

Case number: NAIH / 2019/1598 /

Subject: Application in part

decision granting it

H AT PRICE O Z AT

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

At the request of the applicants, the [...] Debtor's data management was initiated on 1 February 2019.

take the following decisions in the data protection authority procedure:

I. The Authority's part of the application concerning the finding of unlawful data processing

gives place and

finds that the Debtor is on an inappropriate legal basis for unlawful data processing purposes and

handles the personal data of the Applicants contrary to the requirement of lawful data processing a

in connection with its unauthorized purchase of receivables.

II. The Authority shall condemn the Debtor for unlawful data processing and order

restricting the processing of the Applicants' personal data and prohibiting the Debtor from

use them for debt management purposes, excluding any legal action against him

their use in the context of

III. The Authority will reject the part of the application concerning the imposition of a data protection fine, however

ex officio

HUF 1,000,000, ie one million forints

data protection fine

obliges to pay.

The data protection fine shall govern the initiation of legal proceedings

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

within the Authority's centralized collection account for centralized revenue collection (1003200001040425-00000000

Centralized collection account IBAN: HU83 1003 2000 0104 0425 0000

0000). When transferring the amount, the NAIH / 2019/1598 JUDGE. should be

to refer to.

If the Debtor fails to meet its obligation to pay the fine within the time limit, the above

is required to pay a late payment surcharge on the account number. The amount of the late payment allowance is the statutory interest,

which corresponds to the central bank base rate in force on the first day of the calendar half-year affected by the delay me.

In the event of non-payment of the fine and the late payment allowance, the Authority shall order the decision implementation.

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 to the Authority, electronically, which is the case

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

For those who do not benefit from full personal exemption, the judicial review process

its fee is HUF 30,000, the lawsuit is subject to the right to record material fees. In the proceedings before the Metropolitan Court

legal representation is mandatory.

IND O K O L ÁS

I. Procedure and clarification of the facts

I. 1. The Applicants complained that they had taken out a bank loan from a financial institution called [...] Bank.

however, the receivable from the Bank was purchased by the Debtor and the receivable

The personal data of the Applicants were also transferred. According to the Applicants

the Debtor unauthorizedly handles their personal data as it did not have permission to handle claims activity.

The Applicants turned to the Magyar Nemzeti Bank (hereinafter: the MNB) [...], which

initiated a market surveillance procedure and, in its decision [...], found that the Debtor

engaged in financial activities related to the purchase of receivables without its permission. Position of the Applicants

As a result of the MNB 's proceedings, it was also established that the Debtor a

they also had unauthorized access to their personal data.

The Applicants requested the Authority to convict the Debtor for unlawful handling of the

their personal data, prohibit the Debtor from processing their personal data and that

impose an administrative fine.

At the request of the Applicants, on the right to self-determination of information and freedom of information

2011 CXII. Act (hereinafter: the Information Act) pursuant to Section 60 (1) of the Data Protection Authority

proceedings have been initiated.

I. 2. In its order to initiate the data protection authority procedure, the Authority notified a

Debtor and summoned him to make a statement to clarify the facts.

The Debtor made a statement within the time limit, according to which he entered into an agreement with the Bank

acquired the debt arising from the loan agreement on the basis of an assignment procedure. On the other hand

according to the statement, as the Applicants' personal data are collected by the data subjects

consent has been given, therefore the data controller of the recorded personal data is different by law

in order to fulfill its legal obligation in the absence of a provision to that effect

without consent and after the withdrawal of the data subject's consent. On this

as of May 25, 2018 in accordance with the Debtor's data management regulations

handles the personal data of data subjects, but there was no requirement in the period before that

on how the personal data of data subjects should be handled.

However, the Debtor did not answer the questions asked by the Authority that on 25 May 2018.

which personal data he handles to the Applicants after the date of

for what purpose and on what legal basis, and did not send the personal data of the Applicants

a copy of the register containing the

Therefore, given that the Debtor made a statement within the time limit, the Authority

did not reply to the questions put by the Commission and did not send the requested documents, the Authority

CL of 2016 on general administrative order. Section 64 (2) of the Act (hereinafter: the Act)

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and Section 77 (1), as well as personal data of natural persons

the free movement of such data, and

Regulation (EU) 2016/679 repealing Directive 95/46 / EC (hereinafter:

General Data Protection Regulation) under Article 58 (2) (i) and Article 83

obliged the Debtor to pay a procedural fine and to make a repeated statement.

In response to a repeated call from the Authority, the Debtor stated that the Applicants were with the Bank

debt arising from a loan agreement entered into on 21 March 2014 [...]

in accordance with the notarial deed of case no.

According to its statement, 25 May 2018 and the date of the MNB's resolution, 8 January 2019

personal data included in the assignment contract - name, date of birth

name, place and date of birth, mother's name, address, loan amount, real estate offered as collateral -

to the Applicants in accordance with its data management policy. The assignment

keep the contract - and other related documents - in a closed file in a closed cabinet.

Outside of this Assignment Agreement, the Debtor shall, subject to the Applicants' proceedings

initiated, inter alia, at the National Tax and Customs Administration, the MNB, the Hungarian Court of Justice

Enforcement Army, the court with jurisdiction and jurisdiction, the police, and

documents obtained during the proceedings of these bodies - which are only the Applicants

personal data contained in the assignment agreement - also filed in the file

stores. According to the Debtor's statement, other paper-based or electronic records

does not have a place to store the personal data of the Applicants.

According to the Debtor's further statement, as the inclusion of the Applicants' personal data in the

with the consent of the data subjects, the data controller of the recorded personal data is different from law

in order to fulfill its legal obligation in the absence of a provision to that effect

without consent and after the withdrawal of the data subject's consent.

I. 3. In view of the fact that the MNB has the authority's data protection authority procedure

with the data and documents necessary for the conduct of the investigation, therefore the a

Authority of the Act. Pursuant to Section 25 (1) (b), he made a request to the MNB.

In its reply, the MNB informed the Authority that, on the basis of a notification, it had initiated and

in its decision of 8 January 2019 in its market surveillance procedure

found that the Debtor was subject to the permission of the MNB between 2014 [...] and 2015 [...]

carried out the financial services activity of purchasing receivables without a license and in view of this

the MNB banned it from carrying out this activity and imposed a market surveillance fine on the Debtor

against. According to the decision of the MNB, the assignment agreement affecting the Applicants

was also concluded during this unauthorized period on 21 March 2014. The MNB

its decision became final on 11 January 2019, against which the Debtor did not live

with a remedy.

The MNB also informed the Authority that, in the absence of competence, it had not examined it

related to the civil law aspects of unauthorized debt acquisition activities

legal issues and that he had lodged a complaint with the [...] Attorney General's Office against an unknown perpetrator.

Section 408 (a) of Act C of 2012 on the Penal Code, in force at the time of the offense

suspicion of committing a criminal offense - and qualifying accordingly - an unauthorized financial activity

because of.

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II. Applicable legal provisions

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

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

and the non - automated processing of personal data which:

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

they want to do.

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

shall apply with the additions provided for in

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

the Authority shall, at the request of the data subject, initiate a data protection authority procedure.

Infotv. Pursuant to Section 60 (2), an application for the initiation of official data protection proceedings

Article 77 (1) and Article 22 (b) of the General Data Protection Regulation

may be submitted in a specific case.

Unless otherwise provided in the General Data Protection Regulation, data protection was initiated upon request

for official proceedings under Åkr. shall apply with the exceptions specified in the Information Act.

Pursuant to Article 99 (2) of the General Data Protection Regulation, the general data protection

It shall apply from 25 May 2018.

Article 5 (1) (a) and (b) of the General Data Protection Regulation states: "Personal data shall:

(a) be processed lawfully and fairly and in a manner which is transparent to the data subject

("legality, fairness and transparency");

(b) collected for specified, explicit and legitimate purposes and not processed

in a way incompatible with those objectives; not in accordance with Article 89 (1)

considered incompatible with the original purpose for the purpose of archiving in the public interest, scientific

and further processing for historical research or statistical purposes ("purpose limitation"). "

Under Article 6 (1) (a), (b) (c) and (f) of the General Data Protection Regulation:

the processing of data is lawful only if and to the extent that at least one of the following applies

fulfilled:

(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

treatment;

(b) processing is necessary for the performance of a contract to which one of the parties is a party; or

to take steps at the request of the data subject before concluding the contract

required;

(c) processing is necessary for compliance with a legal obligation to which the controller is subject;

(f) processing for the legitimate interests of the controller or of a third party

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

or fundamental rights and freedoms which call for the protection of personal data,

especially if the child concerned. "

According to Section 17 (1) of the General Data Protection Decree: "The data subject is entitled to

at the request of the controller, delete the personal data concerning him without undue delay,

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

delete without delay if one of the following reasons exists:

(a) personal data are no longer required for the purpose for which they were collected or for other purposes

treated;

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(b) the data subject withdraws the authorization provided for in Article 6 (1) (a) or Article 9 (2) (a);

consent to the processing, and there is no other consent to the processing

legal basis;

(c) the data subject objects to the processing under Article 21 (1) and has no priority

lawful reason for the processing or the data subject objects in accordance with Article 21 (2)

against data management;

(d) personal data have been processed unlawfully;

(e) personal data are required by the law of the Union or Member State applicable to the controller

must be deleted in order to fulfill an obligation;

(f) the collection of personal data through the information society referred to in Article 8 (1)

related services. "

According to Article 17 (3) (e) of the General Data Protection Regulation: "Paragraphs 1 and 2

not applicable if data processing is required:

(e) to bring, assert or defend legal claims. "

Under Article 58 (2) of the General Data Protection Regulation: "The supervisory authority shall be corrective acting under the authority of:

(a) warn the controller or processor that certain data processing operations are planned

its activities are likely to infringe the provisions of this Regulation;

(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;

(d) instruct the controller or processor to carry out its data processing operations, where applicable in a specified manner and within a specified period, in accordance with the provisions of this Regulation;

(e) instruct the controller to inform the data subject of the data protection incident;

(f) temporarily or permanently restrict the processing, including the prohibition of the processing;

(g) order personal data in accordance with Articles 16, 17 and 18 respectively

rectification or erasure of data and restrictions on data processing, as well as Article 17 (2)

shall notify the addressees with whom it is addressed in accordance with paragraph 1 and Article 19

or with whom personal data have been communicated;

(h) withdraw a certificate or instruct a certification body in accordance with Articles 42 and 43

revoke a certificate issued by the. or instruct the certification body not to issue the

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

(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; and

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

suspension. "

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

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

Any administrative fine imposed pursuant to this Article for an infringement referred to in

be effective, proportionate and dissuasive in some cases.

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

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

whether it is necessary to impose an administrative fine or 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 processing in question

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

the extent of the damage suffered;

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

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(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

and 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 breach was reported by the controller or processor and, if so, what

in detail;

(i) if previously against the controller or processor concerned, on the same subject matter

- has ordered one of the measures referred to in Article 58 (2), the person in question

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.

[...]

5. Infringements of the following provisions in accordance with paragraph 2 shall not exceed 20 000 000

With an administrative fine of EUR 1 million or, in the case of undertakings, the previous financial year in full

up to 4% of its annual worldwide turnover,

the higher amount shall be charged:

(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. 75 / A. §: “The Authority shall, in accordance with Article 83 (2) to (6) of the General Data Protection Regulation,

shall exercise the powers set out in paragraph 1, taking into account the principle of proportionality, in particular:

by the law on the processing of personal data or by the European Union

in the event of a first breach of the requirements laid down in a mandatory act of the

in accordance with Article 58 of the General Data Protection Regulation

take action by alerting the controller or processor. ”

Act CCXXXVII of 2013 on Credit Institutions and Financial Undertakings Act (a

hereinafter: Hpt.) pursuant to Section 6 (1) (60): “receivables purchase activity:

the acquisition of a claim, with or without the assumption of the debtor's risk,

advances (including factoring and forfeiture) and

from recording the due date of the claim and recovering the debts. ”

Pursuant to Section 166 (1) of Act C of 2000 on Accounting (hereinafter: the Act):

“An accounting document is any document issued, prepared or made by a farmer

issued by a natural or other related natural person or other economic operator,

prepared document (invoice, contract, agreement, statement, credit institution receipt, bank statement, legal provision, other documents that can be classified as such) - regardless of its printing or other the accounting treatment of the economic event.

supported by it. "

The St. According to Section 169 (2): "Accounting accounts directly and indirectly supporting accounting document (including general ledger accounts, analytical and detailed

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records) must be in a legible form for at least 8 years, with reference to the accounting records retrievable in a traceable manner. "

III. Decision

Based on the statements of the Applicants and the Debtor, as well as at the request of the MNB, it can be established that that the Debtor is required to purchase financial services subject to the permission of the MNB carried out the activity without authorization and in the context of his activity without that authorization obtained the personal data of the Applicants in a contract dated 21 March 2014 under an assignment agreement. In addition to the assignment agreement, the Debtor shall also: by storing documents created in other official proceedings - the Applicants are included in them storage of personal data - is also currently handled by Applicants also for assignment personal data contained in the contract.

In the present proceedings, the Authority shall process the data of the Debtor prior to 25 May 2018 did not make any observations in respect of the data, as the data management of this period is not the subject of the procedure.

The Authority also stated that the MNB had determined that the Debtor was subject to the MNB's permission carried out the financial services activity of purchasing receivables without a license and in view of this the MNB prohibited it from carrying out the activity, and like the MNB, it did not examined the civil law aspects of the unauthorized receivables purchase activity related issues, such as the assignment agreement concluded between the Debtor and the Bank

the question of its validity or invalidity.

III. 1. The legal basis for the data processing of the Debtor

III. 1. 1. According to the Debtor's statement, it is related to its receivables purchase activity

The legal basis for its data management is, on the one hand, the assignment agreement concluded between it and the Bank on the other hand, as the collection of personal data of the Applicants on the basis of their consent took place, the data controller recorded the personal data, unless otherwise provided by law a without further specific consent in order to fulfill its legal obligation, and after the withdrawal of the consent of the data subject.

The Authority finds that Article 6 (1) (b) of the General Data Protection Regulation

However, the legal basis under Article 1 is only applicable if the processing is for the performance of a contract necessary in which one of the parties is concerned. Therefore, this plea cannot be extended data processing to which the data subject is not a party and on the other hand, prior to the conclusion of the contract with the exception of certain steps, for data processing for which the data subject has

In order to remedy the situation caused by non-compliance, the Contracting Parties shall be bound by it necessary to take action under the obligation to cooperate. The contract

the steps taken by the controller who concluded the contract may also fall within the scope of the contract in the event of a delay in performance by the person concerned, ie the other party to the contract involved in the performance. However, Article 6 (1) (b) of the General Data Protection Regulation

The contractual legal basis under Article 1 can no longer apply in the event that the controller fails due to the debtor

(i.e. you want to solve the problem outside the contract). The assignment

The legal basis for the transfer of data under the

may have a legitimate interest in enforcing the claim for its own part.

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Justification to Act V of 2013 on the Civil Code (hereinafter: the Civil Code)

according to which the transfer of claims follows the same logic as the transfer of ownership,

thus, the assignment is in fact nothing more than a transfer of ownership of the claim.

By assignment, the claim is separated from the original legal relationship from which it arises and the concessionaire enters only in respect of the claim and not in respect of the fundamental relationship in place of the transferor. By assigning the claim to the assignee, the assignee becomes the holder of the claim, the assignment of the claim enforcement of the contract, and no longer the performance of that contract from which the claim originally arose, since in this case it is the assignee should assert it not for his own benefit but for the benefit of the assignor a claim acquired by assignment. With the assignment, if the consideration the assignor's claim against the obligor is contingent upon the purchase price fully or partially recouped. The assignee is to recover the claim for his own benefit and acts in his own favor, since by the assignment he becomes the holder of the claim and the claim enforcement of the debtor and the processing of the data for that purpose legitimate interest and not for the performance of the underlying contract, as the claim is became independent of the contract by assignment.

As the Debtor has acquired by default the claims against the Applicants claims and, as a consequence, the personal data of the Applicants, and thus the Debtor has become the holder of claims, the legal basis for the processing of this data cannot be the general data protection contractual basis within the meaning of Article 6 (1) (b) of that Regulation. The Authority further notes that that this plea in law is not limited to the present case but to the reasons set out above excluded in principle.

According to the notarial deed [...], the contract from which the Debtor assigned claim, the Bank terminated and against the Applicants in 2011 initiated enforcement proceedings and then the Debts of the Applicants in 2014 to the Debtor conceded.

Data processing under Article 6 (1) (b) of the General Data Protection Regulation

precondition - if not at the request of the data subject prior to the conclusion of the contract

to take action and for the contract to be valid and valid,

reference to the fulfillment of which the data processing takes place.

However, the Debtor performed a contract with reference to the Applicants' personal

processing of data which has been terminated, ie is not capable of producing legal effects. From this

as a result, the Debtor could not have legally invoked the data as a legal basis for his data processing

Article 6 (1) (b) of the General Data Protection Regulation, if it were otherwise

the appropriate legal basis for the processing of personal data.

III. 1. 2. Nor may it be the legal basis for the data management of the Debtor in connection with the purchase of receivables

the previously valid Infotv. nor is it a provision that, if the persons concerned are personal

their data were collected on the basis of their consent, the data controller collected the personal data

unless otherwise provided by law

without further specific consent and even after the withdrawal of the data subject's consent

you can handle. One of the reasons for this is that the Debtor was not recruited with the consent of the Applicants

their personal data - the legal basis for consent is not applicable as explained above -

but in view of the assignment agreement with the Bank. In addition, it applies to him

nor did it indicate an express legal obligation under which the Applicants could handle personal

data. On the other hand, it should be noted that from May 25, 2018, personal data

the general data protection regulation shall apply to the management of the Infotv. Section 2 (2)

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with the additions specified in the provisions indicated. Thus the processing of personal data

The rules of the General Data Protection Regulation also apply to its legal basis. From this

next after May 25, 2018 Infotv. cannot legitimately be a legal basis under

to refer to.

In view of the above, the Debtor has infringed Article 6 (1) of the General Data Protection Regulation,

whereas the personal data of the Applicants were treated by the

in connection with its unauthorized debt management activities.

The Authority notes that, as set out in Annex III, 1. Item 1 is also presented under personal information

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

the legal basis for a legitimate interest would have been applicable in principle - a proper balancing of interests

however - the Debtor did not do so, he only referred to it in the previously valid Infotv. § 6

(5) and incorrectly identified the data subject's consent as

legal basis.

III. 1. 3. However, this does not mean that the Debtor has the personal data of the Applicants

there is no legal basis for processing it for other data processing purposes. These are the Authority's current proceedings

other data processing purposes not specifically addressed but taken into account by the various authorities

such as the National Tax and Customs Administration, the MNB, the Hungarian Court of Justice

Faculty of Law, the court with jurisdiction and jurisdiction, the police, and the land office

procedures. Documents generated during the proceedings of these bodies - which are the Debtor's statement

contain the personal data of the Applicants included in the assignment agreement -

storage for the submission, enforcement and protection of the legal claims of the Debtor

required. Consequently, subject to Article 17 (3) of the General Data Protection Regulation

e) as one of the restrictions on the deletion of personal data may be stored by the Debtor for these purposes

the personal data of the Applicants and the documents containing them, thus for these data processing purposes

their personal data cannot be deleted.

In addition, the Debtor has a legal obligation to enter into the assignment agreement itself a

also with the personal data of the applicants contained therein. The St. under the contract as

the accounting document supporting the accounting accounts, directly and indirectly, at least 8

shall be in a legible form for a period of one year, retrievable by reference to the accounting records

keep.

III. 2. Legality and purpose of the Debtor's data management

The Debtor is a claim against the Applicants under the assignment agreement

and to enforce the claims, in order to enforce the debtors, its

process their personal data for this purpose. This data processing purpose alone is considered lawful.

However, in view of the fact that the MNB in its market surveillance proceedings on 8 January 2019, and

In its decision No. [...], which became final on 11 January 2019, it established that the Debtor

Between 2014 [...] and 2015 [...], the Hpt. Section 6 (1)

the activity of purchase of receivables pursuant to Paragraph 60, as a result of which this activity was prohibited

the Authority considers that it is related to this illegal activity

data processing and its purpose are also illegal.

Article 5 (1) (a) and (b) of the General Data Protection Regulation are among the principles of data processing

states that the processing of personal data must be carried out lawfully and that the personal data must be processed

data may only be collected for specified, explicit and legitimate purposes and not

incompatible with those objectives.

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Therefore, in view of the fact that the Debtor unlawfully carried out the purchase of receivables,

in the opinion of the Authority, the personal data of the Applicants are also processed unlawfully on this

for data processing purposes, in breach of Article 5 (1) (a) and (3) of the General Data Protection Regulation

(b).

At the same time, the Debtor in the documents created during the official proceedings initiated against him

personal data may be lawfully processed by applicants listed in Article 17 of the General Data Protection Regulation.

Article 3 (3) (e), the Authority will therefore delete such personal data

in its decision it did not order, but instead restricts the personal data of the Applicants

treatment.

ARC. Legal consequences

The Authority granted the Applicants' request in part and Article 58 of the General Data Protection Regulation

(2) (b) convicts the Debtor for violating the general

Article 5 (1) (a) and (b) of the Data Protection Regulation and the General Data Protection Regulation

Article 6 (1) of the Regulation by providing for the principle of lawful and purposeful data processing treats the personal data of the Applicants without due legal basis in connection with its debt management activities.

The Authority shall be general in its handling of data relating to unauthorized claims management

Article 58 (2) (f) of the Data Protection Regulation restricts the personal data of the Applicants processing of your data and prohibits you from engaging in the Buyer's receivables purchase activity treat them in context.

The Authority rejects the Applicants' request for a data protection fine, as e the application of a sanction does not directly affect the rights or legitimate interests of the Applicants, for them, such a decision of the Authority does not create a right or an obligation, and therefore does not

As regards the application of a sanction falling within the scope of the public interest,

With regard to the imposition of fines, the Applicants do not qualify as customers in accordance with Ákr. Section 10 (1) or, as the Act no. Does not comply with Section 35 (1) in this regard

there is no place to file an application, this part of the petition cannot be interpreted as an application.

However, the Authority examined of its own motion whether it was justified against the Debtor

imposition of a data protection fine. In this context, the Authority shall, in accordance with Article 83 (2) of the General Data Protection Regulation,

and Infotv. 75 / A. § considered all the circumstances of the case and found that

that in the case of an infringement detected in the present proceedings, the warning is neither proportionate nor appropriate a dissuasive sanction, it is therefore necessary to impose a fine. In imposing a fine took into account the following factors:

Infringements by the Debtor under Article 83 (5) (b) of the General Data Protection Regulation shall be deemed to constitute an infringement falling within the higher category of fines.

In setting the fine, the Authority took into account the following circumstances:

☐ The Debtor acted intentionally when purchasing receivables subject to the permission of the MNB

carried out a financial service activity without a license and in the process handled the

Applicants' personal information.

☐ The Debtor by the Authority NAIH / 2019/1598/5. no

provided for in the Act and the General Data Protection Decree

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he also breached his duty to cooperate and provide information. THE

By failing to comply with this obligation to provide information, the Debtor made it difficult for the

necessary to investigate the facts and take further procedural action.

☐ To convict the Debtor for violating the General Data Protection Regulation

did not take place.

The Authority considered it a serious violation that the Debtor was illegally used for debt management purposes.

handles the personal data of the Applicants.

The imposition of a fine is necessary for the Debtor in respect of special or similar data processing

in order to prevent further infringements.

In view of the above, as well as the fact that the Debtor is net according to its 2017 financial statements

sales revenue was zero forints, the data protection fine imposed is low and does not exceed the

maximum fine that may be imposed.

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

V. Other issues:

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

the country

covers the whole territory.

The decision is based on Ákr. 80-81. § and Infotv. It is based on Section 61 (1). The decision is based on Ákr. § 82

Shall become final upon its communication pursuant to paragraph 1. The Ákr. § 112 and § 116 (1),

or pursuant to Section 114 (1), there is an administrative action against the decision

redress.

The Ákr. Pursuant to Section 135 (1) (a), the debtor is entitled to the statutory interest rate is obliged to pay a late payment allowance if it fails to meet its payment obligation on time.

The Civil Code. 6:48. § (1), in the case of a debt owed, the debtor is in arrears valid on the first day of the calendar half-year affected by the delay shall pay default interest at the same rate as the basic interest.

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 Section 13 (11) the Metropolitan Court has exclusive jurisdiction. 2016 on Civil Procedure

CXXX. Act (hereinafter: Pp.) - the Kp. Applicable pursuant to Section 26 (1) - Legal representation is mandatory in proceedings falling within the jurisdiction of the Tribunal pursuant to Section 72. A Kp. Section 39 (6) unless otherwise provided by law, the date of filing of the application has no suspensory effect on the entry into force of an administrative act.

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 referred to as the Customer's legal representative pursuant to Section 9 (1) (b) of the E-Administration Act obliged to communicate electronically.

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The time and place 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) shall release the party initiating the proceedings.

If the Debtor fails to duly prove the fulfillment of the prescribed obligation, the Authority shall considers that it has failed to fulfill its obligations within the prescribed period. The Ákr. According to § 132, if the Debtor has not complied with an obligation contained in the final decision of the authority, it shall be enforceable. The Authority

decision of the Ákr. Pursuant to Section 82 (1), it becomes final with the communication. The Ákr. Section 133 enforcement, unless otherwise provided by law or government decree ordering authority. The Ákr. Section 134 of the Enforcement - if law, government decree or in the case of a municipal authority, a decree of a local government does not provide otherwise carried out by a state tax authority. Infotv. Pursuant to Section 60 (7) in the decision of the Authority to perform a specific act, conduct or tolerate a specific act the Authority shall enforce the decision in respect of the standstill obligation implements.

Budapest, June 3, 2019

Dr. Attila Péterfalvi

President

c. professor