

Case number: NAIH / 2020/166/5.

History: NAIH / 2019/7637.

Subject: Partial decision granting the application

DECISION

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

by an authorized legal representative of the applicant (hereinafter: the Applicant)

On the basis of his request, the Applicant initiated data protection official proceedings on 29 October 2019

with regard to the unlawful processing of your personal data in connection with a loan agreement with [...]

('the Applicant'). In that case, the Authority shall take the following decisions:

I.1. In the part of the Authority's application

gives place

and

I.2. notes that the Applicant processed the Applicant's personal data without a legal basis,

and breached the purpose limitation principle of the General Data Protection Regulation.

I.3. The Authority shall issue a request to the Applicant for a breach of the Applicant's obligation to provide information

in the section on

rejects.

II. The Authority shall inform the Applicant ex officio due to the unlawful data processing carried out by it

HUF 1,000,000, ie one million forints

data protection fine

obliges to pay.

No procedural costs were incurred during the official proceedings and therefore no costs were incurred

provided by the Authority.

The data protection fine shall govern the initiation of legal proceedings

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

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

Centralized collection account IBAN: HU83 1003 2000 0104 0425 0000

0000). When transferring the amount, NAIH / 2020/166. JUDGE. should be to refer to.

If the Applicant fails to meet the obligation to pay the fine within the time limit, it shall be delayed must pay a supplement. The rate of the late payment interest is the statutory interest, which is in arrears equal to the central bank base rate valid on the first day of the calendar half-year concerned. The fine and the in the event of non-payment of the late payment allowance, the Authority shall order enforcement of the decision.

There is no administrative remedy against the decision, but it has been available since its notification

Within 30 days of the application addressed to the Metropolitan Court in an administrative lawsuit can be challenged. The application must be submitted to the Authority electronically, which is the case forward it to the court together with his documents. The request for a hearing must be indicated in the application.

For those who do not benefit from full personal tax exemption, the fee for an administrative lawsuit is 30 HUF 000, the lawsuit is subject to the right to record material taxes. In the proceedings before the Metropolitan Court, the legal representation is mandatory.

EXPLANATORY STATEMENT

I. Procedure and clarification of the facts

I.1. By a legal representative of the applicant authorized by [...] on 28 October 2019 submitted an application initiating and requesting an official data protection procedure the investigation of the data processing of the Applicant, the establishment of the fact of illegal data processing.

At the request of the Applicant, the right to information self - determination and the CXII of 2011 on freedom of information Section 60 (1) of the Information Act (hereinafter: the Information Act) data protection authority proceedings have been initiated.

The Applicant stated that it had not entered into any loan or credit agreement with

With the Applicant, nevertheless in the Applicant's records as a debtor in a credit transaction recorded in the Central Credit Information System without a legal basis

(hereinafter: KHR) also transmitted your personal data. The Applicant then became aware

that your personal data will be treated unlawfully when you have entered into with another financial institution loan agreement, however, it was refused on the grounds that his personal data was

They are listed in KHR in connection with a loan transaction, so you may not receive or receive as much you can get a loan in the amount you have requested. According to the Petitioner, this is "serious caused moral damage "by the Applicant to the Applicant.

The Applicant lodged a complaint with the Applicant and requested information on 30 August 2019 a He applied at a branch in Hajdúböszörmény, but claims that he did not receive a suitable one information.

The Applicant has attached a copy of the following documents:

-

From KHR 30.08.2019. "Person's own credit report" requested on

The Applicant sent to the Applicant - [...] ICT no. Letter from the Requested

that it is registered in the CCIS in connection with the Applicant

the change in the reference data was transmitted to the financial undertaking managing the CCIS

10/02/2019 on the day. This letter states that the - [...] no. for the contract, the Applicant is a co-debtor.

I.2 Statements made during the Requested Procedure

The Authority notified the Applicant in accordance with NAIH / 2019/7637/4. by order no in order to clarify the facts, to which the Applicant has stated the following.

The source of previously processed personal data was KHR. The Applicant's personal information

Act CXXII of 2011 on the Central Credit Information System

(hereinafter: the CCIS Act), data management

as a legal basis for the processing of personal data by natural persons

the free movement of such data and repealing Directive 95/46 / EC

Regulation) 6.

Article 1 (1) (c).

The Applicant was previously a customer of the Applicant, lasting from 11 December 2002 to 21 February 2005 had a current account of type [...] with the Applicant during the period. Termination of your contract after the retention period applicable to the contract was lawfully stored by the Applicant by the Applicant personal information.

The Applicant's first complaint was lodged on September 18, 2019, at the Hajdúböszörmény branch of the Applicant. performed. The bank clerk recorded the complaint with the Requested Central Complaints Officer as a result of which the Applicant initiated an internal investigation. During the examination it was established that the Applicant was incorrectly recorded in the CCIS for a loan agreement, caused by a manual recording error due to a customer number error. As the Applicant's complaint and the proceedings revealed that it was not the Applicant 's client,

The administrator of Hajdúböszörmény was informed of the procedure by telephone on 10 October 2019 and deletion from the CCIS system.

The Applicant forwarded the data of the Applicant to the CCIS on 3 October 2019, about which the Applicant notified by post. The subject of the letter is the transfer of data to the CCIS, the letter in this round shows the changes for which the deletion was made. Section 17 (5) of the CCIS Act requires the data subject to be notified of any changes in the data in the CCIS. According to the letter, [...]

The personal data of the Applicant (name, date of birth) were recorded for the contract number name, mother's birth name, place and date of birth, identity document number, address, mailing address).

According to the Applicant's statement, the Applicant's customer number was [...], the actual debtor of the contract the customer number [...]. The Applicant also stated that the Applicant had been registered by mistake to the credit agreement of the real debtor of the contract.

According to the Applicant, the Applicant's request was duly fulfilled and notified by telephone the measures taken.

The Applicant also attached the "Information sent to the Applicant on 3 October 2019".

on the transfer of data to the CCIS (to natural persons) "

provided information that 'éve in compliance with its legal obligation (Act CXXII of 2011 -

KHR tv. - § 15 (6)) in connection with the contract No. [...] of the Central Credit Information

There has been a change in the reference data recorded in the System (KHR)

(BISZ Zrt.) on 02-02-2019.

The following data on your [...] contract with our bank can be found in the Central Credit Information

In the system. [...] "The letter hereinafter contains the Applicant's personal data and

the contract data were incorrectly recorded in relation to the Applicant, however, there is no indication of a

letter that these entries are incorrect or will be deleted.

The Applicant's second complaint was received by the Applicant on 28 October 2019, in which a

The Applicant requested a HUF 700,000 grievance fee with reference to the Applicant's unlawful data processing. THE

The applicant's letter was replied to by post on 12 November 2019, in which it was again acknowledged that

that they were at fault, however, the amount of damages claimed was considered excessive by the Applicant. THE

Taking into account the damage suffered by the Applicant, the Applicant awarded immediate "compensation" of HUF 200,000,

which was transferred to the Applicant's account number. The Applicant is attached by the Applicant's proxy

a copy of the letter sent to his legal representative, dated 12 November 2019, containing the incorrect information

The following information was provided in connection with the data subject's request for cancellation:

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'[T] he complaint has been investigated and it has been established that

The data processing indicated in his complaint was due to an administrative error, which was rectified immediately

we corrected it after we became aware of it, so that your Client could not suffer any material damage. The repair

after which he is entitled to a full credit. We do not record your Client in a given transaction

as an actor, this is confirmed by our present letter.

We would like to note here that the deadline for replying to complaints is 30 days. The application

to answer, of course, the Bank must also verify that the Customer is indeed

whether it is included in the obligation and, if not, how it was included. Investigate this however, our Bank did not intentionally delay the investigation and by settling the complaint. After the Customer has not previously submitted a written complaint to our Bank, only verbally indicated his objection at the Hajdúböszörmény branch on 18 September 2019, Our Bank did not send a written reply. However, about the outcome of the investigation after the settlement the Hajdúböszörmény branch immediately informed the Customer. [...] ”

II. Applicable law

On the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46 / EC

Article 2 (1) of Regulation (EU) No 2016/679 (hereinafter referred to as the General Data Protection Regulation)

The Regulation applies to all or part of personal data

automated processing of non-automated data

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

intended to be part of a registration system.

Article 4 (1) of the General Data Protection Regulation "personal data" means identified or identifiable

any information relating to a natural person ("data subject"); identifiable by that natural

a person who, directly or indirectly, in particular by means of an identifier such as a name, number,

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

on the basis of one or more factors relating to his or her intellectual, economic, cultural or social identity

identifiable.

Personal data pursuant to Article 5 (1) (b) of the General Data Protection Regulation

collected for specified, explicit and legitimate purposes and not processed

in a way incompatible with those objectives; ("Purpose limitation")

Processing of personal data under Article 6 (1) of the General Data Protection Regulation

lawful only if and to the extent that at least one of the following is met:

(a) the data subject has given his or her consent to the processing of his or her personal data for one or more specific

purposes

treatment;

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

or to take action at the request of the data subject prior to the conclusion of the contract

required;

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

(d) processing is in the vital interests of the data subject or of another natural person

necessary for its protection;

(e) the processing is in the public interest or a public authority vested in the controller

necessary for the performance of the task

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

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

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

especially if the child concerned.

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Point (f) of the first subparagraph shall not apply to the performance of their duties by public authorities

data management during

Pursuant to Article 15 (1) of the General Data Protection Regulation, the data subject is entitled to

to receive feedback from the data controller regarding the processing of your personal data

is in progress and if such data processing is in progress, you are entitled to personal

access to data and the following information:

(a) the purposes of the processing;

(b) the categories of personal data concerned;

(c) the recipients or categories of recipients with whom the personal data are held

have been or will be communicated, including in particular to third country consignees, and

international organizations;

(d) where applicable, the intended period for which the personal data will be stored or, failing that possible criteria for determining this period;

(e) the data subject's right to request personal data concerning him or her from the controller rectification, erasure or restriction on the processing of such personal data against its treatment;

(f) the right to lodge a complaint with a supervisory authority;

(g) if the data were not collected from the data subject, all available information on their source;

(h) the fact of automated decision-making referred to in Article 22 (1) and (4), including: profiling and, at least in these cases, the logic used comprehensible information on the significance of such processing and on the data subject the expected consequences.

Under Article 17 (1) (b) of the General Data Protection Regulation, the data subject is entitled that, at his request, the controller deletes his personal data without undue delay data, and the controller is obliged to provide personal data concerning the data subject delete it without undue delay if the data subject withdraws the authorization referred to in Article 6 (1) (a). consent to the processing, and there is no consent to the processing other legal basis.

Article 25 of the General Data Protection Regulation:

The controller shall keep the state of the art and the cost of implementation and the costs of implementation the nature, scope, circumstances and purposes of the processing and the rights of natural persons; and taking into account the varying degrees of probability and severity of the risk to their freedoms both in determining the method of data management and in the course of data management carry out technical and organizational measures, such as pseudonymisation, aimed at effective implementation of data protection principles, such as data retention, on the one hand, and e necessary to meet the requirements of this Regulation and to protect the rights of data subjects incorporating guarantees into the data management process.

2. The controller shall implement appropriate technical and organizational measures

to ensure that only such personal data is processed by default

necessary for the specific purpose of the processing. That is the obligation

applies to the amount of personal data collected, the extent of their processing and storage

duration and availability. These measures must, in particular, ensure that

that personal data is not by default without the intervention of the natural person

become accessible to an indefinite number of persons.

3. An approved certification mechanism in accordance with Article 42 may be used to demonstrate this

that the controller complies with the requirements set out in paragraphs 1 and 2 of this Article.

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Pursuant to Article 58 (2) (b), (c) and (i) of the General Data Protection Regulation

acting within the corrective power of the competent authority:

(b) reprimands the controller or the processor if he or she is acting in a data-processing capacity

has infringed the provisions of this Regulation;

(c) instruct the controller or processor to comply with this Regulation

the exercise of his rights under this Regulation;

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

in addition to or instead of the measures referred to in this paragraph.

Pursuant to Article 83 (1) of the General Data Protection Regulation, all supervisory authorities

ensure that any infringement of this Regulation referred to in paragraphs 4, 5 and 6 is in accordance with this Article

The administrative fines imposed pursuant to this Regulation shall be effective, proportionate and dissuasive in each case
be dissuasive.

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

referred to in Article 58 (2) (a) to (h) and (j), as the case may be

should be imposed in addition to or instead of measures. When deciding if it is necessary

to impose an administrative fine or to determine the amount of the administrative fine

in each case due account shall be taken of the following:

(a) the nature, gravity and duration of the breach, taking into account the processing in question

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

the extent of the damage they have suffered;

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

(c) the mitigation of damage caused to the data subject by the controller or the processor

any measures taken to

(d) the extent of the responsibility of the controller or processor, taking into account the

Technical and organizational measures taken pursuant to Articles 25 and 32;

(e) relevant infringements previously committed by the controller or processor;

(f) the supervisory authority to remedy the breach and the possible negative effects of the breach

the degree of cooperation to alleviate

(g) the categories of personal data concerned by the breach;

(h) the manner in which the supervisory authority became aware of the infringement, in particular

whether the controller or processor has reported the breach and, if so, what

in detail;

(i) if previously against the controller or processor concerned, in the same

one of the measures referred to in Article 58 (2) has been ordered orally

compliance with revolving measures;

(j) whether the controller or processor has kept itself approved in accordance with Article 40

codes of conduct or approved certification mechanisms in accordance with Article 42;

and

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

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

avoided loss.

Pursuant to Article 18 (2) of the General Data Protection Regulation, where the processing is

subject to paragraph 1, such personal data, with the exception of storage, shall be subject to
with the consent of the data subject, or for the submission, enforcement or enforcement of legal claims
to protect the rights of another natural or legal person, or
Important public interest of the Union or of a Member State.

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Pursuant to Article 83 (5) of the General Data Protection Regulation, the following provisions apply
an administrative fine of up to EUR 20 000 000 in accordance with paragraph 2
or, in the case of undertakings, the total worldwide turnover in the preceding business year
up to a maximum of 4%, with the higher of the two amounts
to impose:

(a) the principles of data processing, including the conditions for consent, in accordance with Articles 5, 6, 7 and 9;
appropriately;

(b) the rights of data subjects under Articles 12 to 22. in accordance with Article

Infotv. Pursuant to Section 2 (2) of the European Parliament (EU) 2016/679

and Council Regulation (hereinafter referred to as the General Data Protection Regulation)

the general data protection regulation in accordance with Articles III-V. and VI / A. Chapter and Section 3 (3), (4),

6, 11, 12, 13, 16, 17, 21, 23-24. Section 4 (5), Section 5 (3) to (5), (7) and (8)

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

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

§ (1), Articles 52-54. § 55 (1) - (2), 56-60. §, 60 / A. §

(1) - (3) and (6), Section 61 (1) (a) and (c), Section 61 (2) and (3)

paragraph 4 (b) and paragraphs 6 to 10, paragraphs 62 to 71. § 72

in Section 75 (1) - (5), Section 75 / A. With the additions specified in § and Annex 1

should be used.

Act CXXII of 2011 on the Central Credit Information System (hereinafter: the CCIS

Pursuant to Section 5 (2) of the Act), the reference data provider for financial services

investment loan agreement and the securities lending agreement, as well as the statutory student

the conclusion of a credit agreement (hereinafter together: the agreement which is the subject of the data provision)

then submit it in writing to the CCIS

(a) the natural person is listed in Annex II; points 1.1 and 1.2 (a) to (d) and (k) of Chapter

reference data in accordance with

(b) undertakings listed in Annex II. Chapter II, points 2.1 and 2.2 (a) to (d) and (l)

reference data in accordance with

Pursuant to Section 5 (7) of the KHR Act, it is a contract that is the subject of data provision

the reference data provider from the financial undertaking managing the CCIS prior to the conclusion of the contract

takes over:

(a) in the case of a natural person customer, in a written declaration pursuant to paragraph 3

in accordance with paragraph 2 of Annex II. Sections 1.1 to 1.4 and 1.6 of Chapter

reference data according to

(b) in the case of a natural person customer, in a written declaration pursuant to paragraph 3

did not consent to the consultation of his data - Annex II in accordance with point 1.5 of Chapter

11-13 / A. The reference data registered in the CCIS [Annex II. Chapter

Points 1.1, 1.2 (e) to (g), points 1.3 to 1.4, point 1.6],

(c) in the case of undertakings, Annex II. reference data according to sections 2.1 to 2.4 of this chapter.

Pursuant to Section 15 (6) of the CCIS Act, the reference data provider is Section 6 (5)

with the exception of the reference data in accordance with this Act, all financial institutions managing the CCIS in accordance

with this Act

no later than five working days after the transfer of the data to the undertaking

inform the registered natural person of the transfer.

III. Authority decision

III.1.Data processing of the requested data

The Applicant handles the following personal data of the Applicant in the objected case: name, date of birth name, place and time of birth, identity document number, residential address, customer number.

On the basis of the Applicant's statements, the Authority has established that its data management process

The Illegal data processing of the Requested was caused by the erroneous data recording.

According to the Applicant's statement, the unlawful conduct caused the unlawful data processing,

but it can be traced back to an administrative error. In the Authority's view, this argument

does not relieve the Applicant of the responsibility of the data controller, given that the general

Pursuant to Article 4 (7) of the Data Protection Regulation, the Applicant is a controller and not a

employees. The Applicant is the one who organizes and processes the data management process

circumstances, not the clerks. The most important feature of a data controller is that it is meaningful

has decision - making powers and is responsible for the processing of all data, the

for compliance with the obligation laid down in the General Data Protection Regulation.

The Working Party on Data Protection set up under Article 29 of the Data Protection Directive (hereinafter

Working Party on Data Protection) 1/2010 on the concept of "controller" and "processor".

He also stated in his opinion no

considered for data processing and obligations under data protection law,

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

even in such cases where a specific natural person is appointed to provide the

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

data controller, but acting on behalf of the legal person (company or public body)

which, in its capacity as controller, remains liable in the event of a breach of the principles. " The

The fact that the data was recorded incorrectly by an administrator does not therefore constitute a ground for exemption

In this case, too, the controller shall be liable.

Based on all these, the violation under this decision is the responsibility of the Applicant as data controller

fall. Article 25 of the General Data Protection Regulation requires the controller to be the controller

take appropriate technical and organizational measures throughout the process

to ensure that only such personal data is processed by default

necessary for the specific purpose of the processing.

III.2. Legal basis for data management

It can be established from the documents that the Applicant is neither in connection with the given transaction nor otherwise there was no debtor or client of the Applicant in connection with the transaction, there was no legal relationship between them Since February 21, 2005, the date of termination of his current account agreement.

Due to the incorrect recording of the customer number, the Applicant kept the data of the Applicant in such a way that they were related to a credit transaction of another person, and therefore, in connection with the previous current number agreement, the

for the purpose of performing the contract, by mistake.

The Authority found that the Applicant had made an erroneous record infringed Article 6 (1) of the General Data Protection Regulation by not had a legal basis for data processing.

III.3. Principle of purpose

Due to the writing of the Applicant concerning the customer number, the Applicant was registered as a debtor by mistake to the customer number of a contract in which the Applicant was not involved, ie a

The Applicant used his personal data in a contract in which the Applicant did not acted as a party.

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The original purpose of the processing of the Applicant's personal data is the Applicant's current account agreement and the mandatory storage of personal data after its termination.

By managing the personal data of the Applicant in connection with his / her current account agreement was linked to a credit agreement in which the Applicant was neither a debtor nor any other is not included as an obligor, the Applicant's personal data of the Applicant is original treated for a different purpose.

In view of the above, the Authority found that the Applicant had breached the general data protection

the principle of purpose limitation set out in Article 5 (1) (b) of that Regulation.

III. 4. Obligation of the Applicant to provide information

III.4.1. The quality of the Applicant's oral complaint

The Applicant at the Applicant - according to the Applicant on 30 August 2019, a

According to the applicant's statement on September 18, 2019 - in his oral complaint it

objected that he was not a debtor in connection with the contract forwarded by the Applicant to the CCIS.

The Applicant has attached documents and a statement of objections to the consumer

qualified as a complaint.

In his complaint, the Applicant raised an objection regarding the status of the debtor, and

in that regard, it made no indication that the

To the applicant.

In the Authority's view, the Applicant's oral objection, based on its content, is based on the above

does not constitute an application for the exercise of the rights of the data subject and, consequently, the Applicant

was not infringed in his capacity as a data subject.

In the context of the examination of this complaint by the Applicant, the Authority may not take a position,

whereas the investigation of consumer complaints is dealt with in Infotv. Pursuant to Section 38 (2) - (2a)

does not fall within its competence, it is within the competence of the Magyar Nemzeti Bank.

III.4.2. Application of the Applicant concerned

The Applicant's second complaint, which also qualifies as a concerned application, was received on 28 October 2019

To the applicant. In this, the Applicant claimed damages for the illegal data processing of the Applicant

with reference. The Applicant sent information to the data subject on 12 November 2019

Article 12 (1) of the General Data Protection Regulation

clearly inform the Applicant of the measures taken in accordance with

Pursuant to Article 12 (3) of the General Data Protection Regulation, a response must be provided within one month

at the request of the data subject, ie to inform the controller of the action taken

connection.

In view of the fact that the Applicant submitted the application submitted on 28 October 2019 in 2019.

Article 12 (1) of the General Data Protection Regulation

therefore, the Authority found that the Applicant had not infringed

Article 12 (3) of the General Data Protection Regulation.

III.5. Legal consequences

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The Authority grants the request of the Applicant and Article 58 (2) of the General Data Protection Regulation.

Article 6 (b) of the General Data Protection Regulation

For breach of Article 5 (1) (b) of the General Data Protection Regulation.

The Authority examined of its own motion whether a data protection fine against the Applicant was justified.

imposition. In this context, the Authority shall comply with Article 83 (2) of the General Data Protection Regulation and

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

in the case of an infringement detected in the present proceedings, the warning is neither proportionate nor dissuasive

therefore a fine should be imposed.

In imposing the fine, the Authority considered the following factors as aggravating circumstances

take into account:

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The unjustified data processing of the Applicant significantly affects the privacy of the Applicant

affected as the Applicant's personal data in connection with a contract

recorded in which he was not even indebted. Available to a natural person for a loan

access is a basic existential need. The Applicant's internal procedures are not

eliminated that the Applicant, who was unaware of the data processing, was

be placed in a situation which seriously harms his interests and should have the infringement himself

take steps to resolve it. (Article 83 (2) of the General Data Protection Regulation)

paragraph (a)

-

The violation is serious because the Applicant's handling of data is subject to general data protection violated several articles of the Regulation and treated the Applicant as personal that the data in the passive status, which is subject to the retention obligation, has been actively used - recorded - in another transaction. (general

Article 83 (2) (a) of the Data Protection Regulation)

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To convict the Applicant for violating the General Data Protection Regulation has already taken place in NAIH / 2018/5573/6 / H. in which the Authority found that a mortgage loan was treated in the context of a contract with a the personal data of the data subject and has mistakenly designated him as the debtor in the contract, despite the fact that the person concerned was neither a party nor any other obligor in the contract to which the Applicant has fixed him in his system, and then for this reason, the applicant's personal data is mistaken for the contract debtor made available to him. No fine was imposed in this case.

(Article 83 (2) (e) and (i) of the General Data Protection Regulation)

In imposing the fine, the Authority took into account the following mitigating circumstances:

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The unlawful data processing of the Requested affected a person and after the detection of the error he remedied the situation within a short time. (Article 83 (2) of the General Data Protection Regulation) paragraph (a)).

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The unlawful data processing of the Applicant can be attributed to his unintentional conduct back. (Article 83 (2) (b) of the General Data Protection Regulation).

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Taking into account the damage suffered by the Applicant, the Applicant is HUF 200,000 immediate

Awarded "compensation" which was transferred to the Applicant's account number. (general

Article 83 (2) (c) of the Data Protection Regulation)

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Based on the nature of the breach - breach of data processing principles - upper limit of the fine that can be imposed

EUR 20 000 000 pursuant to Article 83 (5) (a) of the General Data Protection Regulation, and

up to 4% of total world market turnover in the preceding business year. (General Data Protection Regulation

Article 83 (5) (a)

Based on the Applicant's income statement for 2018, its pre-tax profit is HUF [...] million

volt. The data protection fine imposed shall not exceed the maximum fine that may be imposed, as it is [...]

0.00847% of HUF million. (Article 83 (5) (a) of the General Data Protection Regulation)

Article 83 (2) of the General Data Protection Regulation applies to the imposition of fines.

The following provisions of paragraph 1 were not taken into account because, in its view, the

were not relevant in the present case: points (d), (f), (h) and (k).

By imposing a fine, the Authority's specific preventive purpose is to encourage the Applicant

to examine personal transactions handled in connection with contracts with its customers

data practices. In setting the amount of the fine, the Authority shall:

in addition to the general purpose of prevention, the general preventive purpose to be achieved by the fine was taken into

account

which, in addition to deterring the Applicant from further infringement, all market participants

data processing practices.

ARC. Other issues

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

whole

country.

The Ákr. Pursuant to § 112 and § 116 (1) and § 114 (1)

there is an administrative remedy against him.

The rules of administrative litigation are laid down in Act I of 2017 on the Procedure of Administrative Litigation (a hereinafter: Kp.). A Kp. Pursuant to Section 12 (2) (a), the Authority

The administrative lawsuit against the decision of the Criminal Court falls within the jurisdiction of the court. Section 13 (11)

The Metropolitan Court shall have exclusive jurisdiction pursuant to A Kp. Section 27 (1)

legal representation is mandatory in litigation within the jurisdiction of the tribunal. Kp. Section 39 (6)

unless otherwise provided by law, the date of filing of the application

has no suspensory effect on the entry into force of an administrative act.

A Kp. Section 29 (1) and with this regard Pp. Applicable in accordance with § 604, electronic

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

Under paragraph 1 (b), the client's legal representative is required to communicate electronically.

The time and place of the submission of the application is Section 39 (1). THE

Information on the possibility of requesting a hearing is provided in the CM. Section 77 (1) - (2)

based on. The amount of the fee for an administrative lawsuit shall be determined in accordance with Act XCIII of 1990 on

Fees. law

(hereinafter: Itv.) 45 / A. § (1). From the advance payment of the fee is

Itv. Section 59 (1) and Section 62 (1) (h) shall release the party instituting the proceedings.

If the Applicant does not duly prove the fulfillment of the prescribed obligations, a

The Authority considers that it has not complied with its obligations within the time allowed. The Ákr. Section 132

if the Applicant fails to comply with the obligation set out in the final decision of the Authority,

the executable. The decision of the Authority Pursuant to Section 82 (1), the communication shall become final

becomes. The Ákr. Section 133 of the Enforcement - unless otherwise provided by law or government decree

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ordered by the decision-making authority. The Ákr. Under section 134 of the enforcement - if

a law, government decree, or local government decree in a municipal authority matter

unless otherwise provided - by the state tax authority.

Budapest, March 26, 2020

Dr. Attila Péterfalvi

President

c. professor

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