

Case number: NAIH-353-15/2022.

History: NAIH-5637/2021.

Subject: request partially granted

tax decision, terminating

order

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

by the applicant (address: [...]) (hereinafter: Applicant) with the Fidesz-Hungarian Civil Union

(registered office: 1062 Budapest, Lendvay utca 28.; hereinafter: Applicant) against the Applicant

data protection was initiated following your request regarding the unauthorized processing of your personal data

in an official procedure - in which procedure the Authority is the Fidesz-Hungarian Civic Association of Kaposvári

He involved his electoral district office (7400 Kaposvár, Szent Imre utca 14. fszt.) as a client - the following

makes decisions:

I. In the Authority's decision, with the Respondent's Kaposvár Electoral District Office (hereinafter:

Customer) terminates the official data protection procedure initiated against the customer.

II. In the order of the Authority, the procedure is terminated in relation to the request of the Applicant,

to instruct the Applicant to delete personal data processed without a legal basis.

III. In the Authority's decision, the Applicant's requests to instruct the Applicant

to comply with the request for access, and further establish that the Respondent has violated the

the principle of accountability according to Article 5 (2) of the General Data Protection Regulation,

rejects.

ARC. In the Authority's decision, it partially grants the Applicant's request and states that a

Requested

a) handled the Applicant's telephone number data illegally and without legal basis, thereby violating the

on the protection of natural persons with regard to the management of personal data and

on the free flow of such data and the repeal of Directive 95/46/EC

Regulation (EU) 2016/679 (hereinafter: General Data Protection Regulation) Article 6 (1)

paragraph;

b) the Applicant has violated the right to deletion contained in Article 17 of the General Data Protection Regulation
your right;

c) the Applicant violated Article 15 (1) of the General Data Protection Regulation
your right of access;

d) by not providing adequate information when contacting the Applicant by telephone a
about the most important information related to the management of your personal data and the rights of the data subject
nor did he provide adequate information about his exercise, which would facilitate it, he violated the general
Article 12 (1)-(2) and Article 13 (2) of the data protection regulation.

A. In the Authority's decision, the general conduct of the Respondent's telephone campaigns
in relation to its data management information practices, it ex officio establishes that by
that it does not provide basic general information to those concerned during phone calls a
on the management of their personal data and thus the right of the data subjects to exercise their rights as data subjects is
violated,
violates Article 13 (2), Article 24 (1) of the General Data Protection Regulation
and paragraph (1) of Article 25.

VI. In its decision, the Authority ex officio instructs the Applicant to amend the telephone number
its information practice during the conduct of campaigns in such a way that it corresponds to it
of the General Data Protection Regulation, i.e. provide the data subjects during the telephone call
adequate information about the management of their personal data.

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The above VI. the fulfillment of the obligation prescribed in point, the Respondent has to face this decision
must be in writing within 30 days of the expiration of the legal remedy deadline - the supporting evidence
along with its submission - certify to the Authority.

No procedural costs were incurred in the procedure.

There is no place for an administrative appeal against this decision, but it is subject to notification

Within 30 days with a letter of claim addressed to the Capital Court in a public administrative case

can be attacked. The claim must be submitted to the Authority, electronically¹, which is the case

forwards it to the court together with its documents. The request to hold the hearing must be indicated in the statement of claim

must For those who do not benefit from the full personal tax exemption, the administrative court fee

HUF 30,000, the lawsuit is subject to the right to record the levy. In the proceedings before the Metropolitan Court, the legal

representation is mandatory.

This decision of the Authority on the website of the Authority by indicating the identification data of the Applicant

publishes it.

I N D O C O L A S

I. Procedure of the procedure

The Applicant submitted an application to the Authority via e-paper on June 17, 2021.

The request did not comply with the CL of 2016 on the general administrative order. law (a

hereinafter: Ákr.) of § 36. (1) and on the right to informational self-determination and

CXII of 2011 on freedom of information. Act (hereinafter: Infotv.) Section 60 (5)

of the requirements set forth in paragraph 1, therefore, the Authority issued the Applicant NAIH-5637-2/2021.

in order no.

The Applicant noted the shortcomings of the application in his submission sent via e-paper on June 24, 2021

replaced it. In view of the fact that the Applicant's request was completed by fulfilling the deficiency, that is

official data protection procedure started on June 25, 2021.

The Authority NAIH-5637-5/2021 dated June 30, 2021. notified in order no

The applicant requested information about the initiation of the procedure and in order to clarify the facts

about the conditions of data management. The Respondent arrived at the Authority's invitation on July 27, 2021

answered in his letter.

The Authority dated August 6, 2021, NAIH-5637-7/2021. in order no. the facts are further

in order to clarify it, he repeatedly contacted the Respondent, to which request the

The applicant - after a deadline extension - in his letter received on September 16, 2021

answered.

The Authority - bearing in mind that it considered it necessary to further clarify the facts - repeatedly addressed questions to the Applicant in NAIH-5637 dated September 30, 2021-11/2021. in order no. 2021 for the questions contained in the Authority's order.

replied in a letter received on October 25.

The Applicant provided additional information in the information letter sent via e-paper on October 15, 2021 given in relation to the facts. The Authority NAIH-5637-13/2021 dated October 25, 2021.

in his order no. he requested additional information from the Applicant, which information a

The Authority released the applicant's reply sent via e-paper on October 25, 2021 at your disposal.

The Authority NAIH-5637-16/2021 dated November 24, 2021. customer status in order no provided to the Customer, at the same time he requested information in order to clarify the facts.

1 The NAIH_K01 form is used to initiate the administrative lawsuit: NAIH_K01 form (16.09.2019) The form is the general can be filled out using a form-filling program (ÁNYK program). <https://www.naih.hu/kozig-hatarozat-birosagi-felulvizsgalata>

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In view of the fact that the Authority's order was returned in 2021 with the indication "address cannot be identified". on November 30, therefore the Authority repeatedly sent the order to another Customer availability. In relation to the questions contained in the inquiry of the Authority, the Respondent replied in his letter received on January 7, 2022.

The Authority notified the Applicant of the completion of the evidence procedure in NAIH-353-3/2022. in order no. the Application is NAIH-353-2/2022. notified and called both the Applicant, both the Applicants for the opportunity to exercise their right to inspect documents and make statements.

The Respondent, in its letter dated February 2, 2022, to the provisions of the Authority's order he stated.

The Applicant declared to the Authority's order that he wishes to exercise his right to inspect documents and requests

copies of documents sent not from the Applicant or to the Applicant

sending. The Authority grants the Applicant's right to inspect documents in accordance with NAIH-353-6/2022. no agreed in its ruling and sent the requested copies of documents to the Applicant by post. THE Applicant regarding the documents sent in his letter dated February 15, 2022 he stated.

In view of the fact that the Applicant, in his response letter dated February 15, 2022, the data protection amended its request for official procedure, the Authority has amended this Request under NAIH-353-8/2022. notified in its order no in order to clarify the facts, invited the Applicant to make a statement.

Given that the Respondent did not respond to the Authority's inquiry at all, the Authority NAIH-353-9/2022. in order no. to pay the Petitioner HUF 300,000 procedural fine he obliged and in order to clarify the facts, he repeatedly called the person in his inquiry to make statements related to issues.

The Respondent fulfilled its obligation to pay the fine within the deadline and on May 25, 2022 AVDH stated in its certified submission that it was included in the request of the Authority regarding questions.

The Authority NAIH-353-12/2022. order no. in order to fully clarify the facts of the

He invited the applicant to make a statement. The Respondent with the questions contained in the order of the Authority regarding this, he made a statement in his certified submission from AVDH on July 18, 2022.

II. Clarification of the facts

II.1. In his application, the Applicant stated that on June 17, 2021 at 2:19 p.m. a phone call received from the phone number +36 82 951 825 to the mobile phone number of [...]. The phone number is a The telephone number of the applicant's office in Kaposvár is listed in the public telephone directory. In his report, he stated that during the call they inquired about the vaccination against Covid whether you received it, and they asked you to subscribe to their newsletter. However, the clerk did not know to say how the Applicant's phone number came into his possession, and he was unable to delete it either.

According to the Applicant's point of view, it was presumably recorded in relation to the Covid vaccination information.

In his notification, the Applicant also submitted that he never gave his consent to his personal data - in this case, a mobile phone number - for marketing purposes and against Covid to store the vaccination.

The Applicant asked the Authority to instruct the Applicant to remove the personal data processed without a legal basis to delete your data, establish the illegality of the information provided at the data subject's request, and instruct the Requested to comply with the Requester's access request.

II.2. The Respondent informed the Authority in its response letter received on July 27, 2021

the Authority that the personal data of the persons who they previously gave their consent for the Respondent to maintain contact with them,

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provide them with information on matters considered important by the party, for the purpose of asking for opinions you can find them.

At the time of the Authority's inquiry, the Applicant's personal data are not included in the Requested in his sympathizer register. According to his statement, the reason for this is presumably that a During the conversation with the employee who called him, the applicant requested the deletion of his personal data, which request must be forwarded to the Respondent's employees and the cancellation request must be fulfilled.

The Respondent submitted that their colleagues who initiated the phone call for the necessary data they can access it from the sympathizer register, the legal basis of the data management, and the data management they do not have data on its duration. If the Applicant has asked a question about this up, so their colleague could not provide information during the telephone conversation. Since the they cannot reconstruct the phone call and its content, so - according to his statement - the Respondent cannot confirm whether the Applicant has submitted another request in addition to the cancellation request to the To the applicant.

During the national campaigns, the data of the people living in the given district are selected by the

from the sympathizer register, and it is handed over to the regional organizational unit. The local organizational employees of the unit cannot delete data from the register, they only know the fact of data deletion to be forwarded to the central organizational unit of the Applicant, which performs the deletion.

The Applicant does not manage the vaccination data of its sympathizers, that is the purpose of the campaign it was a demonstration of the importance of vaccination.

During the campaign, the people participating in it were instructed to a contact the sympathizers on the telephone numbers available to them and talk to them about the importance of vaccination, inform the affected persons that they were visited because have previously given their consent to the processing of their data for contact purposes, if there has been some change in the data of the sympathizers, so this should be forwarded to the Applicant of its central organizational unit, which passes the change/deletion through the register, and also if the register contains only the phone number of the person concerned, ask for it their consent to the management of their electronic contact information. If the data subject is electronic provide your contact information, it must be forwarded to the central organizational unit of the Applicant.

II.3. In the letter received by the Authority on September 16, 2021, the Applicant also stated that if the data subject requests the deletion of his personal data, then to the center of the Requested the employee receiving the inquiry will forward it to the competent employee, and they will take care of the deletion, at the same time, the affected persons are informed of the deletion. After that, to the person concerned related data is no longer managed by the Respondent.

Requests sent to adatvedelem@fidesz.hu will be sent directly to the relevant employee.

The employees who initiate the phone calls are on the phone related to the COVID vaccination during the campaign, the name and telephone number of the person concerned were obtained, based on which it was possible to making a phone call. If the register did not contain the e-mail address of the person concerned, so this was brought to the attention of the person concerned, or for some previously used, but presumably for the reason of the service provider

ceases or has ceased - e.g. In the case of UPC and chello e-mail addresses, the relevant ones were transferred e-mail addresses previously provided by, by checking their topicality and accuracy, ask about it.

The COVID vaccination campaign ran from February 23, 2021 to July 1, 2021. On this period, employees working in different areas had to handle the calls.

Individual data selected from the sympathizer database is transmitted via an internal network, this is responsible and mostly data security requirements.

In response to the Authority's question about how the Respondent complied with the general data protection regulation of his obligation to provide information contained in paragraph (3) of Article 12, the Respondent stated that that if the person concerned requested the deletion of their data during the telephone conversation, then on this request was recorded by their colleague, which was indicated to the person concerned together with the deletion of the data

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it will happen. When the data is deleted, it is sent to the e-mail address provided by the data subject sending the information, or if the person concerned only had a telephone number, the information must be provided through it. After that, it is personal in relation to the data subject data is not processed by the Respondent, for this reason a copy of the information letter sent to the person concerned will be sent afterwards cannot send it to the Authority.

In connection with the request of the Authority, the Respondent to attach the

To conduct a campaign related to COVID vaccination, the Applicant is from the Kaposvár area a list selected from the sympathizer database for his organization, he submitted that the COVID vaccination campaign ended in July. According to his statement, even before the start of the campaign - a

Taking into account the Authority's guidelines, the Respondent took particular account of it the enforcement of data protection rules, and that in connection with the sympathizer register it is also necessary to update and correct data. Data protection determined by the Authority based on the requirement - that after the data update, since there is no way to manage them

it has no legal basis, previously inaccurate data can no longer be processed - territorial selections treatment had to be terminated by the end of May at the latest, as requested by the Authority they cannot perform data transfer.

II.4. The Respondent also made his statement in his reply letter received on October 25, 2021 by added that according to their practice based on the Authority's previous guidelines if the data subject requests the deletion of his personal data, all his personal data must be deleted, and there is no longer any data management purpose that can justify their management. Therefore the Respondent does not have a "negative database" containing the data of the persons requesting their deletion I would handle it.

The Respondent also submitted that the phone calls of their colleagues to those persons initiated by those who previously consented to the processing of their personal data. The consent is affected parties can do so voluntarily and on their own initiative, that is, before providing the data data protection information will be provided to those concerned, as well as to the Applicant about the sympathizer's register posted information on its website.

+36 82 474 076 are continuously received,

II.5. According to the Applicant's statement in his submission sent on October 15, 2021, a phone calls

and +36 82 474 077

of phone numbers for the mobile phone. The telephone numbers of the Kaposvár office of the Applicant

listed as their telephone numbers in the public telephone directory (as FIDESZ Magyar Polgár

Association, 7400 Kaposvár, Szent Imre utca 14. FS). The Requester is the call log of the occurrence of the call with screen saver

last call +36 82 474 076

from phone number received on October 15, 2021 at 5:53 p.m.

supported that the

II.6. In view of this, the Authority - since the case directly affects its rights and legitimate interests - in 2021.

dated 24 November NAIH-5637-16/2021. Fidesz granted customer legal status in its order no.

For the Kaposvár Constituency Office of the Hungarian Civic Association, and also called the Client to cooperate in revealing the data management conditions.

A response letter to the Authority's inquiry was received from the Applicant on January 7, 2022. His statement according to the data processing of the Requested, the Requested is considered the data manager, the individual local offices, constituencies are not independent data controllers. Statements that can be made on behalf of the party its rules are determined by the Articles of Association of the Respondent, therefore the response to the Authority's inquiry is a It is given by the applicant's central organization.

According to its statement, the Respondent reviewed its data management and found that a in the investigated case, the managed data were previously searched by the Applicant's name. The Applicant however, the register did not contain any personal data related to his name. By the Applicant however, the indicated telephone number is managed as assigned to another person in the register. Since the phone number has been managed in the register for a long time, it is possible that the owner has changed in the meantime happened, but it is also possible that the person concerned previously entered the wrong phone number, or their colleague recorded it inaccurately. However, he deleted the objected phone number from the register the Applicant.

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The Respondent also informed the Authority that each of its local offices does not lead a register of local sympathizers of the Applicant, a register containing the data of these persons a It is managed by the applicant's central organizational unit and provides data from it for each campaign for local offices.

The subscriber of the telephone numbers +36 82 951 825, +36 82 474 076 and +36 82 474 077 is Applicant's office in Kaposvár.

II.7. The Applicant - after being informed by the Authority about the completion of the evidentiary procedure - a In his letter sent to the authority on February 4, 2022, he stated the following:

II.7.1. According to his point of view, the fact that the Applicant requested information was not proven

to the Respondent, because the Applicant's statement is not evidence in the relevant case. Therefore if the Authority considers it relevant to the assessment of the case that the Applicant what questions he formulated orally, the Respondent asks the Authority to conduct a relevant evidentiary procedure, especially considering that the Applicant is him also misinterpreted the information provided by their colleague who contacted them by phone, so it can also be reasonably assumed that that it was not only in this matter that he remembered inaccurately and drew an inaccurate conclusion. In its response letter, the Respondent confirmed its statement that the Applicant's phone number it was handled in connection with another person, and the source of the error is this third person's inaccuracy entering data, changing the user of the phone number in the meantime, or recording inaccurate data. According to the Respondent's statement, after establishing the need for correction a terminated the management of the objected telephone number.

III.7.2. The Applicant submits his application - after the Authority has sent him the requested copies of documents - to modified it as follows, and in connection with it, distributed the following motion for proof live:
or not
the)

The Applicant proposed that it should be deleted and forgotten
right violated,
was able to validate in connection with the case. Related to this
in his statement, he confirmed his earlier claim that the call was unsolicited from the Petitioner
requested information about how the Respondent obtained his personal data.

The person who initiated the call was unable to provide an answer to his question, and informed him that
that you cannot delete your data. He also couldn't answer the question of what it was like
form, the Applicant can do this.

According to the Applicant's statement, about the data management information available on the Applicant's website

he did not receive information, nor was he informed that at adatvedelem@fidesz.hu

you can request the deletion of your personal data.

According to the Applicant's point of view, it was proven in the case that the cancellation during the phone call

in addition to his request, he also turned to the Respondent with a request for information. The Respondent did not provide any information

about how he complied with the requirements of Article 12 (3) of the General Data Protection Regulation

obligation to provide information. According to his position, the Respondent misled the Authority in 2021.

in a letter dated July 21 with the information that "The data of the named person are yours

at the time of your inquiry, they are not included in the FIDESZ sympathizers register",

because if this information had been true, or if the case had been thoroughly investigated by the Respondent,

it could not have happened that the Applicant receives calls from the Applicant again.

b)

The Applicant proposed a finding that the Respondent violated the

the principle of accountability contained in Article 5 of the General Data Protection Regulation. According to his statement,

The Respondent did not comply with the Authority's request to certify the Applicant's cancellation

request, and the Respondent did not comply with the Authority's request

of his request to verify in a verifiable manner that he does not process the Applicant's personal data.

c)

The Applicant also requested a finding that the transparent was damaged

your right to information. According to his statement, those concerned are not informed about the

during phone calls, that the local offices and constituencies are not independent data controllers.

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In addition to the above, according to the Applicant's point of view, the Respondent did not provide information that

how can it happen that you can manage a phone number assigned to several different people

the database, and the fact of it was not proven by the Respondent - the Applicant's position

according to - that their database is really capable of this. The Applicant provided information that a

"During their internal audit, they found that the phone number was assigned to another person."

In connection with this, the Applicant presented the following motion for proof: he requests the Authority, to oblige the Applicant by this fact - i.e. to transfer the Applicant's phone number to another person was handled as intended - to prove that, according to the Applicant's point of view, it is possible to a The authority requests the declaration of consent that contains the wrongly entered telephone number.

II.8. The Authority notified the Applicant of the provisions of the previous point and, in view of that, requested the

It is requested that by sending a copy of the supporting statement of consent

proves his claim that the Applicant's phone number was given as his phone number by another person.

The Authority requested that the Applicant prove individually by sending screenshots

what search results you get in the database by searching for your name or phone number, and also

state whether you dispute what was presented in the Applicant's amended application.

The Respondent stated the following in relation to the Authority's questions:

the)

According to the practice of the Respondent, when they notice that the person in their records

some data is incorrect or inaccurate, or the data subject may not have provided it, the processing of the data

will be terminated. For this reason, the scope of data requested by the Authority is no longer in the Data Management of the

Requested and

because of this, they cannot hand it over.

b)

According to the Respondent's point of view, the general data protection regulation would not comply

provisions, if you are all employees and co-workers of the data controller

all data subjects would be granted automatic access to the organizational unit involved in data processing

for data. It also follows from the principle of purpose-bound data management that the data controller

also within your organization, individual persons should only have access to the data that

necessary for the performance of their duties.

In the present case, the person who initiated the call, the employee, had the task of being the person concerned

contact the person and draw attention to the importance of the COVID vaccination. For this task granted access to personal data. For this reason, he is an employee of the Respondent if he had received a question about the source from which the Respondent handles the called person personal data, such as the specific consent statement, as well as the relevant information he did not have access to the data necessary for the full fulfillment of his right to request, thus he was unable to provide information either, that is the task of another organizational unit of the Respondent. According to his opinion, the telephone calls were not required to provide such information neither are the relevant provisions of the General Data Protection Regulation they refer to a requirement when referring to a one-month response deadline, rather than a response they say In this regard, the Respondent referred to the EDPB on the right of access to the provisions of the draft guidelines, according to which, during an inquiry, the data subject is the data controller is not obliged to provide the data subject's request for information immediately or verbally. To this according to the draft guidelines, the Applicant must provide an appropriate communication path has done so, and is received by those concerned both by e-mail, by traditional mail, and by other means requests of this kind and the answer to them in the requested form. However, the Applicant is his own according to him, he did not take advantage of these opportunities.

no information

The Applicant's statement that data management is available on the Applicant's website

c)

about information

was informed that it was

You can request the deletion of your personal data at adatvedelem@fidesz.hu, as the Requested Person stated that their colleagues had to provide the missing information in case of a question, and if they requested the deletion of their personal data, it was recorded. Given that the the content of the phone call cannot be reproduced, the content of the Applicant's statement can be checked a The respondent does not know, nor does he dispute it.

and about it

received

neither

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d)

The Respondent in relation to the Applicant's statement that "in the case

it was proved that during the phone call, in addition to the request for deletion, he also requested information

To the Respondent.", and "The Respondent did not provide information on how it complied

of the obligation to provide information arising from Article 12 (3) of the General Data Protection Regulation."

stated that the Applicant's statement is not evidence in itself, the Applicant is different

did not support it with evidence, and the Respondent disputes the claims made by the Applicant.

The Respondent also confirmed the contents of his previous letters, according to which if

data subject requests the deletion of his personal data, after that no personal data related to him

data cannot be handled. According to the Respondent's statement, the telephone number of the person concerned is another

personal one

identified as data in your records. Thus, if the telephone number of the person concerned is the Respondent

even when the original call was made to him, it was treated as another person's personal data - because it is different

person gave it as his own - for this reason, the Respondent was not aware of the request of the person concerned

fulfill, as it was not treated as his personal data. Given that it is about data management

there is a word that has already ceased, its content, details and the information given in connection with it, that

does not fulfill the obligations arising from Article 12 (3) of the General Data Protection Regulation

to reproduce for the Requested.

e)

According to the Applicant's position, the Respondent misled the Authority on July 21, 2021.

in a letter dated

at the time of your inquiry, they are not included in the FIDESZ sympathizers register",

because if this information had been true, or if the case had been thoroughly investigated by the Respondent, it could not have happened that the Applicant receives calls from the Applicant again.

In relation to the above statement of the Applicant, the Respondent stated that the Applicant his name was not in the register at the time of giving the answer. It often happens that another person provides an inaccurate telephone number or e-mail as one of their contact details address or residential address. The Respondent found this by checking his records, and is therefore not liable and the reality of the Applicant's claim that the Respondent had misled the Authority.

f)

In relation to the Applicant's motion that the Authority establish that a

The respondent violated the accountability contained in Article 5 of the General Data Protection Regulation principle, as the Respondent did not comply with the Authority's requests to verify that the Applicant request for deletion, and also confirms that the Applicant's personal data

does not handle, the Respondent again highlighted the already described procedure for dealing with the cancellation request practice, as a result of which the Applicant does not manage personal data, or cannot handle. The Respondent also attached the screenshots that a They show the result of a search for the applicant's name or phone number.

d)

In relation to the Applicant's motion that the Authority establish that the

The applicant's right to transparent information, as those concerned were not informed about the during telephone calls, that the local offices and constituencies are not independent data controllers, a

The Respondent stated that the objection formulated by the Applicant was not clear, and it is not clear what he considers illegal. Article 13 of the General Data Protection Regulation determines what information is required to be provided to the data subject by data processing at the beginning, during data management on this information on the Applicant's website as well

made it public, and the possibility was open to the person concerned that the Respondent did so

request information about the management of your personal data through the established communication channels. THE

According to the respondent's point of view, the organizational structure of the data controller is not

falls within the scope of the data controller's obligation to provide information according to Article 13, as this is the data

subject's rights

not relevant from the point of view of its practice. The phone call was made on behalf of the Respondent

complicating colleagues, so the Applicant knew which party initiated the call, that is

that the Respondent is the data controller, thereby knowing from whom he can request information about his personal data

treatment, which he did not do.

h)

Regarding the Applicant's position that the Respondent did not give

information about how it can happen that a phone number is assigned to several different people

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the database can handle it as ordered, and the Respondent did not prove the fact of this either - a

According to the Applicant's point of view - that their database is really capable of this, the Respondent so

stated that, in his opinion, these are objections that are not related to the investigation

for data management, the Authority did not contact the Requester with a question of this nature and subject, so a

The respondent did not even have to give an answer in such a matter.

III.9. In its response letter sent to the Authority on July 18, 2022, the Applicant stated the following

stated:

the)

In response to the Authority's question as to what the Respondent meant by consent

affected voluntarily and can do so "initiatively", the Respondent stated that

that the term "initiating form" means the content that the person concerned himself

decides whether he wants to deal with politics or the public affairs of the country, and if so, what kind of views

according to which party you want to identify with the values represented, or you can decide to be with this party

whether you want to keep in touch or not. The history of recording the data in the database

so it is always a decision, on the part of the person concerned, that he wants to deal with public affairs on the one hand, on the other hand, you would like to receive information and maintain contact with the Respondent regarding his position.

b)

At the Authority's request that the supporting paper consent statement(s) by sending a copy, you confirm your claim that the [...] phone number was given by another person and as his own telephone number, as well as for the management of other personal data of this person attached his statement of consent, the Respondent stated that the data subject is personal your data is no longer managed by the Respondent, so it can no longer provide information that it was before which person provided it as their own phone number. The Applicant to prove that the [...] no phone number is currently assigned to any person in its records, added one screenshot showing the result of the [...] phone number search.

c)

According to the Respondent's statement, it is the mailbox for data subject requests adatvedelem@fidesz.hu and leiratkozas@fidesz.hu. The e-mail addresses are provided by the Applicant it is managed by its data protection officer, or during his absence by the employee appointed by him. In case, if the person concerned were to contact another organizational unit of the Respondent with his request, that request it must be forwarded to adatvedelem@fidesz.hu. If to the data protection officer the question related to data management would be received in a different form by the person concerned or by another person, such as it will be recorded and managed by the data protection officer until it is answered.

The data protection officer of the Respondent reviews the incoming inquiries and, if necessary, checks their content or transfers them in the register. The person concerned about the measures taken the person is informed by the data protection officer. In the event of a deletion request, information to the data subject after that, all your personal data will be deleted, which will be carried out by the data protection officer.

III. Legal provisions applicable in the case

Based on Article 2 (1) of the General Data Protection Regulation, the General Data Protection Regulation must be used to manage personal data in whole or in part in an automated manner, as well as for non-automated processing of personal data that are part of a registration system or which become part of a registration system they want to do.

Article 4, point 2 of the General Data Protection Regulation: "data management": you are on personal data any operation performed on data files in an automated or non-automated manner or set of operations, such as collection, recording, organization, segmentation, storage, transformation or change, query, insight, use, communication, transmission, distribution or otherwise by way of making it available, coordination or connection, restriction, deletion, or destruction;

Article 4, point 7 of the General Data Protection Regulation: "data controller": the natural or legal person, public authority, agency or any other body responsible for the management of personal data

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determines its goals and means independently or together with others; if the purposes of data management and its means are determined by EU or member state law, the data controller or the data controller EU or Member State law may also determine special aspects for its designation;

Article 6 (1) of the General Data Protection Regulation: (1) The processing of personal data is exclusive it is legal if and to the extent that at least one of the following is fulfilled:

a) the data subject has given his consent to the processing of his personal data for one or more specific purposes for its treatment;

b) data management is necessary for the performance of a contract in which the data subject is one of the parties, or to take steps at the request of the data subject prior to the conclusion of the contract required;

c) data management is necessary to fulfill the legal obligation of the data controller;

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

necessary for its protection;

e) the data management is in the public interest or for the exercise of public authority delegated to the data controller

necessary for the execution of the task carried out in the context of;

f) data management to enforce the legitimate interests of the data controller or a third party

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

or fundamental rights and freedoms that require the protection of personal data,

especially if a child is involved.

Point f) of the first subparagraph cannot be applied by public authorities in the performance of their duties

for data management.

General Data Protection Regulation Article 11 (1) If the purposes for which the data controller is personal

processes data, is not or is no longer necessary for the data subject by the data controller

identification, the data controller is not obliged to retain or obtain additional information

process in order to identify the data subject solely to comply with e

regulation.

(2) If, in the cases mentioned in paragraph (1) of this article, the data controller can prove that there is no

in a position to identify the data subject, if possible, in an appropriate manner

informs. In such cases, the 15-20. article does not apply, unless the data subject for the purpose of

to exercise his rights according to the mentioned articles, the supplement enabling his identification

provides information.

Article 12 (1) of the General Data Protection Regulation: The data controller shall take appropriate measures

in order to comply with the provisions of 13. and a

All information mentioned in Article 14 and Articles 15-22. and each according to Article 34

information

form, clearly and

provide any information addressed to children in an understandable way

case. The information in writing or in another way - including, where appropriate, the electronic way

must also be specified. Verbal information can also be given at the request of the data subject, provided that it is done in another way

the identity of the person concerned was verified.

concise, transparent, understandable and easily accessible

(2) The data controller facilitates the relevant 15-22. the exercise of his rights according to art. Article 11 (2)

in the cases referred to in paragraph 15-22, the data controller is the person concerned. to exercise his rights according to art may not refuse to fulfill your request, unless you prove that the person concerned is not able to identify.

Article 13 (2) of the General Data Protection Regulation: (2) The information referred to in paragraph (1).

in addition to the controller at the time of obtaining the personal data, in order to

ensure fair and transparent data management, the data subject is the following supplement informs about information:

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

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b) the data subject's right to request from the data controller personal data relating to him/her access, their correction, deletion or restriction of processing, and may object to such against the processing of personal data, as well as the data subject's 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 management, the right to withdraw consent at any time, which

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

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, and whether the person concerned is obliged to the personal to provide data, and what possible consequences the provision of data may entail

failure to do so;

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 the data subject looking at the expected consequences.

Article 15 (1) of the General Data Protection Regulation: The data subject has the right to request from the data controller receive feedback on whether your personal data is being processed and if such data processing is in progress, you are entitled to the personal data and the following get access to information:

a) the purposes of data management;

b) categories of personal data concerned;

c) recipients or categories of recipients with whom or with which the personal data communicated or will be communicated, including in particular to recipients in third countries, or international organizations;

d) where appropriate, the planned period of storage of personal data, or if this is not possible, criteria for determining this period;

e) the data subject's right to request personal data relating to him from the data controller rectification, deletion or restriction of processing and may object to such personal data against treatment;

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

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

h) the fact of automated decision-making referred to in paragraphs (1) and (4) of Article 22, including also profiling, as well as, at least in these cases, the applied logic and that understandable information about the significance of such data management and what it is like for the data subject has expected consequences.

Article 17 (1) of the General Data Protection Regulation: The data subject has the right to, at his request, data controller to delete the personal data concerning him without undue delay, the data controller

and is obliged to provide the personal data concerning the data subject without undue delay

delete if any of the following reasons apply:

a) the personal data are no longer needed for the purpose for which they were collected or otherwise

treated in a manner;

b) the data subject withdraws it pursuant to point a) of Article 6 (1) or point a) of Article 9 (2)

point, the consent that forms the basis of the data management, and the data management has nothing else

its legal basis;

c) the data subject objects to the data processing based on Article 21(1) and there is no priority

enjoying a legitimate reason for data processing, or the data subject objects on the basis of Article 21 (2)

against data management;

d) personal data were handled unlawfully;

e) the personal data is legal as prescribed by EU or member state law applicable to the data controller

must be deleted to fulfill an obligation;

f) to collect personal data with the information society referred to in paragraph 1 of Article 8

took place in connection with the offering of related services.

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Article 24 (1) of the General Data Protection Regulation: The data controller is the nature of the data management,

its scope, circumstances and purposes, as well as the rights and freedoms of natural persons

taking into account the reported risk of varying probability and severity, appropriate technical and

implements organizational measures to ensure and prove that the personal

data is handled in accordance with this regulation. These measures are taken by the data controller

review and update if necessary.

Article 25 (1) of the General Data Protection Regulation: The data controller is science and technology

its status and implementation costs, as well as the nature, scope, circumstances and purposes of data management,

and reported on the rights and freedoms of natural persons, variable probability and

taking serious risk into account both when determining the method of data management and

and appropriate technical and organizational measures during data management - for example

aliasing - is performed, the purpose of which is, on the one hand, data protection principles, such as saving data effective implementation, on the other hand, to meet the requirements contained in this regulation and the inclusion of guarantees necessary to protect the rights of data subjects in the data management process.

Article 77 (1) of the General Data Protection Regulation: Other administrative or judicial

without prejudice to legal remedies, all parties concerned are entitled to file a complaint with a supervisory authority authority - in particular your usual place of residence, place of work or suspected infringement

in the Member State where it is located - if, according to the judgment of the data subject, the personal data relating to him handling violates this regulation.

Recital (64) of the General Data Protection Regulation: The data controller is reasonable

takes measures to establish the identity of the data subject requesting access,

especially in relation to online services and online identifiers. The data manager

may not retain personal data solely for the purpose of responding to possible requests

can answer.

Recital (74) of the General Data Protection Regulation: The controller of personal data

with regard to any type of processing carried out by or on behalf of the data controller

its powers and responsibilities must be regulated. In particular, the data controller must be obliged to

implement appropriate and effective measures and to be able to demonstrate that

the data management activities comply with this regulation and the measures applied

its efficiency is also at the level required by this regulation. These measures are based on the nature of data management,

its scope, circumstances and objectives, as well as a

rights and

it must be made taking into account the risk to your freedoms.

natural persons

Infotv. According to Section 2 (2), the general data protection regulation is indicated there

shall be applied with additions contained in provisions.

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 at the request of the data subject.

Infotv. Pursuant to § 60, paragraph (2), for the initiation of official data protection proceedings request in Article 77(1) of the General Data Protection Regulation and Article 22(b) can be submitted in specific cases.

The Akr. According to paragraph (3) of § 6, the good faith of the client and other participants in the procedure is must be assumed in the procedure. The authority bears the burden of proving bad faith.

The Akr. According to § 64, paragraph (1), if it is not excluded by law, the customer can replace it with his statement the missing evidence, if it is not possible to obtain it.

5/2020 Guidelines on consent according to Regulation (EU) 2016/679: (107) The data controller must to prove that he obtained valid consent from the data subject. The General Data Protection Regulation does not specify exactly how this should be done. However, the data controller must be able to to prove that the data subject has given his consent in a given case. As long as it is data management activity takes place, the obligation to prove consent exists. The proof of consent after termination of data processing activity - Article 17 (3) in accordance with points b) and e) of paragraph - it cannot be kept longer than the legal

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to comply with an obligation or to submit or enforce legal claims, or is strictly necessary for its protection.

The Akr. According to § 47, subsection (1), point c), the authority terminates the procedure if the procedure has become redundant.

Infotv. According to paragraph (2) of § 61, the Authority may order in its decision - the data controller, respectively disclosure by publishing the identification data of the data processor, if a decision affects a wide range of persons, it is a body performing a public task with his activity brought in connection, or the gravity of the infringement justifies disclosure.

ARC. Decision

IV.1. The person of the data controller

According to Article 4, Point 2 of the General Data Protection Regulation, data management of personal data any operation or set of operations performed, such as collection, recording, organization, segmentation, storage, use. According to point 7 of the same article, the data controller is the one who fulfills the purposes of the data management and defines its means in merit.

The Authority is responsible for certain data protection related to the data management of political parties and organizations in Part I of its recommendation (19 February 2021) on its requirements, it also highlighted that the data controller the central element of its definition is the fact of making substantive decisions regarding data management, thus, in particular, determining the purpose of data management; data to be processed that are suitable for the purpose defining its scope; selection of the legal basis for data management; on the duration of data management decision; establishing the method of data management; implementation of data management; the personal access to data; decision on data transmission; the use of personal data is different for data management purposes, during other activities; ensuring and enforcing stakeholder rights; decision to use a data processor; to take basic data security measures relevant decision.

According to the Authority's point of view, all organizations, parties and natural persons that are given has made a decision regarding the purposes of data management and its means, to the data controller to be considered.

Parties/political organizations on their election-related data management beyond other

during their data management, it is also essential to clarify and make it clear that on this in relation to their activities, who can be considered a data controller, and who is responsible for the given data management with responsibility and where the affected parties can turn to in connection with the exercise of their rights with their requests. In the course of these data managements, the data controller can be either the member of Parliament or

the local

a local government representative, and also a data controller can be the party's central or regional organization organization, as well as a member or activist of the party, depending on the situation decision regarding data management to whom or which organization can be linked to data management issued a relevant instruction.

According to the Applicant's statement, in the indicated period - i.e. the Applicant's data protection authority when the phone call objected to in the application initiating the procedure is made - the COVID telephone campaign took place, during which the sympathizer vaccination related

registered persons were called

by the Respondent's employees. Come on

in conducting telephone calls, the regional/local bodies and employees of the Applicant - present

in this case, the Client - cooperated, the campaign was nationwide, and the Respondent

party directorate decided. According to the Respondent's statement, the tasks for its regional offices definition,

to happen a

call initiation took place at the head office of the Respondent. The individual national campaigns

from the sympathizer register - which register is centrally organized by the Applicant

managed by his unit - they sort out the personal data of the people living in each district and send it

and the individual territorial organizational units through the internal network of the Respondent - in this case

for the Kaposvár organization of the Applicant. Fulfillment of stakeholder requests is the responsibility of the Respondent thus the decision for which persons

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according to his statement, it also happens at the central level, because the regional bodies have the other than access to data selected for them from the sympathizer register

their entitlement - so e.g. data modification, data clarification, deletion - none, all of this nature

requests are forwarded by the regional bodies to the central organizational unit, where in the requests reservations are transferred to the sympathizer register.

Based on the Authority's determination, on the Applicant's website (<https://fidesz.hu/documents/Fidesz-Magyar-Polgari-Szovetseg-Alapszabalya.pdf>) according to its Articles of Association, the Requested controller and its decision-making body is the National Board, which is Article 60 (1) point e) of the Articles of Association according to "organizes national actions, appointing the person responsible for them". The Statute is the Applicant he does not name the party directorate body or organizational unit mentioned in his statements at all.

Based on this, the Authority is implemented in connection with the conduct of the telephone campaign with regard to data management, the National Board of the Respondent was considered the general one to the decision-making body of the data controller based on Article 4, point 7 of the data protection decree. In view of this, the Authority terminated the official data protection procedure against the Customer.

At the same time, the Authority recommends that – this case and the Authority dated February 19, 2021, the about certain data protection requirements related to the data management of political parties and organizations based on his recommendation - the Applicant should supplement his information and thereby make it clear, that only the central body of the Requested Party (National Bureau) is the data controller, the regional bodies no.

IV.2. Lawfulness of data management

IV.2.1. According to the Applicant's statement, during the call received from the Applicant on June 17, 2021, the the caller inquired whether he had received the vaccination against COVID, and requested that the Applicants should subscribe to the newsletter. The Applicant - according to his statement - during the call requested information on how the Respondent obtained his personal data, which however, the caller could not answer his question, and the Applicant could not delete it personally your data.

According to the Applicant's statement, from the sympathizer register during national campaigns the data of the people living in the given district are selected and handed over to the regional organizational unit for. In the sympathizer register, the personal data of persons who previously

they gave their consent for the Respondent to maintain contact with them, for their part by him

provide information on matters considered important, you can contact them for the purpose of requesting an opinion.

The Applicant does not manage the vaccination-related data of its sympathizers, that is the purpose of the campaign it was a demonstration of the importance of vaccination.

The regional offices participated in the implementation of the telephone campaign of the COVID vaccination. The Applicant according to his statement, the employees who initiated the phone call had access to the necessary data

added from the sympathizer register. During the call, the Applicant's database is also temporary

also carried out its review, according to this, if the Respondent during the phone call

colleagues noticed that there was a change in the data previously provided by the person concerned

occurred, it was forwarded to the central organizational unit of the Respondent, which a

transferred a change through the register, and if the employee who made the phone call did so

the employee sees that he previously only provided his phone number in relation to an affected person

asks the data subject if he/she provides his/her e-mail address and consents to a

You are requested to handle it in the future for the purpose of contacting and asking for opinions. The e-mail thus entered contact information will also be forwarded by the employee to the central organizational unit of the Applicant in order to register the additional data.

IV.2.2. According to his declaration, the Respondent is personal under the same name as the Applicant

data was not processed at the time of the Authority's inquiry. In connection with this, the Applicant

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submitted that the reason for this is presumably that the Applicant's request for personal data

previously deleted based on

In relation to the Applicant's statement, the Authority establishes that the Applicant has already been

Dated 30 June 2021, NAIH-5637-5/2021. stated in his order clarifying the facts no

about the source of the Applicant's given telephone number, as well as the given one

what additional personal data is registered in connection with the telephone number, and in this regard

attach a screenshot of the relevant part of the database. The Authority is also separate

informed the Applicant about which of the Applicant's personal data is being processed and what they are the source from which it was obtained, which the database also requested to support the attachment of a screen save made by the relevant part.

Following this call from the Authority, the Respondent declared that the Applicant's data - neither the telephone number provided, nor the Applicant's name and other related personal data - at the time of the Authority's inquiry, the Requested sympathizers were not included in its records.

Based on the Respondent's answer, the Authority assumed that - despite the fact that the database of its relevant parts, the Respondent gave a screenshot of the questions included in the order not attached to his answer - that the Respondent based on the questions contained in the above order of the Authority came to the conclusion that the Applicant's data was not in the sympathizer register are included, because the search is carried out in the manner expected of him in his records for both the phone number and carried out on behalf of the Applicant.

The Applicant's statement - sent to the Authority on October 15, 2021 via ePaper however, in October 2021, he received new phone calls to the indicated phone number From a customer. In this regard, the Respondent stated that previously on behalf of the Applicant checked its database by searching whether it manages its personal data. Thereafter however, that the Respondent learned from the Authority's inquiry that the Applicant is newer received a phone call to his phone number, then he verified by searching the given phone number that whether it is registered in the sympathizer database. During this, the Respondent noticed that a phone number is assigned to another person, therefore, in view of this, the objectionable data processing terminated, deleted the phone number from its database.

IV.2.3. According to what was presented by the Respondent, if the person concerned during the phone call declares his request for deletion, the employee handling the call will record that call, and then - since data deletion is in the sympathizer register, only the central organization of the Requested person can execute - the request transmits it via an internal network to the central organization of the Requested Party, where the data is processed

deletion. According to his statement, the Respondent does not keep records that a contains the personal data of those concerned who previously requested the deletion of their data. According to the Respondent's statement, the Authority previously issued guidelines in this regard pursues the legal practice that if the data subject requests the deletion of his personal data, the Requested party deletes all data of the person concerned.

Accordingly, as a result of data deletion, the legality of data management cannot be verified afterwards they know, and since data deletion covers all registered data, they don't know it either verify afterwards that they have complied with the requirements arising from Article 12 (3) of the General Data Protection Regulation information obligation.

Subsequently, during the procedure, the Respondent repeatedly called on the Authority to substantiate that the Applicant's personal data is not managed in its records, and the Applicant separately does not handle your phone number and related personal data, attached two screenshots, which was narrowed down to the Applicant's name and address, as well as his phone number search.

In view of the above, the Authority established that the Respondent after the cancellation request handled the personal data of the Applicant's phone number illegally and without legal basis, thereby violated Article 6 (1) of the General Data Protection Regulation.

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Despite this, the Respondent continued to manage the referenced telephone number, and in 2021 In October, he repeatedly initiated a call that the Authority's procedure was already in progress, furthermore, he stated to the Authority that the telephone number was previously - probably the Applicant following your deletion request indicated during a phone call - deleted. The Respondent is not the cancellation request did not act adequately during its implementation or when answering the questions contained in the Authority's order carefully when checking your database, because it would have been the same in both cases a reasonably expected step is to search and check the phone number in the database.

IV.3. The purpose of the phone call

According to the Respondent's statement, the purpose of the telephone campaign is to emphasize the importance of vaccination

was a presentation.

According to the Respondent's statement, the task of the persons making the calls during the campaign was to

to call and talk to sympathizers on the telephone numbers available to them

tell them about the importance of vaccination. If during the call they detect that the sympathizers

there has been a change in your data, it should be forwarded to the Requested central organization

unit, which passes the change through the register. In addition, if regarding the data subject

the sympathizer database only contains the phone number, so the person concerned should ask for it

your consent to the management of your electronic contact information, and the data provided in this way are forwarded to

for a central organizational unit. Furthermore, if in relation to the data subject in the database,

old e-mail addresses were registered (UPC, chello), which are presumably from the service provider

the timeliness and accuracy of these e-mail contacts will cease or have ceased due to this

had to be checked during the call.

With regard to the examined data management, the Applicant - on July 27, 2021 and September 16, 2021

Based on the statements made in the letter received by the Authority, the Authority determined that a

Purpose of data management realized in connection with a telephone call initiated by the respondent

on the one hand, information about the importance of the Covid vaccination, and on the other hand, sympathy

clarification of the data of the data subjects included in the database and possible additional contact

data was collected.

IV.4. Request for cancellation by the Applicant

Based on what was presented in the Applicant's report, the Applicant, in addition to verbally during the call

requested information from the Applicant about the management (source) of his personal data, including a deletion request

turned to the Applicant. The Applicant confirmed this with his statement during the procedure.

The data subject's rights have been exercised, the data subject's request - deletion, information - can then be proven

accordingly, if the request is made in writing. Because a purely verbal communication is not
can be reconstructed exactly, so the relevant proof does not even lead to results if,
if only the statements of the parties are available.

In the present case, there is no written documentation or evidence of the Applicant's exercise of rights as an affected party
regarding. The Akr. Based on § 64, paragraph (1), the client can replace the missing person with his statement
evidence, if it is not possible to obtain it, and the Ákr. Based on paragraph (3) of § 6, the
in the procedure, the client's good faith must be presumed, and proof of bad faith will require the authority
is burdened.

The Authority NAIH/2020/1486/2. file number, the Respondent's response to the request for a decision
according to Article 17 (1) of the General Data Protection Regulation, the data subject is entitled to
that, upon request, the data controller deletes the personal data relating to him without undue delay
data, and the data controller is obliged to provide the personal data concerning the data subject
delete it without undue delay, including if the data subject withdraws it

Article 6(1)(a) or Article 9(2) of the General Data Protection Regulation

within the meaning of point a), the consent that forms the basis of the data management, and the data management does not
have

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other legal basis. The scope of the right to erasure applies to all automated, mechanical means,
and they all cover manual, paper-based data management. According to the answer, if it is affected
withdraw your previously given consent to the processing of your personal data and data processing
has no other legal basis, the data controller must delete all personal data of the data subject. The
after the deletion of the personal data of the person concerned, the data management shall, by definition, apply to him
ceases, and in the absence of data management, its legality cannot be verified.

Related to this legal interpretation is Article 11 of the General Data Protection Regulation, which
pursuant to this, if the data controller no longer needs the personal data, such

in such a way that the affected parties can be identified, then he is not obliged to provide additional information

to keep in order to be able to identify the data subject in order to comply with regulation.

If the data controller is unable to identify the data subject, he/she should inform about this, if possible the data subject, or, in the case of data processing that does not require identification, a right of the data subject wish to exercise, the data controller is obliged to do so if the data subject is identified provides enabling information.

The above is confirmed by the preamble (64) of the general data protection regulation, according to which the data controller may not retain personal data solely for the purpose of a can answer possible requests.

5/2020 on EDPB consent. based on point 107 of the guidelines no.

that the Respondent's obligation to prove consent is data management lasts until its existence, it is therefore terminated by the cancellation, and therefore no further acts of proof are required expected result.

The Authority's statement of the Applicant and the attached document (screen save by the Applicant based on your name and address, as well as separately on the result of the search for the phone number), that the Respondent deleted the Applicant's personal data, as a result of which the data management a With regard to the applicant's personal data, it has been terminated.

During the procedure, no evidence emerged to establish the exact date of the deletion it would have been.

In the present case, the Authority accepted that, based on the above legal interpretation, the Respondent deleted the The applicant's personal data together with information supporting the legality of data management, also draws attention to the fact that the Authority considers it acceptable on a case-by-case basis, if the data controllers provide information related to the fulfillment of the data subject request, which is part of it may also be classified as personal data, they are preserved in view of the fact that the legality of their procedure is they can prove it later. The Authority emphasizes that this does not mean automatic consideration without the possibility to preserve personal data related to the fulfillment of data subject requests,

and the personal data requested to be deleted may not be referred to another purpose and legal basis with its preservation, if otherwise the deletion of personal data is required by Article 17 of the General Data Protection Regulation.

conditions according to Article would exist. Thus, the data controller must consider on a case-by-case basis whether it is whether given data is necessary for the protection and enforcement of your legal claims, and what are the realistic chances that the person concerned initiates some kind of legal procedure against him.

The Authority, in relation to the Applicant's request to establish that the Respondent violated the principle of accountability contained in Article 5 of the General Data Protection Regulation by that the Applicant did not comply with the Authority's requests to certify the Applicant's cancellation that the relevant request has taken place, and also certifies in a verifiable manner that the Applicant does not manage your personal data, emphasizes that it is the competence of the Authority to consider it his answers during the data management procedure, the fulfillment of his procedural obligations, and as a result of this application for official data protection procedure cannot be submitted. In view of this, the Authority to the Applicant's request that the Authority establish the general data protection violation of the principle of accountability contained in Article 5 (2) of the Decree, rejected.

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Considering that the IV.2. as established in point, the Respondent is the Applicant processed his personal data without a legal basis because, despite the Applicant's request to delete his phone number did not delete it from his records, and the Applicant called the phone number again in October 2021 received, the Authority partially granted the Applicant's request and found that a

The Respondent violated Article 17 of the Applicant's general data protection regulation right to deletion.

However, the fulfillment of the Applicant's request for the Authority to instruct a

A request to delete personal data processed without a legal basis was implemented during the procedure subject to deletion, it has become obsolete, therefore the Authority Section 47, subsection (1), point c). terminated the procedure in this part of the application.

IV.5. The Applicant's request to exercise the right of access

According to the Applicant's statement, during the call to his telephone number, he requested information about the source of your personal data, but chooses to call on behalf of the Respondent not received from the initiator.

According to the Respondent's statement, the employees who initiate the phone call are the data management they do not have data regarding its legal basis or the duration of data management, only a they have access to necessary information from the sympathizer register. If the Applicant requested information about this from the staff member who initiated the phone call, for this reason the Respondent's employee could not provide information. Attention to the phone call

According to his statement, the Respondent subsequently has no information regarding its specific content, therefore, it cannot confirm the Applicant's statement that it handles personal data received no information regarding

In addition, the Respondent stated that, in his opinion, it was not proven that the Applicant would have turned to the Respondent with a request for information, because the Applicant's statement was not evidence in the relevant case. Therefore, if the Authority from the point of view of judging the case considers it relevant what questions the Applicant formulated orally to the Authority must conduct the relevant evidentiary procedure.

The exercise of the rights of the data subject has taken place, the data subject's request - request for information - can then be proven accordingly, if the request is made in writing. Because a purely verbal communication is not can be reconstructed exactly, so the relevant proof does not even lead to results if, if only the statements of the parties are available.

In the present case, there is no written documentation or evidence of the Applicant's exercise of rights as an affected party regarding. The Akr. Based on § 64, paragraph (1), the client can replace the missing person with his statement evidence, if it is not possible to obtain it, and the Ákr. Based on paragraph (3) of § 6, the in the procedure, the client's good faith must be presumed, and proof of bad faith will require the authority

is burdened.

In addition to the above, the Authority emphasizes that Article 5 (2) of the General Data Protection Regulation it specifically establishes the data controller's burden of proof in terms of whether the data subject is suitable has been informed. The general data protection regulation does not exclude oral information possibility, however, in the absence of adequate provability in the event of a statement to the contrary by the data subject the doubtful situation by the Authority on the basis of Article 5 (2) of the General Data Protection Regulation as a general rule, it is assessed at the expense of the data controller.

Accordingly, the Authority accepted the Applicant's statement that his telephone number during the call he received, he requested information from the party calling him about the source of his personal data, however, a the person who initiated the phone call could not answer his question.

Considering that the IV.2. as established in point, the Respondent was managed by the Applicant his personal data, because the Applicant received several phone calls about it despite his request to delete it,

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the Authority determines that the Respondent has violated the Applicant's general data protection the right of access contained in Article 15 (1) of the Regulation.

Pursuant to the provisions of Article 11 of the General Data Protection Regulation - IV.2. were also explained in point according to - the data controller does not have to keep personal data exclusively after data deletion in order to be able to respond to possible requests. Noting that the Respondent - according to his statement and the testimony of the attached screenshots - the Applicant does not manage his personal data, so in the absence of data management, the Applicant's request for access cannot be fulfilled subsequently. As a result of the above, the Authority has included in the relevant section decided according to the Applicant's request regarding the fulfillment of his access request rejection.

IV.6. Obligation to provide appropriate information

IV.6.1. The IV.3. as detailed in point, with regard to the examined data management, the Respondent

based on his statements, the Authority established that it was initiated by the Respondent

The purpose of data processing in connection with a telephone call is, on the one hand, Covid vaccination information about its importance, on the other hand, the stakeholders included in the sympathizer database clarification of your data and possible collection of additional contact data.

According to the Respondent's statement, the phone calls are made by their colleagues in the sympathizer database it was initiated towards the persons involved, i.e. those who had previously consented to their personal data for treatment. Before providing personal data, the data subjects received information on data protection, furthermore, the Applicant posted information about the sympathizer register on its website.

According to the Respondent's statement in his response letter of July 27, 2021, the phone call initiating colleagues only had access to the necessary data from the sympathizer database in addition, they do not provide for the legal basis of data management or the duration of data management data, so if the Applicant asked a question about this, their colleague did not know to provide information during the telephone conversation.

With the Applicant's statement - that during the call, the person who initiated the call did not know provide an answer about how the Applicant obtained the personal data of the Applicant in what form you can submit your cancellation request, and it is also available on the website of the Requested Party did not receive any information about data management information, or that adatvedelem@fidesz.hu you can request the deletion of your personal data at yes.

The Respondent's statement in the reply letter received by the Authority on May 25, 2022 he also confirmed what he had previously stated, that in the specific case, if the call the initiating employee received a question about the source from which the Requested person handles the call person's personal data, he could not access the data necessary to answer, thus was unable to provide information.

According to Article 12 (1) of the General Data Protection Regulation, it is the duty of the data controller to take appropriate measures in order to provide the data subjects with personal data

all the information mentioned in articles 13 and 14 and articles 15-22 and 34.

each piece of information according to Article is concise, transparent, comprehensible and easily accessible provide it in a clear and comprehensible form.

The system of appropriate information in the general data protection regulation serves that concerned to be aware of which personal data, which data controller and for which purpose, how will you handle it. This is essential for the person concerned to be in a position to can meaningfully exercise its stakeholder rights. In the absence of adequate information, it is by definition the data subject is not in a position to properly and effectively exercise his data subject rights contribute to something you are not fully aware of. The General Data Protection Regulation (74) and on the basis of Article 24(1) and Article 25(1)

the data manager to expectations commensurate with the risk posed by the data management to the rights of the data subjects
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is obliged to comply with and is actively responsible for the data controller's obligations, thus informing the data subject for making it available.

Based on the above, the Authority established that the Respondent by being the Applicant you did not provide adequate information about your personal data when contacted by phone about the most important information related to its management and the exercise of the data subject's rights provided appropriate, facilitating information, violated the general data protection regulation Paragraphs (1)-(2) of Article 12 and Paragraph (2) of Article 13.

IV.6.2. The Respondent provided information to the Authority during its telephone campaigns

in relation to information, he stated in general that the calls are all

in this case, it is initiated towards the persons included in the sympathizer database, i.e. on

to persons who have previously consented to the processing of their personal data for such purposes. The

when providing their personal data, data subjects receive information about data management, and a

Information is also available on the applicant's website.

According to the Authority's point of view, the Respondent should be given a short information at the beginning of the phone

call

the most important information related to the planned data management must be presented to the stakeholders, so, in particular, the source of the called telephone number, i.e. find out that the call was received by the person concerned because he had previously entered this for further contact purposes availability during the collection of signatures of the Applicant. This is a short data management information should also include information on how and what the data subjects exercise their rights as data subjects manner and contact details, referring to the fact that the detailed data management information sheet - which contains the information required in Article 13 of the General Data Protection Regulation - on what other interface the affected parties can find it in the future.

In particular, it is not acceptable in the situation that the person concerned is on the phone when visiting a colleague does not know basic information about specific data management to provide information that the legal basis for data management is consent and the exercise of the rights of the data subjects in what way

they can do so when the purpose of the call initiated by the data controller is a clarification of personal data stored on the legal basis of consent in its register, as well as the individual with regard to data subjects, new contact information based on the data subjects' consent collection as well.

According to the position and constant practice of the Authority, consent is one of the most important concepts it can be considered an element that the consent is based on adequate information. It's common According to Article 4, point 11 of the data protection decree, consent is the will of the data subject voluntary, concrete declaration, which must be based on adequate information.

Article 24 of the General Data Protection Regulation during the planning of data management for the Respondent (1) and Article 25 (1) should have taken into account the fact that the chosen method and its implementation should meet the legal requirements such that a during telephone campaigns - whether the text is read out orally by the caller or by a machine via text - the Respondent must provide appropriate information to those concerned about their personal data

regarding its treatment. The obligation of the Respondent is the general data protection regulation based on the referenced provisions, not only the prescription of all these, but also their implementation and the implementation control as well.

The Authority based on the statements of the Applicant described above during the telephone campaigns in relation to its general data management information practice, that the Respondent does not provide basic information to those concerned during the telephone call general information regarding the management of their personal data, and thus the data subjects the data subject's right to exercise rights is violated, Article 13 of the General Data Protection Regulation is violated (2), Article 24 (1) and Article 25 (1).

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V. Legal Consequences

V.1. The Authority partially granted the Applicant's request and the general data protection regulation based on Article 58 (2) point b) established that

the Respondent handled the Applicant's telephone number data without a legal basis,

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violated Article 6 (1) of the General Data Protection Regulation.

the Respondent violated the Applicant's right of access pursuant to Article 15(1) and

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your right to erasure according to Article 17.

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the Respondent by not providing the Applicant with the phone call appropriate information about the most important information related to the management of your personal data and did not provide information facilitating the exercise of the data subject's rights, he violated it Article 12 (1)-(2) and Article 13 (2) of the General Data Protection Regulation.

The Authority ex officio based on Article 58 (2) point b) of the General Data Protection Regulation established that the Respondent did not provide the concerned persons during the telephone calls

basic general information regarding the management of their personal data and thus the data subject their right to exercise their rights is violated, it violates Article 13 (2) of the General Data Protection Regulation paragraph, paragraph (1) of Article 24 and paragraph (1) of Article 25. The Authority is therefore general on the basis of Article 58 (2) point d) of the Data Protection Regulation, ex officio instructed the Applicant, to modify the telephone campaigns in accordance with the provisions of the General Data Protection Regulation during his information practice.

V.2. Infotv. Based on Section 61 (2) points a) and c) - since the decision affects a wide range of persons and the the nature of the violations established is serious - the Authority considers this decision to be justified

Disclosing the requested data by publishing it.

VI. Other questions:

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

Based on § 82, paragraph (1), it becomes final upon its publication. The Akr. § 112 and § 116 (1)

paragraph or § 114 (1) against the decision by way of an administrative lawsuit

there is room for a legal remedy.

The rules of the administrative trial are set out in Act I of 2017 on the Administrative Procedure

hereinafter: Kp.) is defined. The Kp. Based on § 12, paragraph (1), by decision of the Authority

the administrative lawsuit against falls within the jurisdiction of the court, the lawsuit is referred to in the Kp. § 13, subsection (3) a)

On the basis of point aa), the Metropolitan Court is exclusively competent. The Kp. Section 27 (1)

legal representation is mandatory in a lawsuit falling under the jurisdiction of the court based on paragraph b). Cp.

According to § 39, paragraph (6) - if the law does not provide otherwise - the submission of the statement of claim it does not have the effect of postponing the entry into force of the administrative act.

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

CCXXII of 2015 on the general rules of administration and trust services. law (a

hereinafter: E-administration act) according to § 9, paragraph (1), point b) of the customer's legal representative

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 trial information about the possibility of an application for holding the Kp. It is based on paragraphs (1)-(2) of § 77. THE the amount of the fee for an administrative lawsuit is determined by Act XCIII of 1990 on fees. law (hereinafter: Itv.) 45/A. Section (1) defines. Regarding the advance payment of the fee, the Itv. Section 59 (1) paragraph and § 62 paragraph (1) point h) exempts the party initiating the procedure.

Infotv. According to § 38, paragraph (2), the Authority is responsible for the protection of personal data, as well as the enforcement of the right to access data of public interest and public interest

control and promotion, as well as the free flow of personal data within the European Union

facilitating. According to paragraph (2a) of the same § in the general data protection regulation, the supervisory

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tasks and powers established for the authority under the jurisdiction of Hungary

with regard to legal entities, they are defined in the general data protection regulation and this law

according to the Authority. The Authority's jurisdiction covers the entire territory of Hungary.

In view of the fact that the Authority has exceeded the administrative deadline, Ákr. Based on point b) of § 51 pays HUF 10,000 to the Applicant's bank account - according to his choice to be indicated in writing by money order or postal order.

If the Respondent does not adequately certify the fulfillment of the prescribed obligation, the Authority shall considers that the obligation has not been fulfilled within the deadline. The Akr. According to § 132, if the obligee did not comply with the obligation contained in the authority's final decision, it can be enforced. The Authority decision of the Akr. According to § 82, paragraph (1), it becomes final with the communication. The Akr. § 133 according to the implementation - if the law or government decree does not provide otherwise - the decision ordered by the issuing authority. The Akr. Pursuant to § 134, enforcement - if it is a law, a government decree or in a municipal authority case, the local government decree does not provide otherwise - it is carried out by the state tax authority. Infotv. Based on Section 60 (7) in the Authority's decision to carry out a specified act, conduct, or tolerate to stop

the

It is undertaken by an authority.

regarding

implementation

obligation

decision

directed

the

Dated in Budapest according to the electronic signature

Dr. Attila Péterfalvi

c. professor

president