

Subject: Decision on request

in official proceedings

Case number: NAIH-4177- / 2021.

DECISION

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

applicant ([...]) hereinafter referred to as "Applicant") [...] (hereinafter referred to as "Applicant1") and [...]

hereinafter referred to as "Applicant2" ([...], hereinafter referred to as "Applicants")

In the data protection official proceedings initiated following the request received on the 16th day, the Authority has the following

makes decisions:

In its decision, the Authority partially upheld the applicant 's request and found that:

Applicants violated the processing of personal data of natural persons

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

Article 6 of Regulation (EU) 2016/679 repealing Directive (hereinafter: GDPR)

And Article 13 (1) to (2) of the GDPR.

II. The Authority instructs the Applicants to comply with Article 30 of this Decision from the date on which it becomes final within 11 days, terminate the illegal camera surveillance and bring their data processing operations comply with legal provisions by:

(a) the angle of view of the affected camera is adjusted and, if necessary, to the camera

an appropriate masking, distortion function is applied, or

(b) reassemble the camera to a position from which Applicants are only legally

they can observe observable areas, or

c) disassemble the camera.

III. The Authority 's decision to impose a data protection fine on the applicant' s request, and rejects the part concerning the deletion of personal data.

There is no administrative remedy against this decision, but from the date of notification

within 30 days of the application to the Metropolitan Court in an administrative lawsuit can be challenged. The application must be submitted to the Authority, electronically, which is the case forward it to the court together with his documents. Indicate the request for a hearing in the application must. For non-personal tax exemptions, judicial review the fee for the proceedings is HUF 30,000, the lawsuit is subject to the right to record fees. Before the Metropolitan Court legal representation is mandatory in these proceedings.

EXPLANATORY STATEMENT

I. Facts

On 16 April 2021, the Applicant submitted an application to the Authority stating that the Applicants have installed a camera on [...] property (hereinafter: Property) with which they take unauthorized pictures or sound recordings of the common area of the Property from the staircase. On the one hand, the Applicant complained about the lack of information provided, as only identified a "camera-monitored area" sticker. The Applicant in connection with data management emphasized that the data subjects did not consent to the data processing and that the data processing was carried out by the Applicants are likely to perform without a legal basis. To the best of the Applicant's knowledge, The camera is a Xiaomi Mi 360o wireless security camera. THE

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Applicant further submitted that the fact that the camera was operated was acknowledged by a clerk in the record of the property protection proceedings held, and the event also proves that during which the Applicant¹ questioned the Applicant in connection with the previous day's recording of the camera.

The Applicant has assumed that in addition to the Applicant¹, it is also the responsibility of the Applicant² can be established in connection with the unlawful data processing, as it is the co-owner of the Applicant¹.

In view of the above, the Applicant addressed the following requests to the Authority:

prohibit Applicants from operating the camera system;

call for the dismantling of the illegally operated camera system;

order the Applicants to delete the data;

impose a fine on the Applicants.

In order to clarify the facts, the Authority in its orders dated 28 April 2021 63.

§ called on the Applicants to make a statement.

It was sent to the Authority by order of the Applicant1 in a reply letter received on 4 May 2021

information. Applicant1 submitted that it was based on a joint decision with Applicant2

we installed a Mi Home Security Camera 360 ° camera facing the stairs of the condominium. THE

Based on the link indicated by applicant1, the camera has the following features: 1080P FHD

resolution, 360 ° viewing angle, infrared night mode, motion detection and conversation

function (two-way audio). The Applicant1 stated that the camera captured camera images on wifin

will be sent to the Applicants' phone via, the Applicants will not apply masking. THE

The installation of a camera was justified by the Applicant1 in the stairwell directly in front of the door

the shoes were stored and they were worried that the person who had used the garage door regularly

spat, changed the position of the plants periodically, or partially disappeared, next time

it damages the electric gas meter or the door. Data processor based on the statement of the Applicant1

does not work, no data transfer will take place, and only Applicants will be allowed to record

have access to it. Applicant1 indicated that the camera was recording a few seconds of video,

if it detects movement. These recordings will be deleted several times a day with Applicant2

together so no storage takes place. Applicant1 added that it was made about the Applicant

recording was also canceled that day. In addition, Applicant1 recorded that the camera was installed

the common representative, who supported and approved it, was notified, and at the entrance door of the building a

a sticker was affixed at the same time as the camera was put into operation. Finally, the Applicant1

emphasized that, to the best of their knowledge, the Applicant was not a homeowner or owner.

As a statement filed by the Applicant2 on 5 May 2021, it was forwarded by the Applicant1

and requested the Authority to take it into account

or requested the rejection of the application in view of the Applicant's ownership.

Subsequently, the Authority repeatedly invited the Applicants to make a statement in accordance with Art. § 63 and sent a rectification to the Applicant as the Authority found that the application was not contained the facts and arguments in support of the allegations of alleged infringement evidence that it did not contain the exact location of the Applicant's property information.

In its supplementary application, the Applicant stated as follows. He stated that the [...] lives in real estate, the apartment is owned by his wife's family. In his opinion, his apartment ownership is not relevant, only the quality of the data subject matters in the data protection issues. He added that there are three apartments in each other in the stairwell above and the Applicant's apartment is located directly below the Applicants residing on the roof level. THE Petitioner stated that he approached his apartment with the disputed camera stairs are not used, but the roof exit can also be reached via the stairs monitored by the camera.

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(immediately adjacent to the camera and its technical condition must be checked periodically), and a window on the common property opposite the camera for a view use for access. In addition, the Applicant stated that it was more cloudy in the evening at the stairwell lamp extinguished for days from the reflection of the window on the mezzanine floor, the impugned camera standing in the line of its own front door, it is clearly visible from which, in the Applicant 's view, the it follows that in such cases the impugned camera also sees the Applicant's front door. The Applicant in his opinion, the common representative of the condominium is not entitled by any resident of the condominium to approve the installation of a camera that you want to operate illegally, you cannot decide to do so yourself authorization. The Applicant further stated that in his opinion the camera in question was a through a window on the mezzanine floor, you can also see the busy Turkish road, and since the camera Based on what was presented by the applicants, it is high-resolution, so about the people traveling there may record without authorization. The Applicant submitted that there was no guarantee that the Applicants will actually delete unauthorized data after the recordings have been made.

In their joint statement, the Applicants presented the following. The Applicants consider

stated that the application saves the notifications to the memory card, from there to a separate folder

the data will not be saved. A screenshot was attached to support their statement. THE

According to the applicants, the legal basis for data processing is the General Data Protection Regulation

Article 6 (1) (f) for the purpose of promoting their property and personal protection, as

on 5 August 2020, the Applicant threatened him with a knife (no action was taken).

He attached a copy of the decisions in support of their statement. It is also attached to the Property

a side view drawing and the content of the correspondence exchanged with the common representative. Finally, the

Candidates consider

stated that in the closet under the installed camera only belonged to the Applicants' apartment

electricity and gas meter.

Following the Applicants' reply, the Applicant lodged a request for access to the file, which was granted by the

by sending the documents by post.

The Applicant submitted the following statement in connection with the submitted documents. The Applicant

The Conseil d 'État submitted that, because of the wording, the correspondence with the Joint Representative did not prove

that the

consent to camera footage and cannot be considered lawful either, as it is common

representative alone is not entitled to authorize without the decision of the residents. The Applicant

He added that the property protection proceedings relied on by the Applicants were not in the present case

is relevant because, on the one hand, it has already been duly assessed by the prosecuting authority by rejecting the

submission. On the other hand, the facts presented by the Applicants cannot be justified by any resident

operation of a camera intended to operate illegally in the common area of the condominium.

Subsequently, in order to clarify the facts, the Authority again invited the

Applicants are listed in the Ákr. 63.

In their joint submission, the Applicants stated as follows. Candidates attached

the balancing test, with the addition that since the ongoing proceedings it has been

have experienced:

non-greeting was replaced by an arrogant wide grin;

- when the Applicants pass in front of the Applicant's apartment, from inside the Applicant

knocks loudly on the door;

- if they accidentally meet on the street and cross the road in front of the Applicant's car

the engine is started by the Applicant.

The Authority highlights the following part of the content of the balancing test attached by the Applicants:

"The area in front of the door can otherwise be closed with a separate grille, which allows access to the roof

in a stairwell, but this is not the only way to approach the roof. The first

in front of the attic apartment of the staircase there is the same roof access that anyone can only then

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to get up that one of the residents let him in. Keeping the grid open [...] and [...] decided to

for in an emergency I do not want to delay the ascent, and they trust the unwritten

as a rule, whoever wants to get to the roof speaks to them. The part below the roof ramp (which is directly

at our entrance) are treated as private because of the above ”.

Given that the applicants have not been subjected to atrocities since the camera was installed, it is

dismantling the camera would lead to the continuation of previous inconveniences and increase

a sense of threat. Applicants described the location of the two properties and the camera

the area observed by. In this regard, the Applicants highlighted that if

someone who wants to look out of the affected window doesn't necessarily get into the camera 's field of view, and

observation does not extend beyond the designated area, not pedestrians passing by on Turkish Road

it detects, and the resolution of the transmitted image is not enough to capture pedestrians. THE

Applicants stated that they had never seen one belonging to their apartment in the last five years

to look at the Applicant at the turn of the stairs, and the Applicant's window is larger and essentially

it is associated with the same sight. The Applicants attached the deed of incorporation of the condominium with which

it was stated that the deed did not designate the exact location of the joint ownership, thus

in the absence of an unwritten rule, the part immediately before the apartment, the garden, stairs are treated as private property. Provided a garden in front of the ground floor apartments would like to take advantage of other residents on a regular basis or want to admire the view from the first, closed staircase, in consultation with the owners living there. The Applicants added to the roof walkway can be accessed through the observed area, directly from the area in front of the Applicants, as they leave the grille directly in front of their entrance open. The Applicants stated that a

The technical condition of the roof was not inspected in the five years prior to the submission or two times professionals worked on the roof after prior consultation and once came to assess the roof to make a quote so condominium residents don't use the roof. If necessary would check that the Joint Representative would notify the Applicants who are temporarily dismantle the camera during the inspection.

The memorandum of association attached by the Applicants states: "IN THE JOINT PROPERTY RESIDUAL PARTS: I / A residential plots II / Basic and rising walls, pillars, staircase walls, chimneys, ventilation horns [...] III. Intermediate and closing slab (without cover) [...] VII / Stair structures with cover and railing '.

In their last submission, the Applicants supplemented their statement to the extent that:

are concerned that the Applicant has come to know personal information during previous official proceedings used data in the present proceedings, despite the fact that

The applicant was not called by the Authority. In addition, the Applicants presented that camera Since its application, the camera has twice sensed that the Applicant was in his field of view, both times, the recordings were deleted along with the telephone recording that the Applicant had mentioned as the recordings do not prove the Applicant's confused manifestations. The Applicants

Based on the statement of the Applicant, the Applicant shall open the window in the partially monitored area in question a did not use it to view the view until the date of their submission. Finally, the Applicants recorded that that the roof gangway is not suitable for an escape route, it can only be through a gangway with a separate ladder to get to the roof, however, the ladder upstairs is not specially placed for this purpose and is official

not marked as an escape route either.

II. Applicable legal provisions

Article 2 (1) of the GDPR applies to all or part of personal data

automated processing of personal data

which are part of a registration system,

or which are intended to be part of a registration system. Covered by the GDPR

Infotv. Pursuant to Section 2 (2) of the General Data Protection Decree there

shall apply with the additions indicated.

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

To that end, the Authority shall, at the request of the data subject, initiate a data protection authority procedure and may initiate ex officio data protection proceedings.

Unless otherwise provided in the GDPR, the data protection authority procedure is general

CL of 2016 on administrative order. (hereinafter: the Act)

apply with the exceptions specified in the Infotv.

Pursuant to Article 2 (2) of the GDPR, the Regulation does not apply to personal data

to treat if it:

- (a) carried out in the course of activities outside the scope of Union law;
- (b) by Member States in the course of activities covered by Chapter 2 of Title V of the TEU;
- (c) by natural persons exclusively in the course of their personal or domestic activities;
- (d) the prevention, investigation, detection and prosecution of criminal offenses by the competent authorities carried out for the purpose of conducting criminal proceedings or enforcing criminal sanctions, including public security protection against and prevention of such threats.

According to recital 18 of the GDPR, the Regulation does not apply to personal data

data provided by a natural person solely in the context of a personal or domestic activity

which cannot be brought about by any professional or commercial activity

context. Correspondence, such as correspondence,
community activities in the framework of these personal and home activities
networking and online activities. This Regulation shall apply
however, to data controllers and processors whose personal data are so personal
or the means to handle it as part of a home activity.

According to Article 4 (1) of the GDPR, personal data are identified or identifiable as natural
any information about the person ("data subject"); identifiable natural person who
directly or indirectly, in particular by means of an identifier such as a name, number,
location data, online identification or physical, physiological, genetic,
one or more factors relating to his intellectual, economic, cultural or social identity
identifiable by.

However, according to point 2 of this article, the processing of personal data or data files
any operation or set of operations carried out in an automated or non-automated manner,
thus collecting, recording, organizing, sorting, storing, transforming or altering, querying,
available for inspection, use, communication, transmission or other means
harmonization or interconnection, restriction, deletion or destruction.

Pursuant to Article 4 (7) of the GDPR, a controller is a natural or legal person who
public authority, agency or any other body responsible for processing personal data
defines its goals and means independently or together with others; if the purposes of the data processing and
determined by Union or Member State law, the controller or the controller

EU or Member State law may also lay down specific criteria for the designation of

Pursuant to Article 5 (2) of the GDPR, the controller is responsible for complying with paragraph 1,
and must be able to demonstrate this compliance ("accountability").

Pursuant to Article 6 of the GDPR, the processing of personal data only if and to the extent that
lawful if at least one of the following is met:

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

purposes

treatment;

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

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

required;

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

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

necessary for its protection;

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

necessary for the performance of the task

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

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

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

especially if the child concerned.

Under Article 13 (1) to (2) of the GDPR:

1. Where personal data concerning the data subject are collected from the data subject, the controller shall provide the data subject with all of the following information at the time the personal data are obtained:

(a) the identity and contact details of the controller and, if any, of the controller 's representative;

(b) the contact details of the Data Protection Officer, if any;

(c) the purpose of the intended processing of the personal data and the legal basis for the processing;

(d) in the case of processing based on Article 6 (1) (f), the controller or a third party

legitimate interests of a party;

(e) where applicable, the recipients or categories of recipients of the personal data, if any;

(f) where applicable, the fact that the controller is a third country or international organization

the existence or absence of a Commission decision on adequacy or, in the case of the transfer referred to in Article 46, Article

47 or the second subparagraph of Article 49 (1),

and a reference to the means of obtaining or obtaining a copy of them.

2. In addition to the information referred to in paragraph 1, the controller shall, at the time of acquisition of the personal data, ensure fair and transparent processing of the data,

inform the data subject of the following additional information:

(a) the period for which the personal data will be stored or, if that is not possible, that period

aspects of its definition;

(b) the data subject's right to request the controller to access, rectify, delete or restrict the processing of personal data concerning him or her and to object

against the processing of such personal data and the right of the data subject to data portability;

(c) in the case of processing based on Article 6 (1) (a) or Article 9 (2) (a), the right to withdraw the consent at any time which does not

affects the lawfulness of data processing carried out on the basis of consent prior to withdrawal;

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

(e) that the provision of personal data is required by law or by a contractual obligation

based on or a precondition for concluding a contract and whether the person concerned is obliged to be personal provide information and the possible consequences of non-disclosure;

Act CXXXIII of 2003 on condominiums Act (hereinafter: Condominium Act) § 25

(1) monitoring of parts of the building, premises and areas in common ownership

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electronic monitoring system with a closed system technical solution (a

hereinafter referred to as "camera system"), the General Assembly shall

shareholders holding a majority of at least two-thirds of the shares

may decide by a vote. [...]

Infotv. 60 / A. § (1), in the data protection authority proceedings, the administrative

deadline is one hundred and fifty days.

Infotv. Pursuant to Section 61 (1) (a), it was taken in a data protection official proceeding

In its decision, the Authority Data management specified in Section 2 (2)

defined in the General Data Protection Regulation in the context of

may apply legal consequences.

Pursuant to Article 58 (2) (b) GDPR, the supervisory authority shall condemn the controller

or the processor if its data processing activities have infringed the provisions of this Regulation,

or under the corrective power of the supervisory authority under point (d) of the same paragraph

instruct the controller to carry out its data processing operations, where appropriate in a specified manner

and within a specified period, in accordance with the provisions of this Regulation.

III. Decision

III.1. Person of the data controller

Pursuant to Article 4 (7) of the GDPR, a controller is a natural or legal person [...] who a

determine the purposes and means of the processing of personal data, either individually or in association with others

[...].

According to Article 26 (1) of the GDPR, if the purposes and means of data processing are two or more

jointly defined by the controller, they shall be considered as joint controllers.

In their declaration to the Authority, the Applicants - as the operator of the camera system

Have clearly identified themselves as data controllers and, according to the Applicants' statement,

camera is installed by them, therefore, as determining the purpose and means of data processing

Article 4 (7) of the GDPR and Article 26 (1) of the GDPR

considered by the Authority to be a joint controller.

All this does not change the fact that in consultation with the common representative of the Condominium in advance

has become that in the current situation real estate camera surveillance may be warranted, as Condominium

TV. Pursuant to Section 25 (1), only at least two-thirds of all ownership shares

the camera shall be deemed to have been approved with the affirmative vote of the majority of its co-owners

operation.

III.2. Legality of camera data processing

According to the GDPR, the image of the data subject is considered personal data. Affected by the identified or identifiable natural person. All in all, if based on a recording natural person can be identified, then the image is taken as personal data, the image is taken considered as data management.

The Authority notes that in the proceedings it is irrelevant that the Applicant owns the apartment in an ownership or other capacity. The only thing you need to consider is that whether it is related to data processing, ie whether it is included in the camera's field of view.

In the present case, the Authority finds that the Applicant is considered to be concerned, as in two cases the

8 camera (even for a short time) the Applicant and the operation of the camera the possibility still exists.

Depending on the location and angle of the camera, the camera may be suitable for to monitor another private or public area related to another's property record images that may harm the personal data of the persons being monitored by the camera rights, privacy.

The angle of view of the cameras should not normally be aimed at a public area because it can only be observed it is possible in a narrow circle, as this activity may violate the privacy of the observed person by handling your personal information even against your will.

They do not fall within the scope of the Regulation under Article 2 (2) (c) of the GDPR and are therefore not the rules of the GDPR apply to the processing of personal data if it is carried out by natural persons carried out exclusively in the course of their personal or domestic activities (so-called "household data management").

Examples of personal or domestic activities are given in recital 18 of the GDPR,

thus, it qualifies as such in the context of correspondence, directory storage, personal, and home activities social networking and other online activities. Important

emphasize, however, that, as stated by the Court of Justice of the European Union in the so-called Rynes judgment¹

the exception for private data processing should be interpreted narrowly.

For the purposes of this Decision, camera surveillance, in so far as it extends to persons outside the controller's private property, shall not fall within that scope.

exception.

This practice has been maintained by the European Data Protection Board in Guideline 3/2019 on the processing of personal data by the video means². The guideline, in addition to stating that it is generally a camera designed to monitor self-owned area

recognizes that, in exceptional circumstances, the scope of camera surveillance may not be limited to self-contained territory, as this would not provide sufficient protection. Good

In addition to the application of technical or organizational measures (such as covering an area that is not relevant to the purpose of the observation or filtering the observed part by IT means), the individual is entitled to extend the camera surveillance to the immediate surroundings of his / her own area.

However, in the case of an individual not using the camera in the field of view of another

private space - or who specifically observes another private space

already operates a camera system and becomes a data controller

private data management, so it should apply to GDPR data controllers

all the requirements set out in

Thus, by applying masking, the area monitored by the camera can be narrowed to the area that

is in the possession of the controller. However, if the angle of view of the cameras is outside the privacy of the person

performing the data processing with the camera surveillance system, such as a public area, a condominium

jointly owned territory or territory owned by another third party,

it cannot be considered as a "personal or home" activity covered by the above exception.

In the present case, the memorandum of association in fact states that the walls of the staircase, the stair structures and walls, the ventilation chimneys, and the intermediate and closing slabs are common areas. According to the Authority, as the forecourt is not separately owned and the intermediate and

closing slabs can be considered as a common area and therefore cannot be considered as private area. The Authority shall¹

C 212/13. Case No - <http://curia.europa.eu/juris/document/document.jsf?docid=160561&doclang=EN>

https://edpb.europa.eu/sites/edpb/files/files/file1/edpb_guidelines_201903_video_devices_en_0.pdf Chapter 3.1.2, point 27

further notes that part of the public space is also observed through the window, as it is a section of road falls within the scope of the camera.

The Authority notes that it is presumably not regular that it is exclusively for the Applicant third parties appear on the stairs leading to the roof, as well as the use of the exit leading to the roof is likely without notice, so Applicants have the option to turn off the camera in the event of an alert.

However, this does not change the fact that the data management of the Applicants concerning the areas of common ownership and use and the public area is covered by the GDPR, which

In this case, the condition of lawfulness of the data processing is laid down in one of the provisions of Article 6 of the GDPR existence of a legal basis.

The Authority invited the Applicants to indicate the legal basis for their data processing, in view of which the Applicants invoked Article 6 (1) (f) of the GDPR.

at the same time as attaching a balancing test.

According to the Authority, the consent of the stakeholders and the Condominium Act. In the absence of a decision pursuant to § 25 (1), a claim under Article 6 (1) (f) of the GDPR may indeed arise.

legal basis, but its application requires an indication of an appropriate legitimate interest. Of this

However, in order to apply it, the controller must examine the circumstances, the necessity and the proportionality as well.

The Authority also points out that a complaint must be made in order to attach evidence

However, in the opinion of the Authority, the continuous, larger monitoring of the common area of the condominium (the entire foyer of the property, the stairs) is not proportionate to this.

The Authority found that the prevention of harassment and intrusion of property, as perceived by the perpetrator, and the proof of harassment and disruption of data as data processing purposes could be enforced if the camera were installed in such a

way that only the entire front of the apartment was occupied. the door of the property and its immediate surroundings would record. In this way, it would be possible to prevent anyone from engaging in infringing activity and that there are no adequate means available to Applicants to prove this. Accordingly, the Authority does not consider the plea under Article 6 (1) (f) of the GDPR to be lawful in its present form.

It should also be emphasized that due to the angle of view of the camera, the Applicants not only area, but also the public area visible through the window, for which the Applicants did not submit a separate balancing test and the use of a different legal basis nor was it marked.

The legislation referred to - primarily the GDPR - does not allow for private individuals self-recording, systematically for several months with the help of yourself or someone else monitor the public space, the individuals operating in it, using the tool, therefore, the observation is contrary to the principle of lawful data management due to the above.

In view of the fact that no adequate legal basis has been raised either in advance or during the proceedings due to the scale of the observation, the Authority considers that the processing is exceeded what was necessary and proportionate in the absence of any fact during the procedure on the basis of which the need to monitor the public area or the common area would have been supported by an appropriate legal basis, the Authority therefore found that the Applicants had infringed Article 6 (1) of the GDPR.

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In view of the above, the Authority has condemned the infringement under Article 58 (2) (b) of the GDPR.

Applicants because their data processing activities violated the provisions of the GDPR. THE

The Authority also ordered, pursuant to Article 58 (2) (d) of the GDPR, that a

Applicants shall bring their data processing operations in accordance with the provisions of the GDPR.

III.3. Informing stakeholders about camera surveillance

In accordance with Article 13 (1) and (2) of the GDPR

information on the circumstances of the data processing must be provided. In the case of camera surveillance, the preliminary information already needs to be provided as a first step when entering the observed area - that's the thing

due to its nature - at that time it was located outside the observed area (front door, gate)

brief information by means of a pictogram is necessary and sufficient, but at the same time

as a second step, it must necessarily be supplemented by at least one available on site

complete (longer and detailed) prospectus. The latter information on the availability of the outsourced

Information must be given on a "pictogram" (one of its functions is actually this: the area

warnings about unavoidable data management upon entry and the full information required

available) at the request of the data subject

should be released.

Applicants affixed a pictogram to the camera, however, in addition

no further data management information in accordance with Article 13 (1) and (2) of the GDPR

provided.

The Authority found that the conditions for the processing of data covered by the GDPR a

Applicants therefore failed to provide adequate information, in breach of Article 13 of the GDPR

Paragraphs 1 and 2.

III.4. Legal consequences, other issues

The Authority examined of its own motion whether data protection against the Applicants was justified

imposition of a fine. In this context, the Authority will amend Article 83 (2) of the GDPR and Infotv. 75 / A. §-the

of its own motion, it considered all the circumstances of the case and found that the present proceedings

The imposition of a fine for an infringement detected in the course of

that the Applicants are individuals, not previously found to have violated the GDPR

and the infringement in the individual case concerned only the Applicant and its surroundings. Of which a

Authority was also able to draw a thorough conclusion that even without imposing a data protection fine

the request expressed by the Applicant that the Applicants as data controllers a

in the future, in accordance with the rules of the GDPR. The Authority points out that

the application of a data protection fine to the Applicant's right or legitimate interest

does not directly affect him, such a decision of the Authority shall not create any right or obligation

consequently, this legal consequence, which falls within the scope of the public interest,

The Applicant shall not be considered a customer for the purpose of imposing a fine

CL of 2016 on General Administrative Procedure. Section 10 (1) of the Act (hereinafter: the Act)

or as the Act no. Does not comply with Section 35 (1) in this regard

there is no place to file an application, this part of the petition cannot be interpreted as an application.

In addition, due to the fact that the Applicants have already deleted the recordings of the Applicant, the Authority

does not order the deletion of personal data.

ARC. Other issues

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

covers the whole country.

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The decision is based on Ákr. 80.-81. § and Infotv. It is based on Section 61 (1). The decision is based on Ákr. 82.

§ (1), it becomes final with its communication. The Ákr. § 112 and § 116 (1),

or pursuant to Section 114 (1), there is an administrative action against the decision

redress.

The rules of administrative litigation are laid down in Act I of 2017 on the Procedure of Administrative Litigation (a

hereinafter: Kp.). A Kp. Pursuant to Section 12 (1) by decision of the Authority

The administrative lawsuit against the court falls within the jurisdiction of the court Section 13 (3) a)

Pursuant to point (aa) of the Act, the Metropolitan Court has exclusive jurisdiction.

A Kp. Pursuant to Section 27 (1) (b), the administrative court within the jurisdiction of the tribunal

legal representation is mandatory in litigation. A Kp. According to Section 39 (6) - unless otherwise provided by law

the application of the application is deferred until the administrative act takes effect

does not apply. A Kp. Section 29 (1) of the Act on Civil Procedure 2016

CXXX. (hereinafter: Pp.), applicable to electronic administration and

CCXXII of 2015 on the general rules of trust services. Section 9 (1) (b) of the Act

the legal representative of the client is obliged to communicate electronically.

The time of filing the application

trial in connection with the decision

It is based on § 77 (1) - (2). THE

out - of - court proceedings

based on paragraph

and location of the Kp. Section 39 (1). THE

Information on the possibility of requesting the maintenance of the

the court in a simplified lawsuit in connection with the order

Kp. § 124 (2) c) and Kp. Section 124 (5)

The amount of the fee for an administrative lawsuit shall be determined in accordance with Act XCIII of 1990 on Fees. law
(hereinafter: Itv.) 45 / A. § (1). From the advance payment of the fee is

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

If the Applicant does not duly demonstrate compliance with the required obligations, the Authority shall:

considers that it has not fulfilled its obligations within the time allowed. The Ákr. According to § 132, if a

The applicant did not comply with its obligation under the Authority 's final decision

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

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

ordered by the decision-making authority. The Ákr. Pursuant to Section 134 of the Enforcement Act

carried out by a state tax authority. Infotv. Pursuant to Section 61 (7) in the decision of the Authority

to perform a specific act, conduct or tolerate a specific act

the Authority shall enforce the decision in respect of the standstill obligation

implements.

Budapest, September 13, 2021

Dr. Attila Péterfalvi

President

c. professor