

1 PROCESSING OF PERSONAL DATA APARTMENT ASSOCIATION All non-profit cooperatives, apartment associations, gardening cooperatives, garage cooperatives, etc., whose members are natural persons, are data processors subject to the General Regulation on the Protection of Personal Data (GPR). The regulation of the data processing of apartment cooperatives derives from the Non-profit Associations Act (MTÜS) and the Apartment Ownership and Apartment Associations Act (KrtS). To the extent that these two special laws do not provide, data processing is regulated by the general regulation. The use of video cameras is not discussed in this article, you can read about it on the AKI website. When do data protection requirements not apply? The general regulation does not apply to such membership groups (e.g. a book club created by acquaintances that is not registered in the business register) and groups of people (e.g. a group of friends, a birthday party) that have not registered their activities. The general regulation also does not apply if the data is processed by a natural person for personal purposes (e.g. filming or taking photos for personal use with a portable device, sending an e-mail to a friend, sharing something with a limited circle of friends). In addition, the general regulation may not apply even if, for example, pictures of houses, pets, cars, etc. are made public, but no personally identifiable information (e.g. owner's name) is added.

Contact details of the cooperative and the board of the cooperative We recommend that all cooperatives check that a separate e-mail address has been created for communication with the cooperative (preferably one where you can tell from the name which KÜ it is about), which is also entered in the business register for contact. Board members should not use their personal e-mail addresses for communication on behalf of the cooperative, because the cooperative has no control over the e-mail exchange made on behalf of the cooperative. In addition, upon the termination of membership of the board, the cooperative cannot ensure that the former member of the board has stopped processing personal data. It is necessary for the members of the board to exchange their personal contact details for mutual communication, but the personal contact details of the members of the board can only be disclosed to the members of the cooperative with their prior consent. Therefore, in order to apply for the board, it is necessary to provide the name and personal identification number of the board member in order to register 2 in the business register. The sharing of other data with others is only with the person's consent (e.g. work experience or education of a board member, including the law does not prescribe any educational requirements). The members of the board also do not have to agree that their names and other contacts are disclosed in the stairwell of the building. The cooperative's right to process data Section 45 of the KrtS obliges the apartment owner to inform the apartment cooperative of his existing means of communication, especially his telephone number or e-mail address. In order to fulfill its tasks, the

cooperative needs to receive the apartment owner's contact details (e.g. to know where to send invoices). On the basis of paragraph 2 of the same provision, the cooperative can also ask for the place of residence if the owner does not live in the cooperative. However, failure to comply with the obligation has no other consequences than the fact that the apartment association has the right to consider the location of the apartment ownership as his residence or location and deliver e.g. invoices to the mailbox there and consider them delivered. The law does not regulate other data, so all other data can be processed by the cooperative either with the prior consent of the owner or on another legal basis. "The cooperative does not have the right to demand the data of tenants, other family members or acquaintances from the apartment owner. "The cooperative does not have the right to request information about tenants, other family members or acquaintances from the apartment owner. This is because, in any case, the owner is responsible to the cooperative, and only the cooperative's jointly agreed procedures and rules of conduct apply to the owner. For example, if there is a fine for smoking in the common area and the owner's guests smoke, the owner is still responsible. The apartment owners themselves must inform all their guests and tenants about the respective agreements. In the lease agreement, the owner can agree on similar fines with the tenant or add an obligation to follow the rules of the house. However, the owner can authorize someone else (e.g. a tenant) to communicate with the cooperative on his behalf, but then it is necessary that he himself submits a power of attorney to the board. KrtS § 40 provides the possibility to divide household expenses also on a personal basis. For example, it can be agreed that each apartment owner submits the number of persons living in the apartment. Unfortunately, in practice we have also seen that the names of the persons living in the apartment are demanded and the movements of the persons staying in the owner's apartment are unreasonably monitored (including how many nights someone stays somewhere, etc.). Therefore, if this distribution of costs based on trust does not work, another way should be agreed that is less harmful to the privacy of individuals.

**Data processing for organizing parking** If it is a matter of parking in the cooperative area, the rules for the use of co-ownership, including the organization of parking on the territory of the cooperative, can be decided by the general meeting of the cooperative.<sup>1</sup> In this case, a contract is usually concluded with a private parking service provider for the organization of parking, and the cooperative needs the apartment owners to present a number plate to the car, on the basis of which a parking right is given to the corresponding car. <sup>1</sup> According to § 30 subsection 2 of the Apartment Ownership and Apartment Association Act, the apartment owner may demand that the object of separate ownership and joint ownership be used in accordance with the law, apartment owners' agreements and the articles of association of the apartment association. If the use

of separate property and joint property is unregulated, the interests of the apartment owners are taken into account. 3 It is important to note that in order to organize such parking, the cooperative does not need to know whether and who is the actual owner or user of which car. The cooperative does not have the right to check car documents, as they may also contain data of third parties (e.g. car users). It should be sufficient for the cooperative that each apartment owner or a person authorized by him submits only the license plate(s) of the corresponding car in order to obtain a parking right. Therefore, it is justified to collect data, which apartment has submitted a car with which license plate, and the contact details of the apartment owner, if the cooperative needs to be contacted for some reason (e.g. the parking area is being cleaned and it is necessary to remove the cars from the front for a certain period of time). However, if a car obstructs the movement of others, etc., you can call the police, who in this case will contact the owner of the corresponding car. The cooperative can only transfer license plates of cars with parking rights to the private parking lot. It must be emphasized once again that the cooperative cannot provide the personal data of any member to the parking organizer. "The cooperative may not submit the personal data of any member to the parking organizer. "Member's right to consult documents KrtS § 45 subsection 1 gives the apartment owner the right to receive information from the board about the activities of the apartment association and to consult the documents of the apartment association. The second paragraph of the same provision gives the management board the right to refuse to provide information and submit documents if this may cause significant damage to the legitimate interests of another apartment owner or a third party. The right of access is not an absolute right, and the board must first evaluate and review each time when to cover which personal data. For example, the account statement of the cooperative should be issued in such a way that all data of other natural persons (name, account number and also payment explanations, if they allow identification of persons) are covered. This is not necessary information for other members, who has paid the owner's expenses and from which account. However, the flow of payments in an impersonal form, including all transactions with legal entities, does not contain anything that the member could not consult the statement. At the same time, it may be justified to allow access to the signature sheets of the general meeting in order to make sure that the quorum requirements are met. It is also important to note that the contestation takes place according to the KrtS. Paragraph 3 of § 45 of this gives the right to demand the intervention of the general meeting or to submit an application to the court in non-lawsuit proceedings to oblige the management board to provide information or allow access to documents. Any procedure - how often, to what extent, and how access is allowed - can be agreed upon at the general meeting, if necessary. Access does not mean the right to receive copies

of documents. On-site dating is always a less damaging option for individuals. Requests for access to all documents for several years may be unreasonable considering the workload of the board. The right to access one's own data Both the member and all other third parties have the right to contact the cooperative with a request to access their own personal data on the basis of Article 15 of the IKÜM. A person can find out whether data about him is being processed and have the circumstances concerning the processing explained or request a copy of the data that is being processed about him. Based on this, the cooperative must respond to the person within one month and issue what data is being processed about him. This means that the person must be issued copies of his data, which the cooperative processes about him, including justifying the purpose and legal basis of the processing. This provision does not mean that copies of the documents containing the requester's data should be issued, but it only gives the right to receive a copy (excerpt) of the data concerning him. "A person can find out if data about him is being processed and have the circumstances concerning the processing explained. "For example, anyone can get to know their own data if they have been recorded by a security camera. It is not possible to refuse to show the recording or to issue a copy of the recording because other persons cannot be made unidentifiable in the recording. You can always use the so-called person blurring service and, if necessary, make the voice unrecognizable once. We believe that such a right of individuals, in addition to the preference for short storage times, should also regulate the decision whether to use cameras at all. Therefore, if the cooperative has decided in favor of cameras, it must also be able to use technologies that make persons unidentifiable if necessary. However, it is justified to refuse to comply with the request if the person does not provide a very specific expected time period, a description of himself (e.g. a description of his clothing) or a possible activity caught on camera, etc. in advance. Disclosure and transmission of data Any disclosure of personal data in a public space requires everyone's consent in advance (the decision of the general meeting is not enough), because third parties have access to it. In addition, it is not allowed to publish information about someone with only an apartment number in the stairwell, because persons can be indirectly identified. Therefore, when giving water readings, e.g. a closed mailbox, a remote counter or data transmission is used directly to the board via e-mail or other virtual environment. "Any disclosure of personal information in a public space requires everyone's prior consent. " "Debtor's data must be disclosed exclusively to the members of the cooperative. " If one of the members is a debtor, the data about this is transmitted to other members on the basis of legitimate interest. In this case, it is necessary information within the cooperative, because decisions on the joint management of the cooperative depend on it. The debtor's data must be disclosed exclusively to the members of the cooperative. It is

allowed to reflect it on invoices, to discuss it at the general meeting, to publish it in the inner group, but definitely not to publish it in the stairwell of the building. If you want to post the minutes of the meeting in the stairwells, then such a version should be published there, where the names of the persons and other personal data are not published. Every data processor, such as an apartment association, can use authorized processors for its work. For example, administrative service, accounting, a construction company for some work. We recommend that the contract for the provision of the service also includes the transfer of data, i.e. regulates the authorized processing, or that a contract of the responsible and the authorized processor is concluded separately for this purpose (the contractual requirement comes from Article 28, paragraph 3 of the IKÜM). It is also important to inform members about all authorized processors so that they know what their data is being transferred to the authorized processor and for what purpose. Insurance companies have the right to request information about members from the law. According to § 219 subsection 1 point 1 of the Insurance Activities Act, a state or local government institution, healthcare service provider, insurer or other third party is obliged to transmit personal data at the request of the insurer or to provide access to them, if the personal data is necessary for the insurer to perform the insurance contract and ensure its performance or to file counterclaims. A law enforcement agency (e.g. the police) may also request information from the board of the cooperative. In any case, the board must make sure in advance that the questioner provides a reference to his right to question from the law and check that the reference is correct. Data processing at the general meeting KrtS § 21 subsection 4 point 3 regulates the adoption of a decision if the meeting is not convened. In the minutes drawn up in the usual form of a general meeting, only several parties are noted and the vote against has been given without mentioning it by name. However, on the basis of this exception, the adopted decisions are recorded in the minutes with the names of the apartment owners who voted in favor. Therefore, according to this provision, it would be sufficient if the names of the owners who voted in favor are listed, which do not have to be listed together with the apartment number. If the release of data in a larger volume is still really necessary and justified, then it can be done (e.g. marking personal identification numbers on namesakes, adding the apartment number if it provides the necessary additional information). In addition to the protocol, it is necessary to prepare a list of members and collect participation signatures. We recommend that you check that the signature page and the page for collecting contact information are separate. As usual, general meetings are a good time to review members' contact information. To verify or provide contact information, the possibility of the page circulating in everyone's hands must be avoided. Paragraph 6 of MTÜS § 21 introduces the obligation to take minutes of the general meeting, which does not,

however, give an automatic right to record or film it. Separately, this provision also sets out the data that must be in the minutes, i.e. according to it, it is not necessary to record the statements of persons verbatim, therefore the minutes should be easily feasible without the need to listen to and correct the recording later. We recommend that you consider whether it is necessary to record meetings, as the law does not require verbatim minutes to be taken. "We recommend that you consider whether it is necessary to record meetings, as the law does not require verbatim minutes to be taken. " "If the sole purpose of the recording is to facilitate the preparation of the protocol, the recordings must be deleted immediately after the preparation of the protocol. " 6 In order to prevent everyone from recording the meeting themselves, a decision can be taken at the general meeting that the cooperative will record the general meetings. Separately, we point out that voice recording is always less harmful to the privacy of individuals than a video image. Before making a decision, it is necessary to agree on how long the recordings will be kept, who will have access to them (e.g. board members) and how they will be viewed. It is recommended, for everyone's sake, not to issue copies, but to have them for perusal only. The recording practice must be decided by the general meeting and the board's opinion is not enough. If the sole purpose of the recording is to facilitate the preparation of the report, the recordings must be deleted immediately after the preparation of the report. Asking members for data about each other Each cooperative can regulate the processing of data within the cooperative itself, and the inspectorate does not usually interfere in the internal affairs of KÜs and NGOs. We recommend that the board of the cooperative use blind copies when sending e-mails to members, but if this is the standard practice of the cooperative and all members themselves want it, then you can also use e-mail lists that are visible to everyone. In general, the recommendation is necessary to prevent the mailing list from being used as a spam list. If the sharing of members' data is necessary for the work and functioning of the association within the cooperative, or if the members themselves want it, then this can be decided, for example, by the general meeting and regulated somewhere in the internal rules for the sake of clarity. However, even in this case, we recommend sharing only those data that are necessary for the desired purpose. If a member of the cooperative turns to the management board to obtain another member's data, we first recommend that the management board offer to transmit some information or ask for the other member's consent first, including when transmitting contact data, the person can then choose which data to provide. In certain cases, the basis of legitimate interest may also be used to transfer data. We recommend that you consult our Legitimate Interest Guide before using legitimate interest as a legal basis. When using a legitimate interest, the board of the cooperative must consider whether the requester's interest outweighs the affected person's right to privacy. If, for example, the

described insurance incident between individuals has also occurred to the knowledge of the cooperative, it can be assumed that the neighbor wants to obtain the data of the apartment owner in order to submit an insurance claim, and not for any other purpose. When issuing data on the basis of legitimate interest, the board of the cooperative must be able to justify its decision in the event of a later dispute, i.e. we always recommend considering whether and which personal data transfer is necessary to resolve the situation. If one person only wants the name and date of birth of the owner of another apartment, the same data can actually be obtained from the land registry with a paid request. Therefore, the transfer of such data may not excessively harm the person on the basis of a legitimate interest. The basis of legitimate interest may also be met if the member wants to get acquainted with the incident of damage to his car caught on the security camera. In most cases, it is the sharing of their contact information that can disturb individuals. In case of any transfer of data to third parties, the cooperative should inform the affected person in advance (which personal data and on what basis and to whom the cooperative will transfer). "When issuing data on the basis of legitimate interest, the board of the cooperative must be able to justify its decision in the event of a later dispute, i.e. we always recommend considering whether and which personal data transfer is necessary to resolve the situation. " 7 An apartment cooperative is by its very nature managing a shared home and agreeing on common rules of conduct, i.e. consideration for others. It is reasonable to agree on the rules, because possible fines for non-compliance with data protection rules mean expenses for members from their common wallet. We wish all people living in an apartment association peaceful minds and friendly relations, and we remind you that the fastest and most effective way for apartment owners to resolve their differences is by communicating with each other. Data Protection Inspectorate March, 2021