

Case number: NAIH / 2020/2760/9.

Subject: Partial decision granting the application and  
order partially terminating the proceedings

The National Data Protection and Freedom of Information Authority (hereinafter referred to as the Authority) [...] at the request of the applicant (hereinafter: the Applicant) in connection with the handling of claims [...] (hereinafter referred to as 'Applicant I'), [...] hereinafter referred to as "Applicant II.") and [...] (hereinafter referred to as "Applicant III.") together: Applicants) will take the following decisions in the data protection authority proceedings against them.

I. In its decision, the Authority shall contain the personal data of the Applicant

I.1.1. for the period following 25 May 2018

excluding the telephone number and e-mail of the Applicant handled by the Applicant I.  
address data - and

I.1.2. in so far as it relates to the finding of unlawful treatment of the applicant  
rejects the phone number and e-mail address details of the requested Applicant.

I.2. in connection with the finding of illegal treatment in part  
gives place  
and

I.3. notes that

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the Applicant I. violated the processing of personal data of natural persons  
the free movement of such data and Directive 95/46 / EC

Regulation (EU) No 2016/679 repealing Directive

Article 5 (1) (c) and Article 6

(A) the telephone numbers of the Applicant [...] and [...] (hereinafter referred to as the  
telephone number) and [...] e-mail address (hereinafter referred to as the Applicant's e-mail address).

data), as the Applicant handled this personal data without any legal basis

data, and

the Applicant III. infringed Article 6 (1) of the General Data Protection Regulation a

Personal data of the requested person in connection with the processing of data for the purpose of claims management.

I.4. At the same time, the Authority shall order the Applicant I. to delete the Applicant's illegally handled [...]

and [...] 's telephone number and [...] 's e-mail address from its records and inform the

Applicant within 15 days of the decision becoming final.

I.5. A I.4. to take the measure provided for in point 1 from the time the measure is taken

within 15 days of receipt of the supporting evidence.

to the Authority.

I.6. The Authority will of its own motion oblige the Requested III to comply with the

within 15 days

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I.6.1. justify to the Authority if there is a legitimate interest in the personal data of the Applicant

for the management of claims and this interest in the fundamental rights of the Applicant

take precedence,

I.6.2. delete the Applicant 's personal data for which no appropriate legal basis has been established, and

does not justify a legitimate interest in accordance with I.6.1. as set out in point

I.6.3.inform pursuant to Article 14 (2) (b) of the General Data Protection Regulation a

Applicant to see what legitimate interest is required for personal information for claims management purposes

on the basis of which this interest takes precedence over the fundamental rights of the Applicant,

and inform the Applicant of his right to protest and how to do so

you can practice!

I.7. The Authority shall of its own motion oblige Applicant III to comply with Annex I.6. point

in the meantime, it shall limit the personal data of the Applicant to the above scope

receivables management.

II. The Authority will issue the Requested I ex officio due to the unlawful data processing carried out by it

HUF 2,000,000, ie HUF 2 million

data protection fine

obliges to pay.

III. The Authority shall order the personal data of the Applicant

III.1. Applicant I and Applicant III. The procedure for the unlawful handling of

for the period before 25 May and

III.2. of the Requested II. in view of the fact that it was granted in May 2018

Applies to the period prior to the 25th day of the procedure

terminates.

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The Authority's I., II. and the decision set out in Annex III. contrary to the order in point

there is no administrative remedy, but they are within 30 days of notification a

An action brought before the Metropolitan Court may be challenged in an administrative action. THE

the application must be submitted to the Authority, electronically, together with the case file

forward it to the court. The request for a hearing must be indicated in the application. The entire

for those who do not receive personal tax exemption, the fee for the administrative lawsuit is HUF 30,000, a

is subject to the right to record material taxes. Legal representation in proceedings before the Metropolitan Court

obligatory.

## EXPLANATORY STATEMENT

I. Procedure and clarification of the facts

I.1. The applicant submitted a request to the Authority on 16 March 2020 requesting data protection

initiated an official procedure.

The Applicant has asked the Authority to examine the legal basis on which the Applicants

Details of the Applicant 's banking contract with the Applicant [...] (A

hereinafter 'the Bank'), the source of that personal data and requested the

finding that personal data have been unlawfully processed, including that [...] 's address

how it came to the Applicants, if the Bank did not provide it with this personal data of the Applicant

had.

In addition to the above, the Applicant requested the ordering of the deletion of his / her illegally processed personal data.

Authority.

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

hereinafter: the Right to the Protection of Personal Data pursuant to Section 60 (1) of the Information Act

before the Authority at the request of the data protection authority

initiated proceedings.

The Applicant stated in his application that the Bank had bank secrecy in October 2013

stopped sending the balance notification belonging to his current account with the Bank with reference,

as it was returned from the address [...] in the Bank's register due to incorrect addressing. On the bill

a debt was incurred, which the Bank assigned to the Applicant I on 08.09.2015. THE

According to the information received from the Applicant Bank, the Bank did not have the address details of the Applicant,

therefore, the sending of balance statements was suspended. Given that the Applicant's address details

the Bank did not have it, therefore it could not be handed over according to the Applicant at the time of assignment.

According to the Applicant, the Applicant I entrusted the Applicant II with the Applicant

to deal with the outstanding claim, then on 16.04.2019 the Applicant I. assigned the claim to the

He applied to III. The Applicant further submitted that the Applicant II. the Applicant is all

personal data (including the contract and the current account statements).

From the 22nd day until 08.09.2015) to the Applicant III.

The Applicant has attached a copy of the following documents to his application:

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Applicant I. - dated 10 January 2017 and 16 February 2017 - [...] no. address

sent 350225853 and 350723464. ICT. s. letters,

Applicant III. - dated 06 March 2020 - [...] no. letter,

By the Bank to the Applicant in accordance with [...] no. notifications sent to,

Applicant I. - 2.10.2015, 17.09.2015. on the day of the application to the Applicant. sent to

notification of the aggregation of the outstanding debt and the related return receipt,

Applicant I - dated 16 April 2019 - on [...]. declaration of assignment sent to

and related domestic return receipts,

Bank - [...] sz. sent to - 16/09/2015 notice of assignment dated

instruction to perform,

Applicant I. - 19.10.2017. on October 19, 2018. sent to [...]

notification of the debt,

1/21/2010 "[Treaty]" dated

According to the attached documents, the assignment between the Bank and the Applicant I was made in 2015.

09.08. took place on the day of October 2017, and the Requested I. Has had since the 19th

Applicant with address details below [...].

I.2.In the official procedure, the Authority will notify the Applicants in accordance with NAIH / 2020/2760/3, 4 and 5.

In order to clarify the facts, the applicants requested a statement

stated as follows:

I.2.1. The Applicant I. obtained the personal data of the Applicant from the Bank by assignment

contract-related data transfer and then forwarded in connection with the assignment

data transfer to the Applicant III. On the assignment between the Bank and the Applicant I. a

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Applicant 16/09/2015 received notification on

350225853. ikt.sz. according to the letter.

from the Bank attached by the Applicant I.

Correspondence of the Applicant I. addressed to the Applicant and sent to the address below [...]

On 19 November 2015, it was returned to the Applicant I as "Moved".

The Requested II. based on the system data of the Applicant I. 20.12.2016 03.07.2017. between

handled the Applicant's case. During this period, it became known to the Applicant [...]. under which the a

Applicant I. sent a letter, which was not objected to by the Applicant, therefore hereinafter referred to as

were contacted at.

In support of his allegations, Applicant I attached the following copies:

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sent to the Applicant to [...] on 10 January, 16 February, 28 February and 27 March 2017.

letters dated

domestic return receipts, which are the letters sent by the Applicant to [...] on 23.02.2017,

03/02/2020 , 31/03/2020, 20/06/2019 proof of receipt on the day of

Assignment Statement dated 16 April 2019 sent to the Applicant on [...].

In Annex I, the Applicant sent the Authority the table, which is the Applicant

It contains the personal data of the requested person I. processed for the purpose of claim management, which a

based on the table below:

- Name, place and date of birth of the Applicant, name of the Applicant's mother,

- the mailing address and address of the Applicant,

- the bank account number of the Applicant,

- the e-mail address of the Applicant [...],

- the Applicant's nationality,

- the number of the Applicant's identity card,
- the mobile phone number of the Applicant [...],
- the telephone number of the Applicant [...].

I.2.2. The Requested II. 12/20/2016 from 03.07.2017 for the period up to

with regard to the processing of the Applicant's personal data, the data processors of the Applicant I.

tasks. Based on all these, the Requested II. Infotv.

therefore the legal basis is Infotv. It was based on Section 5 (1) (b).

I.2.3. The Requested III. According to the statement, the claim against the Applicant was filed on 16.04.2019.

purchased from the Applicant I on the day of the transfer and was handed over to the Applicant during this assignment

[...] Also address data.

## II. Applicable legal provisions

Pursuant to Article 2 (1) of the General Data Protection Regulation, the General Data Protection Regulation

shall apply to the processing of personal data in a partially or fully automated manner,

and the non - automated processing of personal data which:

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

they want to do.

According to recital 47 of the General Data Protection Regulation, the controller, including

also the controller with whom the personal data may be disclosed - or the legitimate interest of a third party

may provide a legal basis for the processing, provided that the interests, fundamental rights and freedoms of the data subject are met

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do not take precedence, taking into account the relationship with the data subject based on the data subject

reasonable expectations. Such a legitimate interest may exist, for example, where it is relevant and appropriate

there is a link between the data subject and the controller, for example in cases where the data subject is

customer of the data controller or is employed by it. To establish the existence of a legitimate interest

in any case, it must be carefully examined, inter alia, whether the person concerned is personal

at the time of and in connection with the collection of the data you can reasonably expect that data processing may take place for that purpose. The interests and fundamental rights of the data subject take precedence may enjoy the interest of the controller if the personal data are in such circumstances in which data subjects do not expect further data processing. As the legislature its task is to determine by law the legal basis of the public authorities personal data, there can be no legal basis for the legitimate interest of the controller apply to the processing of data by public authorities in the performance of their duties. Personal the processing of data that is strictly necessary to prevent fraud is also concerned legitimate interest of the controller. Management of personal data for direct business purposes can also be considered to be based on a legitimate interest.

According to Article 4 (1) of the General Data Protection Regulation, "personal data" means identified or any information relating to an identifiable natural person ("data subject"); identifiable by a a natural person who, directly or indirectly, in particular by an identifier, e.g. name, number, location data, online identifier or physical, physiological, genetic, intellectual, economic, cultural or social identity identifiable by a factor.

According to Article 4 (2) of the General Data Protection Regulation, "data processing" means the processing of personal data or any operation on automated or non - automated data files, or a set of operations such as collecting, recording, organizing, segmenting, storing, or transforming change, query, view, use, transmit, distribute or otherwise harmonization or interconnection, restriction, deletion, or destruction.

According to Article 4 (8) of the General Data Protection Regulation, "processor" means a natural or a legal person, public authority, agency or any body acting on behalf of the controller handles personal information.

According to Article 4 (10) of the General Data Protection Regulation, "third party" means a natural or



a legal person, public authority, agency or any other body which is not the same with the data subject, the controller, the processor or the persons who are the controller or authorized to process personal data under the direct control of a data processor they got.

Pursuant to Article 5 (1) (c) of the General Data Protection Regulation, personal data:

(c) be appropriate and relevant to the purposes for which the data are processed; and should be limited to what is necessary ("data saving").

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

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

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

treatment;

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

to take steps at the request of the data subject before concluding the contract

required;

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

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

necessary for its protection;

(e) the exercise of a public interest or the exercise of official authority vested in the controller

necessary for the performance of its 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.

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

data management.

Infotv. Pursuant to Section 2 (2), the general data protection decree is indicated therein shall apply with the additions provided for in

Infotv. Section 38 (2) - (2a): The task of the Authority is to protect personal data and to the right of access to data in the public interest and in the public interest free movement of personal data within the European Union promoting.

2a. The tasks and responsibilities laid down for the supervisory authority in the General Data Protection Regulation powers in respect of entities under the jurisdiction of Hungary as defined in the Data Protection Decree and this Act.

Pursuant to Article 58 (2) (b), (c) and (i) of the General Data Protection Regulation, the supervisory authority acting in its corrective capacity:

(b) reprimands the controller or the processor if he or she is acting in a data-processing capacity has infringed the provisions of this Regulation;

(c) instruct the controller or processor to comply with this Regulation the exercise of his rights under this Regulation;

(i) impose an administrative fine in accordance with Article 83, depending on the circumstances of the case in addition to or instead of the measures referred to in this paragraph.

Pursuant to Article 17 (3) of the General Data Protection Regulation, paragraphs 1 and 2 do not applicable if data processing is required:

...

(b) the processing is unlawful and the data subject objects to the deletion and requests it instead restrictions on the use of

...

e) to file, enforce or defend legal claims.

Pursuant to Article 18 (1) (a) of the General Data Protection Regulation, the data subject is entitled to

that, at the request of the controller, restrict the processing if the data subject disputes the personal data accuracy, in which case the limitation shall apply to the period during which the data controller check the accuracy of personal data;

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Pursuant to Article 83 (1) of the General Data Protection Regulation, all supervisory authorities ensure that any breach of this Regulation referred to in paragraphs 4, 5 and 6 the administrative fines imposed shall be effective, proportionate and dissuasive in each case be strong.

Pursuant to Article 83 (2) of the General Data Protection Regulation, administrative fines are granted the measures referred to in Article 58 (2) (a) to (h) and (j), depending on the circumstances of the case should be imposed in addition to or instead of. When deciding whether an administrative fine is necessary the amount of the administrative fine in each case due account shall be taken of the following:

(a) the nature, gravity and duration of the breach, taking into account the processing in question the nature, scope or purpose of the infringement and the number of persons affected by and affected by the infringement the extent of the damage suffered;

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

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

(d) the extent of the responsibility of the controller or processor, taking into account the and the technical and organizational measures taken pursuant to Article 32;

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

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

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

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

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

in detail;

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

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

compliance with revolving measures;

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

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

and

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

financial gain gained or avoided as a direct or indirect consequence of the infringement

loss.

Pursuant to Article 18 (2) of the General Data Protection Regulation, if the processing is in accordance with paragraph 1

subject to restrictions, such personal data shall be stored only by the data subject

or to bring, assert or defend a legal claim, or

to protect the rights of another natural or legal person, or of the Union or any of the

important public interest of the Member State.

Pursuant to Article 83 (5) of the General Data Protection Regulation, the following provisions apply

an administrative fine of up to EUR 20 000 000 in accordance with paragraph 2

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or, in the case of undertakings, the total worldwide turnover in the preceding business year

up to a maximum of 4%, with the higher of the two amounts

to impose:

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

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

Infotv. Pursuant to Section 2 (2), personal data shall be processed in accordance with Regulation (EU) 2016/679 of the

European Parliament and of the Council

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

General Data Protection Regulation in Annexes III-V. and VI / A. Chapter and Sections 3, 4, 6, 11, 12, 13, 16, 17, 21, 23-24. Section 4 (5), Section 5 (3) to (5), (7) and (8),

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

(2), Article 25 / M. § (2), 25 / N. §, 51 / A. § (1), § 5254, § 55 (1) - (2), 56-60. §, 60 / A. § (1) - (3) and (6), a

Section 61 (1) (a) and (c), Section 61 (2) and (3), (4) (b)

and (6) to (10), paragraphs 62 to 71. §, § 72, § 75 (1) - (5), 75 / A. §-in

and with the additions set out in Annex 1.

CL of 2016 on General Administrative Procedure. Pursuant to Section 112, Section 16 (1) and Section 114 (1) of the Act on the

there is a right of appeal.

Ákr. § 46 [Rejection of application]

The authority shall reject the application if:

(a) there is no statutory condition for instituting proceedings and this law does not

has no other legal consequences, or

(b) the application for enforcement of the same right has already been made by the court or authority

the content of the application and the applicable legislation have not changed.

§ 47 [Termination of proceedings]

The authority shall terminate the proceedings if:

(a) the application should have been rejected but the reason for it was to initiate the procedure

came to the attention of the authority

Infotv. Enforcement of the right to the protection of personal data pursuant to Section 60 (1)

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.

Infotv. Pursuant to Section 60 (2), an application for the initiation of official data protection proceedings

Article 77 (1) and Article 22 (b) of the General Data Protection Regulation

may be submitted in a specific case.

Pursuant to Article 77 (1) of the General Data Protection Regulation, other administrative or without prejudice to judicial remedies, any person concerned shall have the right to lodge a complaint with a supervisory authority, in particular where he has his habitual residence, place of employment or presumption in the Member State of the offense, if the person concerned considers that his or her personal processing of data in breach of this Regulation.

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Act LXVI of 1992 on the registration of personal data and addresses of citizens. Act (a hereinafter: Nytv.) pursuant to Section 17 (2), the data from the register are grouped as follows can be provided according to:

(a) name, address and address for service (information on address and address for service);

(b) natural identity and address details, address for service, nationality, marital status, place of marriage or registered partnership, sex, a the reason, place and time of deregistration;

(c) the particulars listed in point (b) and the identification mark;

d) Section 9 (2) (i), Section 11 (1) (q) and

with the exception of the fact that a signing certificate has been affixed to the storage element of the identity card, a the full range of data recorded;

(e) natural identity and nationality;

(f) natural identity data and address of address and notification address.

Az Nytv. The provision of data pursuant to Section 17 (2) (a) pursuant to Section 19 (1) use by any citizen or legal person or entity without legal personality in addition to proving its purpose and legal basis, may request:

(a) in order to assert a right or legitimate interest,

(...)

Act CCXXXVII of 2013 on Credit Institutions and Financial Undertakings Act (a

hereinafter: Hpt.) § 161 (1) c) bank secrecy may be issued third

person if the financial institution has an interest in making a claim against the customer

to sell or enforce an overdue claim.

Pursuant to Section 169 (1) of Act C of 2000 on Accounting, the enterprise is entitled to the business year

the financial statements, the business report and the supporting inventory, valuation, general ledger

extract, as well as a diary or other as required by law

must keep the records in legible form for at least 8 years.

2007 on the prevention and deterrence of money laundering and terrorist financing

Annual CXXXVI. Act (hereinafter: old Pmt.) - 08/09/2015 in force on the day - § 7 (1) - (2)

pursuant to paragraphs

§ 7. (1) In the case specified in § 6 (1), the service provider is obliged to provide the customer with it

identify the agent, the holder and the representative

to verify his identity.

(2) The service provider shall record at least the following data during the identification:

(a) a natural person

(aa) surname and forename (birth name),

ab) address,

(c) his nationality,

(ad) the type and number of its identification document,

ae) in the case of a foreigner, the place of residence in Hungary;

(b) a legal person or entity without legal personality

(ba) his name, abbreviated name,

bb) the address of its registered office or, in the case of a company with a foreign establishment, its branch in Hungary,

bc) in the case of a legal person registered in the court of registration, the company registration number, other legal

in the case of a person, the number of the decision on its establishment (registration, registration) or

registration number.

The old Pmt. - 08/09/2015 in force on the day of its entry into force - pursuant to Section 28 (1) - by the service provider in the register kept - 7-10. § and § 17

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the data, document or a copy thereof received in its possession, as well as the data specified in § 23

the execution of the notification and the provision of data, as well as the execution of the transaction order in accordance with § 24.

the document certifying the suspension of the data according to the application, or a copy thereof from the data recording and notification

(suspension) for eight years from the date of suspension. Pursuant to Section 6 (1) (a)

the period of retention of the data, deed or copy retained in the possession of the business relationship begins when it ceases.

2017 on the prevention and deterrence of money laundering and terrorist financing.

year LIII. Pursuant to Section 7 (1) of the Act (hereinafter: the new Pmt.):

§ 7. (1) In the case specified in § 6 (1) a) and e) -h), the service provider is obliged to

the customer, his authorized representative, the person entitled to dispose of it at the service provider, and the identify the representative acting at the service provider and verify his identity to perform.

(2) The service provider shall record the following data during the identification:

(a) a natural person

aa) surname and first name,

ab) surname and first name at birth,

(c) his nationality,

(ad) place and date of birth,

ae) mother's birth name,

(af) his address or, failing that, his place of residence,

(ag) the type and number of its identification document;



(b) a legal person or entity without legal personality

(ba) his name, abbreviated name,

bb) in the case of its registered office, a company with a foreign seat, if it has the address of its branch in Hungary,

bc) its main activity,

(bd) the names and positions of the persons entitled to represent him,

be) \*, if any, to his service representative in accordance with points (a) (aa) and (f)

your details,

bf) in the case of a legal person registered in the court of registration, the company registration number, other legal

in the case of a person, the number of the decision on its establishment (registration, registration) or

registration number,

bg) tax number.

The new Pmt. Pursuant to Section 56 (2), the service provider shall comply with this Act and its provisions

in the course of the performance of an obligation under a law based on the power of attorney

personal data from the termination of the business relationship or the execution of the transaction order

for a period of eight years from the date of

### III. Decision

#### III.1. Request to investigate data processing prior to May 25, 2018

In the present proceedings, the Authority will only decide on the requested data processing on 25 May 2018.

the findings made in connection with the data management after the day of Section 47 (1)

(a), the Authority shall initiate the data protection authority procedure for the period before 25 May 2018.

as the request did not comply with the request

Infotv. The conditions set out in Section 60 (2), as the requested data processing period is this

The General Data Protection Regulation was not yet applicable in this respect

the Authority may not initiate official data protection proceedings upon request.

III.1.1. According to the testimony of the letters attached by the Applicant, no earlier than 19.10.2017. since

the Applicant I. had the address details of the Applicant under the number [...], and the Applicant I.

also according to the statement of 20.12.2016-20.07.07. in the period between, and as early as 25 May 2018

before the Requested II. treated the Applicant's objection as the data processor I of the Applicant

therefore, the Authority will not examine the part of the Applicant's application that

the legal basis of the Applicant I. from which source he obtained the address data of the Applicant.

III.1.2. According to the Applicant's statement, the Applicant II was entrusted to the Applicant by the Applicant I.

to recover the claim against the also confirmed

with his statement. The legal relationship between the Candidate I and the Candidate II. according to his statement

also existed before 25 May 2018, therefore the Authority, at the request of the Applicant

nor does it examine the part of Annex II did not apply to the processing of personal data

the Authority examines whether the Requested I and the Requested II. on what basis

data transfer.

III.1.3. The Requested II. 12/20/2016 from 03.07.2017 for the period up to

with regard to the processing of the Applicant's personal data, the data processors of the Applicant I.

tasks.

A III.1.1. , III.1.2. and III.3. In accordance with points 1 and 2, the Authority shall May 2018

Has terminated the procedure with regard to its data processing before the 25th day and

that by processing the personal data of the Applicant II as a data processor

before 25 May 2018.

with regard to the examination of his data management.

III.2. Existence and legitimacy of a claim

In the present proceedings, the Authority considers the existence of the claim in relation to the data processing of the

Applicants

and did not examine its legality, because the judgment of the Infotv. Pursuant to Section 38 (2) - (2a)

does not fall within the remit of the Authority. It is for the court to decide these questions. THE

Applicants have / have kept a claim against the Applicant with which

In connection with this, the Applicant has not attached a court decision stating that it did not therefore, with regard to the data processing of the claim registered by the Applicants a legitimate interest may in principle exist.

### III.3 Transmissions after 25 May 2018 and the handling of the transmitted data

legality

According to the Applicant, the Applicant I entrusted the Applicant II with the Applicant to deal with the outstanding claim, then on 16.04.2019 the Applicant I. assigned the claim to the He applied to III. The Applicant further submitted that the Applicant II. the Applicant is all personal data (including the contract and the current account statements).

From the 22nd day until 08.09.2015) to the Applicant III. The Applicant on this its claim was not substantiated, and the III. according to the statement with regard to the assignment, the Applicant III. received from the Applicant I. the Applicant is personal data.

According to the testimony of the letters attached by the Applicant, as early as 19.10.2017. since the Applicant I had the address data of the Applicant under the number [...], which was issued on 16.04.2011. on the sun forwarded to the Applicant III at the time of assignment.

Article 6 of the General Data Protection Regulation sets out the legal bases, ie the cases in which a data processing may be lawful if it is other than the general data protection regulation

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also complies with the provisions of Such a legal basis may include, but is not limited to, the consent of the data subject performance of a contract, performance of a legal obligation to the controller or if it processing is necessary for the legitimate interests of the controller or of a third party.

A Hpt. Pursuant to Section 161 (1) (c), bank secrecy may be disclosed to a third party if a financial institution has an interest in selling its receivable from the customer or has expired necessary to enforce his claim.

#### III.3.1. Asset receivables management

It can be stated from the attached documents and the Declaration of the Applicants that the Applicant I. and the Applicant III. handled the Applicant's personal data on the basis of a transfer, thus as data controllers acted. According to the statement of the Applicant, the II. the Applicant I. treated the Debt of the Applicant as his agent, thus acting as a data processor. The Applicants It can therefore be concluded that it was managed by the Applicant for the purpose of debt management personal information.

The Requested III. Article 6 (1) (b) of the General Data Protection Regulation treated the personal data transferred by assignment with reference. This is the legal basis for this cannot be accepted in this case as Article 6 (1) (b) of the General Data Protection Regulation with the exception of certain pre-contractual steps, is only applicable if if it is necessary for the performance of the contract, so this plea cannot be extended as such data processing operations for which the situation is due to the non-performance of the contract by the data subject steps resulting from the normal obligation of the Contracting Parties to cooperate in order to remedy the situation necessary to do so.

The performance of the contract may also include the steps taken by the data controller who signed the contract concluded with the data subject, ie who is the other party to the contract, in the event of a delay in performance calls on the data subject to comply. However, Article 6 (1) of the General Data Protection Regulation

The contractual legal basis referred to in point (b) shall no longer apply in the case of a concessionaire assigns its claim against the data subject for non-performance, and therefore to this plea neither Applicant I nor Applicant III. you cannot rely on it here as the basis for the claim the Applicant entered into a contract with the Bank and then the Bank's claim arising therefrom assigned to Applicant I and then Applicant I to Applicant III.

Namely, according to the justification of Act V of 2013 on the Civil Code, the claims the transfer follows the same logic as the transfer of ownership, i.e. the assignment in fact, it is nothing more than a transfer of ownership of a claim. With the assignment a the claim is separated from the original legal relationship from which it arises and the assignee is exclusively a

claim and not the assignor in respect of the fundamental relationship. By that the assignment separates the claim from the fundamental legal relationship and the assignee the assignment of the claim by the assignee or the related data processing is no longer carried out for the performance of the contract from which the claim is made originally originated, since in this case the concessionaire is not his own but the the claim acquired by assignment should be enforced in favor of the assignor. The by assignment, if for consideration, to the assignor will be fully or partially recovered depending on the purchase price. The transferor is in order to sell its claim against the customer to another third party, e.g. is looking for a debt management company, and the data transfer for this purpose is is in the legitimate interest of the transferor and not in the performance of the underlying contract, since a claim becomes independent of the contract upon assignment.

On the basis of a contract for the management of receivables and also in the case of assignment Article 6 (1) (f) of the General Data Protection Regulation, ie the legitimate interest of the controller

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the necessary personal data may be transferred to a third party by reference to Applicants, therefore, the transfer of data for this purpose is subject to the provisions of the General Data Protection Regulation shall not be considered as unlawful data processing and shall be transferred for the purpose of receivables management personal data with reference to the same legal basis, ie Article 6 of the General Data Protection Regulation.

Article III (1) (f), ie notwithstanding the fact that Annex III has indicated an inappropriate legal basis as the legal basis for the processing of the transferred personal data notwithstanding the personal data required to enforce the assigned claim

In this context, the processing of data may be considered lawful if it is done in the interests of balance supports.

As Applicant III. acquired the claims against the Applicant by assignment,

as well as the personal data of the Applicant and thus the claimant

the legal basis for its processing may not be contractual under Article 6 (1) (b) GDPR

legal basis.

Based on the above, the Requested III. infringed Article 6 (1) of the GDPR as inadequate

processed the Applicant's personal data with reference to the legal basis. However, this does not necessarily mean that there is no legal basis for the processing of the Applicant's personal data on 16.04.2019.

from the date on which it was lawfully carried out as a statutory purchase of receivables

obtained the Applicant's personal data - natural personal data,

and details of the claim - and legally acquired claims

and a legitimate interest in the processing of the above data necessary for that purpose

existed in principle as a result of the legislation.

Among other things, the Applicant qualifies as clearly necessary data with receivables management

identification data, address, in the documents supporting the claim (current account statements, contract,

Personal data contained in the correspondence relating to the claim). The Authority

found from the attached documents that the Applicant's ID number is the claim

can be found in the contract on which the data are based, so the handling of this data cannot be objected to either receivables management. In addition, the identity card number is used for other purposes, ie

2007 on the prevention and deterrence of money laundering and terrorist financing

CXXXVI. and § 28 and the financing of money laundering and terrorism

Act LIII of 2017 on the prevention and deterrence of Section 7 and Section 56 (2) of the Act

for the purposes specified in the referenced laws, the law applicable to the data controller

Article 6 (1) (c) of the General Data Protection Regulation

Applicant I and Applicant III

On the basis of the above, the Authority has established that the Requested I. 16.04.2019. days, that is

personal data of the Applicant related to debt management until the date of assignment

personal data necessary for the enforcement of the claim

with regard to. The Authority found that the Applicant I, as data controller and concessionaire 4/16/2018 has been able to legally manage the claim against the Applicant until the day necessary personal data, such as, inter alia, the name, address, personal identification data, documents in support of the claim (including the contract, account statements) is legitimate under Article 6 (1) (f) of the General Data Protection Regulation interest.

### III.3.2. Post - assignment data management

The Applicant I. assigned his claim against the Applicant on 16.04.2019, therefore, from that date, the legal basis under Article 6 (1) (f) of the General Data Protection Regulation it is no longer applicable to it. Data transfer of the Applicant I after the assignment In the absence of a claim against the data subject, only Article 6 of the General Data Protection Regulation 14

Paragraph 1 (c), ie the legal obligation of the Requested I as data controller may rely on the personal data of the Applicant in accordance with the following legislation for:

-  
new Pmt. and

Section 169 of the Accounting Act.

The new Pmt. Section 7 and Section 56 (2) for Applicant I are the following personalities of the Applicant requires the retention of your data for a period of 8 years:

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surname and first name (birth name),  
address,  
citizenship,  
the type and number of its identification document.

In addition to the above, post - transfer data retention (including personal data)

§ 169 of the Accounting Act

provisions according to which the Applicant I, as an economic operator under the Accounting Act, is the annual report, the business report and the supporting inventory, assessment, general ledger extract, as well as the logbook or other requirements of the law keep adequate records in legible form for at least 8 years.

Given that, according to the table attached by Applicant I, Applicant I is the above

In addition to its obligation to retain data, it handles the personal data of the Applicant in its records for the purpose of receivables management, namely the data of the Applicant's telephone number and e-mail address, therefore the

The Authority found that the Applicant I had infringed Article 5 of the General Data Protection Regulation

The principle of "data protection" under Article 6 (1) (c) and Article 6 (1).

In view of the above, the Authority rejected the part of the Applicant's application in which

Applicant I and Applicant III. Data management after May 25, 2018

illegality, excluding the case handled by the Applicant I.

telephone number data and e-mail address.

III.4. Applicant's request for deletion of personal data

Article III.3 of this Decision. Subject to the provisions of paragraph 1, the Authority shall be the personal representative of the Applicant

the request for the deletion of the data of the Applicant was handled by the Applicant I. without any legal basis with the exception of the part concerning telephone number and e-mail address.

Furthermore, the Authority did not order the Applicant III. personal data handled by deletion, but obliged the Requested III to process this personal data

in this context, supplement its balance of interests by justifying the legitimate otherwise, delete this personal data and order the

He requested III that for this period this personal data be for claims management purposes data management.



### III.5. Legal consequences

The Authority grants the Applicant 's request in part and

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under Article 58 (2) (b) of the General Data Protection Regulation

- the Requested I, because his data management activity violated the general

Article 5 (1) (c) and Article 6 (1) of the Data Protection Regulation,

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and

- the Requested III, because his data management activity violated the general

Article 6 (1) of the Data Protection Regulation,

-

pursuant to Article 58 (2) (c) of the General Data Protection Regulation

- the Applicant's I to provide the Applicant's telephone numbers and e-mail address to all

deleted from the register and that the Requested I. is the erasure of the data

and the fact that he also notified the Applicant of the cancellation is confirmed by the

Authority, respectively

- the Applicant III to claim the personal data of the Applicant

has a legitimate interest in the processing of personal data and Article 14 of the General Data Protection Regulation

(2) (b), inform the Applicant accordingly

related to the right to protest.

The Authority examined of its own motion whether the application of Applicant I and Applicant III

against the imposition of a data protection fine. In this context, the Authority shall comply with Article 83 of the General Data Protection Regulation.

Article 2 (2) and Infotv.75 / A. § considered all the circumstances of the case ex officio

and found that the infringement discovered in the present proceedings in the case of Applicant I a

the warning is neither a disproportionate nor a dissuasive sanction, and therefore against Applicant I.

a fine is required.

In particular, the Authority considered that the infringement committed by Applicant I was in accordance with Article 83 (5) (a) of the General Data Protection Regulation constitute an infringement falling within the category of fines.

In imposing the fine, the Authority took into account the following factors:

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The violation is moderate, as the Applicant I. was stored by the Applicant contact details, however, the Applicant did not claim in its application that they would have been used by the Applicant I after the assignment, so it was not it was found that Applicant I had contacted the Applicant without any legal basis managed contacts. (Article 83 (2) (a) and (g) of the General Data Protection Regulation) point)

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The Applicant I. unlawful data processing of intentional conduct, data processing caused by his practice. (Article 83 (2) (b) of the General Data Protection Regulation)

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The Authority has previously ruled against Applicant I in the present case affected infringements

context

fine:

the

In its Decision NAIH / 2020/2025/2 (NAIH / 2019/6689), the Authority established the Article 15 (1) of the General Data Protection Regulation

the general nature of the information and the breach of the right of access provided for in paragraph 1

due to the lack of a concrete answer. The Authority therefore provides the Applicant with HUF 500,000 in data protection

ordered to pay a fine, which was not relevant in the present case. For the present case

similarly, for breach of Article 6 (1) of the General Data Protection Regulation a

In its decision NAIH / 2020/35/3 (NAIH / 2019/6755), although not

condemned for this - but has already explained that Applicant I cannot establish the

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

paragraph 1 (b). Furthermore, Article 6 (1) of the General Data Protection Regulation

paragraph

violation

context

the

Authorities

the

NAIH / 2020/687/2 (NAIH / 2019/6203)

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alleges infringement of Article 6 (1) (c) of Regulation No

however, it was due to the processing of data in the complaint register. based on all these

the Authority took particular account of the fact that Applicant I was already aware

the legal conditions necessary for good data protection practice.

In view of the above, as well as the fact that the Requested I. 2019 gross receivables management

revenue was HUF 77,000,000 (net HUF 19,000,000), the amount of the data protection fine imposed was

Authority has determined, in accordance with the provisions of the operative part, that it does not exceed the amount of the

fine that may be imposed

or even away from it. (Article 83 of the General Data Protection Regulation

Paragraph 5 (a)

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

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

(c), (d), (f), (h), (j) and (k) were not relevant.

V. Other issues:

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

covers the whole territory.

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

Shall become final upon its communication pursuant to paragraph 1. The Ákr. § 112 and § 116 (1),

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

redress.

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The rules of the administrative lawsuit are set out in Act I of 2017 on the Rules of Administrative Procedure (a hereinafter: Kp.). A Kp. Pursuant to Section 12 (2) (a) by decision of the Authority

The administrative lawsuit against the court falls within the jurisdiction of the court Section 13 (11)

the Metropolitan Court has exclusive jurisdiction. A Kp. Pursuant to Section 27 (1) a

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

- unless otherwise provided by law - the filing of the application is an administrative act

has no suspensive effect.

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

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

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

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

Information on the possibility of requesting the maintenance of the It is based on § 77 (1) - (2). THE

the amount of the fee for an administrative lawsuit in accordance with Act XCIII of 1990 on Fees. Act (hereinafter:

Itv.) 45 / A. § (1). From the advance payment of the fee, the Itv. Section 59 (1)

and Section 62 (1) (h) shall release the party initiating the proceedings.

If the Applicants do not duly demonstrate that the required obligations have been met, a

The Authority considers that the obligations have not been fulfilled in time. The Ákr. Pursuant to § 132, if the Applicants fail to comply with their obligations under the final decision of the Authority, the executable. The decision of the Authority Pursuant to Section 82 (1), the communication shall become final becomes. The Ákr. Section 133 of the Enforcement - unless otherwise provided by law or government decree ordered by the decision-making authority. The Ákr. Under section 134 of the enforcement - if a law, government decree, or local government decree in a municipal authority matter

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unless otherwise provided - by the state tax authority. Infotv. Pursuant to Section 61 (7) the execution of the decision of the Authority to carry out a specific act contained in the decision, with regard to an obligation to behave, tolerate or cease a particular Authority.

Budapest, August 13, 2020

Dr. Attila Péterfalvi

President

c. professor

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