

decision rejecting the application

Subject: establishing infringement and

Case number: NAIH-279-7/2022.

(NAIH-8159/2021.)

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

to the applicant (address: [...]; hereinafter: Applicant) to the Authority on November 2, 2021

at the request received on

Photographs taken by the Applicant) of the Applicant's identity card

related to the data management related to the preparation, and also by the Respondent of its guests

to the general data management practice of photos taken on your personal identification card

the following decisions in the data protection official procedure extended ex officio

bring

I. The Authority

H A T A R O Z A T A B A N

I.1. rejects the Applicant's request in the part according to which the Authority determines,

that the Applicant took photographs of the Applicant without legal basis

about your identity card;

I.2. rejects the Applicant's request in the part according to which the Authority obliges the

Request to delete photos taken from the Applicant's identity card a

On the applicant's personal device;

I.3. ex officio condemns the Applicant for not providing adequate information

about data management related to the use of the accommodation service and the reservation

- including the scanning of documents - thus violating natural persons'

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: general data protection regulation) Article 13 (1)-(2);

I.4. ex officio instructs the Applicant to prepare appropriate and transparent, that all information according to Article 13 (1)-(2) of the General Data Protection Regulation information about data management.

II. The Authority

FINAL

terminates the procedure in the part that the Authority orders at the request of the Applicant by the Respondent his identity card termination of the practice related to photographing.

carried out, guests ID

* * *

I.4. the taking of the measures prescribed in point 1. This decision is final for the Respondent it must be in writing within 30 days of the divorce - the supporting evidence along with its submission - certify it to the Authority.

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.....

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In case of non-fulfilment of the prescribed obligation, the Authority orders the execution of the decision. There is no place for administrative appeal against these decisions, but they are a with a letter of claim addressed to the Metropolitan Court within 30 days of notification

can be challenged in an administrative lawsuit. The claim must be submitted to the Authority, electronically, which forwards it along with the case documents to the court. The court with the order against in simplified proceedings, completely personal for those who do not receive a tax exemption, the fee for the administrative lawsuit is HUF 30,000, the lawsuit is subject to the right of material levy record. Legal representation in proceedings before the Metropolitan Court obligatory. out of court is acting. THE

I N D O C O L A S

I. The sales process

The Applicant submitted to the Authority on November 2, 2021 with a request applied to the Authority, according to which he spent October 29 and October 31, 2021 with the Applicant. on the occasion of his stay between handling of documents, since the identity cards of the Applicant and his passenger are his own they took a photo with a phone. According to the Applicant's point of view, this is common practice a At the applicant.

The Applicant requested that the Authority oblige the Applicant to provide the Applicant's personal identification to delete photos taken of his identity card on the Applicant's private device, and also that order an end to this practice.

I I . Cleaning up the reality

1. On December 16, 2021, the Authority, NAIH-8159-6/2021. facts on case file number issued a clarifying order, in which the Data Protection Authority notified the Applicant on the initiation of proceedings and invited him to make a statement.

2. The Applicant as the operator of [...] apartment - private accommodation - December 22, 2021. responded to the Authority's order with a letter filed on

According to the Applicant's statement, the Applicant and her husband before occupying the accommodation requested to hand over personal identification documents for the purpose of data recording. He informed them orally that the documents will be recorded, for which he used his own mobile phone for scanning purposes.

According to the Respondent's statement, a photo was not taken - nor does it generally take one - but document reading was done by the National Tourist Information Center (hereinafter: NTAK) for, since CLVI of 2016 on the state tasks for the development of tourist areas. act (hereinafter: Tourism Act) stipulates this as an obligation.

According to his declaration, from May 25, 2018 to November 26, 2019, manually, the guest data was recorded by keeping a registration book, even then an identity card, or based on a passport. However, on November 26, 2019, he wrote a registration obligation presented by NTAK, from then on the data was recorded on an IT device, with manual entry in 2021. until January 1. Currently, data is entered by reading documents. The document reader software can only be installed on the phone in their case. No copies of the documents

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is made, they are not stored, but are transmitted to Guest Information using the software into the Closed Database (hereinafter: VIZA) system.

The Respondent sent the Authority a data management information sheet, which a It is intended for users of my guest's accommodation management software, including him, however according to his statement, he does not have a data management information sheet that contains the the reading of guests' identity cards, as Turizmus tv. modification requires the reading of documents.

The Applicant also referred to the information available on <https://vizainfo.hu/>, which he followed. Based on these:

"2021. on the state tasks for the development of tourist areas entered into force on January 1

CLVI of 2016. amendment of the law, which obliges the accommodation provider to a

data of users of accommodation services defined by law by the Government

record it in storage provided by a designated storage provider for the purpose specified by law.

The accommodation provider designated by the Government is the Hungarian Tourist Agency (MTÜ).

The tasks of the storage facility introduced by the amendment of the law are performed by the Guest Information Closed Database

(VISA) system.

VIZA is an IT system protected by multiple, asymmetric encryption, in which

From September 1, 2021, all guests staying at accommodation in Hungary

your personal data defined by law are stored in an encrypted manner. The accommodation-

the service provider manages the guest's data until the last day of the first year after becoming aware of it, a

The VIZA system stores the data submitted to it for a maximum of two years. In the data

targeted and exclusively the police may carry out searches, crime prevention and law enforcement

to perform its tasks.

The purpose of VIZA is to protect the rights, safety and property of the person concerned and others,

as well as third-country nationals and the right to free movement and residence

control of compliance with the provisions on the residence of persons with

be realized, i.e. the primary purpose of VIZA is public order, public security, and the state border

order, the protection of the rights, safety and property of the person concerned and others

facilitating.

MTÜ provides the VENDÉGEM application free of charge to such accommodation

for service providers who use a maximum of 8 rooms with 16 beds as accommodation. More

for information, please visit the information page of the MY GUEST application, that is

to info.vendegem.hu.

According to the laws in force in Hungary, for all citizens, regardless of age

obligatory

with a certificate

(identity card, passport or driver's license in card format), so that's it

also for newborns. Based on the legislation, the data is recorded for all guests who use it

is equally mandatory, so neither age nor other variables - e.g. after the service

fee to be paid, discounts, length of stay, family relationship with the user -

the recording of the data cannot be dispensed with.

A guest over the age of 14 using the accommodation service for personal identification

he presents his suitable document to the accommodation provider for the purpose of recording the data.

In the absence of presentation of the document, the accommodation provider will provide the accommodation service refuses.”

identity

to have

official

certificate

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The Requested also to the information available on <https://info.vendegem.hu/gyakori-kerdesek>

referred to, according to which: "The documents should not be photographed, but the mobile application

the data on it must be read through a document reader. By taking a photo it is

document reading task cannot be performed! Both sides of the document with the document reader

must be read. The system draws attention to this while reading the document. The

the use of a document reader is a legal requirement. The GUEST software does not and does not require it

it is possible to connect a separate document reader, because the VENDÉGEM mobile application

has an independent document reader module."

III. APPLICABLE LAW REGULATIONS

According to the present case, based on Article 2 (1) of the General Data Protection Regulation

the general data protection regulation shall be applied to data management.

CXII of 2011 on the right to information self-determination and freedom of information.

Act (hereinafter: Infotv.) pursuant to Section 2 (2) of general data protection

regulation shall be applied with the additions contained in the provisions indicated therein.

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

In order to do so, the Authority will initiate a data protection official procedure ex officio upon a request to this effect

may initiate a data protection official procedure. The general procedure for data protection authorities

CL of 2016 on public administration. the rules of the Act (hereinafter: Act) must

apply with the additions specified in Infotv. and the general data protection

with deviations according to the decree.

Infotv. Based on § 60, paragraph (2): "Regarding the initiation of the official data protection procedure

request in Article 77 (1) of the General Data Protection Regulation, as well as Article 22 b)

can be submitted in the case specified in

Pursuant to Article 77 (1) of the General Data Protection Regulation: "Other

without prejudice to administrative or judicial remedies, all stakeholders are entitled to

file a complaint with a supervisory authority – in particular your habitual residence, a

workplace or in the Member State where the alleged violation occurred - if the person concerned

in his opinion, the processing of his personal data violates this regulation."

According to Article 4, Point 1 of the General Data Protection Regulation: "'personal data': you are identified

any information relating to an identifiable natural person ("data subject"); can be identified

the natural person who, directly or indirectly, in particular

identifier such as name, number, location data, online identifier or natural

to a person's physical, physiological, genetic, mental, economic, cultural or social identity

can be identified based on one or more relevant factors."

Based on Article 4, Point 2 of the General Data Protection Regulation: "'data management': the personal

any performed on data or data files in an automated or non-automated manner

operation or a set of operations, such as collection, recording, organization, segmentation, storage,

transformation or change, query, insight, use, transmission of communication,

by means of distribution or other means of making available, coordination or connection, restriction, deletion or destruction."

Pursuant to Article 6 (1) of the General Data Protection Regulation: "Personal data its handling is legal only if and to the extent that it is at least one of the following is fulfilled:

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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 to which the data subject is a party party, or the steps taken at the request of the data subject prior to the conclusion of the contract necessary to do;

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) data processing is in the public interest or the data controller is authorized by a public authority 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 person concerned take precedence over these interests interests or fundamental rights and freedoms that make personal data protection necessary, especially if a child is involved.

Point f) of the first subparagraph does not apply to the performance of their duties by public authorities for data management during

According to Article 13 (1)-(2) of the General Data Protection Regulation: "(1) If the data subject relevant personal data are collected from the data subject, the data controller is the personal data provides the following information to the data subject at the time of its acquisition all of them:

a) the identity and contact details of the data controller and, if any, the representative of the data controller;

b) contact details of the data protection officer, if any;

c) the purpose of the planned processing of personal data and the legal basis of data processing;

d) in the case of data management based on point f) of paragraph (1) of Article 6, the data controller or legitimate interests of third parties;

e) where appropriate, recipients of personal data, or categories of recipients, if any;

f) where appropriate, the fact that the data controller is in a third country or international

wants for the organization

and the Commission

the existence or absence of its conformity decision, or in Article 46, Article 47 or

in the case of data transfer referred to in the second subparagraph of Article 49 (1) a

indicating appropriate and suitable guarantees, as well as obtaining a copy of them

reference to the means or their availability.

(2) In addition to the information mentioned in paragraph (1), the data controller is the personal data of acquisition

fair and transparent

provides data management, informs the data subject of the following additional information:

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

aspects of its definition;

b) the data subject's right to request from the data controller the personal data relating to him

access to data, their correction, deletion or restriction of processing, and

it can object

as well as the person concerned

about your right to data portability;

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

in the case of data processing, the right to withdraw consent at any time,

which does not affect the data processing carried out on the basis of consent before the withdrawal
legality;

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

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

is a basis or a prerequisite for concluding a contract, as well as whether the person concerned is obliged to a
provide personal data, as well as what possible consequences this may have

failure to provide data;

f) the fact of automated decision-making referred to in paragraphs (1) and (4) of Article 22, including
also profiling, and at least in these cases to the applied logic and that

comprehensible information regarding the significance of such data management and
what are the expected consequences for the person concerned."

at the time, in order to a

transmit personal data,

personal data

against treatment,

such

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Based on Article 58 (2) of the General Data Protection Regulation: "The supervisory authority
acting in its corrective capacity:

a) warns the data manager or the data processor that some planned data processing
its activities are likely to violate the provisions of this regulation;

b) condemns the data manager or the data processor if its data management activities
violated the provisions of this regulation;

c) instructs the data manager or the data processor to comply with this regulation for the data subject
your request to exercise your rights under;

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

in a specified manner and within a specified period of time - harmonises this regulation

with its provisions;

e) instructs the data controller to inform the data subject about the data protection incident;

f) temporarily or permanently restricts data management, including data management

also its prohibition;

g) in accordance with the provisions of Articles 16, 17 and 18, orders personal data

rectification or deletion, or restriction of data processing, as well as Article 17 (2)

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

with whom or to which the personal data was disclosed;

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

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

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

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

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

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

suspension."

Pursuant to Article 83 (2) and (5) of the General Data Protection Regulation: "[...]

(2) The administrative fines, depending on the circumstances of the given case, are subject to Article 58 (2)

must be imposed in addition to or instead of the measures mentioned in points a)-h) and j) of paragraph

When deciding whether it is necessary to impose an administrative fine or a

sufficiently in each case when determining the amount of the administrative fine

the following should be taken into account:

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

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

the extent of the damage they have suffered;

b) the intentional or negligent nature of the infringement;

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

any action taken in order to;

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

technical and organizational measures undertaken on the basis of Articles 25 and 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 violation, in particular,

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

with detail;

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

subject - one of the measures mentioned in Article 58 (2) was ordered, a

compliance with said measures;

j) whether the data manager or the data processor has complied with Article 40

to approved codes of conduct or approved certification under Article 42

for mechanisms; as well as

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

for example, financial gain as a direct or indirect consequence of the infringement

or avoided loss.

[...]

(5) Violation of the following provisions - in accordance with paragraph (2) - at most 20

with an administrative fine of EUR 000,000 or, in the case of businesses, the previous one

shall be subject to an amount of no more than 4% of the total annual world market turnover of a financial year,

by imposing the higher of the two amounts:

a) the principles of data management - including the conditions of consent - of Articles 5, 6, 7 and 9

appropriately;

b) the rights of the data subjects in Articles 12–22. in accordance with Article;

c) personal data for a recipient in a third country or an international organization

44–49. in accordance with Article;

d) IX. obligations according to the law of the Member States adopted on the basis of chapter;

e) the instruction of the supervisory authority according to Article 58 (2), and data management

temporary or permanent restriction or suspension of data flow

failure to comply with its notice or access in violation of Article 58 (1).

failure to provide insurance."

Infotv. 75/A. according to §: "the Authority is the General Data Protection Regulation Article 83 (2)-(6)

exercises its powers in accordance with the principle of proportionality,

especially with the fact that you are in the legislation regarding the handling of personal data

The regulations defined in the mandatory legal act of the European Union are being implemented for the first time

in the event of a violation, to remedy the violation - 58 of the General Data Protection Regulation.

in accordance with Article - primarily with the warning of the data manager or data processor

takes action."

Tourism TV. 9/H. Based on paragraphs (1)-(2) of § §: "(1) The accommodation provider - the person concerned and

to protect the rights, safety and property of others, and third

citizens of the country and persons with the right of free movement and residence

regarding your stay

for the purpose of checking compliance with provisions - a

at check-in via the accommodation management software designated in the Government decree

recorded on storage provided by a hosting provider

a) the family and first name, birth family and first name of the user of the accommodation service,

place and time of birth, gender, nationality and mother's birth family and

your last name,

b) the identity document of the user of the accommodation service,

and the identification data of your travel document, in the case of a third-country national, the visa

or residence permit number, date and place of entry, as well as

c) the address of the accommodation service, the start and expected use of the accommodation, as well as actual end date.

(2) The user of the accommodation service shall submit the document according to paragraph (1) point b) a presents it to the accommodation provider for the purpose of recording the data. Presentation of the document in its absence, the accommodation provider will refuse the accommodation service. No need to record the data that is not included in the document according to paragraph (1) point b).

On the implementation of the Act on State Duties for the Development of Tourist Areas

235/2019. (X. 15.) Government decree (hereinafter: executive decree) Section 2.9

according to:

on a document suitable for verification

indicated, Turizmus tv. 9/H. The data specified in § (1) points a) and b) are machine device suitable for scanning."

14/C of the executive decree. According to § (2): "The accommodation provider is Turizmus

TV. 9/H. Data according to § (1) points a) and b) in the accommodation management software

recorded via a document reader. The data that is recorded on the document reader

"document reader: identity

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its legality requires a number of requirements

via is not possible, the accommodation provider records the

in accommodation management software."

14/C of the executive decree. Based on § (9): "If the document reader a

in addition to the data of the document suitable for proof of identity, also image data about the document

the accommodation management software records the image data of the document - the data according to paragraph (2).

after recording it in the accommodation management software - it will be deleted immediately."

I V Decision making

IV.1. Scanning of a document suitable for proof of identity

Based on the definitions of the general data protection regulation, the Applicant - respectively

documents of all persons using accommodation services and the data recorded on them

personal data, any operation performed on personal data, the document, and

and reading the personal data recorded on it is considered data processing.

In the case of handling personal data, based on the provisions of the General Data Protection Regulation

data management

complete. It's common

Article 5 of the Data Protection Regulation contains the main principles that personal data

must be taken into account during its treatment, and which must be continuously enforced

during data management. Among other things, such a basic principle is the principle of purpose-bound data management. The

based on the principle of accountability, the data controller is responsible for the basic principles of data protection

for compliance, and must also be able to demonstrate this compliance. Accordingly

the data controller must be able to prove the purpose for which the personal data is processed,

and also why it is considered absolutely necessary for this data management purpose

management of personal data, and is also obliged to document and record it

data management, so that its legality can be proven afterwards.

In addition, the data controller has to comply with Article 6 of the General Data Protection Regulation

you must have a legal basis for data management and you must be able to prove that the given legal basis

processes personal data (legally) based on this, and that data management is necessary

and proportionally restricts the right to the protection of the personal data concerned.

In the present case - and in general - two pieces of legislation, Turizmus tv. and its implementation

decree requires accommodation providers that the rights of the data subject and others,

also from a third country

safety and

persons with rights

citizens and free movement and

for your stay

the

the Government at check-in via accommodation management software

designated in its decree

the user of the accommodation service must be recorded in the storage space provided by the hosting provider

your family and first name, birth family and first name, place and time of birth, gender,

his citizenship and his mother's surname and first name at birth, as well as for personal identification

the identification data of your suitable document or travel document. These data are provided by the accommodation

service provider must record it in the accommodation management software via the document reader.

So the two pieces of legislation define the purpose of data management and prescribe data management

as an obligation for all accommodation providers, data management is therefore general

on the legal basis of a legal obligation according to Article 6 (1) point c) of the Data Protection Regulation

is based on.

Accordingly, the Respondent asked the Applicant to hand it over before occupying the accommodation

personal documents for the purpose of recording personal data, and then your own

using his mobile phone, he scanned and recorded the Government decree

to protect your property,

stay

provisions

compliance

checking

concerning

for the purpose of

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according to information, you could do a

in storage provided by a designated storage provider, i.e. in the VIZA system, a photograph

without making it.

All of this can be accessed at <https://vizainfo.hu/gyik>

with your mobile phone, as well as with the application installed on it.

Based on all of this, the Authority concludes that the Applicant in Tourism tv. and its

the Applicant acted in accordance with the provisions of its executive order - and all

in the case of an accommodation service user - when using a document reader

scanned and recorded in the VIZA system the document suitable for personal identification, or

identification data of your travel document.

The Respondent did not take any photographs of the Applicant or any other person concerned

with your phone about personal identification documents and the personal data recorded on them,

therefore, it does not keep such photos, so it does not manage the personal data requested to be deleted.

Therefore, in the absence of taking and keeping photographs, the Authority rejects the application, in the part

according to which the Authority should establish that the Respondent took photographs without a legal basis

on the Applicant's identity card.

Furthermore, due to the above - in the absence of photographs - the Authority rejects the application in the

part, according to which the Authority obliges the Applicant to provide the Applicant's personal identification

to delete photos taken of his identity card on the Applicant's private device.

IV.2. Information on scanning a document suitable for proof of identity

In order for the data management to be legal, an additional condition is that the data controller

provide adequate, transparent information. The rules regarding information are

is included in Article 13 (1)-(2) of the General Data Protection Regulation.

As part of the preliminary information, the data controller must strive to give the data subject as much as possible

get a more complete and comprehensive picture of the handling of your personal data, as the data subject this is the only way to assess the impact of a specific data processing on to his private sphere. Paragraphs (1)-(2) of Article 13 of the General Data Protection Regulation provide that contain the minimum data management conditions that data controllers need to inform the data subjects, but this does not mean that the controller is the data controller provide more precise information.

In relation to the data management information sent by the Requested, the Authority determines that the information contained in the section is used by the accommodation service about the data management related to the purchase, as well as the reservation, however, the purpose of the data management and

Tourism TV. and does not properly include its legal basis according to its implementing decree, about document reading, the handling of personal data recorded on the document and the VIZA and it does not provide for data recording in the system at all.

The data management information of the Requested Party must also contain information that based on which the data subject clearly becomes aware that the accommodation service in connection with its use, you must provide your personal data, which will be recorded are also included in the VIZA system.

Given that the Requested information about data management, such as it did not provide information on document scanning and data transfer to the VIZA system information in accordance with the General Data Protection Regulation, neither to the Applicant nor to others concerned, violated Article 13 (1)-(2) of the General Data Protection Regulation.

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The Requested Party must also provide information about - the acquisition of personal data at the time - that Turizmus tv. and legal prescribed by its executive order due to obligation, Turizmus tv. 9/H. For the purpose of paragraph (1) of §, it must record the the family and first name, birth family and first name of the user of the accommodation service,

place and time of birth, gender, nationality and mother's birth family and

your last name, as well as your personal identification document or travel document

your identification data, you must read and transmit them and record them in the VIZA system.

The Authority also notes that the Authority's contact information is provided in the information provided by the Applicant

your registered office and postal address are incorrectly included in your data. These

correctly: 1055 Budapest, Falk Miksa utca 9-11; 1363 Budapest, Pf.: 9.

IV.3. Termination of the procedure

In addition to the fact that the Applicant requested that the Authority oblige the Applicant to provide personal identification

to delete photos taken of IDs on the Respondent's private device, requested that

order an end to this practice.

Based on Article 77 (1) of the General Data Protection Regulation, all data subjects are entitled to

to file a complaint with a supervisory authority, in Hungary the Authority, if it is concerned

in his opinion, the processing of his personal data violates the general

data protection regulation.

In this case, the Applicant, in addition to the fact that he made a request as an affected person of the data management

to the Authority, also in general the data management practice continued by the Respondent

termination. The general data protection regulation, Ákr. and Infotv. of its rules

following its joint application, however, to examine general data management practices,

the person concerned may not initiate a data protection authority procedure for its termination, only the

to investigate the handling of relevant personal data.

The Authority in accordance with IV.1. in view of what was described in point, he did not wish to continue the procedure ex

officio, therefore

in view of the above, decided according to the provisions of the statutory part and the Ákr. Section 47 (1)

on the basis of point a) of paragraph 46 and point a) of paragraph 1 of § 46, the procedure is

terminated regarding the termination of the practice.

Sun. Legal actions

The Authority ex officio based on Article 58 (2) point b) of the General Data Protection Regulation condemns the Applicant for not providing adequate information to the accommodation about the data management related to the use of the service and the reservation - incl also the scanning of documents - in violation of Article 13 of the General Data Protection Regulation Paragraphs (1)-(2).

The Authority ex officio pursuant to Article 58 (2) point d) of the General Data Protection Regulation instructs the Applicant to prepare adequate and transparent general data protection data management containing all information according to Article 13 (1)-(2) of the Decree information sheet.

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V I . Other questions

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.

This decision of the Authority is based on Art. 80-81. § and Infotv. It is based on paragraph (1) of § 61. THE decision of the Akr. Based on § 82, paragraph (1), it becomes final upon its publication. The Akr. § 112, and § 116, paragraph (1) and (4), point d), and on the basis of § 114, paragraph (1) a decision can be appealed through an administrative lawsuit.

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. Section 13, paragraph (3).

Based on subparagraph a) of point a), the Metropolitan Court is exclusively competent. The Kp. Section 27 According to point b) of paragraph (1) in a legal dispute in which the court exclusively competent, legal representation is mandatory. The Kp. According to § 39, paragraph (6), the statement of claim its submission does not have the effect of postponing the entry into force of the administrative act.

The Kp. Paragraph (1) of Section 29 and, in view of this, CXXX of 2016 on the Code of Civil Procedure.

applicable according to § 604 of the Act, electronic administration and trust services

CCXXII of 2015 on its general rules. according to § 9 (1) point b) of the Act, the

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. From the advance payment of the fee

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

half.

If the Respondent does not adequately certify the fulfillment of the prescribed obligation, the Authority

considers that he has not fulfilled his obligation within the deadline. The Akr. According to § 132, if a

The respondent did not comply with the obligation contained in the Authority's final decision, that is

can be executed. The Authority's decision in Art. according to § 82, paragraph (1) with the communication

becomes permanent. The Akr. Pursuant to § 133, enforcement - if you are a law

government decree does not provide otherwise - it is ordered by the decision-making authority. The Akr. 134.

pursuant to § the execution - if it is a law, government decree or municipal authority

the local government decree does not provide otherwise - the state tax authority

undertakes. Infotv. Based on § 61, paragraph (7), contained in the Authority's decision,

to carry out a specific act, for specific behavior,

you are patient

regarding the obligation to stop, the Authority will implement the decision

undertakes.

Budapest, March 11, 2022.

Dr. Attila Péterfalvi

c. professor

president