

Subject: decision

H A T A R O Z A T

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

applicants (hereinafter together: Applicants) their representative, [...] (hereinafter: Legal

representative) of the personal data of the Applicants [...] (hereinafter: Applicant 1) and [...]

(hereinafter: Applicant 2) together, as Applicants (hereinafter: Applicants) by the

Multiple cameras of the applicants' personal data located in the applicants' property

submitted to the Authority in 2021 regarding the treatment of offenders with a monitoring system.

Following your request received on March 4, the following is the official data protection procedure

makes decisions:

I. The application in all its elements - including those in which the Applicants requested that the Authority

determine the illegal handling of their personal data by the Applicants, that in view of this

order them to dismantle their cameras and that the Authority ban them from the Applicants

from camera surveillance –

II. The Authority ex officio determines that the Applicants have cameras which

they are also partly aimed at public areas, so that their operation has violated the general

Article 6 (1) of the Data Protection Regulation.

rejects.

II.1. The Authority ex officio obliges the Respondents to make this decision final

terminate the illegal data processing within 30 days of the divorce

bring their operations into line with legal provisions by

- modify the viewing angle of the "Entrance" and "Street" cameras so that the

should not be aimed at public areas, or

- apply a masking function by using software that provides masking

when making recordings, or

- they are covered mechanically (e.g. the angle of view of the camera towards the public area

covering part of it with an object), or

- remove the marked cameras!

II.2. to take the measures prescribed in point 2

must be submitted in writing within 15 days of the

certify to the Authority. II.2. in case of non-fulfilment of the obligation according to point, the Authority orders a implementation of the decision.

During the official procedure, no procedural costs were incurred, therefore, no costs were incurred was provided by the Authority.

There is no place for administrative appeal against this decision, but from the announcement within 30 days from the date of issue, with a letter of claim addressed to the Capital Tribunal can be challenged in a lawsuit. You must submit the statement of claim electronically to the Authority, which will forwards it to the court together with the case documents. The request for the holding of the trial is submitted by the must be indicated in the application. For those who do not receive full personal tax exemption a the fee for the judicial review procedure is HUF 30,000, the lawsuit is subject to the right to record fees. THE Legal representation is mandatory in proceedings before the Metropolitan Court.

I N D O C O L A S

I. Cleaning up the process and the reality

I.1. 2021, submitted to the Authority by the authorized representative of the Applicant, [...].

In the request for official data protection procedure received on March 4, the Applicant submitted that

Applicants are neighbors of the Applicants, the property under [...] (hereinafter: Property)

its owners. They requested outdoor cameras for the gable of the roof structure of the [...] property

equipped. The Applicants have personally informed the Respondents several times,

that they consider the cameras referred to as worrisome as they are specifically the Applicants

owned Real Estate, its yard, front door, and the Applicants

they take Applicants have repeatedly asked their neighbors to remove the cameras, as they are

without their consent, despite their protest, they take pictures of them, watch their garden and the their entrance. Despite all this, the Respondents still did not remove the cameras and they continued to maintain surveillance of the Applicants and the Property.

Applicants on December 15, 2020 through the legal representative also acting in this case

an inquiry was sent to the Applicants, which was delivered on December 21, 2020

beer. In it, the Respondents were informed of their position, according to which they pursued

data management is illegal, and they were asked to remove the illegal cameras.

According to the Applicants, on February 20, 2021, the Applicants gave their own property

an additional camera was placed in the room facing the Property, which the Applicants 2021.

was detected on the 21st of February. According to the Applicants, the viewing angle of the latter camera

it is directed specifically to the Applicants' bedroom.

According to the Applicants' point of view, the Applicants are the Real Estate and their persons are cameras

data management according to Article 4, point 2 of the General Data Protection Regulation

implemented, in connection with which they are considered data controllers. The Applicants believe that a

The data management performed by the applicants did not comply with the camera surveillance systems

governing requirements in terms of data management, since the placement of the cameras and

based on the setting of their viewing angle, they may be able to observe another's private area,

make recordings related to other properties, thereby infringing the observed in this way

for the protection of personal data

rights, as well as

his private sphere.

right, personal

According to the applicants, the camera directed towards their bedroom is also personal

in addition to data, the Applicants on the right to self-determination of information and freedom of information

CXII of 2011 TV. (hereinafter: Infotv.) also affects your special data according to § 3. point 3.

Based on the above, the Applicants requested a

Authority to condemn the Respondents as data controllers, Infotv. Section 5 (1)

paragraph, as well as general data protection

data management of Article 6 of the Decree

in relation to its infringement by their activities, and order them to remove the [...]

cameras placed on the property at no

from observation.

I.2. First, the Authority NAIH-3138-2/2021. and NAIH-3138-3/2021. with calls no

contacted the Applicants, to which the Applicants responded on April 8, 2021

in their letter they responded as follows.

2

They applied

the Authority was informed that the camera system

on the installation of the

The applicants decided to install it years earlier - in April 2016

it took place for reasons of property protection and the protection of the life of the Applicants,

which they verbally informed their neighbors at the time. The data is managed by the Applicant 1

performed, no one else has access to the recorded data. As part of the camera system, 4 Provision DI 2MP

type of camera, which are placed on the four sides of their house. The cameras have optical,

and there is no digital lens setting option, no sound is recorded, they are a central one

are connected to a device. The central Provision ISR type, 4-channel device is 1 TB

capacity hard drive, its web server is from the computer in the apartment

is available. External Internet access is not configured, and it only has one user

there is Recorded camera footage is available for 6 days, after which it is automatically overwritten.

Respondent 1 also attached photographs to prove the angle of view of the cameras

to his statement which clearly shows that

1) the camera called "Rear entrance" to the Applicant's own yard and - a narrow one

in lane - for the property of their non-Applicant neighbor, [...], i.e. a

to your private area;

2) the camera named "Street" to the Applicant's own yard and - in a narrow strip -

to the street in front of the Applicant's property, as public space;

3) the camera named "Garden" to the Applicant's own yard and - in a narrow strip - to the

non-Applicant for their neighbor's property at [...], i.e. his private land;

4) the camera called "Entrance" to the Applicant's own yard and - in a narrow lane

- to the street in front of the Applicant's property, as public space

is controlled.

Respondent 1 also submitted that in September 2020, the Applicants camera

installed on their own property, right next to their fence (IP camera type P05, which

was suitable for tracking the movements of the Applicants, presumably also recorded sound, as well as

in the evening, when the Applicants are parking, it "lights up like a reflector". In this regard, the [...]

decision made before the clerk's office of the municipality (hereinafter: Office) at [...]

limited the operation of the camera, and then the camera was dismantled by the Applicant.

Respondent 1 also submitted that both the Applicants and the Legal Representative -

the latter also confirmed by the e-mail sent to him - he offered to be included in the recordings made with the camera

the possibility of insight, which they did not accept and did not use.

I.3. After that, the Authority NAIH-3138-7/2021. s. in his order, he called on Respondent 1 that

the Applicants in the photographs attached by the Applicants as an attachment to their application

regarding the device shown in the window - identified by the applicants as a camera - inform the

Authority about whether it is really a camera and, if so, from which area it is recording. THE

The Authority also called on the Requested Party to declare for what purpose and pursuant to Article 6 of the GDPR.

observes with the camera system on the basis of the legal basis regulated in Article

property area?

In response to this, the Applicants NAIH-3138-8/2021. s. in their reply they informed the

Authority that the device is not a camera, to prove which they attached their front door and its immediate surroundings - where in the images submitted by the Applicants to the camera a supposed device is included - demonstration recordings.

In order to verify for what purpose and on the basis of the legal basis according to the GDPR, the [...] the area of the property below, the Applicant attached the statement of the neighbor, [...] which included that the cameras of the camera system operated by [Applicant 1] were his were installed with his knowledge and consent, and were set at his request in such a way that a

3

his private area is in their field of vision, given that he had strangers at his place on 2 occasions intrusion, which is why he wanted the largest possible area of his property, even its entrance could be observed in this way. The applicant also indicated to the Authority that he wished to live with his right to document inspection.

The Authority subsequently NAIH-3138-9/2021. and NAIH-3138-10/2021. with orders no called the parties to the conclusion of the evidentiary procedure, and informed them of the document inspection and about their right to present a motion for proof, at the same time - the Respondent 1 former in view of his statement - he sent the requested document to him. The Applicants at the request of the Authority 3138-13/2021, the Authority sent as a response to the document inspection submission. s. granted in his order.

I.4. In their response letter dated July 15, 2021, the Applicants provided a statement and evidence presented a motion in which they submitted that "in the past few days, another, unauthorized they thought they discovered a camera implementing data management in the upstairs window of the Applicants, with which the

The Applicants' garden was requested

is being watched and which is covered by a paper box. THE

It is thoroughly immersed in applicants

furthermore, the suspicion that the Applicants

they record the conversations between them in the garden area using a recording device."

up

They also submitted that their "attached camera images were taken after those

It was transferred from the applicants' property to another direction."

In order to clarify the facts, the Applicants asked the Authority to continue the inspection

The data recorded by the cameras and possible microphones placed at the applicants' place of residence, as well as for determining the viewing angle of the cameras.

I.5. The Authority - considering the Applicants' statement and request for evidence -

NAIH-3138-15/2021. s. by order of Infotv. Based on paragraph (1b) of § 71, he was contacted by the arra

the notary having jurisdiction according to the property of the Applicants, to be checked by it

the actual circumstances of data management and provide information about them.

The Office based on the request of the Authority - without prior notification to the Applicants -

On August 4, 2021, he conducted a successful on-site inspection, during which

established that the number and type of cameras operated by the Applicants,

in terms of their technical parameters and viewing angle, they are the same as those previously provided by the Applicants

presented, only Applicants actually have access to them and only 6 days a

storage duration of recordings. Cameras record footage continuously, however

no sound is recorded. The Office established that the software used for data management

not suitable for masking. Regarding the angle of view of the cameras, the Authority addressed it to the Office

request to confirm that the cameras' angle of view is not only the footage attached to the Authority

it was moved to a different angle for the duration of its production. The Office complied with this in a way

that during the inspection - carried out the day before that day, carried out by the Applicants -

the recordings, which show the angle of view of the cameras at the time, were sent to the Office employee by e-

email address was sent on the spot. Based on this, it was possible to verify that the cameras were present

its preliminary point of view is the same as that experienced by the Office.

During the on-site inspection, the Office also established that it was not a sound recording

occurred, and no sign of audio recording was found. The Office also recorded that he did not find any paper boxes inside or outside the windows of the rooms on the first floor, which the property with a photo taken during the visit photo- took pictures of the Applicants' front door and the windows close to it, which investigated, the Authority did not find any circumstances indicating - especially hidden - camera data management. also confirmed. The office furthermore

4

In view of the fact that the administration deadline has been exceeded, the Authority orders HUF 10,000-10,000, i.e. HUF 10,000-10,000 to be paid to the Applicants - their choice according to - by bank transfer or postal order.

II . APPLICABLE LAW REGULATIONS

Article 2 (1) of the General Data Protection Regulation applies to personal data partially or fully automated processing, as well as their personal for the non-automated processing of data that is part of a registry are part of a system or are intended to be part of a registration system. The for data processing under the scope of the General Data Protection Regulation, Infotv. Paragraph (2) of § 2 according to the General Data Protection Regulation shall be applied with the additions indicated therein. 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. Pursuant to Section 38 (2a) of the General Data Protection Regulation, the supervisory tasks and powers established for the authority under the jurisdiction of Hungary

with regard to legal entities, they are defined in the general data protection regulation and this law according to the Authority.

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.

In the absence of a different provision of the general data protection regulation, the data protection authority for procedure CL. 2016 on the general administrative procedure. law (hereinafter: Ákr.) shall be applied with the deviations specified in Infotv.

Pursuant to Article 2 (2) of the General Data Protection Regulation, the regulation does not applies to the processing of personal data if:

- a) they are carried out during activities outside the scope of EU law;
- b) the member states during activities falling under the scope of Chapter 2 of Title V of the EUSZ are carried out;
- c) carried out by natural persons exclusively in the context of their personal or home activities;
- d) prevention, investigation, detection and prosecution of crimes by the competent authorities conducted for the purpose of conducting or enforcing criminal sanctions, including public safety protection against threats and the prevention of these threats.

Based on recital (18) of the general data protection regulation, the regulation does not shall apply to the personal data provided by the natural person exclusively as personal data for treatment carried out in the context of home activities, which are therefore of no professional or business nature cannot be associated with the activity. It is considered a personal or home activity for example, correspondence, address storage, and personal and home activities mentioned contact and online activities on social networks. E

regulation must be applied, however, to those data managers and data processors who a for the processing of personal data in the context of such personal or home activities is tools are provided.

According to Article 4, Point 1 of the General Data Protection Regulation, "personal data: the identified or identifiable information;

the natural person who, directly or indirectly, in particular, can be identified

an identifier such as name, number, location data, online identifier or a

("affected") concerning any

to a natural person

5

physical, physiological, genetic, intellectual, economic, cultural or social natural person

can be identified based on one or more factors relating to its identity."

According to point 2 of the same article, "data management: on personal data or data files

any action or actions performed by automated or non-automated means

total,

storage, transformation or

change, query, insight, use, communication, transmission, distribution or otherwise

by way of making it available, coordination or connection, limitation,

deletion or destruction."

so the collection,

organization,

recording,

segmentation,

Pursuant to point 7, "data controller: the natural or legal person, public authority,

agency or any other body that determines the purposes of processing personal data and

determines its assets independently or together with others; if the purposes and means of data management

determined by EU or Member State law, to designate the data controller or the data controller

relevant special aspects can also be defined by EU or member state law."

Management of personal data pursuant to Article 6 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;

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 manager driver's license

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.

Infotv. 60/A. According to § (1), in the official data protection procedure, the administrative deadline one hundred and fifty days.

The Akr. Based on § 51, paragraph (1) b) if the Authority exceeds the administrative deadline - and there was no place to make a decision with a contingent effect - you are a fee for conducting the procedure an amount corresponding to the fee, or failing this, ten thousand forints will be paid to the requesting client, who is also exempt from paying procedural costs.

The Akr. According to Section 6 (1), all participants in the procedure are obliged to act in good faith to act and cooperate with other participants.

The Akr. Based on § 62, paragraph (4), the Authority freely chooses the method of proof,

and evaluates the available evidence according to his free conviction.

Infotv. According to § 61, paragraph (1), point a), it was made in the official data protection procedure in its decision, the Authority issued Infotv. Data management defined in paragraph (2) of § 2 operations in connection with general data protection defined in the decree may apply legal consequences.

Infotv. According to § 71, paragraph (1b), the local government may request the Authority its notary checks the conduct in the area of competence indicated by the Authority in the request the actual circumstances of data management, including in particular the scope of personal data handled, a

6

operations performed with personal data and the means of these operations, as well as by the data controller applied technical and organizational measures.

According to Article 58(2)(b) of the General Data Protection Regulation, the supervisory authority condemns the data manager or data processor if its data management activities have violated it the provisions of this regulation, and pursuant to point d) of the same paragraph, the supervisory authority acting within its corrective powers, instructs the data controller that its data management operations - given in a specified manner and within a specified period of time - harmonises this regulation with its provisions.

III. Decision making

III.1. The person of the data controller

Based on Article 4, Point 7 of the General Data Protection Regulation, "that natural or legal person [...], which defines the purposes and means of processing personal data independently or together with others define [...]". However, the GDPR recognizes the concept of joint data controllers, which is part of Article 26 of the GPDR. based on article, occurs when the purpose and means of data management are two or more determined jointly by the data controller. Based on the facts revealed in this case, the data management a The applicants jointly decided,

common regarding

are considered data controllers.

III.2. Legality of camera data management

III.2.1. Separation of household and non-household data management

so they are camera data management

Based on Article 4 (1) of the General Data Protection Regulation, the image of the data subject

is considered personal data. The identified or identifiable natural person is affected.

Pursuant to all of this, if a natural person can be identified based on a recording,

then the taken image is personal data, the taking of the image is data management

it counts as.

The application of the camera may be suitable based on its placement and angle of view

to observe another's private area or the public area connected to another's property

make recordings that may violate the personal rights of the persons observed with the camera

rights, privacy.

Based on point c) of Article 2 (2) of the General Data Protection Regulation, they do not belong to

regulation, so the rules of the general data protection regulation do not have to be applied

for the processing of personal data, if it is exclusively personal or domestic by natural persons

carried out as part of their activities (so-called "household data management"). The personal or home

activity is provided by recital (18) of the general data protection regulation

examples, such as correspondence, address storage, personal and home activities

contact on social networks and other online activities.

However, it is important to highlight that - as the Court of Justice of the European Union calls it

In the Rynes judgment¹, he established - the exception rule for private data processing

must be interpreted narrowly. Pursuant to this decision, camera surveillance - in that part

if also to persons staying in an area outside the private property of the data controller

covers - does not fall under the said exception.

This practice was upheld by the European Data Protection Board for use of video devices

in its guidelines of 3/2019 on personal data management². The guideline in addition to

¹ C 212/13. case number - <http://curia.europa.eu/juris/document/document.jsf?docid=160561&doclang=HU>

² https://edpb.europa.eu/sites/edpb/files/files/file1/edpb_guidelines_201903_video_devices_en_0.pdf Chapter 3.1.2, point 27

7

states that it is generally designed for the purpose of monitoring the self-owned area

the application of a camera surveillance system can extend to the border of the area, he admits that it is exceptional

case, a situation may arise where the scope of camera surveillance cannot be narrowed down

within its own territory, since in this way it would not be sufficiently effective

protection. Adequate technical or organizational measures (for example, the purpose of the monitoring

covering an area that is not relevant from the point of view or the monitored part with IT tools

filtering) in addition to the application, the individual is entitled to extend the camera

observation of the immediate environment of the own-owned area as well.

At the same time, in the event that the private individual does not use the public space - or

other private areas in the camera's field of view - covering solutions, or who purposefully a

already operates a camera system monitoring a public area or other private area as a data manager

becomes, moreover, its activity is not classified as private data processing, so it must apply

all requirements of the General Data Protection Regulation for data controllers.

By applying masking, the area observed by the camera can be narrowed down to the area that

is in the possession of the data controller. However, if the angle of view of the cameras is that of the cameraman

outside the private sphere of the person performing data management with a monitoring system - for example

to public space,

area, or other third parties

owned area - it is directed, it cannot be considered that the "personal,

and home" activities. For this reason, the given data management activity is subject to the GDPR

belongs to, which thus requires an appropriate legal basis according to Article 6 of the GDPR.

III.2.2. The application, declarations and evidentiary motions submitted by the Applicants

owned by

condominium shared

In their request for the Authority's procedure, the Applicants asked the Authority to:

1) establish that the Applicants, as data controllers, are [...]

is violated by data processing with the surveillance system of several cameras placed in the property

the Applicants' right to the protection of personal data, Infotv. § 5, paragraph (1),

and Article 6 of the GDPR;

2) condemn the Respondents as data controllers a

unlawful data processing

because of their activities, as well as

3) instruct the data controllers to remove it on the property at [...]

illegally placed cameras and

4) prohibit the data controllers from camera monitoring of the Applicants.

The Applicants attached it to the Respondents' house to support the contents of their application

it was taken from the entrance and from the window next to it, as well as from the camera under the eaves of the house
photo recordings.

The Office's on-site inspection against the statements made by the Applicants during this procedure

after examining the minutes and recordings made during the investigation, the Authority found that

During the procedure, the Applicants did not change the angle of view of the cameras, so the Applicants

surveillance of his private area could not be justified. Neither did the Applicants provide any evidence of this

made available to the Authority, moreover, the photograph attached to the application submitted by them

recordings also confirmed that the cameras operated by the Applicants were not targeted

on their property (for example, from the camera marked "Street" NAIH-3138-

6/2021. s. based on the camera image attached to the application, this camera is not aimed at the Applicants either

for his property, which was also confirmed by the on-site inspection. Attached to the Applicants' submission

recordings do not contradict this, on the contrary, they show the same way referenced camera.

Also, minutes and recordings made during the on-site inspection of the Office examined, the Authority came to the conclusion that there were no verifiable a

The applicants' claims that "in the past few days, another unauthorized data management

they thought they discovered a surveillance camera in the Applicant's upstairs window, with which the Applicant Applicants' garden

is being watched and which is covered by a paper box. In applicants

8

there is also a well-founded suspicion that the Applicants via a sound recording device they record the conversations between them in the garden area." The Authority in this regard he notes that it is not enough to establish a well-founded suspicion of an activity set; it does not become automatic simply by making the statement established, it also requires its provability.

Also, minutes and recordings made during the on-site inspection of the Office upon examination, the Authority found that the Applicants' request was not confirmed included in the statement that the Applicants also placed a new camera on their property, which the angle of view of the camera is directed towards the Applicants' bedroom window [...] So the [Applicants] no longer only the garden of the Applicants, what happened there, the traffic in and out of the entrance, as well as the persons staying there, but in the bedroom inside the Property persons present and events are also observed." Data management is carried out by the staff of the Office in this regard, the circumstances revealed by the Applicants coincided with the statements made by the Applicants and with attached pictures to prove them, so the Authority could clearly establish that neither the Applicants' garden nor their bedroom window by the Applicants for observation.

The Authority is the Ákr. based on § 62, paragraph (4), he freely chooses the method of proof, and evaluates the available evidence according to his free conviction. Hence the Authority in all elements of the Applicants' request - so in which the Applicants it requested that the Authority determine that their personal data was violated by the Applicants management to instruct them to dismantle their cameras in view of this, and that the Authority ban them from camera surveillance of the Applicants, he refuses.

The Authority hereby draws the attention of the Applicants to the fact that the administrative authority in procedures - in accordance with Basic Law XXIV. and XXVIII. with Article - the procedure is everything participant in accordance with the applicable rules and at all stages of the procedure, the Ákr- acts by enforcing the basic principles and basic rules laid down in Ákr. § 1 also declares. Among other things, such a principle is the Art. According to § 6, so-called "The principle of good faith and trust principle", according to paragraph (1) of which all participants in the procedure are obliged act in good faith and cooperate with other participants. In this context, the Authority draws the attention of the Applicants to the fact that the Applicant both before the procedure and after its initiation, both the Applicants and the For a legal representative, his willingness to enable them to a direct insight into recordings. If the Applicants had fulfilled the Ákr due to their obligation to cooperate, and the recordings are viewed directly, i.e way to make sure that the Applicants actually manage the personal their data, then a lengthy procedure could have started.

III.2.3. Additional data processing by the Applicants that is not classified as household data processing

The Authority found that the Applicants NAIH-3138-6-2021. no., on April 8, 2021 from his forwarded statement that the data management they carry out with the camera system - at least partially - illegal, since according to the attached snapshots, 2 cameras (the "Street" and the named "Entrance") also observes public space in a narrower lane. 2 additional cameras (a "Rear entrance" and "Garden") to the adjacent private area in a narrower lane

he sees it.

Some of the cameras operated by the Applicants show their non-Applicant neighbours, [...] his property, i.e. his private area, was visible. The Applicants use the legal basis for data management e was determined in the stakeholder consent according to Article 6 (1) point a) of the GDPR and, as proof of which, [their neighbor's] statement was attached. The purpose of data management – own similarly to the data management in connection with their property - it was marked in asset protection. THE Authority taking into account the statement of the Respondent and the attached evidence in this regard clearly established the legality of data management.

9

At the same time, the Respondents, as data controllers, can primarily monitor only private areas and, as a general rule, monitoring of public areas is only carried out by bodies authorized by law they can continue. If a camera extends beyond a legally monitored private area point of view, this is only possible in particularly justified cases, and Article 6 (1) of the GDPR This type of data management can be carried out on the basis of the legal basis of legitimate interest according to paragraph f), where compliance with the requirements of necessity and proportionality must be based on a consideration of interests certify to the data controller.

According to the statement of the Applicants, the purpose of data management is to protect their lives and property took place, so the Authority is entitled to do this according to Article 6 (1) point f) of the GDPR can be evaluated in the scope of interest-based data management. Although indicated by the Applicants the one next to their property may potentially be suitable for achieving property and life protection goals persons passing by or staying on the street, i.e. in public areas, are continuous and permanent observation, but at the same time, the permanent one realized in this way, without restrictions for everyone extensive data management cannot be proportionate to the people involved - those entering the field of view of the cameras - with their interest in protecting your personal data. In this way, the Applicants are the public domain Article 6 of the GDPR was violated by their observation, as the persons staying in the public area are affected

your personal data has been or is being managed without an adequate legal basis.

III.3. Legal consequences

The Authority based on Article 58 (2) point b) of the General Data Protection Regulation condemns the Respondents because their data management activities violated the general Article 6 (1) of the Data Protection Regulation and Article 58 (2) of the General Data Protection Regulation based on paragraph d) instructs the Respondents that from the decision becoming final terminate the illegal data management and their data management operations within 30 days are brought into line with the legal provisions. The Applicants do this in several ways they can comply, even if the data processing with the camera is made possible by law be limited to the extent that it is completely limited to the cameras concerned will be eliminated.

The Authority ex officio examined whether data protection against the Respondents was justified imposition of a fine. In this context, the Authority is Article 83 (2) of the General Data Protection Regulation and Infotv.75/A. on the basis of §, he ex officio considered all the circumstances of the case and established, that the imposition of a fine is not necessary in the case of a violation discovered during this procedure.

I V Other questions

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. According to paragraph (2a) of the same §, 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.

This decision is based on Art. 80-81. § and Infotv. It is based on § 60, paragraph (1).

The Akr. § 112 and § 116 (1), respectively, of the Ákr. Based on § 114, paragraph (1) a

a decision can be appealed through an administrative lawsuit.

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10

The rules of the administrative trial are set out 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. Section 27 (1) legal representation is mandatory in a lawsuit within the jurisdiction of the tribunal. The Kp. According to paragraph (6) of § 39, the submission of a claim is an administrative act does not have the effect of postponing its entry into force.

The Kp. Paragraph (1) of § 29 and, in view of this, Pp. According to § 604, it is applicable of 2015 on the general rules of electronic administration and trust services CCXXII. Act (hereinafter: E-Administration Act.) According to Section 9 (1) point b) the customer legal representative is obliged to maintain electronic contact.

The time and place of submitting the statement of claim is set by Kp. It is defined by § 39, paragraph (1). The information about a simplified trial and the possibility of a request to hold a hearing a Cp. It is based on paragraphs (1)-(2) of § 77. The amount of the fee for the administrative lawsuit is about the fees XCIII of 1990 Act (hereinafter: Itv.) 45/A. Section (1) defines. The fee from the advance payment of the Itv. Paragraph (1) of § 59 and point h) of § 62 (1) exempt it party initiating the procedure.

If the Applicants do not adequately certify the fulfillment of their required obligations, a The authority considers that their obligation was not fulfilled within the deadline. The Akr. § 132 according to, if the obligee did not comply with the obligation contained in the final decision of the authority, that can be executed. The Authority's decision in Art. According to § 82, paragraph (1), it becomes final with the communication becomes The Akr. Pursuant to § 133, the execution - if otherwise by law or government decree

does not have - it is ordered by the decision-making authority. The Akr. Pursuant to § 134, the execution -
if it is a law, government decree or, in the case of municipal authority, a local government decree
does not provide otherwise - it is undertaken by the state tax authority. Infotv. § 60, paragraph (7).
on the basis of a specific act included in the Authority's decision, specified
the decision regarding the obligation to conduct, tolerate or stop
its implementation is undertaken by the Authority.

Budapest, 10/18/2021

Dr. Attila Péterfalvi

president

c. professor