

Case number: NAIH-68- /2021 (NAIH/2020/6450)

Subject: decision approving the request

H A T A R O Z A T

The National Data Protection and

applicant

legal representative of(a

(born:, a

hereinafter: Representative) to the request submitted by (..... hereinafter:

against the Respondent) regarding the unlawful disclosure of his/her data in relation toc.

program started in connection with the information presented in his program broadcast on, 2020

makes the following decisions in official data protection proceedings:

Freedom of Information Authority

hereinafter Applicant)

(the

hereinafter: Authority)

I. Grants the Applicant's request and finds that the Respondent is a suitable legal basis

in the absence of disclosure by the Applicant, personal and personal data are special

his health data belonging to the category, thereby infringing on natural persons the

on the protection of personal data in terms of processing and that such data is free

(EU) 2016/679 on the flow and repeal of Directive 95/46/EC

regulation (hereinafter: GDPR or general data protection regulation) Article 5 (1) a), b),

point c), paragraph (1) of Article 6, paragraphs (1)-(2) of Article 9, and paragraph (1) of Article 21

paragraph.

II. Instructs the Applicant that 15 (fifteen) from the date this decision becomes final

within days, delete the data processed about the Applicant.

III. Due to illegal data processing, the Obligor expected this decision to become final

within 30 days

obliged to pay.

HUF 5,000,000, i.e. five million forints

data protection fine

* * *

The II. on the implementation of the measure prescribed in point 15 days from the date of taking the measure - together with the supporting evidence - you must notify the Authority.

The fine is for the purpose of settlement of centralized revenue collection by the Authority

HUF account

(10032000-01040425-00000000 Centralized direct debit account IBAN: HU83 1003 2000 0104

0425 0000 0000) must be paid. When transferring the amount, NAIH-68/2021. FINE. for number must be referred to.

If the Obligor does not fulfill his obligation to pay the fine within the deadline, he is in default must pay an allowance. The amount of the late fee is the legal interest, which is due to the delay is the same as the central bank base rate valid on the first day of the relevant calendar semester.

The II. obligation according to point III. the fine and the late fee according to point no in case of payment, the Authority orders the execution of the decision.

.....

.....

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There is no place for administrative appeal against this decision, but from the announcement within 30 days with a claim addressed to the Metropolitan Court in a public administrative case can be attacked. The statement of claim must be submitted to the Authority, electronically,¹ which is the case forwards it to the court together with its documents. Those who do not benefit from the full personal tax exemption for him, the fee for the administrative lawsuit is HUF 30,000, the lawsuit is subject to the right to record the fee. The capital city Legal representation is mandatory in court proceedings.

Infotv. Pursuant to § 61, paragraph (6) of the open action to challenge the decision until the deadline expires, or in the event of an administrative lawsuit, until the final decision of the court in dispute data affected by data management cannot be deleted or destroyed.

I N D O C O L A S

information that the Applicant

I. Procedure and clarification of the facts

The Applicant, through its legal representative, submitted an application to the Authority on, 2020, in which he submitted that thec. in the 2020 broadcast of his program "....." it was said in a program broadcast under the title bad

As a result of the use of, he suffered burns that affected 40% of his body, and that he was put to sleep in the hospital for several days, he was in a critical condition, in the intensive care unit treated, was on a ventilator and fed through a stomach tube. The report says that the case [name of town].....happened, a video recording or a photo recording was published from the street and the apartment building where they live, as well as a picture made with a neighbor also an interview. At the end of the report, the child's first name is announced.

According to the application, the Respondent also contacted the Applicant's family regarding the case, but the Applicant's family has expressly stated that he will refrain from the interview and that they do not wish to any information about their family should be shared. The show also mentions the fact that that the Applicant's family did not wish to comment.

During the accident, the Representative reported to his friends on his private Facebook profile that what is the Applicant's condition and what happened to him in the hospital, so the Applicant presumably learned about the incident from there. He expressed particular indignation about the fact that a distorting the information published on a private page and hoping to create a greater sensation it was given in color in the report.

The Applicant asked the Authority to establish the violation and oblige the Applicant, to delete all personal data it manages about the Applicant.

The Authority called on the Applicant to fill in the gaps in the application, in which it asked to provide the facts supporting allegations related to alleged infringement and their evidence, thereof called him to make a statement about data management or before the broadcast of the program whether they objected to planned data management, if so, when and in what way.

In its response to the request to fill in the gaps, the Authority provided the following to the Applicant to your knowledge.

At 9:41 a.m. on, 2020, the Representative received the following messenger message:

"Nice.....! I am looking for it from theshow. We want to make a short material, guys about his sad accident. Could you tell us about it? Or evenwith his son? What is here a

1 The NAIH_K01 form is used to initiate the administrative lawsuit: NAIH_K01 form (16.09.2019) The form can be filled out using the general form filling program (ÁNYK program).

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in topic? What

in the editorial office, we are very tightt. I look forward to your reply, thank you,, reporter, , +36....."

According to the representative's statement to the Authority, the above message was sent due to the serious condition of his son and the he did not read it due to the shock of the tragedy, as his son was in the intensive care unit all day next to.

At 9:42 a.m. on2020, the Applicant's brother received the following messenger message:

"Nice.....! I'm looking for you from theshow. We want to make a short material about boys being sad about accidents. Would you please tell us a

very much here in the editorial office

we are pressing..... I am waiting for your answer, thank you,, reporter,, +36....."

On, 2020 at 5:33 p.m., the recipient of the last message, the Applicant's brother, is the following sent a response to the inquiry:

"Nice.....! Thank you very much for your inquiry! We are not currently in a position to

we could make a statement and we discussed it as a family, and we don't want it to appear anywhere!

Thank you very much!....."

After filling in the gaps in the application, the Authority will provide information on the right to self-determination in the case and CXII of 2011 on freedom of information. Act (hereinafter: Infotv.). Section 60 (1)

in order to assert the right to the protection of personal data, the data subject

initiated a data protection official procedure for this request.

The Authority notified the Requester of the initiation of the official data protection procedure at the same time

in order to clarify the facts, requested information from the Requester about the circumstances of data management,

so about the source of the information presented in the program

In relation to the applicant, including data on hospitalization; what was the

the public communication of personal data and data that is considered a special category of personal data

legal basis, especially considering that the report contains the information that the Applicant

does not wish to comment on the matter, or in a "messenger" message in advance

objected to the public release of the information; what was the data made public

purpose of making it; preparation and public disclosure of the report, for what reason and to what extent

compatible with the Applicant's right to the protection of his personal data, which a

The applicant clearly wanted to live when he refrained from being interviewed; and how they see it

are provided for the protection of personal data

right if you have communicated about the Applicant

based on partial information, the Applicant can be identified.

lacing

In the Respondent's response, Infotv. 51/§. The procedure requested in view of paragraph (2) of §

termination, as the Applicant failed to comply with the mandatory procedure before the data controller.

According to the information provided by the Respondent on the merits of the case, their information is National

Ambulance service

information and

.....Volunteer Firefighters Association (hereinafter: Firefighters Association) official community

page was based on a post published on, 2020.

hereinafter: OMSZ)'s official spokesperson

(the

Smtv. Based on the provisions of § 6, paragraph (1), to reveal the private individual providing the information

they are not binding.

IX of the Basic Law. Article (2) and Smtv. 13 as media content

service provider's duty to provide information to the Requested in the public interest

to publish educational content that is significant or that draws the public's attention to a problem a

to the public.

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According to their statement, they were not aware that the Applicant had sent a messenger message

and the messenger message cannot even be considered an official contact, because with the broadcast,

inquiries about reports are received by post and at the address@.....hu,

however, to their knowledge, the Applicant neither before nor after the broadcast

sent a letter or other request to them. If the Applicant's prior objection

indicates, it would have been possible to edit the media content, however, the Applicant did not

nor did he search for the Applicant afterwards

subject request, therefore the media content

it was not possible to modify it.

such

The information about the accident was made public by the OMSZ and the Fire Association, a
they fulfilled their obligation to provide information as stipulated in the Basic Law and the Smtv
enough. The information was suitable for alerting the to the danger of accidents
attention, thereby preventing more such accidents from happening.

According to their point of view, the news report did not violate the right to protect the Applicant's personal data
his right, as the Applicant was not recognizable, based on the Applicant's first name at most he
can be recognized by knowledgeable persons who know the Applicant's data anyway.

According to their statement, they dispute that the Applicant clearly avoided the interview
preparation, the Applicant did not receive a message expressing his objection, the Applicant regrets
he was so seriously injured in the accident that he probably wouldn't have been able to speak.

It was again recorded that the Applicant was not identifiable, and to his close circle
the reported data are known. The Applicant's living environment in the Fire Association's registration
also made it public, the visual publication of the building and the street alone does not qualify
personal data. If, in connection with the media content, any personal rights,
or privacy issue

party's search

after examination, the possible illegal status will be eliminated, however, this news report
they didn't even have the opportunity to do so.

their company is the aggrieved

arises

They also submitted that the offending news block was broadcast only once, a
news block is also not available on the website of the Applicant. According to their opinion, no personal data
are managed, and in the case of an obligation from the Authority, all information concerning the Applicant

is deleted.

Based on the above statement, the Authority involved the OMSZ and the Firefighters Association as clients, and he was waiting for their statement on the questions about the exact content of the post that was published in connection with the case, or brought to 's attention, or what kind of information was provided published in connection with the Applicant's hospitalization in a medical institution.

In its response, the Firefighters' Association presented that in connection with the event in 2020.

At:01, the following message was displayed on their social media page:

"One caught fire

.....and

.....professional andvolunteer firefighting units marched. No personal injury happened.

.....street. For the case a

roof structure a

society

Update: A local resident has started to inoculate the roof structure. Thanks to the quick response

luckily the insulation didn't catch fire, but unfortunately we didn't get away without personal injury. Two

a flammable substance ignited in the hands of a young boy, which not only touched the surrounding furniture and walls spread, but one of them received extensive burns. He is theemergency service treated him and transported him to the hospital."

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For their entry, information available to them at the scene of the damage, at the time of the damage event was used. About the event, neither before nor after the display of the above post

no further information was provided in any form, nor was your inquiry in this regard

they didn't get it. The photos of the post were taken by the interventionist volunteer firefighter who was at the site of the association

member, none of them requested and accordingly did not receive permission to use them

nor a Hungarian press agency.

The post shows street views, pictures of the fire truck and people, and pictures of the house's exterior.

The OMSZ explained in its statement that thec. program dated 2020.....

in your request, what kind of statement did you give, which is as follows:

"We called an ambulance and found two boys at the scene. One of them has a minor, superficial injury suffered from skin redness and first-degree burns, but the other one was serious, with forty percent of second and third degree burns. Accordingly, he was treated on the spot paramedics and both of them were transported to a special burn unit.

In addition, OMSZ did not provide information either to..... or third parties

for. The medical facility that records the personal data of the patients, the address of the location and the injured his name was not included in the information given to

In their answer, they also explained that the OMSZ on the individual supply events a information given to the public in all cases (as in the case above) by the Emergency Service related to the performance of public duties. Therefore, its primary goal is the citizens increasing health awareness, drawing attention to the dangers of individual accidents, to those negative effects on the individual's health or life, as well as others consequences, thus helping to prevent similar accidents. Their purpose is to

About the duties and activities of the ambulance service as an institution performing public health tasks general information.

In order to further clarify the facts, the Authority requested a statement from the Respondent that a "messenger" attached to the application - sent to the Representative and the Applicant's brother the sender of the messages,was he/she employed by the Respondent during the examined period, or we their procedure is the content of the private individuals included in the reports during the fulfillment of their statements regarding the authorization or rejection of its communication.

In his statement, the Respondent informed the Authority that the named reporter a he was their employee during the period under review, but he continued on his private social media page

conversations are not checked, so the request sent to the Applicant and the one given to him

the answer was not known to them.

Their employees are Smtv. are entitled to editorial and journalistic freedom, reporters a

fact-finding and editing media content, including during the use of statements

are entitled to act on the basis of professional leave. Based on point 2.1 of the Hungarian Journalist Code of Ethics

the journalist has the right to information, during which he is entitled to collect information.

It is general for obtaining statements from individuals and recording contributions

they do not have an internal regulation establishing the procedure, during the preparation of the reports a

employees are obliged to comply with the rules and legal regulations of the Journalist Code of Ethics.

Smtv. § 15, paragraph (1) of the legal provision, according to which the public communication

the content of the intended statement cannot be changed, during the editing of the media content a

employees are obliged to comply.

Depending on the media content, the recording of the statements of the private individuals concerned varies

form, the way the statement is used - as a report or just as a reference to

that we received this information from some - primarily from the right to dispose of the information source,

and depends on the individual circumstances of the case. The consent is provided by the persons making the declaration

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they are most often given with suggestive behavior, if the person concerned is making the statement

refuses, at most they inform the viewers that the person concerned did not want to be involved in the case

to declare.

The Respondent also submitted that in view of the fact that in the Basic Law of the media service provider

fixed right and obligation to provide information, which is of public interest, or a

In the case of information important to public opinion, the press is not obligated to all stakeholders

to ask for your consent to provide information related to the given question or event

fulfill your obligation. Impossibility of press freedom and the right to information

would mean if the press product is only published with the consent of all stakeholders - e.g. one

crime series

could be published which the private individuals

it would also violate your right to information.

when exploring -

is occupied

their obligation to provide information

The Respondent explained again that in the aggrieved media content, the Basic Law and

In smtv

they called the

public attention to an accident-prone situation, and the content did not include the Applicant

can be identified. The Applicant does not until the day of the response

to company that a

in relation to media content, a privacy law or data protection problem has arisen, thus

they did not even have the opportunity to examine the media content he had offended, or the possible legal dispute settle peacefully.

they did enough during which

indicated by

2020..... on ... and betweenc. the following report under the title ".....":

Introductory text by the presenter of the news program:

"[...] who together with his friendburned himself..... The two young people used the wrong, therefore the it exploded in their hands. 40% of one boy's body was burned, he was sedated for several days to prevent it be in great pain. The boy is better now, they are still investigating what exactly could have happened."

After that, the outside view of the house, a detail of the garden and the street, several standing in the garden and on the street car and the damage caused by the fire can be seen. According to the report, "Two young people started the fire here guy". The named, speaking neighbor talks about the circumstances of the firefighting and calls "boys"

mentions

According to the continuation of the report, "one of the two young people was badly burned", and this is followed by that Information from the OMSZ spokesperson with the content quoted above.

In the continuation of the news report, it is said: "We know that there are more seriously injured people after being transported to the hospital

was in critical condition until

he was on a ventilator and

they were fed through a stomach tube, while they were constantly sedated so that they wouldn't be

his pains. The cause of the accident is currently being investigated. According to our information, the two are young

the wrongused the....., which is why themay have exploded while still in their hands.

We searched for the family, but they did not want to comment for now. We understand [injured first name]

he was taken off the ventilator today and the stomach tube will be removed soon".

was treated in the intensive care unit,

Below the report, they show the street and the exterior of the house.

The2020. The examined report is not included in the internet version of his broadcast on,

objectionable news broadcast of the broadcast betweenminutes andminutes on, 2020

containing part has been removed2.

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II. Applicable legal regulations

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Based on Article 2 (1) of the GDPR, the GDPR must be applied to this data management.

The relevant provisions of the GDPR in this case are the following:

(26) The principles of data protection for all identified or identifiable natural persons

shall be applied in the case of relevant information. The pseudonymized personal data that

additional information can be used to contact a natural person,

shall be considered as data relating to an identifiable natural person. Something natural

when determining a person's identifiability, all methods must be taken into account -

including, for example, the designation - which can reasonably be assumed to be the controller or other

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

when determining which means can reasonably be assumed to be natural

will be used to identify a person, all objective factors must be taken into account, thus

for example, the costs and time required for identification, taking into account the availability at the time of data processing

existing technologies and the development of technology. The principles of data protection are accordingly

shall not apply to anonymous information, namely information that is not

they refer to an identified or identifiable natural person, as well as such personal

to data that has been anonymized in such a way that you are not the data subject

no longer identifiable. This regulation therefore does not apply to such anonymous information

processing, including data processing for statistical or research purposes.

(39) The processing of personal data must be legal and fair. [...] THE

personal data must be suitable and relevant for the purpose of their management, the data

and its scope must be limited to the minimum necessary for the purpose. This must be ensured in particular

that the storage of personal data is limited to the shortest possible period. Personal

data can only be processed if the purpose of data processing is reasonable by other means

is not possible to reach. [...].

According to Article 4, point 1 of the GDPR, "personal data": identified or identifiable natural

any information relating to a person ("data subject"); the natural person who

directly or indirectly, in particular an identifier such as name, number,

location data, online identifier or physical, physiological, genetic,

one or more factors related to your intellectual, economic, cultural or social identity

can be identified based on;

GDPR Article 4 2. "data management": personal data or data files are automated

any operation or set of operations performed in a non-automated manner, such as collection,

recording, organizing, categorizing, storing, transforming or changing, querying, viewing,

by use, communication, transmission, distribution or otherwise making it available,

alignment or linking, restriction, deletion or destruction;

GDPR Article 4 7. "data controller": the natural or legal person, public authority, agency

or any other body that independently determines the purposes and means of personal data management

or determines with others; if the purposes and means of data management are defined by the EU or

determined by the law of the Member State, the data controller or the particulars regarding the designation of the data controller

aspects can also be determined by EU or member state law;

GDPR Article 4 15. "health data": the physical or mental health of a natural person

personal data regarding your condition,

provided to a natural person

also data relating to health services that carry information about the natural

about a person's state of health;

including the

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According to Article 5 (1) point a) of the GDPR, "the processing of personal data is lawful and

must be carried out fairly and in a transparent manner for the data subject ("legality,

fair procedure and transparency")"

Based on Article 5 (1) point b) of the General Data Protection Regulation, personal data only

it can be collected for a specific, clear and legitimate purpose and not in conflict with these purposes

Personal data cannot be handled in a mutually agreeable manner ("target limitation"), based on point c).

they must be appropriate and relevant for the purposes of data management, and a

they must be limited to what is necessary ("data sparing");

Pursuant to Article 6 (1) of the General Data Protection Regulation, personal data only then

and can be handled legally if at least one of the following is met:

- 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 controller necessary for the execution of a task performed in the context of its exercise;
- f) data management to enforce the legitimate interests of the data controller or a third party necessary, unless the interests of the data subject take precedence over these interests or fundamental rights and freedoms that require the protection of personal data, especially if a child is involved.

Article 8 (1) If point a) of Article 6 (1) applies, children directly personal performed in relation to the information society-related services offered processing of data is legal if the child has reached the age of 16. He does not turn 16 in the case of an adopted child, the processing of the children's personal data is only then and as such to the extent legal, if the consent was given by the person exercising parental supervision over the child, or authorized.

driving license 21

GDPR Article 9 Management of special categories of personal data

(1) A

racial or ethnic origin, political opinion, religion or world view

personal data referring to beliefs or trade union membership, as well as genetic

data, biometric data aimed at the unique identification of natural persons, health

data and relating to the sexual life or sexual orientation of natural persons

processing of personal data is prohibited.

(2) Subsection (1) does not apply in the event that:

a) the data subject has given his express consent to one or more specific personal data

purposes, unless EU or Member State law provides that (1)

the prohibition referred to in paragraph cannot be lifted with the consent of the data subject;

b) data management for the data controller or the data subject, employment, as well as social

fulfillment of obligations arising from legal regulations governing safety and social protection

and in order to exercise your specific rights, it is necessary if it protects the basic rights and interests of the data subject

EU or Member State law with adequate guarantees, or according to Member State law

a collective agreement makes this possible;

c) data processing is for the vital interests of the data subject or other natural person

necessary for its protection, if the person concerned is unable to act due to physical or legal incapacity

give your consent;

d) the data management is a foundation with political, ideological, religious or trade union purposes,

association or any other non-profit organization is legal under appropriate guarantees

takes place within the framework of its activities, on the condition that data management is carried out exclusively by such an

organization

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applies to current or former members, or to persons who are regular with the organization

are related to the goals of the organization and that the personal data is

they are not made accessible to persons outside the organization without the consent of the persons concerned

for;

e) the data management refers to personal data that the data subject expressly requests

made public;

f) data processing for the establishment, enforcement and protection of legal claims

necessary or when the courts are acting in their judicial capacity;

g) data management is necessary due to significant public interest, based on EU law or Member State law, which is proportionate to the goal to be achieved, respects the right to the protection of personal data adequate and

prescribes specific measures;

h) data processing for preventive health or occupational health purposes, a assessment of the employee's ability to work, establishing a medical diagnosis, health or provision of social care or treatment or health or social care systems and services

you are by law

pursuant to a contract concluded with a healthcare professional, and also referred to in paragraph (3).

subject to terms and guarantees;

necessary for the purpose of management, you are EU

member state

i) data management is necessary for reasons of public interest in the field of public health, such as a protection against serious health threats that spread across borders or health

care, the high quality and safety of medicines and medical devices

provision and is made on the basis of EU or Member State law that is appropriate and specific

provides for measures for guarantees protecting the rights and freedoms of the data subject, and in particular the regarding professional confidentiality;

j) data management in accordance with Article 89 (1) for the purpose of archiving in the public interest, an EU country that is necessary for scientific and historical research purposes or for statistical purposes based on member state law, which is proportionate to the goal to be achieved, respects personal data the essential content of the right to protection, and the basic rights and interests of the data subject prescribes appropriate and specific measures to ensure it;

GDPR Article 17 The right to erasure ("right to be forgotten")

(1) The data subject has the right to have the data controller delete the personal data concerning him, and the data controller is obliged to ensure that it concerns the data subject delete personal data without undue delay if one of the following reasons applies exist:

- a) the personal data are no longer needed for the purpose for which they were collected or treated differently;
- b) the data subject withdraws it pursuant to point a) of Article 6 (1) or Article 9 (2) pursuant to point a), the consent that forms the basis of the data management, and the data management does not have other legal basis;
- c) the data subject objects to the data processing on the basis of Article 21 (1), and there is no overriding legitimate reason for data processing, or the data subject pursuant to Article 21 (2) objects to data processing;
- d) personal data were handled unlawfully;
- e) the personal data is legal as prescribed by EU or member state law applicable to the data controller must be deleted to fulfill an obligation;
- f) for the collection of personal data referred to in paragraph 1 of Article 8, informative it took place in connection with the offering of services related to society.

(2) If the data controller has disclosed the personal data and pursuant to paragraph (1). it must be deleted, taking into account the available technology and the costs of implementation takes the reasonably expected steps - including technical measures - for it in order to inform the data controllers handling the data that the data subject has requested from them links to the personal data in question or a copy of this personal data, or deletion of its duplicate.

(3) Paragraphs (1) and (2) do not apply if data management is necessary:

- a) for the purpose of exercising the right to freedom of expression and information;
- b) EU or Member State law applicable to the data controller, which prescribes the processing of personal data fulfillment of the obligation according to, or in the public interest or public authority entrusted to the data controller for the purpose of performing a task performed in the context of exercising a driver's license;
- c) in accordance with points h) and i) of Article 9 (2) and Article 9 (3) on the basis of public interest in the field of public health;
- d) in accordance with Article 89 (1) for the purpose of archiving in the public interest, scientific and for historical research purposes or for statistical purposes, if the right referred to in paragraph (1). would likely make this data management impossible or seriously jeopardize it; obsession
- e) to present, enforce and defend legal claims.

GDPR Article 14 Information to be made available if the personal data is not from the data subject was obtained

(1) If the personal data were not obtained from the data subject, the data controller is the data subject provides the following information:

- a) the identity and contact details of the data controller and - if any - the representative of the data controller;
- b) contact details of the data protection officer, if any;
- c) the purpose of the planned processing of personal data and the legal basis of data processing;
- d) categories of personal data concerned;
- e) recipients of personal data, or categories of recipients, if any;
- f) where appropriate, the fact that the data controller is a recipient from a third country wishes to forward personal data to an international organization, and a

The existence or absence of a Commission conformity decision, or in Article 46, Article 47 or in the case of data transmission referred to in the second subparagraph of Article 49 (1) a to indicate appropriate and suitable guarantees and to obtain copies thereof reference to the means or their availability.

(2) In addition to the information mentioned in paragraph (1), the data controller makes available to the data subject

is necessary to ensure fair and transparent data management for the data subject

following additional information:

a) the period of storage of personal data, or if this is not possible, this period

aspects of its definition;

b) if the data management is based on point f) of paragraph (1) of Article 6, the data controller or a third party's legitimate interests;

c) the right of the data subject to request from the data controller the personal data relating to him access to data, their correction, deletion or restriction of processing, and can object to the processing of personal data, as well as to the data portability concerned yoga;

d) based on point a) of Article 6 (1) or point a) of Article 9 (2)

in the case of data management, the right to withdraw consent at any time, which is not affects the legality of data processing carried out on the basis of consent before withdrawal;

e) the right to submit a complaint addressed to a supervisory authority;

f) the source of the personal data and, where applicable, whether the data is publicly available whether they come from sources; and

g) the fact of automated decision-making referred to in paragraphs (1) and (4) of Article 22, including also profiling, and at least in these cases to the applied logic and that comprehensible information regarding the significance of such data management and the data subject looking at the expected consequences.

Based on Article 21 (1) of the General Data Protection Regulation, the data subject is entitled to a object to your personal data at any time for reasons related to your own situation in accordance with Article 6 (1) against treatment based on points e) or f), including the mentioned provisions based profiling as well. In this case, the data controller may not process the personal data further, unless the data controller proves that the data processing is legitimate with such coercive force justified by reasons that take precedence over the interests, rights and freedoms of the data subject

for

for its protection according to the regulation

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

are connected.

Pursuant to Article 85 (1) of the General Data Protection Regulation, the Member States in legislation

match the personal data e

right to

with the right to freedom of expression and information, including personal

data for journalistic purposes or for the purpose of scientific, artistic or literary expression

treatment as well.

Pursuant to Article 85 (2) of the General Data Protection Regulation, personal data

for journalistic purposes or for the purpose of scientific, artistic or literary expression

Member States define exceptions or deviations in II. chapter (principles), III.

chapter (rights of the data subject), IV. chapter (the data manager and the data processor), chapter V (a

personal data to third countries or international organizations

by

transmission), the VI. chapter (independent supervisory authorities), VII. chapter (cooperation and

uniformity) and IX. from chapter (special cases of data management), if these are exceptions or deviations

are necessary in order to be able to reconcile the right to the protection of personal data

with the right to freedom of expression and information.

Based on preamble (65) of the General Data Protection Regulation [...] personal data

its further preservation can be considered legal if it is the expression of opinion and information

exercising the right to freedom, complying with a legal obligation, respectively

execution of a task carried out in the public interest or the authorization of a public authority conferred on the data controller 30

due to its practice, or in the public interest affecting the field of public health, archiving in the public interest

purpose, scientific and historical research or statistical purposes, or legal requirements

necessary for its presentation, validation and protection.

Based on preamble (153) of the General Data Protection Regulation [the] law of the Member States

must coordinate the expression of opinion and information - including journalistic, a

the rules regarding the freedom of scientific, artistic and literary expression a

with the right to protect personal data according to this regulation. It is appropriate that only a

personal data for the purposes of journalistic, scientific, artistic or literary expression

be subject to a deviation or exemption in certain provisions of this regulation

from the listed requirements, if this is necessary for the protection of personal data

reconcile the right to freedom of expression and the right to information,

which is provided by Article 11 of the Charter. This applies in particular to audiovisual personal data

area,

for treatment.

Consequently, Member States determine this by adopting legislative measures

the necessary exceptions and deviations for the sake of balance between fundamental rights. The Member States

exceptions and deviations are accepted by the general principles, the rights of the data subject, the data controller and

data processor, personal data to third countries or international organizations

forwarding to, the independent supervisory authorities, the cooperation and the unified

application and in terms of individual data management situations. If you are the exception

deviations differ between Member States, the applicable Member State law must apply to the data controller

apply. The right to freedom of expression in any democratic society

in order to take into account its existing importance, concepts belonging to this freedom,

like journalism, should be interpreted broadly.

as well as in news archives and

in press libraries

by

Basic Law of Hungary (April 25, 2011) IX. Article (2): Hungary is recognized and protected by the press freedom and diversity, ensures the development of democratic public opinion conditions of free information.

CIV of 2010 on freedom of the press and the basic rules of media content. law (a hereinafter: Smtv.) according to:

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Section 4 (1) Hungary recognizes and protects the freedom and diversity of the press.

(2) Freedom of the press extends from the state, as well as from any organization and interest group also for independence.

(3) The exercise of freedom of the press may not constitute a crime or a crime invitation to commit, may not violate public morals, and may not affect the personal integrity of others in violation of his rights.

informative

performing an activity

§ 6 (1) The media content service provider, as well as those in employment with him or for work a person in another legal relationship is entitled to it as defined by law

the person providing information in connection with the media content provider activity (a hereinafter: source of information) to keep his identity secret during court and official proceedings, and any document, document, object that may be suitable for identifying the source of information or refuse to hand over a data carrier.

§ 7 (1) An employee of the media content provider or with the media content provider the media content provider is entitled to a person in another legal relationship for work from the owner, as well as the supporting media content provider, and in the media content for professional independence from the natural or legal person posting a commercial announcement and exerting pressure from owners or supporters to influence media content for protection against (editorial and journalistic freedom).

§ 13. A

linear media services are obliged to a

local, national, national and European of public interest, as well as Hungary

about events and controversial issues of importance to its citizens and members of the Hungarian nation

balanced in the information and news programs they publish

to inform. The detailed rules of this obligation are proportionality and democratic law

establishes in accordance with the requirements of ensuring public opinion.

Section 15 (1) It is forbidden to misuse information provided to the media content provider and intended for public communication

by consenting to publishing a statement or appearing in media content.

§ 21. (1) The media content provider independently decides on the media content within the framework of the legislation publication and is responsible for complying with the provisions of this law.

VI of the Basic Law. based on Article (1), everyone has the right to private and

respect their family life, home, relationships and reputation. The expression of opinion

freedom and the exercise of the right to assembly must not interfere with the private and family life of others,

as well as the damage to his home.

LIII of 2018 on the protection of privacy. Act (hereinafter: Act) 1-2. based on §§

everyone has the right to protect their private and family life, home and relationships (a

hereinafter together: right to privacy) should be respected. The right to privacy a

part of the right to the free development of personality, according to which the individual

he is entitled to freedom to shape his life responsibly and independently, family, home and human

to establish and maintain relationships. [...] This right is only an enforcement of another fundamental right

in order to protect a constitutional value, to the extent absolutely necessary, to achieve it

proportionate to the desired purpose, the essential content of the right to privacy and human dignity

can be limited by respecting The essence of the right to privacy is that - separately

with exceptions defined by law - against the will of the individual, others may not violate him. THE

when exercising the right to privacy, everyone is obliged to respect the rights of others.

Mvtv. Pursuant to § 8 paragraphs (1)-(2), the purpose of the right to respect for private life, in particular the right to use one's name, personal data, privacy, image and voice recording, protection of honor and reputation. Violation of the right to privacy

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it can mean the personal that the individual wishes to preserve, especially in relation to private life misuse of data, secrets, images, audio recordings, or honor and reputation violation.

Act V of 2013 on the Civil Code (Ptk.)

2:9. § [The incapacitated state]

(1) The legal declaration of a person who, at the time of making the legal declaration, is void is in such a state that he lacks the discretion necessary to manage his affairs.

(2) In the incapacitated state

legal statement - with the exception of the final measure - a

it is not void due to incapacity, if it can be so from its content and the circumstances of its execution to conclude that the declaration of rights was justified even in the case of the party's capacity to act would be.

2:10 a.m. § [The minor]

(1) A minor is someone who has not reached the age of eighteen. The minor with the marriage comes of age.

deed

2:11 a.m. § [The minor with limited legal capacity]

A minor who has reached the age of fourteen and has not incapacitated.

2:12 a.m. § [Legal statement of a minor with limited legal capacity]

(1) For the validity of the legal declaration of a minor with limited legal capacity - if this law

does not provide otherwise - the consent of his legal representative is required. If the limited
a minor with legal capacity becomes competent and decides for himself
legal declarations
its validity.

(2) A minor with limited capacity to act without the participation of his legal representative
dependent

- a) can make a personal legal declaration to which he is entitled by law;
- b) may enter into a smaller contract covering the normal needs of everyday life
significant contracts;
- c) he can dispose of his income earned by work, he can undertake obligations to the extent of this;
- d) can enter into contracts with which he only gains an advantage; and
- e) can give gifts to the usual extent.

2:14 a.m. § [Legal declaration of an incapacitated minor]

(1) The legal declaration of an incapacitated minor is null and void; his legal representative acts on his behalf.

2:43 a.m. § [Named personality rights]

It means a violation of personal rights in particular

- b) violation of personal freedom, privacy, private residence;
- e) violation of the right to privacy and protection of personal data;

2:54 a.m. § [Enforcement of personal rights]

- (1) Personal rights can be asserted personally.
- (2) Minors with limited legal capacity and partially limited legal capacity

a person can act independently to protect his personal rights. The incapacitated personality
his legal representative can act to protect his rights.

4:161. § [Legal representation of the child]

(1) It is the right and obligation of parents exercising parental supervision to ensure that their child's personal and
represent him in his property affairs.

For data management under the scope of the GDPR, Infotv. According to Section 2 (2) of the GDPR, there shall be applied with additions in the provisions indicated.

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Infotv. According to Section 2 (2) "Personal data according to (EU) 2016/679 of the European Parliament and council decree (hereinafter: general data protection decree).

III-V of the General Data Protection Regulation. and VI/A. In Chapter, as well as § 3. 3., 4.,

6., 11., 12., 13., 16., 17., 21., 23-24. point, paragraph (5) of § 4, § 5 (3)-(5), (7) and (8)

paragraph, paragraph (2) of § 13, § 23, § 25, § 25/G. § (3), (4) and (6)

in paragraph 25/H. in paragraph (2) of § 25/M. in paragraph (2) of § 25/N. § 51/A.

in paragraph (1) of § 52-54. §, § 55 (1)-(2), § 56-60. § 60/A. §

(1)-(3) and (6), points a) and c) of § 61 § (1), § 61 (2) and (3)

paragraph, paragraph (4) point b) and paragraphs (6)-(10), paragraphs 62-71. in §, in § 72,

in paragraphs (1)-(5) of § 75, 75/A. § and with the additions specified in Annex 1

should be used".

Infotv. 51/A. § (2) The person concerned may initiate an investigation with the Authority by filing a report pursuant to § 22 a)

in the case specified in In the notification, the person concerned shall indicate it as a support for it

data serving as defined in § 14

by

tried to enforce it.

rights with the data controller

Infotv. According to § 60, paragraph (2), a request to initiate a data protection official procedure a

It can be submitted in the case specified in Article 77 (1) of the GDPR.

According to Article 77 (1) of the GDPR, "Without prejudice to other administrative or judicial remedies,

all data subjects have the right to complain to a supervisory authority - in particular a

according to your usual place of residence, your place of work or the place of the alleged infringement

in a Member State - if, according to the judgment of the data subject, the processing of personal data relating to him

violates this regulation."

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

In order to do so, the Authority shall initiate a data protection official procedure at the request of the data subject".

In the absence of a different provision of the GDPR, the data protection authority procedure initiated upon the request is

CL of 2016 on general administrative regulations. Act (hereinafter: Act)

provisions shall be applied with the deviations specified in Infotv.

Infotv. According to § 61 (1) point a), in the decision made in the data protection authority procedure a

Authority in connection with data processing operations subject to the GDPR in the GDPR

may apply specific legal consequences.

According to Article 58 (2) of the GDPR, "The supervisory authority acting in its corrective capacity:

b) condemns the data manager or the data processor, if data management

violated the provisions of this regulation;

c) instructs the data manager or the data processor to comply with this regulation for the data subject

your request to exercise your rights under;

d) instructs the data manager or the data processor that its data management operations - where applicable

in a specified manner and specified

decree

with its provisions;"

Infotv 75/A. According to §, the Authority has exercised its powers contained in paragraphs (2)-(6) of Article 83 of the GDPR

practices taking into account the principle of proportionality, especially with the fact that personal data

regarding treatment -

in its legal act

in the event of the first violation of specified regulations - to remedy the violation -

in accordance with Article 58 of the GDPR

- primarily the data manager or data processor

takes action with his warning.

All supervisory authorities based on Article 83 (1) of the General Data Protection Regulation

by law or the European Union is mandatory

- harmonize e

activity

in time

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ensures that due to the violation mentioned in paragraphs (4), (5), (6) of this regulation, this article

administrative fines imposed on the basis of each case are effective, proportionate and

be deterrent.

Based on Article 83 (2) of the General Data Protection Regulation, administrative fines are imposed by

depending on the circumstances of a given case, referred to in points a)-h) and j) of Article 58 (2)

must be imposed in addition to or instead of measures. When deciding whether it is necessary

for the imposition of an administrative fine, and when determining the amount of the administrative fine

in each case due consideration shall be given to the following:

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

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

the extent of the damage they have suffered;

b) the intentional or negligent nature of the infringement;

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

any action taken in order to;

d) the extent of the responsibility of the data manager or data processor, taking into account the 25.

and technical and organizational measures taken pursuant to Article 32;

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

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

extent of cooperation to mitigate;

g) categories of personal data affected by the infringement;

h) the manner in which the supervisory authority became aware of the infringement, in particular, whether the data controller or the data processor reported the violation and, if so, how with detail; i) if against the concerned data manager or data processor previously - in the same subject - the measures referred to in Article 58 (2) were ordered one of them, compliance with the measures in question;

j) whether the data controller or the data processor considered itself approved according to Article 40 to codes of conduct or approved certification mechanisms pursuant to Article 42; and 27 k) other aggravating or mitigating factors relevant to the circumstances of the case factors such as financial gain as a direct or indirect consequence of the infringement profit or avoided loss.

Based on Article 83 (5) of the General Data Protection Regulation, the following provisions violation - in accordance with paragraph (2) - up to EUR 20,000,000 with an administrative fine, and in the case of businesses, the previous financial year is a full year shall be subject to an amount of no more than 4% of its world market turnover, with the provision that of the two a higher amount must be imposed: a) the principles of data management - including the conditions of consent - are in accordance with Articles 5, 6, 7 and 9; b) the rights of the data subjects 12-22. in accordance with article

Pursuant to Article 83 (7) of the General Data Protection Regulation, supervisory authorities Article 58

Without prejudice to its corrective powers according to paragraph (2), each

Member State

can establish the rules regarding whether you are a public authority based in the given Member State can an administrative fine be imposed on other bodies performing public duties, and if so, what kind extent.

Infotv. Pursuant to Section 61 (1) point bg) in the data protection official procedure in its decision, the Authority may impose a fine.

III. Evidence taken into account during the Authority's decision and their evaluation:

The Authority's procedure was aimed at deciding whether the Respondent had brought it legally

personal and personal data of the minor Applicant involved in the accident

health data that is considered a special category.

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The disclosure of personal data contained in the coverage to the press is GDPR

based on its definition, it is classified as data management. Data manager who makes the data public made public by broadcast, in this case by the Respondent.

III.1. The Respondent's request to terminate the procedure

The Respondent is Infotv. 51/§. In view of § (2), he requested the termination of the procedure, since the Applicant failed to comply with the mandatory procedure before the data controller.

Based on Article 2 (1) of the GDPR, the GDPR must be applied to this data management. Infotv. 2.

Based on § (2), Infotv. 51/A. § (2) falls under the scope of the GDPR

does not apply to data management. So Infotv. 51/A. Section (2) preliminary

the lack of legal enforcement does not exclude the data protection authority procedure in the case under investigation. To this in consideration, the Authority omitted to terminate the procedure.

III.2. Identifiability of the data subject

According to the facts, an accident occurred, which was first reported by the Firefighters' Association

in his Facebook post. He published a picture of the house and its surroundings, indicating the name of the settlement, the street,

and refers to the person concerned as a "young boy". Closer to the injured, suitable for identification no information provided.

In the case of those published by the Fire Brigade Association on the social site, the indication of the location

it is clear, the individuals concerned are said to be "two young boys", but in addition to that

no other data can be read, so it does not narrow down the possible range of stakeholders to such an extent that

it should be clearly possible to identify it (e.g. someone as a guest or a relative

could have been on the spot). Based on the entry, the possibility of identification is narrow

may exist among the residents of the area, who have other information about the case

provided, on the basis of which they were able to link the subject of the accident to the registration.

In the program, the information given by OMSZ neither about the scene of the accident nor about the injured did not contain any identifiable data, statement made by the OMSZ

by itself, it is not suitable for identifying the data subject.

The Fire Association and the OMSZ therefore reported on the fire and the rescue event. On this

in addition to the communication of information, the information that was said in the program during the coverage of the

Requested a

about the hospitalization of the affected person named by his first name following the rescue event, the affected person

about his state of health during his treatment at the health facility. The latter information

sourced by the Applicant is Smtv. he did not reveal it in reference to the relevant rule, however, it is

Based on the statement of OMSZ and the Fire Brigade Association, it is clear that their source is not the two organization, but an individual.

The Respondent's statement that the data was not provided by the Respondent is therefore incorrect.

but it was made public by the OMSZ when it reported on the accident.

The Authority does not make a determination regarding the data management of the Fire Association and the OMSZ, because the request for the procedure requested an assessment of the legality of the data processing of the Respondent, and also because the consistent practice of the Authority is personal appearing in press reports in relation to the data, the Smtv. Arising from § 21, paragraph (1).

it must meet the data management requirements by itself.

Smtv. According to § 21, paragraph (1), the media content provider is the law

decides independently on the publication of media content within its limits and is liable under this law for keeping the reservations. So, the fact that a press product or organization publishes a personal or

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special data, does not exempt the other medium that uses it as a source and communicates it,

to check whether the received article, news or information can really be published with the same content.

A previously published content does not exempt the data controller implementing the subsequent communication from the fact

that

carry out your own data processing legally. The content provider owns the details of the coverage during its disclosure through its media content, it is considered an independent data controller and it is the legality of its data processing must be judged independently of all other data controllers, so a The applicant's too.

According to the Respondent, the Applicant was not identifiable, only to those around him.

According to Article 4, point 1 of the GDPR, "the natural person who is directly you can be identified indirectly, in particular an identifier such as name, number, location data, online identifier or physical, physiological, genetic, intellectual, economic, cultural identity of the natural person or can be identified on the basis of one or more factors relating to his social identity".

The Respondent contested that the applicant was displayed in an identifiable manner, then he admitted that he can be recognized by his close circle based on the news. According to him "on the basis of the Applicant's first name, only those who know him can recognize him, who a The applicant's details are known anyway."

The GDPR requires a joint examination of all objective factors within the scope of identifiability, also those that are even indirectly suitable for identifying the data subject. According to the GDPR, either when determining the identifiability of a natural person, all such methods are taken into account must be taken, which can reasonably be assumed to be the data controller or other person a can be used to directly or indirectly identify a natural person.

The Data Protection Working Group established on the basis of Article 293 4/2007. s. your opinion is personal states the following about the concept of data in the area of identification/identifiability.

In general, a natural person can be considered "identified" if persons are one within its group is "separated" from all other members of the group. Consequently, the natural a person can be "identified" - even if the identification has not yet taken place - if this it is possible to do (this is the meaning of the suffix "-hääöt"). Thus, in practice, this second option is a threshold condition that determines that information is identifiability as a conceptual element

does it belong to

Kúria Kfv.III.37.911/2017/8. according to its judgment no

in general, it can be said that the extent to which it is certain for identification

data is needed, it depends on the circumstances of the given situation. The natural person then

can be identified if it is possible to do so based on the available data and information.

A natural person can be identified directly by name or indirectly

for example based on an identification mark. A very common family name is obviously not

enough identifying information to directly identify someone, for example to identify a city

of its population, however, it can already be identified in terms of a narrower group. The identification is

additional information about a given natural person can also help. It's always the case

depending on the circumstances, it must therefore be judged that the natural person to whom the ID

data applies, can it be identified. "

According to the Authority's point of view, if an amount of information is disclosed about the data subject that a

can make his identity clear to a certain, even narrower circle, he must be identified

to consider. An individual who is not a public figure in the broader sense, a politician,

3 This working group was established on the basis of Article 29 of Directive 95/46/EC. It was an independent European advisory body

in matters related to data protection and respect for privacy.

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media personality, well-known figure of cultural, social, sports life, or other, a local

a person more widely known to the community, etc. - you are usually just acquaintances,

friends, relatives, colleagues, schoolmates, etc. therefore identifiable to personal acquaintances,

if their first name and place of residence are known.

According to the Authority's point of view, the report together with all the information provided and

overall, it was suitable for some viewers to be affected by watching it all the way through

be identifiable. Along with the presentation of the apartment building and its surroundings, the child's first name and

stating that he belongs to the young age group, followed by the information that "the family did not want him to declare", together they made it clear that the subject of the news is the family living in the given house.

in [named settlement], a young person named [first name] who can be connected to the house and family shown, as a set of information clearly identifies him to those who know him.

In essence, the Respondent also admitted that the person concerned can be recognized from the news report when it is narrowed the range of those capable of identification to "those who already know your data."

However, the scope of those capable of identification is not relevant if the data controller neither knows nor has no influence on ensuring that data is only disclosed to such persons - present by way of public announcement - who already legally possess it.

It was therefore established that the news was about an identifiable person concerned, and that it was about his health many health data regarding his condition were disclosed. Identifiable data of the affected person processing and disclosure must be with an appropriate data management purpose and legal basis to dispose of.

III.3. Purpose of data management

The Respondent aims to inform the public as a task of public interest as the purpose of data management marked its implementation, referring to the Basic Law - which is for the protection of personal data in addition to the right to freedom of the press, it also protects the diversity of the press - and Smtv. to § 13.

The Basic Law of Hungary provides for the right to the protection of personal data, freedom of the press and it also names freedom of expression among fundamental rights, such as freedom of the press and freedom of expression as a fundamental constitutional right to enforce personal data

it must be implemented together with the protection of the constitutional fundamental right related to its protection.

Mvtv. based on the right to privacy is only the enforcement of another fundamental right or one

in order to protect a constitutional value, to the extent absolutely necessary, with the goal to be achieved proportionately, to the essential content of the right to privacy and human dignity

can be limited by respecting Mvtv. Pursuant to paragraphs (1)-(2) of Section 8, privacy

The purpose of the right to respect is, among other things, the protection of personal data.

So, the general expectation from the press is the obligation to provide information simultaneously ensuring the protection of privacy and personal rights maintaining balance.

According to the Authority's point of view, the the principle provision of purpose-bound data management. According to recital (39) of the GDPR personal data can only be processed if the purpose of data processing is achieved by other means cannot reasonably be reached.

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As a result, data controllers must primarily consider what they want to achieve whether it is necessary to process personal data to achieve goals. If the goal is only can be achieved by processing personal data, subject to the principle of data efficiency must be designed so that as little personal data as possible is processed for the shortest time.

must be considered and which

Article 5 of the General Data Protection Regulation contains the main principles that a during the processing of personal data continuously

must apply during data management. Among other things, such a basic principle is legality and fairness procedure and transparency, purposefulness, data economy, accuracy and limited storability principle [5. Article (1) point a)-e)].

From the principle of accountability [5. Article (2)], therefore the data controller is responsible for compliance with data protection principles, and must also be able to comply also for verification. Accordingly, the data controller must be able to prove that it is personal the purpose for which the data is processed, as well as why it can be considered for this data management purpose it is absolutely necessary to manage personal data, and you must also do everything reasonable measures to ensure that it is inaccurate from the point of view of the purposes of data management

delete or correct personal data immediately, and must also document and

record the data processing so that its legality can be proven afterwards.

The Authority's position is that, in accordance with the Basic Law and the Mvttv, the press has

in the context of its data management activities, it must always check that the displayed,

whether disclosed personal data is absolutely necessary to achieve the goal - in this case, it is

for information about the event - or the information reaches its goal, the data is made public

without bringing

In general, the news service provider must consider whether the content is personal before broadcasting the news

whether the disclosure of data is absolutely necessary to achieve the information goal. In this round, the public figures

is entitled to more moderate protection, however, the Authority reports on public figures

his data protection aspects are not analyzed here, because in this case he is clearly not a public figure

private person's data was the subject of communication.

If, during consideration, you come to the conclusion that even without disclosing personal data

if the news is suitable for achieving the goal, then it must be done without the disclosure of personal data

to realize.

Considering that in this case the news report was not about a specific person, when

it is obviously essential to display the identified, but about the event, about it

information, according to the Authority's point of view, could have been implemented in such a way that the person concerned

no information suitable for identification is disclosed. The settlement is not named, the building is

shown in the form of an illustration, the first name of the injured person is not disclosed. Identification of the data subject

the news broadcast did not provide any additional information enabling the communication of information

in terms of its public interest purpose.

According to the Applicant's point of view, "the report could have served any purpose of public interest if

they would have mentioned what product caused the injury in order to call it

people's attention to its dangers, however, the focus of the data communication is not the

there was a call for attention, but the history and condition of the Applicant. In addition, distorting what happened

were informed, as the accident did not occur during The children used it as intended
a..... The lesson from the story would be that theis not visible in the sun. This is unfortunately
it is not indicated in the user manual either. Since thewas not seen, one of the boys wanted to join her
to pour more..... to then light it. Since it was already burned, it "burned back" in the bottle
.....and burst out of it, right at the Applicant. If the Respondent aims to provide correct information and

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would have been a warning, then it draws attention to the danger of using and it does not
creates a sensation from the accident of a minor and vulnerable child".

attention one

According to the Respondent's statement, with the news

the

dangerous

information

.....point out the danger of accidents, thereby preventing more such accidents

to happen.

called by the public

situation,

suitable

that

to

volt

the

At the same time, the Authority agrees with what was stated in the application, according to which the news coverage was not
complete

is not suitable for fulfilling the specified public interest task either, it did not contain any

meaningful information in order to avoid similar accidents, it was not classified as a warning

regarding the dangers of using an accident-causing substance. In addition to the statement that a damaged "inappropriate" or "bad"used in any other similar accidents information of public interest for its prevention was not disclosed, it was not revealed what was important "wrong"....., what was the mode of use that caused the accident, how would it be a similar accident can be avoided, and in essence, a significant part of the news coverage is about the injured person's health details of his condition were included.

Although the role of the Authority in this procedure is not to classify the news, the Because of the requested reference, he analyzed this to the above extent, but at the same time its public interest nor would it release the Applicant from the data controller responsibility regarding the identifiable data subject in terms of news reporting.

Based on the above, the Authority concludes that the data processing of the Respondent violated Article 5 of the GDPR. Article (1) points b) and c) of purpose-boundness and data saving are fundamental principles its provisions.

III.4.. The legal basis of data management

If, based on the criteria explained above, the data controller comes to the conclusion that that the purpose of data management is to inform the public, no personal data is available without disclosure, to the controller with Article 6 of the General Data Protection Regulation must have a corresponding legal basis for data management.

In order to do this, you must be able to prove that based on the data subject's consent, or which manages/managed personal data in accordance with legal provisions, or that the data management necessary to assert the legitimate interests of the data controller or a third party, and data management proportionately limits the right of the data subject to the protection of personal data.

The Respondent did not indicate a specific, GDPR-compliant legal basis in his statement, but he generally referred to the information obligation of the press laid down in Smtv.

According to the Authority's point of view, the reference to journalism as an activity of public interest cannot generally be accepted as a legal basis for data management. This is because it is common

legal basis according to Article 6 (1) point e) of the Data Protection Regulation by some law

it can be linked to data management activities related to a public task classified as such. Journalism

is of public interest

decree

task in the public interest).

The exception for journalism is regulated by Article 85 of the GDPR, which gives quite a lot of freedom to

member states for the protection of personal data according to the regulation

law and the

the boundaries of freedom of expression and the right to information

regarding its specific definition. However, the Hungarian legislator does not with regard to journalism

activity, but not a public duty

(the general data protection

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on a legal basis

legitimate interest

can happen. THE

defined an exception or exemption in the GDPR - thus in Article 6 (1) point f) -

from stated obligations.

Article 6 (1) e) of the general data protection regulation itself does not cover journalistic activity.

classifies it as a legal basis according to point This is supported by the fact that point b) of Article 17 (3).

exactly follows the concepts also used in point e) of Article 6 (1) [or the EU

the legislator in Article 17 (3) point b) essentially combined the

the legal bases according to points c) and e) of Article 6 (1) which are also closely related]. With the expression of opinion

however, the possibility of deleting related data is not covered by this point, but by Article 17 (3)

paragraph a) is included.

It follows from all this that, in general, all data management related to journalism -

which is not based on consent - Article 6(1)(f) of the General Data Protection Regulation

according to

confirmation of the application of the legal basis

includes Capital Court 105.K.706.638/2020/10. s. judgment.

Based on preamble paragraph (47) of the General Data Protection Regulation, if the data management legal basis is legitimate interest, then an interest assessment must be carried out in advance, in the framework of which among other things, it is necessary to determine the legitimate interest, the impact on the person concerned, and that whether the data processing is necessary or proportionate, as well as whether it is a legitimate interest must be considered and whether the right of the affected person is of a higher order.

Data processing based on legitimate interest can therefore only take place if the data controller has previously carries out the interest assessment test and as a result of the test, the data controller or a third party legitimate interest outweighs the potential disadvantages to the data subject through data management. The due diligence test is a three-step process during which the data controller must be identified legitimate interest, as well as the data subject's interest, which is the counterpoint of the weighting, and the relevant fundamental right, finally, based on the weighting, it must be determined whether the personal data can be processed.

Based on all of this - in the absence of consent - Article 6 (1) of the General Data Protection Regulation the reference to paragraph f) may then be appropriate, and thus the data management may then take place it is legal if the conclusion of the interest assessment test is that the data controller or a third party is legitimate its interest takes precedence over the legitimate interest of the data subject, related to the protection of personal data rights, and the restriction of the data subject's rights is proportional to the data controller or third party - by this restriction - with its valid legitimate interest. It must be during this consideration of interests data controller should consider, for example, whether the data subject is a public figure (if yes, then this strengthens the data controller's interest in data management), or that the journalists in question whether the activity is of an investigative nature (this again only strengthens the interest in data management), or it only serves to satisfy the hunger for gossip (in this case, the personal data

the interest in its protection is stronger).

The Respondent referred to the fact that obtaining the consent of the data subject in many cases – for example, when reporting on crimes - would make it impossible to carry out the task. For this explained above are valid, so it does not have to be based on consent in all cases reporting, however, consideration of interests is unavoidable.

As a result of all this, the Respondent was obliged according to Article 6 (1) point f) of the GDPR to carry out an interest assessment test, because he did not have the consent of the person concerned. THE The applicant did not demonstrate a consideration of interests during the examined data management, or a consideration of interests not referenced. He did not carry out an individual assessment of the interests of the Respondent's data, no considered the extent to which the person in a serious health condition serves the interests of the data controller publishing news about the data subject against the interests of the data subject, especially considering that the data subject minor.

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In the present case, however, it is essential beyond the general requirement of the corresponding legal document aspect, that the management and disclosure of health data in the evening of the data management in addition to the appropriate legal basis according to Article 6, the exception according to Article 9 must also be met. Thus, even with a properly considered legal basis of legitimate interest, Article 9 must be taken into account. the provisions of Article

Data management prescribed by law on the basis of points b), h), i) of Article 9 (2), and point f) submission of legal claims and court data management are not relevant, and other things besides these in terms of legal bases, as stated in point g) of Article 9 (2) on the basis of what was explained above would not comply with Smtv. reference to the general obligation as the domestic law does not have the specific details and guarantees of data management, it is not required by the data subject appropriate and specific measures to ensure your fundamental rights and interests.

Reference to point c) of Article 9 (2) is excluded because the Applicant's health

Consent to the disclosure of your data can legally be given Representative no

was neither legally nor physically incapacitated.

Pursuant to Article 9, paragraph (1), point e), expressly made public by the data subject

and reference to data cannot be cited in this case, because the data subject did not provide it

specifically make your health data available to the general public.

The fact that the person affected by the news, or in this case the Representative, is limited to a narrow circle of acquaintances

shared certain data in the circle, did not report a legal basis for the same data to

a media content provider presents it to the entire audience through public broadcasting.

The media content provider with national reach has no influence on the fact that it

provided information - including in this case health data - only and exclusively

become known to persons who can identify the person concerned, and the communicated

they already have the information anyway. Otherwise, to identify the subject of the news report

able viewers hear the communication of health data that the data subject needs to know

do not have their express consent. There is no evidentiary procedure for this either

conducted, it is not possible to compare the number of people who read the post and those who read the news.

The year 2020 of the Applicant's program is the available information on the viewership for the week

according tohe was a person⁴.

The Respondent is therefore suitable for public disclosure of the Applicant's personal and special data

did not have a legal basis, thereby violating Article 6 (1) and Article 9 (1)-(2) of the GDPR

paragraph.

The news is about the personal circumstances and state of health of the private individual who is not a public figure

provided relevant data without a justified purpose and legal basis, which according to the Authority is the data subject

caused harm to his privacy.

The protection of privacy is not only in the light of EU and domestic legislation, but Hungary

should also be examined based on its other international commitments. Human Rights Europe

The expression of opinion took a stand in several decisions of the Court of Justice (hereafter: ECHR).

in the relationship between the rights of freedom and the protection of privacy.

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Regarding an "ordinary", non-public person, *Sciacca v. Italy* (50744/99) in case a defines the boundaries of private life and states that the status of the "average person" in question extends it the zone that may fall under privacy.

Von Hannover vs. Germany (59320/00) explains what a person is entitled to may expect your privacy to be protected and respected, and records that privacy concept includes the physical and mental integrity of the person. Human Rights Europe

By the right to respect for private and family life contained in Article 8 of its Convention provided guarantee external intervention is intended to ensure the development of the individual's personality without, within this a person has a "legitimate expectation" of the protection and respect of his privacy holding.

Biriuk v. In the case of Lithuania (23373/03), he explained that the balance of privacy must have the freedom of expression guaranteed in Article 10 of the Convention. Although the the public has the right to information, which is a fundamental right in a democratic society, and which, under certain special circumstances, even the private lives of public figures may also extend to its aspects, it was not considered as such in the investigation case, because situation was not part of any political or public debate, the published information they only apply to the details of the private life of the person concerned, so there was no balance between the two rights provided. The Court also examined whether there is a public interest that justifies it with the person concerned the publication of related health information. The Court did not find such justification in the case interest when the main purpose of the publication was to increase sales of the press product. The position of the Court according to him, the opposite is true: respecting the confidentiality of health data it is crucial not only to protect the privacy of the patient, but also the medical life of the person concerned trust in the profession and health services in general

maintenance

in terms of

III.5. Objection of the person concerned

The present case differs to the extent that the fulfillment of the public information task - disclosure of personal data in relation to his consideration, that it was not the announcer of the program alone who had to judge which you can disclose personal data and on what legal basis, since it is a plus for considering the legal basis he also had the prior protest of the person concerned as information.

According to Article 21 (1) of the GDPR, the data subject has the right to, with his own situation object at any time to your personal data for reasons related to Article 6 (1) e) or against treatment based on point f).

In this case, the data controller may no longer process the personal data, unless it is the data controller proves that the data processing is justified by compelling legitimate reasons, which take precedence over the interests, rights and freedoms of the data subject, or which are related to the submission, enforcement or defense of legal claims.

According to the above explanation of the Authority, the legal basis for the disclosure of the data included in the news report is consent

in the absence of it, there may be a legitimate interest according to Article 6 (1) point f) of the GDPR, against which a decree allows protest.

Article 14 (1) point c) of the GDPR provides that if the personal data is not obtained from the data subject, the data controller will make the following available to the data subject information: c) the purpose of the planned management of personal data, as well as the data management legal basis. Pursuant to paragraph (2), in addition to the information mentioned in paragraph (1), the the data controller makes available to the data subject is fair and transparent to the data subject

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the following additional information necessary to ensure data management: b) if data management a

It is based on point f) of paragraph 1 of Article 6, on the legitimate interests of the data controller or a third party; c) it is

the right of the data subject to request the personal data concerning him from the data controller access, their correction, deletion or restriction of processing, and may object to against the processing of personal data, [...]

Although the person concerned or his family is not the information provided by the Respondent based on Article 14 became aware of the data management based on - although the information became the obligation of the Respondent would have - during which, according to Article 14 (2) point c) the right to protest is also known would have been brought, the Applicant's family expressed an obvious objection in their message. In the interpretation of the Authority, the clause "at any time" applies to all cases in which the person concerned you can express your will, if applicable, also when the actual data management - here disclosure - not yet implemented, but the data controller is aware of the data subject about his intention.

The message sent by the Applicant's relative, in addition to the non-granting of consent, is the Authority according to his point of view, it is clear is considered a protest, its wording is not otherwise can be interpreted - "we don't want it to appear anywhere" - knowing the person interviewed on the part of responding to the request of a nationwide media content provider.

The Respondent did not demonstrate a compelling legitimate interest that would have justified the that, despite the preliminary protest, it was still justified to identify the person concerned to provide data in such a way that the purpose of the news report would have been fully achieved without it. The Authority would like to point out here again that there is no legal basis for the disclosure of health data, The requirements of Article 9 must also be met.

According to the Authority's findings, the Respondent thereby violated Article 21 (1) of the GDPR paragraph, when made by a declarant instead of the Applicant, but obviously to the Applicant did not comply with a protest against the handling of relevant information.

At this point, it should be noted that the Respondent's statement a in terms of which the person concerned did not clearly refrain from conducting the interview, since

he was so seriously injured in the accident that he probably wouldn't have been able to speak.

If they are going to make a news report about a person who is physically incapacitated, no one

cannot express consent or objection, data processing cannot be based on

that the data subject cannot express his intention anyway, as this is contrary to fair data management

with the principle provision contained in point a) of Article 5, paragraph (1) of the GDPR.

The Civil Code § 2:43 point e) refers to the protection of personal data as a personal right. The Civil Code

2:54 a.m. According to § (1), personal rights can be asserted personally, which

therefore, the person concerned can exercise himself, or the Civil Code. 2:14 a.m. on behalf of the minor pursuant to §

representative can act, thus giving consent to the processing of the child's data and others

he can make a legal declaration. The declaration of rights of a minor with limited legal capacity also requires a

the consent of a legal representative, according to the Authority's point of view, the Civil Code 2:12 a.m. § paragraph (2).

exception for consent to data management not covered by Article 8 (1) of the GDPR

not understandable.

A person who is incapable of acting due to his condition cannot make a statement of consent, or is

a statement made in such a state is void, while in the case of a minor in all cases a

must act on the basis of the declaration of a legal representative.

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The Respondent referred to the Journalist Code of Ethics for the statements of individuals

regarding the acquisition, during the preparation of reports, the employees of the Code of Ethics of Journalists

are obliged to comply with its rules and legal regulations.

The Code of Ethics 3.1.3. according to point "He commits an ethical offense who violates the personal rights of minors

offends. The journalist's ethical responsibility can also be established if he is the legal representative of the minor

contributed to the public. [...] Anyone suffering from any illness must be extremely careful

protection and rights."

The editor therefore had to inform the minor based on this professional rule

about the requirement to obtain the consent of the person concerned, especially in the case of illness

also to the provision for the protection of sufferers.

In addition, the legal representative is responsible for making the legal declaration regarding the minor's data entitled, which means the parent exercising parental control, so it cannot be considered legal and it is fair to ask for a statement from the sibling regarding the display. But if the editor tried to obtain its statement regarding disclosure his protest should definitely have been taken into account.

In such a case, the right to protest cannot be circumvented by being the legal representative in the absence of a statement, the statement of the additional contacted respondent is taken into account by the data controller leave it out. In the present case, it was obvious that the contacted family member was the whole family answered on behalf of, the term "family" obviously means that in the statement a the will of a legal representative also appeared.

According to the Authority's point of view, the person acting as a data controller is responsible for ensuring journalistic independence

does not exempt a media content provider from developing an appropriate procedure for cases in which the data of private individuals is processed. In this case it is the journalist/editor was in possession of the preliminary objection, the data controller

However, the applicant did not learn about it. The responsibility of the data controller is appropriate establishment of procedures and training of employees in this matter.

The data subject is not obliged to know which is the official communication channel through which to present a statement, especially in light of the fact that it is present case, the employee of the data controller did not visit the Applicant's relatives through this channel asking for their statement.

According to the Authority's point of view, arguing about editorial professional freedom does not exempt the Request from data controller responsibility, given that Article 4, Clause 7 of the GDPR pursuant to which the Respondent is considered a data controller. The Applicant is the one who organizes it process of data management and creates its conditions. The most important feature of the data manager

that it has substantive decision-making authority and is responsible for data management

for the fulfillment of all obligations laid down in the general data protection regulation.

1/2010 of the Data Protection Working Group on the concepts of "data manager" and "data processor".

in his opinion no. he also explained that "Ultimately, the company or organization must be responsible

be considered for data processing and obligations arising from data protection legislation,

unless there are clear elements indicating that a natural person is responsible. [...] However

also in such cases when a specific natural person is appointed to ensure it

compliance with data protection principles or to process personal data, this person will not

data controller, but acts on behalf of the legal entity (company or public body),

which, in its capacity as a data controller, remains responsible in the event of a violation of the principles." A

the fact of an editorial "error" is therefore not a reason for ignoring the protest

nor during, in this case too, the data controller bears the responsibility.

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Based on all of this, the Respondent, as data controller, is also responsible for the violation related to the case

falls within its scope. Article 25 of the GDPR requires that the data controller is the entire process of data management

implement appropriate technical and organizational measures to ensure that

by default, only personal data that is

necessary in terms of a given specific data management purpose, or the data subject's legal enforcement

provide.

Since the Respondent, according to his statement, does not have the declarations of private individuals

with internal procedures or regulations governing procurement, recording of contributions, thus

in the absence of organizational measures according to Article 25 of the GDPR, it could happen that a

The data controller did not become aware of the applicant's preliminary objection, even though it was related to this statement was in the possession of one of their colleagues.

The best interests of the child are protected by the Hungarian legal system as a whole

favours A data controller who handles data relating to a child is enhanced in the course of his activities

the whole of your data management – purpose, legal basis, data subject enforcement, etc. – as during its individual procedural and organizational measures.

III.6. Deleting data

Overall, it was established that, based on the coverage as a whole, the minor is the Applicant was identifiable, and the Respondent provided information about his medical condition appropriate to the public without a legal basis, but to achieve the purpose of reporting it is his identification of his person was not essential or relevant for disclosure did not take into account any objections, thus the Respondent violated Article 5 (1) of the GDPR points a), b), c), paragraph (1) of Article 6, paragraphs (1)-(2) of Article 9, and paragraph (1) of Article 21 paragraph. As a consequence of this, the Authority, acting in its corrective powers, ordered deletion of data.

Pursuant to the Authority's findings, the purpose of data management is to manage personal data access was not necessary, so the deletion of the data does not fall under Article 17(3)(a) within the scope of the exception

In his response, the Respondent himself undertook to delete the data based on the Authority's obligation.

ARC. Legal consequences:

IV.1. The Authority partially grants the Applicant's request and GDPR Article 58 (2) b) points, condemns the Applicant for violating Article 5 (1) a), b), c) point, paragraph (1) of Article 6, paragraphs (1)-(2) of Article 9, and paragraph (1) of Article 21. Based on Article 58 (2) point c) of the GDPR, the Authority instructs the Applicant to delete the data processed without a legal basis.

IV.2. The Authority examined whether a data protection fine against the Obligor was justified imposition.

In this context, the Authority has Article 83 (2) of the GDPR and Infotv. 75/A. it was considered based on § all the circumstances of the case. Considering the circumstances of the case, the Authority found that the present

in the case of a violation discovered during the procedure, the warning is disproportionate and dissuasive sanction, therefore a fine must be imposed.

Above all, the Authority took into account that the violations committed by the Respondent a

According to Article 83 (5) point b) of the GDPR, it belongs to the category of higher fines

it is considered a violation of the law, as it violated the principles of data management and the right of the data subject.

During the imposition of the fine, the Authority assessed the following circumstances as circumstances that increase the fine:

- the violation is considered serious, because data processing is carried out despite an express prior protest personal data concerning a minor concerned [GDPR Article 83 (2) a)

point];

- the Respondent does not have a director of news broadcasts for private individuals

with the data management regulations, so it could happen that the preliminary protest by the data subject a

The respondent did not become aware [GDPR Article 83(2)(d)];

- the established data protection violation affects special categories of personal data

[GDPR Article 83(2)(g)];

During the imposition of fines, the Authority considers the following circumstances as mitigating circumstances

rated by:

- a circumstance indicating negligence, according to which

mismeasured

up, a concerned

its identifiability depends on the circumstances [GDPR Article 83 (2) point b).

- the Applicant from its website before any official action is taken

has removed the objectionable content and it cannot be found publicly from other sources [GDPR

Article 83(2)(c)];

- the Respondent violated the provisions of the GDPR for the first time, previously relevant

did not commit a violation of law, which is a mitigating circumstance and which Infotv. 75/A. also based on §

to be taken into account [GDPR Article 83 (2) point (e)].

The Authority also took into account that

- the breach affected a single person [GDPR Article 83 (2) point a)]
- the Obligee has fulfilled its obligation to cooperate with the Authority [GDPR

Article 83(2)(f)]

- The net sales revenue of the Obligor according to the 2019 report isft5, the imposed data protection fine is 0.01% of this [GDPR Article 83 (5)].

The Authority did not consider GDPR Article 83 (2) Paragraphs h), i),

circumstances according to points j), k), as they cannot be interpreted in relation to the specific case.

The amount of the fine was determined by the Authority acting within its statutory discretion.

Based on the above, the Authority decided in accordance with the provisions of the statutory part.

IV.3. During the procedure, the Authority exceeded Infotv. One hundred and fifty days according to paragraph (1) of § 60/A administrative deadline, therefore the Ákr. On the basis of point b) of § 51, he pays HUF ten thousand to the Applicant.

A. Other questions

The Authority provides information on the basis of point e) of Article 57 (1) of the GDPR that the personal in the event of a violation of the right to data protection, the Civil Code 2:43 a.m. § and 2:52. on the basis of § the possibility of going to court in order to pay damages.

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The competence of the Authority is set by Infotv. Paragraphs (2) and (2a) of § 38 define it, and its competence is covers the entire territory of the country.

The decision is in Art. 80-81. § and Infotv. It is based on paragraph (1) of § 61. The decision is in Art. Section 82

Based on paragraph (1), it becomes final upon its communication. The Ákr. § 112, § 116, paragraph (1), respectively on the basis of § 114, paragraph (1), the decision can be challenged through an administrative lawsuit as a remedy.

The Authority, in view of the fact that the administrative deadline has been exceeded, 10,000 HUF, i.e. ten thousand

HUF paid to the Applicant - at his choice - by bank transfer or by post

with voucher.

* * *

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, paragraph (1).

Based on point b), legal representation is mandatory in a lawsuit within the jurisdiction of the court. The Kp. Section 39

(6) of the submission of the claim for the administrative act to take effect

does not have a deferral effect.

The Kp. Paragraph (1) of § 29 and, in view of this, Pp. According to § 604, the electronic one is applicable

CCXXII of 2015 on the general rules of administration and trust services. Act § 9

According to point b) of paragraph (1), the client's 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 on the possibility of a request to hold a hearing in Kp. Paragraphs (1)-(2) of § 77

is based on. The amount of the fee for the administrative lawsuit is determined by Act XCIII of 1990 on fees. law

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

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

If the obliged customer does not adequately certify the fulfillment of the prescribed obligations, a

The authority considers that the obligations have not been 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 Akr. Pursuant to § 133, enforcement - if it is a law or government decree

does not provide otherwise - it is ordered by the decision-making authority. The Akr. Pursuant to § 134 of

execution - if

law, government decree or local in the case of municipal authorities

the municipal decree does not provide otherwise - it is carried out by the state tax authority. Infotv.

Pursuant to § 61, paragraph (7), a specific action included in the Authority's decision

to carry out, for specific behavior,

obligation to

regarding the implementation of the decision, the Authority undertakes.

toleration or cessation

Budapest, June 18, 2021

Dr. Attila Péterfalvi

president

c. professor