debtor is the.

had given his consent on 11 September, which was also acknowledged by the Debtor. Information self-determination due to the nature of the right, the data subject has the right to have the data processed with his or her consent deleted ask.

By letter dated 28 January 2019, the Applicant requested that the Debtor and the other

delete any phone numbers that you have registered, that is, consent to the management of your phone numbers withdrew.

In the reply letter dated 15 February 2019 rejecting the Applicant's request to cancel the telephone number, the Debtor informed the Applicant that "The title of the data register is the European Parliament and Council 2016/679

Regulation on the protection of individuals with regard to the processing of personal data and

on the free movement of such data and repealing Directive 95/46 / EC

hereinafter referred to as "the Regulation"), the processing of data necessary to establish a legitimate interest within the meaning of Article 6 (1) (f),

in which case the data subject shall not be entitled to object to the processing pursuant to Article 17 (3) (e) or to the right to request the erasure of data, since the processing of data for the purpose of bringing legal actions, necessary to enforce or protect

Until the debt is settled, our Company is also entitled to the Debtor's other contact details

- either in person, by telephone or in writing - our Company is entitled to contact the Debtor

in order to enforce its interests, ie to recover the debt or to take possession of the car. "

In the light of the above, the Authority concludes that Article 12 (3) of the General Data Protection Regulation

The Debtor shall inform the Applicant within the time limit specified in paragraph

considers its own data processing to be lawful and rejects its request for deletion and

rejection of the request for cancellation in accordance with Article 12 (4) of the General Data Protection Regulation information on the possibility of recourse to the Authority.

III.2. The legal basis for the processing of the Applicant's telephone number data after the withdrawal of the consent

III.2.1. In the case of consent-based data management, the general data protection rules must be observed

Article 5 (11) of the Regulation, according to which one of the conceptual elements of the contribution is voluntary, own decision based on a decision. This right to information self-determination means that - in law

with the exception of ordered data processing - everyone has their own personal data, everyone has their own

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decide whether or not to give your personal data to someone else, so not just consent

but may also revoke it without the obligation to state reasons.

Pursuant to Article 17 (1) (b) of the General Data Protection Regulation, personal data shall be processed a shall be deleted after the withdrawal of the consent, unless there is another legal basis for the processing.

The Debtor in the decision to reject the data processing after the withdrawal of consent

relied on Article 6 (1) (f) of the General Data Protection Regulation as its legal basis, and

stated that the data processing is for the submission, enforcement and protection of legal claims required.

Personal data pursuant to Article 17 (3) (e) of the General Data Protection Regulation

its further storage and handling, despite the data subject's request for erasure, may be considered lawful in the event that if it is necessary for the submission, enforcement or defense of legal claims.

III.2.2. Proof of the existence of a legal basis for a legitimate interest, consideration of interests

The existence of a legitimate interest must be established by a balance of interests in accordance with the general data protection rules. (47)

recital.

The Debtor attached his balance of interests to his statement. The balance of interests did not include, a

Debtor stated in his statement that the management of the telephone number is a "legal claim

The Authority is of the opinion that the telephone number

the need for enforcement is unjustified because debt management is not a legal procedure but a

a "pre-implementation" procedure based on mutual cooperation and consensus between the parties

intends to promote. Management of the Applicant 's telephone number to recover the claim and a

It is not essential to keep in touch with the Applicant, as the Debtor a

In order to contact the Applicant, the Applicant manages the address data. Managing your phone number a

nor is it necessary for the withdrawal of a motor vehicle from the market.

The Authority found that the balance of interests prepared by the Debtor did not comply with it for several reasons

requirements of the General Data Protection Regulation. Given that the processing of the data requested to be deleted is

It is not required by law by the debtor and is appropriate for the reasons set out below

in the absence of a balance of interests, telephone number data is covered by Article 6 (1) of the General Data Protection Regulation

f), the Debtor fails to comply with the Applicant's request,

infringed Article 17 (1) (b) of the General Data Protection Regulation by failing to ensure a

Exercise of the applicant's right of cancellation.

The Authority highlights the following fundamental shortcomings in the balance of interests of the Debtor:

III.2.2.1.The balance of interests in the management of telephone number data is controversial because III./11.

"The legitimate interest of the data subject is in balance with the legitimate interest of the controller,

since it is in the interest of both parties to make telephone calls for the situation to occur as soon as possible and for both expected for the other Party. ' reads as follows: "In the light of the foregoing it can be stated that the legitimate interests of the controller outweigh the interests of the data subject. "

III.2.2.2. The consideration of interest is only about the information about the recall of the car

emphasis on information and other issues related to debt recovery

the balancing of interest in telephone calls has not been detailed, so the balancing of interest is only in connection with a data management purpose, in addition to the need for data management, in detail arguments, despite the fact that the purpose of data processing is to provide information on non - payment, a receivables management has also been included. These two goals are of great interest to data controllers

briefly presents II.1.a., and b. It also refers only briefly to the interests of the parties concerned in point III. point ("You may be informed of the consequences of late payment", "you will be informed immediately of payment failure to do so, its circumstances and any further questions relating to the contract ",

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'May be informed of the progress of the settlement of the claim and of the withdrawal consequences "). The Debtor mentions in the interests of the data subject only the case in which it is the data subject benefits from this data management, the case does not specify at all what it is the result of a balance of interests if the person concerned objects. The Debtor did not deal with the case that if the data subject objects to the processing, the different interests, ie the results of the consideration of the interests of the data controller or the data subject in fact, the essential elements of the balance of interests are not included in this document.

III.2.2.3. The balancing of interests incorrectly identifies the interests involved because it is a general conclusion deducted from certain cases concerned, as Article III.3. It states in paragraph 1 that 'Data processing is concerned its right is not adversely affected, as the processing is limited to the minimum necessary for the purpose, in addition, a significant proportion of those concerned explicitly request information by telephone. " That in what respect and to what extent a data processing adversely affects a data subject, no can be generalized because the data subjects and their circumstances are different in each case, so this is one

subjective value judgment, which means the same data management as in one case

one data subject considers it acceptable, in another case another data subject may find it offensive.

An unacceptable argument in favor of a data processing is that a significant proportion of data subjects explicitly request it it.

III.2.2.4. Another serious error of the balance of interests is the I./3. b. The argument in point 'A

the Government Office shall inform the data subject and the data controller of the withdrawal in a decision. The Government Office

however, the decision does not fully inform the client (data subject) of the withdrawal

the consequences of which, however, need to be communicated to the data subject, and therefore the claims manager

phone or if you did not reach the customer via SMS (mobile phone number availability

the consequences of the withdrawal, which are as follows:

i. Due to the withdrawal, the vehicle will not be able to engage in road traffic.

ii. Due to the withdrawal, the compulsory insurance of the motor vehicle was also abolished (Act LXII of 2009), thus

in the event of an accident, the rights not only of the person concerned but also of third parties may be infringed.

iii. Due to the status of the car can not park in public areas, so in order to reach the customer

no further damage should be done and the public area inspectorate should not be fined, so we will inform the

concerned of this fact as well. "

The Authority does not consider the above argument to be admissible because it concerns the withdrawal of a vehicle from the market

the content of the decision is prescribed by the legislation governing it. Where the administrative

decision has the requisites prescribed by law and is capable of producing legal effects, in

In this case, a separate SMS or verbal notification from the Debtor is not required, or

the Debtor does not need to provide a separate explanation by telephone, given that

that the person liable for the administrative decision must be aware of the legal consequences of the decision

be. In addition, Krsz. Section 5 prescribes the vehicle with which to participate in traffic, accordingly

only with one who has a valid official permit specified by law and for which

compulsory motor third party liability insurance. Motor Liability Insurance Contract

the terms and conditions of which are contained in the insurance contract concluded by the operator at the time of concluding the contract

get to know. The Krsz. regulations must be known to all drivers, without which they cannot take part in the road in transport, so the Debtor quoted above explaining the need for data processing his argument is unfounded.

The Authority considers it important to emphasize here that only for the purpose set out above the Debtor would handle the data of the Applicant's telephone number, in which case the realization of the purpose, ie the orally or in writing by telephone

- after notification, the Debtor should delete the Applicant's telephone numbers from the general pursuant to Article 5 (1) (b) and Article 17 (1) (a) of the Data Protection Regulation. With this

In contrast, the Debtor informed the

Applicant to manage the phone number data for as long as the debt exists.

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III.2.2.5 In the Authority's view, managing the Applicant's telephone numbers to recover the claim and is not essential for contact with the Applicant, as the Debtor is a

It also manages your other contact details to contact the applicant. The Applicant

Managing your address information will keep you in touch even after deleting your phone number opportunity. In his request for deletion of data to the Debtor, the Applicant expressly requested that he be do not search for forums other than your postal address. If the phone number for telephone contact is a can no longer be used, its treatment becomes pointless.

The telephone number handled in the absence of consent is not required for "legal proceedings against the Applicant the absence of a telephone number (and thus a telephone number)

is not a direct consequence of the need for legal proceedings

to initiate. In the opinion of the Authority, the Debtor may also be contacted by post

with the debtor, and in this way legal proceedings can be prevented, also in view of the fact that any settlement

will be concluded on a paper basis. The person concerned must be able to choose between the written contact if you do not want to receive phone calls and SMS messages. In balancing interests there is no interest of the controller which would take precedence over this right of the data subject, and it is hard to imagine such an interest existed. The Debtor's balance of interests does not mention either the interests of the data controller, which could preclude the data subject's right to privacy, precisely on the contrary, the balance of interests emphasizes in several places that it is primarily because of the interest of the data subject handle phone number data.

In addition to the interests of the data subject, in the event of an accident, the interests of third parties shall be mentioned by the Debtor,

however, the Debtor's argument in this regard is set out in Section II.1. cannot be accepted for the reasons set out in point el. The Debtor is unable to provide any additional information that the Debtor will receive via SMS or SMS

the person concerned should not know without a phone call or SMS message. It is the duty of the data subject to:

in Krsz. cannot be inferred from the legal relationship with the Debtor,

but Krsz. to the person concerned if he holds a driving license,

you should know without special information. The Debtor has no obligation to provide information a

in order to protect the interests of third parties in connection with withdrawals.

Referring to the above, the Authority has concluded that the Debtor does not have general data protection other legal basis for Article 17 (1) (b) of the Regulation.

III.3.Restrictions on data management

According to the Debtor's statement, the Applicant's

phone number data management. This means that "the purpose of data processing is only for the third party

inform the person concerned as soon as possible in the event of the vehicle being withdrawn from service

that, after receiving a final decision, the vehicle may not be used in road transport

due to the withdrawal, his compulsory liability insurance has also ceased and he will not be able to park in public places with it.

The data may not be processed for any other purpose. "

The Authority found that the Debtor's above measure was not identical to the general data protection with the limitation under the Regulation, given that the provisions of the Debtor's declaration do not comply for any of the purposes of Article 18 (2) of the General Data Protection Regulation.

III.4. Management of trade secrets

The Debtor has requested from the Authority that the contract concluded with the Applicant, the correspondence, as well as a balancing test for the handling of telephone number data and Privacy Policy addresses the content of Chief Executive Officer [...] as a trade secret.

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III.4.1. The information provided for in Article 12 (3) to (4) of the General Data Protection Regulation information covered by this obligation shall not be considered a trade secret tv. business secret given that they are concerned, including the Applicant under the General Data Protection Regulation entitled to know.

It can be deduced from the requirement of transparent information in the General Data Protection Regulation an important guarantee aspect is that it be recorded by the controller together with the application of this legal basis data processing conditions so that data subjects can be convinced that whether rotating data processing really restricts their rights proportionately. It is easy to see that a in the absence of information, the data subject is not aware of the circumstances of the processing, or is lawful illegality. This is a legitimate interest of the data subjects that precedes the Debtor's telephone number the Debtor's treatment of the interest in the handling of data as a business secret business interest.

Adopted by the Working Party on Data Protection set up under Article 29 of Directive 95/46 / EC

The Transparency Guidelines, which facilitate the application and interpretation of the Data Protection Regulation, are shall be made available to data subjects in accordance with Articles 13 and 14 of the General Data Protection Regulation as set out in the Annex on Information to "Stakeholders should be able to obtain information on the balancing test on request. This

It is essential for effective transparency if stakeholders have doubts about whether the discretionary inquiry was fair or if they wished to file a complaint with the supervisor authority. " The Applicant did not receive any information from the Debtor about the content of the balance of interests, it is a from the decision.

With reference to the above, the balance of interests provided by the Debtor to the Authority a The Authority does not treat it as a business secret, therefore the relevant part of the Debtor's application for this purpose is issued by the Authority rejects.

III.4.2. The Instruction is a documentation of the Debtor's procedure by which

Article 12 (3) to (4) of the General Data Protection Regulation to the Applicant

The obligation to provide information specified in paragraph 1 shall not apply, ie if the Debtor intends to treat it as a trade secret, in which case it is covered by the general data protection regulation does not conflict with its provisions. Thus, in this regard, the Debtor's application to the Authority in the Act. 27.

§ (3). However, it should be noted that certain rules of the Instruction a may be considered public under the relevant legislation, e.g. the Data Protection Officer availability.

III.5. Legal consequences

The Authority grants the Applicant's request and Article 58 (2) of the General Data Protection Regulation

b) condemns the Debtor for violating the data processing activities

Article 5 (1) (b) and (c), Article 17 (1)

pursuant to Article 58 (2) (c) of the General Data Protection Regulation, instructs the Debtor to telephone number and all other telephone numbers registered in connection with the Applicant delete from all records. The Debtor shall be informed of the fact of the erasure and of the fact that the erasure of the He also notified the applicant, certifying it to the Authority.

The Authority rejects the Applicant's request for a data protection fine, as e the application of a legal sanction does not directly affect the rights or legitimate interests of the Applicant, a

Such a decision by the Authority does not create a right or an obligation and, as a result, the imposition of a fine with regard to the application of a legal sanction falling within the scope of its enforcement the Applicant does not qualify as a customer in accordance with Ákr. Pursuant to Section 10 (1), or - as the Ákr. Does not comply with Section 35 (1), there is no place to submit an application in this regard, a This part of the application cannot be interpreted as an application.

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However, the Authority examined of its own motion whether a data protection action against the Debtor was justified. imposition of a fine. In this context, the Authority shall comply with Article 83 (2) of the General Data Protection Regulation and Infotv.75 / A. § considered ex officio all the circumstances of the case and found that the present In the case of an infringement detected in the course of proceedings, the warning shall be neither proportionate nor dissuasive sanction, it is therefore necessary to impose a fine.

In imposing the fine, the Authority took into account the following factors:

- Unauthorized data processing significantly affects the Debtor's privacy and is caused by it the violation of the law was caused by the intentional conduct and data management practice of the Debtor.
- The infringement is serious because it affects the exercise of the right concerned (right of cancellation) and the infringed several articles of the General Data Protection Regulation, including a fundamental breach, also implemented.
- The specific deterrent purpose of the Authority in imposing fines is to encourage the Debtor to to review your phone number data management practices.
- The Authority will determine the amount of the fine in addition to the specific purpose of the retaliation also took into account the general preventive purpose to be achieved by the fine, with which - the Debtor the data management practices of all market participants to move towards legitimacy. There was no legitimate interest as a legal basis a non - binding rule applicable to any case or situation in the interest of the controller, but precise substantiation of the reference to a legitimate interest is also required.
- The Debtor has not yet been convicted of a breach of the General Data Protection Regulation

row.

- Depending on the nature of the infringement - infringement of the rights of the victims concerned - the maximum amount of the fine that may be imposed is general

EUR 20 000 000 pursuant to Article 83 (5) (b) of the Data Protection Regulation or the previous financial year up to 4% of its total worldwide turnover.

- Based on the Debtor's income statement for 2018, the pre-tax profit is HUF [~ 7.3 billion]

volt. The data protection fine imposed is a token amount and does not exceed the maximum fine that can be imposed.

Infringement by the Debtor under Article 83 (5) (b) of the General Data Protection Regulation

according to which it constitutes an infringement in the higher category of fines.

ARC. Rules of procedure

The powers of the Authority shall be exercised in accordance with Infotv. Section 38 (2) and (2a) defines its jurisdiction as a whole

country.

The Ákr. Pursuant to § 112 and § 116 (1) and § 114 (1)

There is a right of appeal against the order through an administrative action.

The rules of administrative litigation are laid down in Act I of 2017 on the Procedure of Administrative Litigation (a hereinafter: Kp.). A Kp. Pursuant to Section 12 (2) (a) by decision of the Authority

The administrative lawsuit against the court falls within the jurisdiction of the court Pursuant to Section 13 (11)

the Metropolitan Court has exclusive jurisdiction. Act CXXX of 2016 on Civil Procedure.

Act (hereinafter: Pp.) - the Kp. Applicable pursuant to Section 26 (1) - Pursuant to Section 72 a

legal representation is mandatory in litigation within the jurisdiction of the tribunal. Kp. Pursuant to Section 39 (6) - if

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law does not provide otherwise - the filing of an application is an administrative act

has no suspensive effect.

A Kp. Section 29 (1) and with this regard Pp. Applicable in accordance with § 604, electronic

CCXXII of 2015 on the general rules of public administration and trust services. Act (a

hereinafter: E-Administration Act) § 9 (1) (b), the customer's legal representative

obliged to keep in touch.

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

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

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

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

Section 62 (1) (h) exempts the party initiating the proceedings.

If the Debtor does not duly prove the fulfillment of the prescribed obligations, the Authority shall

considers that it has not fulfilled its obligations within the time allowed. The Ákr. According to § 132, if the Debtor a

Authority has not complied with its obligation in its final decision, it is enforceable. The Authority

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

enforcement, unless otherwise provided by law or government decree, is the decision-making authority

order. The Ákr. Section 134 of the Enforcement - if by law, government decree or municipal

in the case of an official matter, the decree of the local government does not provide otherwise - the state tax authority

implements. Infotv. Pursuant to Section 60 (7), it is included in the decision of the Authority

an obligation to commit an act, to behave in a certain manner, to tolerate or to cease

the Authority shall enforce the decision.

Budapest, June 26, 2019

Dr. Attila Péterfalvi

President

c. professor