

Case number: NAIH-175-12/2022.

History: NAIH-4769/2021.

Subject: decision

H A T A R O Z A T

It is the National Data Protection and Freedom of Information Authority (hereinafter: Authority).

Cooperative communities for a livable world association (former name of the organization: Közös

Denominator 2018 party; current registered office: 4463 Tiszanagyfalu, Széchenyi utca 47; represented by: Zsolt Ladó

managing director; former seat: 1077 Budapest, Izabella u. 30th; former representative of the organization: dr.

György Gődény; hereinafter: Client1) and dr. György Gődény (residential address: [...]); hereinafter:

Organized by customer 2) "I agree that no one can be forced to be vaccinated, and

no one can be punished or restricted due to its absence." national signature collection (a

hereinafter: signature collection).

to examine its legality

makes the following decisions in official data protection proceedings initiated ex officio:

1.

The Authority determines that Customer 1 and Customer 2 are <https://alairasgyujtes.online>

"I agree that no one can be forced to be vaccinated, and that

no one should be punished or restricted due to its absence." legal basis in connection with signature collection

the personal data of those concerned are collected without, thereby violating the natural persons'

handling of personal data

such data is free

(EU) 2016/679 on the flow and repeal of Directive 95/46/EC

Regulation (hereinafter: General Data Protection Regulation or GDPR) Article 6 (1) and a

Article 9, paragraph 1.

2.

The Authority establishes that Customer 1 and Customer 2, by defining the purpose of data management

not clearly defined, violated Article 5 (1) of the General Data Protection Regulation

the purpose-bound principle according to point b) of paragraph

regarding its protection and that

The Authority finds that Customer 1 and Customer 2 by not providing

3.

information on a paper basis and

clear, appropriate and real for those concerned

at <https://alairasgyujtes.online>

in connection with the collection of signatures

about all the essential circumstances of data management, they violate Article 5 of the General Data Protection Regulation.

the principle of transparency according to Article (1) point a) and Article 13 (1) - (2).

4.

The Authority establishes that Customer1 and Customer2 are data controllers

their quality was unclear, the data controller informed the data subjects in a misleading manner

about his identity and the purpose of data management, Article 5 (1) of the General Data Protection Regulation has been

violated

the principle of fair procedure according to point a) of paragraph

5.

The Authority determines that Customer1 and Customer2 by directing the Authority

they did not verify the legality and transparency of data management, they violated the general

the requirement of accountability contained in Article 5 (2) of the Data Protection Regulation.

6.

Based on Article 58 (2) point g) of the General Data Protection Regulation, the

Customer 1 and Customer 2, that within 30 days of this decision becoming final

be deleted in a documented manner via the signature collection page <https://alairasgyujtes.online>

from stakeholders both for the purpose of initiation and for the purpose of maintaining contact online

collected all personal data.

.....

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Based on points d) and g) of Article 58 (2) of the General Data Protection Regulation, the

7.

Customer 1 and Customer 2, that within 30 days of this decision becoming final

i) regarding data management

at the same time as providing information

in connection with the collection of signatures, their personal data were previously on paper forms

request a confirmatory statement of consent from the data subjects and/or

comprehensive

ii) in the absence of stakeholder consent, delete "I agree that

no one can be forced to be vaccinated, and no one can be punished for not having it

or limit." in connection with national signature collection, the paper-based signature collection

from the stakeholders both for the purpose of the initiative and for the purpose of maintaining contact

collected all personal data.

8.

Based on point f) of Article 58 (2) of the General Data Protection Regulation, it is prohibited

in connection with the collection of signatures, the continuation of data management in such a way that Customer1 and

Customer2

immediately complete in connection with the collection of signatures, both on paper and collection of personal data online.

The Authority

a) Customer 1

b) Customer 2

9.

3,000,000 HUF, i.e. three million forints

data protection fine

3,000,000 HUF, i.e. three million forints

data protection fine

obliged to pay.

The data protection fines shall be paid within 30 days from the date of the finalization of this decision

Authority's centralized revenue collection target settlement HUF account (10032000-01040425-

00000000 Centralized direct debit account IBAN: HU83 1003 2000 0104 0425 0000 0000)

must be paid. When transferring the amount, NAIH-175/2022. FINE. number must be referred to. If that

Customer 1 and Customer 2 do not fulfill their obligation to pay the fine within the deadline,

must pay a late fee. The amount of the late fee is the legal interest, which is a

it is the same as the central bank base rate valid on the first day of the calendar semester affected by the delay.

Customer 1 and Customer 2 are required to fulfill the obligations stipulated in points 6, 7 and 8 in this

in writing within 30 (thirty) days of the decision becoming final - that

together with the submission of supporting evidence - to prove it to the Authority. The obligation

in case of non-compliance, the Authority orders the implementation of the decision.

The Authority draws the attention of Customer 1 and Customer 2 that the decision is open to challenge

until the expiry of the time limit for filing an action, or in the case of an administrative lawsuit, the court is final

until a decision is reached, the data affected by the disputed data processing cannot be deleted or destroyed.

No procedural costs were incurred in the procedure.

There is no place for administrative appeals against this decision, but they are from the announcement within 30 days with a claim addressed to the Metropolitan Court in a public administrative case they can be attacked. The letter of claim must be submitted electronically to the Authority in charge of the case forwards it to the court together with its documents. The request to hold the hearing must be indicated in the statement of claim must For those who do not benefit from the full personal tax exemption, the administrative court fee

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

The Authority publishes this decision on the Authority's website for the customer's identification data (name) is published with the designation

I N D O C O L A S

I. Procedure and clarification of the facts

I.1. The subject of the proceedings

On October 13, 2020, Ügyfél2 posted on the Facebook page of "Doctor Gődény" provided information in his post to the signature collection website <https://alairasgyujtes.online> (a hereinafter: website) about its availability and that "Today is an important we are launching an initiative [...]". The collection of signatures therefore started on October 13, 2020 and the procedure also held during

To support the nationwide signature collection on the website <https://alairasgyujtes.online> via is possible online, and according to the information available on the website, it is signature collection also takes place on a paper basis, that is, it is possible to support the initiative both online as well as on paper, by downloading the signature collection sheet and its designated mailbox also by sending it to

I.1.1. To support the online collection of signatures, the name, postal code, town, public area, building number, floor/door, e-mail address are mandatory, entering the phone number is optional. THE when supporting an initiative online, in order to send it, you must check the box "I have read and

I have taken note of the checkbox before the text "Data protection notice". About data management

information is only available here, via the hyperlink embedded in the text.

According to the data management information, the data manager is Customer 1. Designated data management purpose on the one hand –

in general terms – support for the national collection of signatures, on the one hand, for the organization

the contact with the sympathizer,

about his activities and

about events and sending invitations to join the organization's campaigns. The

The legal basis for data management, according to the information sheet, is that "maintaining contact with the data subject

in case of regularity" is the legal activity carried out under the appropriate guarantees

takes place in the framework of [GDPR Article 9 (2) point d)], while the contact with the data subject is "not regular

in the case of contact" the express consent given by the data subject prior to the recording of the data

declaration is made on the basis of [GDPR Article 9 (2) point a)], or in case of its withdrawal

the name, address of the place of residence/residence, telephone number and the statement of consent (information on the banned list)

case is that it is necessary to protect the legal requirements of Customer 1 [GDPR Article 9 (2)

paragraph f)].

The number of supporting signatures is displayed as continuously available information on the website,

which reaches approximately 58,000.

I.1.2. When supporting the collection of signatures on paper, name, address (zip code, town,

public area, house number/address/door), e-mail address, telephone number and signature data are to be entered

option, however, there is no special indication that the given data must be entered

mandatory or optional.

The abbreviated name of Customer 1 on the signature collection sheet - without reference to the data controller

there is an emblem containing

as well as the signature collection website

his availability, the collection of signatures on a social network (Facebook) in a separate group and page information to the organization indicated. The

curved

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appearances and an e-mail address are indicated.

A post office box address (4405 Nyíregyháza, Pf.: 37.) is specified on the form, to which the completed signature collection forms must be sent, as well as a short information sheet regarding data management, and a statement is also included.

I.1.3. Article 9 of the General Data Protection Regulation defines personal data as special categories. The decree is of a special category - thus referring to political opinion - personal prohibits the processing of data as a general rule and makes it subject to strict conditions.

Personal data provided to support the initiative of a political organization

data, however, are not considered special category personal data at the same time. If

however, in addition to the purpose of the petition, the data subject can also handle data specifically for that purpose gives his consent that he, as a sympathizer, will later be included in the political organization

can inform you about your activities, contact you in connection with your political activities

with him, among the personal data provided by the persons concerned, for this further contact

necessary personal data, such as data indicating party sympathies, are of a special category – political referring to an opinion - they are also considered personal data.

I.2. Background check procedure

The Authority is the General Data Protection Regulation Article 57 (1) point h) and the information

CXII of 2011 on the right to self-determination and freedom of information. law (hereinafter:

Infotv.) based on point a) of paragraph (3) of § 38, NAIH-7613/2020. case number ex officio

launched an investigation into the "I agree that no one should be vaccinated" initiated by Customer 1

to oblige, and no one can be punished or restricted due to its absence." during signature collection

to examine the legality of data management.

The former name of Customer 1: Közös Nevező 2018, the type of organization is an association, its form is a party. The

Client 1 communicated himself to the public as a party most of the time.

In a request sent to the headquarters of Customer 1, the Authority informed Customer 1 of the investigation

on the initiation of proceedings in which a

in order to clarify data management

asked questions regarding it, however, the Authority's inquiry on November 10, 2020

returned with a "not searched" mark.

After that, the Authority sent its request again on November 12, 2020 to Customer1

to the registered office, to the legal representative of Customer 1, dr. to György Gődény's home address and that

also mailed to the post office address indicated on the signature collection form. The inquiry sent to the place of residence in 2020.

On November 16, 2020, the request was sent to the post office address indicated on the signature collection sheet.

was received on November 30. Request sent to the address of Customer 1's registered office in 2020.

however, on December 2, it returned again with a "not searched" signal.

Customer 1 gave the response to the Authority's inquiry dated December 14, 2020

information. Noting that Customer 1's answers did not fully include a

information necessary for the investigation, and due to the questions that arose during the investigation a

The authority needed additional information, so the Customer 1 again contacted

to

The Authority to all three addresses - to the registered office of Customer 1, to the legal representative of Customer 1, dr.

To György Gődény's residential address and the post office address indicated on the signature collection form - mailed

your request was returned on February 1, 2021 with a "not searched" mark.

Given that the facts could not be revealed in the investigation procedure, the Authority is

fact

fact

Infotv. On the basis of § 55, paragraph (1) point a) point b) the investigation was closed and on May 10, 2021 initiated a data protection official procedure ex officio.

I.3. The official procedure

The Authority, regarding the examined data management, during the official data protection procedure, dr. Gödény György also considered a private individual as a client and continued the official procedure against him as well taking into account the fact that, based on the information revealed during the investigation procedure, it emerged that it is Customer1 does not actually carry out any activity, does not work, and is not Customer1, or not only Customer 1 is the data controller for data management in connection with the collection of signatures regarding.

The Authority NAIH-4769-1/2021. notified Customer 2 as an individual in order no on the initiation of the official data protection procedure and a in order to clarify

invited him to make a statement, and NAIH-4769-2/2021. in order no notified him at his official headquarters about the start of the data protection official procedure and also invited him to make a statement.

Considering that the Authority NAIH-4769-1/2021. and NAIH-4769-2/2021. no answered incompletely in relation to the questions contained in his orders, thus in the Ákr. and the his obligation to cooperate prescribed in the general data protection regulation - he can be blamed - violated, the Authority charged Customer 1 with NAIH-4769-6/2021. HUF 100,000 in order no was ordered to pay a procedural fine of one hundred thousand forints by the Ákr. based on § 77, paragraph (3), furthermore, he repeatedly called on Customer 1 to provide the necessary information to clarify the facts to enter. The Authority NAIH-4769-6/2021. Customer 1's order no he tried to deliver it by sending it to his mailbox (company gate) - paying attention to Customer 1 for his unavailability at the registered office - however, the document was delivered according to the confirmation failed, the recipient did not receive it. The Authority then imposes the procedural fine and

Ügyfél 1 1077 Budapest attempted to deliver its fact-clarification order again by post, to its headquarters at 30 Izabella utca, as well as the registered representative of Customer 1, i.e. To the address of customer 2.

The Authority takes into account that Customer 1 is NAIH-4769-6/2021. imposed in order no failed to pay the procedural fine, he ordered the execution of the procedural fine.

The Authority NAIH-4769-4/2021. in his order no., he also contacted [...] Kft., asking for information about the identity of the person operating the website <http://kozossnevezo.hu/> and the indicated website contact details of the data controller.

The Authority NAIH-4769-5/2021. s. in his order, he also repeatedly invited Customer 2 to make a statement in order to fully clarify the facts regarding the issues contained in the order Customer 2 stated in his letter dated July 15, 2021.

Customer 1's data registered in the court register on September 28, 2021 happened

were changed by registration, which changes the organization's name, seat and representative affected his person.

The Authority NAIH-4769-11/2021. repeatedly in order to clarify the facts in order no addressed to Customer 1 with questions, his order was entered in the court register of civil organizations in 2021. on September 28, he attempted to deliver it to his new registered office by post. THE

The authority's order was returned from the new registered office of Customer 1 with a "not searched" mark.

The Authority NAIH-4769-12/2021. order no. in order to request documents by inquiry

to the court. The Authority

contacted the person registering Customer 1

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the collection of signatures was examined by providing test data

a response letter was received from the court on November 21, 2021.

The Authority NAIH-4769-15/2021., NAIH-4769-16/2021., NAIH-4769-17/2021. and NAIH-4769-18/2021. in orders no. summoned Customer 2 for a personal hearing on January 6, 2022, [...] the current newly registered representative of Customer1, and [...] and [...] as Customer1 members.

The Authority NAIH-4769-19/2021. request for information and documents in order no he contacted the Emergency Police National Investigation Office.

Of the persons summoned by the Authority for a personal hearing on January 6, 2022, only [...] appeared before the Authority. The Authority does not appear at the personal hearing three persons in NAIH-175-5/2022., NAIH-175-6/2022. and NAIH-175/2022. in its orders no obliged to pay a procedural fine.

on January 6

The Authority 2022.

<https://alairasgyujtes.online> page.

I.4. Revealed facts

I.4.1. According to [...] Kft.'s statement, the domain name kozosnevezo.hu was registered by dr. Gödény It was carried out at György's request on January 10, 2018.

I.4.2. On behalf of Customer 1, the legal representative of the party, Dr. György Gödény the investigation procedure in relation to the questions asked by the Authority, he stated the following:

During the collection of signatures, the name, address, e-mail address, telephone number and signature of the persons concerned are personal

collects the data of those concerned both online and on paper signature collection are given voluntarily during

The collection of signatures is carried out in accordance with the provisions of the law on the construction of the "party database

based on the possibility, in the data protection information available at <https://alairasgyujtes.online> as described.

On the indicated <https://alairasgyujtes.online> website, data management is completely electronic takes place, while the forms arriving at the mailbox are - according to his statement - dr. György Gődény takes over, which are then sent to the "operator's data manager" for processing.

The signatories can send the completed forms by post to the address 4405 Nyíregyháza, Pf.: 37, after which the collection sheet for the data manager. The name of the specific data controller is not listed on the signature collection sheet, only the logo containing the abbreviated name of Customer 1 is shown on the sheet. Based on paper

During the collection process, the data subjects are informed about data management on the collection form, and the from the internet contact address of the collection of signatures as follows: "The one on the collection sheet by providing information and signing the signature collection form, I agree that my provided data

CXII of 2011 on the right to information self-determination and freedom of information. Act § 5

Based on point a) of paragraph (1), for the purpose of further contact, requests for opinions and information, it be processed until the declaration of consent to data processing is withdrawn. I take note of that

information that I can request information in connection with the management of my personal data

from the data controller. Correction, deletion or blocking of personal data to the data controller

I can initiate it at any time with my statement. The data controller declares that the communicated

personal data will not be transferred to third parties and will not be made public

cost!"

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information about data management

activity records are kept by the data controller, "we" do not have anything to do with this

The data provided by the signatories are not used anywhere "for now" and are not available to anyone for and are not public.

when marking your legal grounds, "is with you

The data management

in the case of regular contact [...]" and "non-regular contact with you

in the case of [...]" expressions, he stated that it is more common in regular contact

means telephone or e-mail contact, while not regularly means if rarely or not at all

no contact is made, or if there is a special request, reference or stipulation for this.

In relation to the storage of data and the database, the format requested by the Authority, or

they do not have a structure, as "the operator manages and manages these online techniques."

The time of data storage is as described in the data protection information, usually consent

until it is revoked, while the data of the prohibited list must be 5 years from the withdrawal of consent

to keep due to possible legal problems.

The data management

our records.

Regarding the use of data processors during the collection of signatures, he submitted that "it

it is handled by the data controller, about which we have no information."

Regarding the duration of the signature collection, he stated that it is not bound by a deadline for the time being.

"The administration of the fulfillment of the request of the signatories is carried out by the operator or the data manager,

we do not have any related documents."

I.4.3. In order to further clarify the facts, the Authority - to the headquarters of Customer 1, dr. Gödény

György, as the legal representative of the Customer¹ party, to his home address and on the signature sheet

by posting to the indicated post office address - sent another inquiry in which he asked for information

among other things, who is meant by the "data manager" and "operator" referred to in your previous reply letter

data controller", since these persons as persons other than Customer 1, or

refers to an organization. The Authority also requested information on who the database is

under "operator".

The Authority's inquiries sent to all addresses were returned with a "not searched" mark.

I.4.4. Customer 2 included in the Authority's inquiries within the framework of the official data protection procedure

answered the questions as a person independent of Customer 1, his name is also the sender of the reply letter

and he sent it with his address, in contrast to his response letter sent during the investigation procedure,

on which Customer 1 was indicated as the sender. In this reply, Customer 2 as

declared that Customer 1 was inoperable, that he had already resigned from the management of Customer 1, performs or has performed tasks only out of favor, which are related to the questions asked by the Authority they are not connected. Therefore, no information regarding the questions asked by the Authority provides, in addition, that the post office address in Nyíregyháza can be linked to Customer 1, as it is the was opened for

According to Customer 2's statement, he did not collect signatures and did not complete the signature collection no activity, therefore it does not store anything related to it.

I.4.5. Customer 2 – already as a person independent of Customer 1 and on the envelope of the reply letter Customer 2 by stating his name and address as "sender" - in his reply letter dated July 15, 2021

he also submitted that Customer 1 is also inoperable because the National Tax and Customs Office Eastern Budapest Tax and Customs Directorate dated November 18, 2019, case number 5339328442

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decided to cancel the tax number.

Customer 2 attached the first page of the tax authority's referenced decision to his reply letter copy, as well as a resignation statement dated April 27, 2018, as stated therein

resigns from the executive assignment of the Közös Nevező 2018 organization and requests the membership of the organization

the appointment of his successor and the convening of a quorum general meeting as soon as possible for this purpose.

Customer 2 submitted in connection with this in the reply letter sent to the Authority dated July 15, 2021,

that since a quorum assembly was convened only recently, his resignation is official

also happened, but it has no effect on when the court will implement the change.

Regarding the collection of signatures, he stated that it was carried out and organized by volunteers, in this case membership did not actively participate, the organization only added its name, that it is more serious weight. No decisions were made regarding the collection of signatures, no data

they were not collected or stored, and they did not participate in anything other than opening the mailbox.

The person who has the key is supposed to have access to the mailbox, but this person does not

information.

He submitted that he could not say anything else to the Authority's questions, as he had no information on about collection, and "I did not collect signatures, nor did I do anything in the collection of signatures specific activity, so if they ask their questions again, I can't say anything else a compared to before."

I.4.6. Noting that in the data protection information of the signature collection, as a data controller Named Customer 1 did not respond despite the request included in the Authority's inquiries, and furthermore since the Authority noticed that Customer 1's data registered in the court register (organization name, seat, representative) have changed, as necessary for decision-making by the Authority held further clarification of the facts, therefore NAIH-4769-11/2021. with questions in order no turned to Customer 1, who changed based on the data.

The above order sent to Customer 1's new headquarters was "not sought" on November 11, 2021 returned to the Authority with a signal.

At the same time, the Authority NAIH-4769-12/2021. in order no the court keeping its records to send to the Authority Customer1 2021. registered on September 28 servant, a

copies of all documents submitted or attached during the change registration procedure, also send a copy of Customer 1's report submitted for 2019 and 2020.

As an attachment to its order dated November 21, 2021, the Metropolitan Court

For the authority, the documents serving as the basis for the change registration procedure, as well informed the Authority that neither for 2019 nor for 2020 the report submitted by Customer 1 can be found in the public register.

I.4.7. In view of the fact that in relation to the issues contained in the previous orders of the Authority, all Customer 2 and Customer 1 answered incompletely or not at all, therefore the Authority considered it necessary to clarify the facts by means of a personal hearing.

The Authority therefore summoned Customer 2 for a personal hearing on January 6, 2022, [...] as

The members of Customer 1, as well as [...] the current representative of Customer 1.

At a personal hearing before the Authority, among the summoned persons on January 6, 2022 [...],
a member of Customer1 appeared. During the hearing, he submitted that he is not currently a member of Customer 1,
based on its changes

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became the party's executive and financial manager, and he
resigned his membership in autumn 2021. To prove this to the Authority on January 19, 2022
attached a copy of a statement dated October 9, 2021 as an attachment to the letter you received,
in which Customer 1 renounces his membership for personal reasons, as stated.

According to his statement, Customer 1 has collected support communities, but no longer has activities
finishes According to him, the Ügyfél1 party started during the 2018 elections, and its activities were
that people were tried to be reached with political messages on a daily basis. After the elections
Customer 1 was no longer active, his political activity is the party following the 2018 parliamentary elections
continued for years. Customer 1 party has an approx. Facebook group with 40,000 members, which is still going strong
works, however, Customer 1 no longer performs significant activities. Currently with the coronavirus
they engage in activities that are not specifically of a political nature, sympathizers
circle has been replaced, it runs under a different name, but it can still be linked to the name of Customer2.

[...] according to his statement, during the 2018 elections, he was the founder and managing director of Ügyfél1-
and then transferred its management to Customer 2 in approximately January 2018, so after that
Customer 2

arranged by the administration
activities as well.

[...] regarding the collection of signatures, he stated that he had not heard about it, he did not know
whether it started. According to him, he previously informed the supporters that during the collection of signatures
the question asked is a question that is inappropriate from the point of view of the electoral procedure. THE

contact between members and members of supporter communities can be linked to Customer2's name on Facebook takes place in groups, he expressed his opposition to the issue in these groups.

According to his statement, he does not know the signature collection forms, he did not participate in the collection of signatures, that is

he did not know about signature collection in any form. He learned from the Authority's subpoena that that signature collection is in progress. Regarding the collection of signatures, that its

how it was carried out, whether volunteers participated, Customer 2 can probably report.

As far as Customer1 knows, it is not working, and he has no information about why it did

renamed the Common Denominator 2018 association, while the actual activities are already Normal

They are taking place behind the Party of Life.

You have no information about the address marked as the return address on the signature collection sheet, nor about whether anything was received on a paper basis at the specified address.

You do not have information about how data management takes place, how the collected data is used,

and who has access to them. What kind of person, accountant, administrator is involved

in collecting signatures, who operates the servers, and what kind of IT background is provided

people are involved, Customer 2 may have information about it.

Customer1's mailing address and registered office at the time of its establishment was [...], Customer1

documents related to its establishment - official documents, documents related to operation - were kept here

at the address. According to [...]'s statement, he later handed over these documents together with the management of the organization

to Customer 2, after which Customer 2 or his accountant handled the operation-related matters things.

According to Customer 1, the current seat is probably the residence of [...], however, that

He has no information about the role of [...] in the activities of Customer 1.

[...] said that "I agree that no one can be forced to be vaccinated, and that

no one can be punished or restricted due to its absence" previously put to a referendum

was proposed and submitted to the National Election Commission. The Authority is the National
On the website of the Electoral Office, a referendum on the same issue as the indicated issue
found the submission of an initiative (initiator is the Civil Movement Association, registered office: 1144
Budapest, Fűredi Street 60-62. fsz./6.), which initiative is the subject of the National Election
Commission on September 21, 2020 52/2020. made a decision in which the
rejected the certification of a question proposed for a referendum.

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I.4.8. The Authority takes into account that [...], [...] and Customer2 serve the summons of the Authority
despite his two attempts, he was not accepted and not at the personal interview
appeared, he deemed it necessary to impose a procedural fine. In view of this, the Authority
175-5./2022., NAIH-175-6/2022. and NAIH-175-7/2022. 200,000 to Customer 2 in orders no
HUF, i.e. two hundred thousand HUF procedural fine; [...] the representative of Customer 1 HUF 100,000, i.e
procedural fine of one hundred thousand forints; and [...], the member of Customer 1 HUF 50,000, i.e. fifty thousand forints
obliged to pay a procedural fine.

I.4.9. The Authority learned from press reports that the National Investigation Bureau of the Emergency Police
(hereinafter: KRNNI) conducted a house search at Customer 2 on suspicion of spreading scaremongering,
during which Customer 2's computer was seized. In view of this, the Authority NAIH-4769-
19/2021. in his order no., he contacted the KRNNI to request information about whether
On the computer seized during the house search conducted at Customer 2, and among the seized materials
were there materials related to the collection of signatures, or did KRNNI seize a database that
documents containing information related to signature collection.

KRNNI responded to the inquiry
according to his information, during the analysis of the assets a
they were looking for data that could be used to prove the crime of spreading scaremongering, so no
they know whether there are materials related to the investigated data management, however, there is one
they were able to send a document, which can be obtained through the signature gathering activity of Customer 2

in context. The document contained three questions asked during the signature gathering activity

can be read, including the issue of signature collection examined during this procedure.

I.4.10. The Authority will provide test data on January 6, 2022 as part of clarifying the facts

examined the page of the signature collection <https://alairasgyujtes.online>. In doing so, the Authority is

noticed the following:

Mandatory data to be provided when supporting the signature collection online: name, postal code, settlement, name of public area, house number, floor/door, e-mail address, as long as the data is not mandatory telephone number.

In order to support the initiative, you must check the box "I have read and acknowledged that

Data Protection Information" checkbox before the declaration, and reCAPTCHA must also be filled out test.

The data protection information available on the site still designates Customer 1 as the data controller,

as well as the abbreviated name of Customer 1 on the signature collection sheet that can be downloaded and filled out on paper

containing logo is indicated.

According to the data management information, "The Common Name is personal data in this context

requests consent for processing only in the following forms:

the) [...]

b) electronically, in the framework of which the declaration of consent is made by the Common Nominee

confirm it with a message sent to the e-mail address you provided, and then you

must confirm the intention to consent in the response to the confirmation message

cat."

On the other hand, an e-mail message requesting confirmation was not received by the e-mail provided at the time of support address.

I.4.11. Based on the available information, during the procedure, the Authority examined the

<https://alairasgyujtes.online> website for the purpose of identifying the operator behind it

determine. In the process, he came to the following conclusion: Cloudflare is the user of the website

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can be accessed through the servers of the content provider (hereinafter: Provider). THE

website operator from the Service Provider not only enabling faster access

service, but also other technical services that are combined

has the effect that anyone who searches a website's URL in one of the free IP databases,

the result is not the IP address of the server that originally stored the website, but only the

IP addresses belonging to the service provider's servers. The operator of the website thus remains hidden. THE

based on the website, the person of the data controller could not be identified.

II. Applicable legal regulations

Recital (39) of the General Data Protection Regulation: The principle of transparency requires,

that information and communication related to the management of personal data is easy

be accessible and understandable, and that it is defined in clear and simple language

let them know. This principle applies in particular to informing the data subjects about the identity of the data controller and the data

for information about the purpose of treatment, as well as for further information that it is insured

fair and transparent handling of the data subject's personal data, as well as the information

that the data subjects have the right to receive confirmation and information about the data processed about them case.

Based on Article 2 (1) of the General Data Protection Regulation, the general data protection

regulation must be applied to the automated processing of personal data in whole or in part

processing, as well as the processing of those personal data in a non-automated manner

for handling, which are part of a registration system, or which are a

they want to make it part of the registration system. Subject to the General Data Protection Regulation

for data management belonging to Infotv. According to paragraph (2) of § 2, the general data protection decree is

it must be applied with the additions indicated there.

Pursuant to Article 2 (2) of the General Data Protection Regulation, the Regulation does not apply for the processing of personal data if:

- a) they are carried out during activities outside the scope of EU law;
- b) the member states during activities falling under the scope of Chapter 2 of Title V of the EUSZ are carried out;
- c) carried out by natural persons exclusively in the context of their personal or home activities;
- d) prevention, investigation, detection and prosecution of crimes by the competent authorities including the carried out for the purpose of carrying out or enforcing criminal sanctions, protection against threats to public safety and prevention of these threats.

According to Article 4, Point 1 of the General Data Protection Regulation, "personal data: the identified or any information relating to an identifiable natural person ("data subject"); it is possible to identify the a a natural person who, directly or indirectly, in particular an identifier, for example name, number, location data, online identifier or physical, physiological, one or more related to your genetic, intellectual, economic, cultural or social identity can be identified based on a factor."

According to point 2 of the same article, "data management: on personal data or data files any operation or set of operations performed in an automated or non-automated manner, such as the collection, recording, organization, segmentation, storage, transformation or change, query, access, use, communication, transmission, distribution or other means by item, coordination or connection, restriction, deletion or destruction."

Pursuant to Article 4, point 7 of the General Data Protection Regulation, "data controller: the natural or legal entity, public authority, agency or any other body that is personal determines the purposes and means of data management independently or together with others; if that the purposes and means of data management are determined by EU or member state law, the data manager or

special considerations for the designation of the data controller are also provided by EU or member state law can determine.”

According to Article 4, Point 11 of the General Data Protection Regulation, "consent of the data subject": the data subject voluntary, specific and clearly informed declaration of will, by which the relevant statement or confirmation is indicated by means of an unmistakably expressive act, to give his consent to the processing of his personal data.

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

a) must be handled legally and fairly, as well as in a transparent manner for the data subject conduct ("lawfulness, due process and transparency");

b) should be collected only for specific, clear and legal purposes, and should not be processed in a manner inconsistent with these purposes; in accordance with Article 89 (1) no is considered incompatible with the original purpose for the purpose of archiving in the public interest, scientific and further data processing for historical research or statistical purposes ("for purpose constraint");

c) they must be appropriate and relevant for the purposes of data management, and a they must be limited to what is necessary ("data sparing");

d) they must be accurate and, if necessary, up-to-date; all reasonable measures must be taken to do in order to ensure that inaccurate personal data from the point of view of the purposes of data management be deleted or corrected immediately ("accuracy");

e) must be stored in such a way that the identification of the data subjects is only personal enables the processing of data for the time necessary to achieve its goals; personal data here may be stored for a longer period only if the personal data in accordance with Article 89 (1) for the purpose of archiving in the public interest, scientific and will take place for historical research purposes or for statistical purposes, the persons concerned in this regulation appropriate technical and organizational measures required to protect your rights and freedoms subject to the implementation of measures ("limited storability");

f) must be handled in such a way that appropriate technical or organizational measures

provided by its application

there should be adequate security of personal data, the data

unauthorized or illegal handling, accidental loss or destruction

including protection against damage ("integrity and confidentiality").

According to paragraph (2), the data controller is responsible for compliance with paragraph (1), furthermore

must be able to demonstrate this compliance ("accountability").

Pursuant to Article 6 of the General Data Protection Regulation, the processing of personal data is exclusive

it is legal if and to the extent that at least one of the following is fulfilled:

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

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

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

d) data management is necessary to protect the vital interests of the data subject or another natural person necessary because of mind;

e) the data management is in the public interest or for the exercise of public authority delegated to the data controller necessary for the execution of the task carried out in the context of;

f) data management is necessary to enforce the legitimate interests of the data controller or a third party unless such interests of the data subject take precedence over these interests fundamental rights and freedoms that require the protection of personal data, especially sen, if the child concerned is a child.

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

According to Article 9 (1) of the General Data Protection Regulation, "racial or ethnic origin,

referring to political opinion, religious or worldview beliefs or trade union membership

personal data, as well as genetic and

biometric data, health data and sexual life of natural persons

the handling of personal data regarding your sexual orientation is prohibited."

According to point a) of paragraph (2) of the same §, paragraph (1) does not apply in that

in the event that the data subject has given his express consent to one or more of the mentioned personal data

for its processing for a specific purpose, unless EU or member state law provides that

the prohibition referred to in paragraph (1) cannot be lifted with the consent of the data subject.

Paragraphs (1) and (2) of Article 13 of the General Data Protection Regulation define them

information that is used to obtain personal data

at the time of the person concerned

must be made available if personal data is collected from the data subject. According to paragraph (1).

the data controller provides all of the following information to the data subject:

a) the identity and contact details of the data controller and - if any - the representative of the data controller;

b) contact details of the data protection officer, if any;

c) the purpose of the planned processing of personal data and the legal basis of data processing;

d) in the case of data management based on point f) of paragraph (1) of Article 6, the data controller or a third party
legitimate interests of a party;

e) where appropriate, recipients of personal data, or categories of recipients, if any;

f) where appropriate, the fact that the data controller is a third country or an international organization

wishes to forward the personal data to, and the Commission's compliance decision

existence or absence thereof, or in Article 46, Article 47 or Article 49(1)

in the case of data transfer referred to in the second subparagraph, adequate and suitable guarantees

designation, as well as the methods for obtaining copies of them or their availability

reference to

According to paragraph (2), the data controller informs the concerned about the following additional information act at the time of obtaining the personal data:

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

aspects of its definition;

b) the data subject's right to request from the data controller the personal data relating to him-

access to, their correction, deletion or restriction of processing, and may object to it

against the processing of such personal data, as well as the data subject's right to data portability;

c) data based on point a) of Article 6 (1) or point a) of Article 9 (2)

in the case of treatment, the right to withdraw consent at any time, which is not

affects the legality of data processing carried out on the basis of consent before withdrawal;

d) on the right to submit a complaint to the supervisory authority;

e) that the provision of personal data is a legal or contractual obligation

is a basis or a prerequisite for concluding a contract, and whether the person concerned is obliged to the personal

to provide data, and what possible consequences the provision of data may entail

failure to do so;

f) the fact of automated decision-making referred to in paragraphs (1) and (4) of Article 22, including

also profiling, and at least in these cases to the applied logic and that

comprehensible information regarding the significance of such data management and the data subject

looking at the expected consequences.

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

in order to do so, the Authority may initiate an official data protection procedure ex officio.

Infotv. According to § 61, paragraph (1), point a), it was made in the official data protection procedure

Infotv. Data management defined in paragraph (2) of § 2

in its decision, the Authority is

operations

in context

defined in the decree

may apply legal consequences.

Infotv. According to paragraph (2) of § 61, the Authority may order in its decision - the data controller, respectively data protection

general

the

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disclosure by publishing the identification data of the data processor, if a

decision affects a wide range of persons, it is a body performing a public task

with his activity

brought in connection, or the gravity of the infringement justifies disclosure.

Infotv. 75/A. §: The Authority is contained in Article 83, Paragraphs (2)-(6) of the General Data Protection Regulation

exercises its powers taking into account the principle of proportionality, in particular by a

relating to the processing of personal data - by law or by the European Union as a mandatory law

in the case of the first violation of the regulations specified in the act, the violation

for its remedy - in accordance with Article 58 of the General Data Protection Regulation - primarily the

takes action with the warning of a data controller or data processor.

GDPR Article 58 (2) points b), d), i), f) and g): Within the corrective powers of the supervisory authority

acting as:

b) condemns the data manager or the data processor, if data management

violated the provisions of this regulation;

d) instructs the data manager or the data processor that its data management operations - where applicable

in a specified manner and specified

decree

with its provisions;

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

in addition to or instead of the measures mentioned in this paragraph;

f) temporarily or permanently restricts data management, including the prohibition of data management;

g) in accordance with the provisions of Articles 16, 17 and 18, orders personal data

rectification or deletion, or restriction of data processing, as well as Article 17 (2)

in accordance with paragraph and Article 19, orders the notification of the recipients with whom

or with which the personal data was disclosed.

All supervisory authorities based on Article 83 (1) of the General Data Protection Regulation

ensures that due to the violation mentioned in paragraphs (4), (5), (6) of this regulation, this article

administrative fines imposed on the basis of each case are effective, proportionate and

be deterrent.

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

depending on the circumstances of a given case, Article 58 (2) of the General Data Protection Regulation a)

must be imposed in addition to or instead of the measures mentioned in points h) and j). When deciding whether

whether it is necessary to impose an administrative fine, and the amount of the administrative fine

in each case, the following must be taken into account:

- harmonize e

activity

in time

a) the nature, severity and duration of the infringement, taking into account the data management in question

nature, scope or purpose, as well as the number of persons affected by the infringement, as well as the

the extent of the damage they have suffered;

b) the intentional or negligent nature of the infringement;

c) mitigating the damage suffered by the data controller or the data processor

any action taken in order to;

d) the degree of responsibility of the data manager or data processor, taking into account the

technical and organizational, carried out on the basis of Articles 25 and 32 of the General Data Protection Regulation

measures;

e) relevant violations previously committed by the data controller or data processor;

f) with the supervisory authority to remedy the violation and the possible negative effects of the violation

extent of cooperation to mitigate;

g) categories of personal data affected by the infringement;

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

whether the data controller or the data processor reported the violation and, if so, how

with detail;

i) if against the relevant data manager or data processor previously - in the same a

15

subject matter - ordered referred to in Article 58 (2) of the General Data Protection Regulation

one of the measures, compliance with the measures in question;

j) whether the data manager or the data processor has observed general data protection

for approved codes of conduct according to Article 40 of the Decree or the general data protection

Regulation for approved certification mechanisms under Article 42; as well as

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

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

or avoided loss.

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

violation - in accordance with paragraph (2) - up to EUR 20,000,000

with an administrative fine, and in the case of businesses, the previous financial year is a full year

shall be subject to an amount of no more than 4% of its world market turnover, with the provision that of the two

a higher amount must be imposed:

a) the principles of data management - including the conditions of consent - the general data protection regulation

in accordance with Articles 5, 6, 7 and 9;

b) the rights of the data subjects are set out in Articles 12-22 of the General Data Protection Regulation. in accordance with

Article;

c) personal data for a recipient in a third country or an international organization

44-49 of the General Data Protection Regulation. in accordance with Article;

d) IX of the general data protection regulation. according to the law of the member state adopted under chapter liabilities;

e) according to Article 58 (2) of the general data protection regulation of the supervisory authority

instructions, or to temporarily or permanently restrict data processing or data flow

non-compliance with its suspension notice or general data protection

failure to provide access in violation of Article 58 (1) of the Decree.

III. Decision of the Authority

III.1. Data management quality

III.1.1. Customer 1's quality of data management

The information provided to those concerned can be found in the data protection information sheet available on the website

as stated, the nationwide signature collection was initiated by Customer 1, and "All of the recorded data

in respect of which the data manager is the Common Denominator". The information sheet clearly refers to Customer 1

listed as data controller. Personal data collected in connection with signature collection

one of the purposes of its management indicated in the data management information sheet - the topic of signature collection

in addition to supporting –

moreover, it is specifically for the sympathizers of the organization

contact, information about the organization's activities and events, as well as invitations

sending to join the organization's campaigns. Also on the paper-based signature collection sheet

as information referring to the data controller, the logo containing Customer 1 and its abbreviated name

is indicated.

Apart from this, however, there is no documentable association decision that is available

can be linked to the collection of signatures, or on the basis of which some body of Customer 1 would have dealt with it

by collecting signatures.

Based on the information revealed during the Authority's procedure, it emerged that Customer 1 is a classic
it does not function as a party in the sense of the word, it no longer actually carries out activities, or
the legality of its operation is questionable. This is supported, among other things, by the Authority
during the procedure, letters sent to Customer 1's registered office were all received with a "not searched" mark

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deleted Customer 1's tax number; that the website <http://kozossnevezo.hu>

back; that the East Budapest Tax and Customs Directorate of NAV dated November 18, 2019

with its decision

too

became unreachable, and [...], according to the statement of the party member and founder, as well as according to Customer

2

Client 1, who was renamed in the meantime, no longer carries out significant activities, Client 1 is the 2018

after the parliamentary elections, it was no longer active, and the actual activities were already

They take place behind an organization called the Normal Life Party.

In the reply letters sent to the Authority's inquiries, Client2 mentions it in several places

data controller not named and not supported by any other data or evidence, such as

A person or organization different from Customer 1 or Customer 2. In contrast, the procedure

from the statements of the persons covered, as well as from the documentary evidence obtained by the Authority

no other person interested in the data management operations could be identified

a person who or which would have determined the purpose or means of data management. Such

person was not designated by the heard and declared parties and is wide by the Authority

could not be determined from the documentary evidence obtained in the round.

Considering that Customer 1 gave his name for the signature collection, the online signature collection

surface, and on the paper-based signature collection form, Customer 1 is indicated, and

in the data management information sheet, Customer 1 is specifically designated as a data controller, of which

as follows, in this regard, Customer 1 is considered the data controller, despite the fact that a

according to available information, Customer 1 is currently no longer operational in practice.

III.1.2. Customer2's quality of data management

The Authority sent its first inquiries to Customer 1 to Customer 2 as the President of Customer 1 addressed, and then including him as a client in the procedure, he declared as a private individual.

Based on the evidence available to the Authority, Customer 1 only operates on paper, it is actual does not carry out legal operations, does not regularly hold member meetings. Not available a documentable decision that would prove that in connection with the collection of signatures Customer 1 would have made a decision, even though the name of Customer 1 was used to collect signatures was used.

In the response letter sent to the Authority dated May 31, 2021, Customer 2 – no longer Customer 1 as a representative, but as a person independent from it - he stated that about the management he resigned earlier, so he has no opportunity to answer the questions asked by the Authority to answer, he has no information about the questions asked, he did not sign the signatures collected, he did not do anything in the collection of signatures store it

nothing about collecting signatures. According to his statement, in the signature collection he did not perform any activities, he only performed them as a favor or performed tasks, which, however, are not related to the questions asked in the inquiry of the Authority.

Several statements made by Customer 2 during the investigation of the facts were made on social media statements, appearances, and information that came to the attention of the Authority during the procedure however, they contradict his claims.

Customer 2's role in data management is supported by the following:

According to his statement in his response letter dated December 14, 2020, on the signature collection sheet he receives forms received at the specified mailbox - as a return address.

The mailbox address marked as the return address on the signature collection sheet remains the same as Customer 1 a change in its registered data (name of organization, headquarters, representative).

despite, the forms sent back by post, and thus the personal information provided by the persons concerned data will continue to be in Customer 2's possession based on the previous declaration.

activity and sex

17

In addition to the data management, the data management quality of Customer 2 is supported by the following:

i.

Shipments mailed to Customer 1's former headquarters were not received and marked

there was no person at the registered office who was entitled to receive the consignments. [...]

the seat of Customer 1, who is only an association member and does not hold a management position, was registered to his residential address

served under the chairmanship of Customer 2. The Authority also sends its inquiries and orders to the residential address of Customer 2

sent, at which address Customer 2 received the Authority's inquiries three times. The Customer 1-

could therefore only be contacted through Customer 2 - which is also not the organization

supports its proper functioning - that is, Customer 2 as the manager of Customer 1, and as

a separate person had a decisive influence in the affairs of Customer 1 and in the collection of signatures as well,

that behind the name of Customer 1 is actually Customer 2. Consequently, for data management

related decision-making, decision-making on the purpose of data management is also obviously the responsibility of Customer2-

can be connected to

ii.

Customer 2 on 27.04.2018. in its statement dated 2018

resigned from his executive position ("declaration of resignation 1.") The document is not signed by the witnesses

is mentioned, during the procedure no data emerged indicating that Customer 2 is the "resignator

statement 1" would have been handed over to Customer 1, or to a legal representative, in the change registration procedure

would have handed it over for the purpose of use, in the absence of these, the "waiver statement 1" is the targeted legal

it was not suitable for triggering an effect. Customer 2's statement dated June 17, 2021

("waiver statement 2") - when Customer 2 already knew about the data protection official procedure -

he repeatedly resigned from his executive position in Customer 1, from which it can be deducted

the conclusion that he himself did not consider the "declaration of resignation 1" to be a withdrawal of legal effect

considered it appropriate and necessary to do it again. Furthermore, in the meantime, it is

The collection of signatures has started under the name of customer 1. The data management activity is only on paper

instead of a functioning organization, it must obviously be done by someone else, which also certifies that

Client 2's activity continued despite his previous resignation from business management. THE

"declaration of resignation 2" was submitted in the change registration procedure on 02.08.2021. on the day of THE

The civil organizations deleted Client2 as a senior official of Client1 at the Metropolitan Court

from its records.

from its nature and

iii.

Customer 2 promoted the collection of signatures on several occasions, e.g. the "Doctor Gődény"

in a post on his Facebook page named on October 13, 2020, he informs that

"Today we are launching an important national initiative [...] That is why the Common Denominator

movement (<http://kozossnevezo.hu>) in public life

popular due to its possibilities

initiative, social pressure is organizing a NATIONAL SIGNATURE COLLECTION

in the interests of the people's input and the VALIDATION OF THE WILL OF THE PEOPLE! About it here

you can find out everything: <https://alairasgyujtes.online>", and subsequently in several of his posts

encourages people to support the initiative. Always plural in your posts

uses, thereby naming himself as the initiator, and stating that the signature collection

he himself took a role in its launch.

arc.

<https://444.hu/2020/10/20/godeny-probaljuk-a-tomegbazist-osszeszedni> October 2020

According to an article published on the 20th, Customer 2 responded to the questions asked during the interview as that it is actually him or Customer 1 - of which he was until September 28, 2021 managing director - is behind the signature collection, and he also said that he is one of the main people of the signature collection their goal is to try to "gather a mass base". The journalist wrote in the article that "After I called György Gődény, he answered a lot of questions. [...] Gődény for a moment nor did he hide that one of their main goals is to try to "gather a mass base". Customer 2 has therefore declared himself that he and Customer 1 are responsible for collecting signatures, i.e. the present behind the data processing investigated in the case. Customer 2 did not present himself as the president of Customer 1 who, but next to Customer 1, mentioned himself separately from him, thereby also acknowledging that he, as a private individual is also a data controller.

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too

from an interview,

so that it is related to the collection of signatures

and from the statements made during it

The

it can be seen that it is

Ügyfél2 was able to answer substantive questions related to signature collection, he appeared

as a competent person related to signature collection. Ügyfél2 is apparently the same in the public mind

appears as someone who personally had and still has a decisive and influential role

signature collection. It can be determined

essential

Customer 2 has information about, for example, how the collection of signatures proceeds,

how long it will take, so the partial decisions related to the collection of signatures can also be linked to Customer 2.

v.

Even in June 2021, Ügyfél2, on its previously indicated social media pages, has a number of published a post promoting and encouraging the collection of signatures, but for Customer 1 on this one no longer referred to in his posts. Customer 2 made the entries in his own name.

For example, in his post on June 10, 2021, he called for a demonstration in front of the parliament on June 20 followers, and at the same time encouraged them to collect signatures.

In his post of June 11, 2021, he also requests support for the initiative, highlighting the the availability of a website to support the initiative.

i.

[...], the member of Customer 1 in his statement given as a witness before the Authority also stated that a provided information that Customer 1 has an approx. Facebook group with 40,000 members, which group is still operating, although the association no longer has significant activities in it performs, or Customer 1 no longer performs any activities, they are not members in the first place, but his supporters, some of whom are connected in Facebook groups. Within the group and in relation to Customer 1, the circle of sympathizers compared to the initial composition has been replaced, there is currently activity related to the coronavirus. Both the former and the current activity can be linked to the name of Customer 2, he would be able to provide substantive answers to the Authority's questions give according to the witness.

The testimony also confirms that Customer 2 is a key player in the collection of signatures, he the one who is the face and organizer of both the signature collection and the campaign related to the issue, central figure.

III.1.3. Summarizing the above, the Authority established that the collection of signatures is in the name of Customer 1 under, in connection with his name, one of its purposes is with the sympathizers of the Ügyfél1 organization further contact and provision of information to them. Accordingly, the collection of signatures Customer 1 is indicated on its website and on the paper-based signature collection sheet, and on the website data management information is also available, specifically Customer 1 as the data manager of the data management

marks. As a result, Customer 1 is named as data controller and for the purpose of data management Customer 1 can be linked, therefore the Authority considers Customer 1 a data controller in this regard looked at.

In addition to the above, the Authority established that Customer 2 is the technical background for the collection of signatures took a prominent role in securing and conducting the collection of signatures in his own name popularized

as an activist,

acted as a key figure. These are clearly supported by the collection of signatures of Customer 2, respectively determinant in the data management carried out in connection with the collection of signatures

role, which was a decisive role for decisions related to data management

spread, i.e. decisions were also made by Customer 2. This role is not just about collecting signatures

participation, the performance of certain data management operations, but Customer2, as

a private person's quality as a data controller and the accompanying responsibility. This is your data controller

liability is particularly supported by the fact that it is decisive for Customer 2 among the above aspects

had an influence on the decision on data management, on determining the purpose of data management, that

he had access to the mailbox address indicated during the collection of signatures, he declared himself

that he is behind the collection of signatures, and this was also supported by the testimony of the witness. That's why the

The authority also determines the data management quality of Customer 2 with regard to the examined data management.

signature collection

to your question

connecting

subject area

the

19

could hide, a

legal person and the "movement"

III.1.4. According to the Authority's point of view, it cannot be an organization that is not actually functioning to perform data management using his name or on his behalf so that the actual data management is concealed and personal relationships are unclear.

As the Authority emphasized in Part I of its recommendation to political parties¹, no it is an acceptable situation for no one to bear the responsibility for data processing - especially one during the national signature collection, which is also ongoing in the online space - and the they try to deflect responsibility with the reference that the organization does not work, that is they don't know and don't do anything about data management. It contradicts these statements especially that the collection of signatures is still ongoing.

According to the Authority, it is inadmissible for them to be exempted from data controller responsibility in this way data processors and collect personal data irresponsibly and without consequences, they are used.

Furthermore, the fact that Customer¹ is called a "movement" does not mean that it is that, perceiving a legal person as a "movement", due to the indefinability of the participants, a out of responsibility from his responsibility and the compliance with legislation could be disregarded.

Based on the above, the Authority designates both Customer 1 and Customer 2 as data controllers regards The Authority examined it based on the provisions of Article 26 of the General Data Protection Regulation also that they are considered joint data controllers or parallel data controllers. On this as a result of the investigation, the Authority came to the conclusion that Customer 1 and Customer 2 are the same are considered data controllers because there are not two separate data management or separate data management purposes in terms of the examined data management, but the qualities and responsibilities of the data controller they stand atypically in the data controller structure examined in this case

they are inextricably linked. The role of the two data controllers in this decision

it cannot be separated more precisely than stated, given the procedural difficulties and the
for lack of cooperation.

Accordingly, the Authority considered Customer 1 and Customer 2 to be joint data controllers and this
established the responsibility of both of them, despite the fact that Customer 2 is the data controller
did not recognize its quality.

In the case, the committed

legal qualification and established

in terms of legal consequences, it is also irrelevant that parallel data controllers,

or customers are considered joint data controllers.

III.2. Legality of information about data management

It is closely related to the validity of the consent that it is preceded by adequate information

and, this is necessary for the stakeholders to be aware that specifically

what they agree to in order to know the details of data management and exercise their consent

their right to withdraw. Because the person concerned knows if he has the right information

to make a decision on whether to give consent to the processing of personal data concerning him.

In the absence of this, the consent, i.e. the legal basis for data management, will be invalid.

violations of the law

up, yet the

1 The Authority's recommendation on certain data protection requirements related to the data management of political parties
and organizations (February 2021

19.): "Based on the Authority's experience, one of the biggest shortcomings before the start of data management is that the
data controllers,

the appropriate naming and identification of data processors, the responsibilities and responsibilities of those who hold this
basic role

clear clarification. According to the Authority's point of view, no - only the prior information obligation, or that

from the point of view of a data protection information sheet - it is acceptable for a series of data management operations to have no prior information responsible person, so - especially if there is even a suspicion of a violation during data management - it should be clarified later in the process played roles."

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Article 5(1)(a) and (b) of the GDPR, and in this context (39)

recital states that it must be transparent for natural persons, how their personal data concerning them is collected, used, and how are taken into account or in what other way they are treated, as well as in connection with the fact that a the extent to which personal data is and will be processed. The principle of transparency applies also to inform those concerned about the purposes of data management. Personal data management is specific its goals as explicitly formulated and legal, as well as the personal they must be defined at the time of data collection.

Article 13 of the GDPR defines what information is available to data subjects must be informed at the time of obtaining the data.

III.2.1. According to the Authority's point of view, the website is not sufficiently transparent, clear and clear informing stakeholders about the purposes of data management. One of the purposes of data management is the expression of opinions

("I agree that no one can be forced to be vaccinated, and no one can be punished or restricted.") because it is only highlighted on the data collection interface, that is data management information only refers to it as "support for national signature collection", while it information that the data is used for other data management purposes beyond the original purpose (contact) is also managed, only by opening and reading the data protection information happens.

The fairness and legality of processing the personal data of the data subjects - among others -

it can be established if the data subject has received adequate information that a personal data is collected for two different data management purposes, and specifically for naming what are these data management purposes. Information about the purposes of data management its adequacy and clarity cannot be established based on the above.

In the data protection information, reference is made to Article 9(2)(a) of the GDPR as a legal basis. and point d). Article 9 of the GDPR provides for special categories of personal data, the handling of which is prohibited by the regulation as a general rule, and subject to strict conditions. THE special category personal data can be processed, among other things, if it is the data subject has given his express consent to their processing for one or more specific purposes.

There is no specific information in the data protection information about whether the data how long its collection takes, nor that the storage of the given data is closely related to this, until its use based on your information

According to the Authority, signature collection is currently ongoing, or at the request of the Authority Customer 2 stated that data collection is not time-bound.

In the data protection information, the data subjects are informed that it is not automated data recorded during data processing, received on a signature sheet and declarations of consent Customer 1 will digitize and record them within 30 days of their receipt by the database manager system, and then hand over, present or destroy the original documents as a petition. There isn't therefore, information regarding the collection of signatures for an unspecified period of time after that, what will happen to the signature collection sheets and the ones on them and those collected online with personal data.

III.2.2. According to the Authority's point of view, the information on the signature collection sheet is related to data management

In a short information sheet, the stakeholders must be informed about the planned data management the most important information defined in Article 13 of the GDPR.

Regarding the information placed on the signature collection form, the Authority states that it stakeholders were not adequately informed, among other things, about the legal basis and purposes of data management, a wording on the one hand

It refers to consent based on Infotv., on the other hand, with

lasts The website <https://alairasgyujtes.online>

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in connection with data processing only for the purpose of maintaining contact, requesting opinions, and providing information mentions. The information sheet does not specifically name who/which organization is responsible for data management.

The data controller is not specifically indicated on the signature collection sheet, only Customer 1

an emblem containing his abbreviated name is shown on the arch. Personal data collected

there is no information regarding the duration of its storage in the text placed on the sheet.

III.2.3. Based on the above, the Authority concludes that the data controllers do not provide the

not providing clear, appropriate and real information to those concerned on a paper basis

collection of signatures, nor in connection with the collection of signatures through the website

about all the essential circumstances of the data management taking place, and they are not determined

and clearly the purpose of data management, thereby violating the general data protection regulation

Article 5 (1) points a) and b) and Article 13 (1)-(2).

III.3. Online data collection

III.3.1. Legal basis for online data collection

The signature collection is parallel to the paper-based data collection at <https://alairasgyujtes.online>

also takes place on the website. To support the initiative online, the following personal contacts are available

your data is collected: name, zip code, settlement, name of public area, house number, floor/door, e-mail address,

telephone number. Among these data, entering the phone number is optional, which is on the filling interface

it is also indicated separately, while entering the other data is mandatory.

For the success of the online support of the initiative, i.e. that the system

accept it, you must check "I have read and acknowledged the Privacy Notice." text

checkbox in front. The information on data management via a hyperlink embedded in this text is available.

Despite the Authority's request, Customer 2 did not specify the legal basis for data management

According to his statement as a representative of Customer 1, the parties concerned are personal during the collection of signatures

they provide their data voluntarily.

According to the data protection information, the legal basis for data management is, on the one hand, that data management, in the case of regular contact with the data subject, the appropriate guarantees takes place in the context of a legal activity carried out in addition to the GDPR

Article 9 (2) point d). The legal basis for data management is also the non-regular relationship with the data subject in the case of contact, the express consent given by the data subject prior to the recording of the data declaration, i.e. point a) of Article 9 (2) of the GDPR.

As detailed in the data protection information, the statement of consent is made by

Customer 1 confirms it with a message sent to the e-mail address provided by the person concerned, and thereafter the data subject must confirm the consent in the reply to the confirmation message his intention.

The Authority emphasizes that during the testing of the website <https://alairasgyujtes.online> it noticed that contrary to what is stated in the data protection information, during the online support of the signature collection the data controller will not send an opportunity to confirm consent to the e-mail address provided insurance email.

Therefore, according to the above, the data protection information collected personal data from the data subjects treated as special category personal data.

Pursuant to Article 6 (1) point a) of the GDPR, the processing of personal data is lawful if it is the person concerned has given his or her personal data consent by

for several specific purposes

for treatment.

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Personal data provided to support the initiative of a political organization

data, however, are not considered special category personal data at the same time. If

however, in addition to the purpose of the petition, the data subject can also handle data specifically for that purpose

gives his consent that he, as a sympathizer, will later be included in the political organization

can inform you about your activities, contact you in connection with your political activities

with him, among the personal data provided by the persons concerned, for this further contact

necessary personal data, such as data indicating party sympathies, is a special category of personal data

are also considered data.

According to the data protection information, the purpose of data management is to support the collection of signatures

Customer 1's contact with the data subject as a sympathizer, informing the data subject

about its activities and events, as well as sending invitations to Customer 1's campaigns

for connection.

Personal data that is also managed for the purpose of political contact is therefore accordingly

of information referring to the political opinion of those concerned, and as such, general data protection

pursuant to Article 9 (1) of the Decree also to special category personal data

qualify. As a general rule, the regulation prohibits the processing of special categories of personal data,

and binds it to strict conditions. This special category of personal data includes, among other things, a

In accordance with Article 9 (2) of the GDPR, they can be processed if the data subject is involved

gave his express consent to their processing for one or more specific purposes.

In order for the data controller to be able to legally refer to the legal basis of the consent, the consent

all its conceptual elements must meet the requirements applicable to it.

5/2020 on consent of the European Data Protection Board. guideline no., as well as

Data Protection issued as its predecessor, created on the basis of Article 29 of the Data Protection Directive

It is also confirmed by the working group's guidelines No. WP259 on consent,

that the declaration or act of unmistakably expressing the confirmation is legal

a prerequisite for consent. The guidelines state that "express consent" is required

in certain situations in which a serious data protection risk arises. It's common

According to the data protection regulation, "express consent" plays an important role in personal

in Article 9 on the management of special categories of data, including political

also in the case of handling personal data for contact purposes. The word "expressed" here is

refers to the manner in which the data subject declares his consent. It means that

the data subject must make a declaration of specific consent. Consent is "express"

the obvious way to be convinced of its existence is to give consent in a written statement

would be a clear confirmation.

As stated in the Authority's recommendation to political parties II. he also explained in his part as a good practice

5/2020 on consent of the European Data Protection Board. in guidelines no.

and created on the basis of Article 29 of the Data Protection Directive issued as its predecessor

As explained in the Data Protection Working Group's guidelines No. WP259 on consent, a

method of two-step verification of consent, according to which the confirmation is

the data controller obtains it electronically to the electronic contact information provided by the data subject

sends a notification by letter that it intends to process the given personal data of the data subject,

to which he requests confirmation of his consent in a reply letter.

According to the data protection information, the data controller confirms the consent

apply the two-step control method described above in actual practice

however, contrary to this, this method of confirmation of consent was not used.

In order for the person concerned to be able to express his will concretely, it is therefore necessary that he is

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by obtaining consent related to activities

data controller for data management

clearly separate related information from information on other issues.

Recital (42) of the General Data Protection Regulation also states that the data controller
you must provide a pre-formulated declaration of consent, which is understandable and easy
it must be made available in an accessible form, and its language must be clear and
must be clear and must not contain unfair terms.

According to the Authority's point of view, the provision of personal data on the online interface is, on the one hand
cannot be considered consent to the use of personal data
directed

as an unmistakably expressive act of confirmation, on the other hand, it cannot be considered original
in addition to data management purposes, it is also used to manage personal data for contact purposes
also a contribution.

Recital (32) of the GDPR states that data processing may only take place if
with a clear affirmative action by the person concerned, for example in writing - including electronically
- or with an oral declaration, voluntary, specific,
informed and clear
consent to the processing of personal data concerning the natural person. If it is
data management serves several purposes at the same time, then the consent for all data management purposes
must be specified separately. If the data controller does not attempt to each
ask for separate consent for each goal, there is a lack of freedom of decision.

According to the Authority's point of view, the legality of processing the personal data of the data subjects is then
can be established if the data subject uses his personal data for all data management purposes
could contribute to its treatment separately for each purpose.

By giving the consent in the manner explained above, it is not the data subjects
clear and specific declaration of will, the data processing cannot be considered valid
its legal basis. The Authority finds that the data controllers are processing it without a valid legal basis
the personal data of the data subjects, thereby violating Article 6 of the General Data Protection Regulation
(1) paragraph. Since these data are also data for political contact purposes

belong to special categories of personal data, and for their management, among other things

it is possible if the data subject has given his express consent, that is

data management also violates Article 9 (1) of the General Data Protection Regulation.

III.3.2. Purposefulness of data collection

Article 5 (1) point b) of the GDPR provides for the principle of purpose-bound data management, which

personal data may only be collected for specific, clear and lawful purposes,

and they may not be treated in a manner inconsistent with these purposes.

According to the information, the purpose of data management is, on the one hand, to support the national collection of signatures,

on the other hand, Customer 1's contact with the data subject as a sympathizer is the data subject

informing about its activities and events, as well as sending invitations to Customer1

to join its campaigns, i.e. as in several media appearances of Customer2

expressed, the additional goal of collecting signatures is to try to "gather a mass base".

The data protection information only refers in general to the "national

for signature collection", however, it does not specifically name which signature collection of the brochure

applies. In this regard, the Authority notes that, through the website, Customer 1

also refers to another ongoing collection of signatures, or via a hyperlink to it

you are navigating to, which page has a similar structure in terms of content, and on which page the linked one

data protection information sheet with the same content, referring to a general national signature collection

information sheet.

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compliance

During the procedure, the Authority established that the specific data referred to in the data protection information

"support for national signature collection" for data management purposes only to support the initiative

placed at the top of the website that serves in bold "I agree that no one is vaccinated

cannot be obliged, and no one can be punished or restricted due to its absence." text

refers to, the data protection information does not indicate this specific purpose, while the data management is another purpose, i.e. that the data is collected for the purpose of maintaining contact later, that is data collection or the interface for supporting the initiative does not reveal which a

According to the authority, it is misleading for the supporters of the initiative. The signatories because, in a deceptive way, only the initiative is the primary priority on the data collection interface the data controller informs you of its purpose, while there is also a lack of invitation to the signatory all your personal data - entering the phone number is optional only - for contact purposes will also be handled by the data manager, which, however, can only be opened via the hyperlink provides information in a data protection information sheet.

requires, among other things, the concrete

The principle of purposefulness

the definition of a specific purpose declared before the start of data management, and its comprehensible, unambiguous and non-misleading communication to stakeholders.

Based on the available information regarding the examined data management, the Authority established that the purpose of collecting personal data is not actually collecting signatures, that is, support for the petition, but those interested in the topic, sympathizers, or personal collecting their data.

This is supported, among other things, by the fact that the question is literally the same as the question of collecting signatures earlier as a question proposed for a referendum by the initiator Civil Movement Association (August 27, 2020) was submitted to the National Election Commission. For the referendum however, the authentication of the proposed question is carried out by the National Election Commission in Regulation 52/2020. (IX.21.) NVB

refused in its decision, despite this in the data protection information of the signature collection in a misleading way, there is a hint or information that the signature collection forms are included they want to present it as a petition. This is also indicated by the statement of Customer 2, which a Article published on October 20, 2020 (<https://444.hu/2020/10/20/godeny-probaljuk-a-tomegbazist->

osszeszedni) answered the question asked during the interview: "If we manage to get more than 200,000 to collect signatures, then a referendum initiative can be discussed - explained the pharmacist."

So, the collection of signatures and data collection is still ongoing in an issue that a referendum cannot be held on the issue, and the stated petition goal is obviously no longer there feasible. According to the Authority, the real data management purpose is the collection of personal data to build a database of sympathizers, to create a mass base, but it is not clear for whom for him, since Customer 1 only exists on paper. In this way, it can be established that the data management its purpose is not clear and not real, therefore the data controllers violate the general the purpose-related principle according to Article 5 (1) point b) of the Data Protection Regulation.

III.3.3. Violation of the principle of fair trial

Article 5 (1) point a) of the General Data Protection Regulation provides for a fair procedure on the principle that personal data must be handled fairly.

During the procedure, the Authority established that during the collection of signatures - III.1. in point as detailed - the data management quality is not adequately clarified, the affected parties misleading information about the person of the data controller and a non-functional one a party is called a data controller.

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Information about the purpose of data management is also misleading. III.3.2. explained in point on the one hand, it is misleading due to the fact that the signatories are not informed about it on the data collection interface at the same time, on data management for the purpose of contact, on the other hand, as the purpose of collecting signatures a goal is indicated by the data controller, which is an obviously impossible goal, because it is a well-known fact, that the question is not suitable for a referendum, its verification by the National Election Commission previously rejected citing several reasons.

Based on the above, it can be concluded that the data management is unfair, thus the data controllers are violated according to Article 5 (1) point a) of the General Data Protection Regulation

principle of fair procedure.

III.4. Paper-based signature collection

During the signature collection - according to the signature collection sheet that can be downloaded from the website - the following people are involved

personal data are collected: name,

name of public area,

house number/address/door), e-mail address, phone number and signature. Privacy policy available on the website

also according to information - which can be found on the website on the signature sheet

otherwise, no reference is included - an ID identification number is assigned to the data subject, with which

data management consent can be documented. On the signature collection form for each collected data circle

it is not indicated whether they are mandatory or optional.

(zip code,

settlement,

address

On the signature collection sheet, the following text, which can be evaluated as information referring to the legal basis of data processing,

veg is stated: "By entering the information on the collection sheet and signing the signature collection sheet

I agree that my data provided on the right of informational self-determination and information

2011. CXII. on the basis of point a) of § 5 paragraph (1) of the Act, further contact,

for the purpose of requesting opinions and providing information, the declaration of consent to data management be treated until marriage."

The main rules for data protection in Hungary until May 25, 2018 are published by Infotv. contain-

ta, starting from this date, the GDPR is mandatory and directly applicable, the signature collector

however, the short informational text included in § 5 (1) point a).

refers to the legal basis of consent indicated.

According to the statement of Customer 2, the data subjects have their personal data both online and on paper

it is given voluntarily during the collection of signatures.

The pre-formulated statement on the signature collection sheet specifically only contains the "further contact, opinion request and for data management

refers to consent. At the same time, the purpose of collecting signatures is not only to maintain contact and related to that, building a database, but also supporting the initiative, for which it is only signature collection sheet "I agree that no one can be forced to be vaccinated, and the lack of no one should be punished or restricted because of this." its main title refers to.

An important conceptual element of consent is that the request for consent is preceded by adequate information yes. Article 5(1)(a) and (b) of the GDPR, and in this context (39)

recital states that it must be transparent for natural persons, how their personal data concerning them is collected, used, and how are taken into account or in what other way they are treated, as well as in connection with the fact that a the extent to which personal data is and will be processed. The principle of transparency applies also to inform those concerned about the purposes of data management. Personal data management is specific its goals as explicitly formulated and legal, as well as the personal they must be defined at the time of data collection.

for information purposes'

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responsibility and

his consent is not

It can therefore be concluded that the data subjects "initiative support" of their personal data for the purpose of, and for the purpose of "contacting, requesting opinions and providing information". their consent is given by filling in the signature collection form, i.e. personal data the legal basis for its management is the consent of the data subjects.

The Authority established that the information on which the declaration of consent is based

however, it is not appropriate, because the information on the signature collection sheet - III.2.2.

as detailed in point - is not complete, and therefore the consent cannot be considered

informed. However, despite the incompleteness of the information, the Authority is the affected parties

for data management

considered invalid if it is

data controllers are appropriate

requesting confirmation of their consent in addition to information

a statement is obtained from those concerned.

III.5. Violation of the principle of accountability

The Authority points out that according to Article 5 (2) of the General Data Protection Regulation,

essentially the data management objective

increased care requirement

arising from the basic requirement of formulating accountability, the data controller a

obligation to prove that the conditions for the legality of data management - data management

from the beginning - they exist continuously. From planning data management to the data controller

starting with the start of data management, all the way to the deletion of processed personal data

you must implement a data management operation in such a way that you can prove at any moment

how it complied with data protection regulations. Based on the principle of accountability, it is

during the entire process of data management, the data controller must implement the data management

operations to be able to demonstrate compliance with data protection rules. The

therefore, the principle of accountability can be interpreted not only in general, at the process level, but all of them

specific data management

activity, processing the personal data of a specific data subject

also applies to

The Authority states that data controllers do not ensure the legality and transparency of data management

verified to the Authority, they did not declare that the collected personal data

how and for what they are used, where the data is stored, and what is the real purpose of the data management.

Based on the above, it can be established that the data controllers, by not contacting the Authority

the legality of data management has been proven, violation of Article 5 of the General Data Protection Regulation.

the basic requirement of accountability contained in paragraph (2) of Article

III.6. Other findings

The Authority based on the facts disclosed above during the official data protection procedure

determined that

respectively

dysfunction.

Customer 1 was not available at his registered office in the court register

and it is not currently insured, and it was also not possible to deliver the parcels to the company gatekeeper. The

Customer 1 was also not available through his representative registered in the court register

case.

According to the registered data, in the data registered in the court register of the organization

a change has occurred (change of registered office, registered representative), Customer 1's contact information

however, it was not insured even after the registration of the change.

The previous registered office of Customer 1 was registered at an address where a person who was a

Customer 1 arises

in an unlawful manner

operation,

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he is not a representative of the organization, but only a member, thus mailed to the headquarters of Customer 1

acceptance was not guaranteed either.

The Authority noticed that Customer 1 is the publication of the report or public benefit annex

he did not fulfill his obligations at all.

For all these reasons, the Authority was initiated by the civil organizations to the Capital Tribunal

CLXXXI of 2011 on court records and related procedural rules.

Act 71/A.-71/I. legality supervision procedure according to the provisions of §

III.7. Legal consequences

III.7.1. The Authority based on Article 58 (2) point b) of the General Data Protection Regulation

states that Customer 1 and Customer 2 are in violation of Article 6 of the General Data Protection Regulation

(1) and Article 9 (1) by using the website

in connection with collecting signatures, the personal data of those concerned are collected without a legal basis.

Based on Article 58 (2) point b) of the General Data Protection Regulation, the Authority establishes,

that Customer 1 and Customer 2 violate Article 5 (1) b) of the General Data Protection Regulation

the principle of purpose-bound data management in accordance with point

defined.

Based on Article 58 (2) point b) of the General Data Protection Regulation, the Authority establishes,

that Customer1 and Customer2 violate Article 5(1)(a) of the General Data Protection Regulation

the principle of transparency according to point, Article 13, by not providing the data subjects

clear, appropriate and real

by

about all essential circumstances of data management in connection with signature collection.

Based on Article 58 (2) point b) of the General Data Protection Regulation, the Authority establishes,

that Customer 1 and Customer 2, because their data controller quality was unclear, is

affected persons were misleadingly informed about the identity of the data controller and the purpose of data management,

fair according to Article 5 (1) point a) of the General Data Protection Regulation

principle of procedure.

Based on Article 58 (2) point b) of the General Data Protection Regulation, the Authority establishes,

that Customer 1 and Customer 2 violated Article 5 (2) of the General Data Protection Regulation

the requirement of accountability contained in paragraph 1 by not directing the Authority to

the legality of data management has been verified.

The Authority takes into account that the data management is of a special category (with party sympathy related) also affects the management of personal data and there is no specific information collected on the use of personal data, while the stated purpose of data collection is not real, furthermore Customer 1 and Customer 2 did not cooperate with the Authority during the procedure, which is common instructs Customer 1 and Customer 2 based on Article 58 (2) point g) of the Data Protection Regulation, to be deleted in a documented manner via the website of the signature collection from those concerned online collected all personal data.

The Authority instructs on the basis of points d) and g) of Article 58 (2) of the General Data Protection Regulation Customer 1 and Customer 2 that their consent is given on the paper-based signature collection form in addition to full information on data management, obtain the statement requesting confirmation of their consent, in the absence of this, it should be deleted in a documented manner from stakeholders both for the purpose of supporting the initiative and for maintaining contact personal data.

information on paper and on the website

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The Authority prohibits the in connection with the collection of signatures, the continuation of data management in such a way that Customer1 and Customer2 immediately complete in connection with the collection of signatures, both on paper and collection of personal data online, as its purpose is unclear and not real, the data collection is ongoing on an issue that is not a referendum can be held, and the stated petition goal can no longer be realized. The real data management purpose building a sympathizer database, creating a mass base so that Customer1 is in practice it doesn't work, only on paper, and the actual activities are the name of the organization Normal Life Party take place under

III.7.2. The Authority examined whether it was justified against Customer 1 and Customer 2

imposing a data protection fine. In this context, the Authority shall comply with Article 83 (2) of the General Data Protection Regulation

paragraph and Infotv. 75/A. based on §, considered all the circumstances of the case and established, that in the case of the violations discovered during this procedure, the warning is neither proportionate nor not is a deterrent sanction, therefore a fine must be imposed.

When determining the amount of the fine, the Authority first of all took into account that

Violations committed by Customer 1 and Customer 2 Article 83 (5) of the General Data Protection Regulation are considered violations of the category of higher fines according to point a) of paragraph [GDPR Article 83(2)(a)]

Data protection fine imposed by the Authority against both Customer 1 and Customer 2 determination of its amount that

they have not yet been convicted for violating the General Data Protection Regulation [GDPR Article 83(2)(e)].

A) The Authority as an aggravating circumstance when imposing a fine against Customer 1 as a circumstance

taking into account mitigating during

he took

took into account the following:

- the nature of the violations is serious, the case concerns a current social issue, which is therefore significant, a large number of stakeholders (according to the data on the <https://alairasgyujtes.online> website, the number of supporting signatures is nearly 58,000) entailed the processing of your personal data [GDPR Article 83(2)(a)];

- several provisions of the General Data Protection Regulation were violated by Customer 1 [GDPR 83.

Article (2) point a)];

- longer period of infringement (the collection of signatures started on October 13, 2020 and the procedure also held under) exists, data collection is still ongoing [GDPR Article 83 (2)

paragraph point a)];

- according to the Authority, actors in public and political life can be increasingly expected to the provisions of the General Data Protection Regulation during the collection of personal data act accordingly [GDPR Article 83(2)(a)];

- illegal data processing is the grossly negligent behavior of Customer 1, data processing caused by your practice [GDPR Article 83(2)(b)];

- from Customer 1, as an actor in political life and from the category of personal data collected therefore, it would have been expected to take all technical and organizational measures in order to comply with data management [GDPR Article 83 (2) d)];

- the collected personal data are also special category personal data [GDPR 83.

Article (2) point (g)];

- the behavior and unavailability of Customer 1 during the procedure to clarify the facts greatly hindered [GDPR Article 83(2)(f)];

When imposing a fine on Customer 1, the Authority did not consider it relevant circumstances according to points c), h), i), j) and k) of Article 83 (2) GDPR, as they are the specific they cannot be interpreted in connection with the case.

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B) The Authority as an aggravating circumstance when imposing a fine against Customer 2 took into account the following:

- the nature of the violations is serious, the case concerns a current social issue, which is therefore significant, entailed processing the personal data of a large number of data subjects [GDPR Article 83 (2) paragraph point a)];

- several provisions of the general data protection regulation were violated by Customer 2 [GDPR 83.

Article (2) point a)];

- the violation has existed for a long time, and data collection is still ongoing

(started on October 13, 2020 and continued during the procedure) [GDPR Article 83 (2)

the dot];

- from Customer 2, as a person who is currently taking an active role in political life

it is increasingly expected that the general data protection regulation during data management

comply with its regulations [GDPR Article 83 (2) point a)];

- to Customer 2, on the one hand, as the executive director of the party, i.e. as the legal representative of Customer 1

had an impact on data management while acting, but also as a private data controller

a decisive actor in the case [GDPR Article 83 (2) point a)];

- illegal data processing is the grossly negligent behavior of Customer 2, data processing

caused by your practice [GDPR Article 83(2)(b)];

- the collected personal data are also special category personal data [GDPR 83.

Article (2) point (g)];

- during the Customer2 procedure

demonstrated behavior, unavailability, the Authority

disregarding the questions contained in his inquiries largely clarified the facts

obstructed [GDPR Article 83(2)(f)];

The Authority took it as a mitigating circumstance when imposing a fine on Customer 2

taking into account that Customer 2 is a natural person [GDPR Article 83(2)(k)].

When imposing a fine on Customer 2, the Authority did not consider it relevant

circumstances according to points c), d) h), i) and j) of Article 83 (2) GDPR, as they are specific

they cannot be interpreted in connection with the case.

Based on the above, the imposition of the fine is necessary specifically for Customer 1 and Customer 2,

furthermore, the Authority, when determining the amount of the imposed fine, in addition to the special prevention goal

was also mindful of the general preventive goal to be achieved with the fine, with which - Client 1 and

In addition to restraining Customer 2 from further violations of the law - the right to protect personal data wishes to achieve its validity in relation to signature collections.

In view of the fact that Customer 1 has been obliged to publish the report in recent years did not comply, the Authority does not have specific information available to the Customer 1 year old regarding his income. During the procedure, Customer 2 did not refer to any such fact or for a circumstance that needs to be taken into account when imposing a possible fine would have kept it. The amount of the fine is based on legislation by the Authority taking all of this into account determined by acting in his discretion.

Based on the above, the Authority decided in accordance with the provisions of the statutory part.

ARC. Other questions

The competence of the Authority is set by Infotv. Paragraphs (2) and (2a) of § 38 define it, and its competence is covers the entire territory of the country.

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The decision is in Art. 80-81 § and Infotv. It is based on paragraph (1) of § 61. The decision is in Art. 82.

Based on paragraph (1) of § §, it becomes final upon its communication. The Akr. § 112, § 116, paragraph (1), and based on § 114, paragraph (1), the decision can be challenged through an administrative lawsuit as a remedy.

* * *

the amount of his fee is

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

hereinafter: Kp.) is defined. The Kp. Based on point a) of section 12 (2), the Authority

the administrative lawsuit against his decision falls under the jurisdiction of the court, the lawsuit is referred to the Kp. Section 13 (11)

based on paragraph 1, the Metropolitan Court is exclusively competent. On the Civil Procedure Code solo CXXX of 2016 to the law (hereinafter: Pp.) - the Kp. Based on § 26, paragraph (1).

legal representation in a lawsuit within the jurisdiction of the court based on § 72

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

The Kp. Paragraph (1) of § 29 and, in view of this, Pp. According to § 604, the electronic one is applicable
CCXXII of 2015 on the general rules of administration and trust services. Act § 9

According to point b) of paragraph (1), the client's legal representative is obliged to maintain electronic contact.

The time and place of submitting the statement of claim is set by Kp. It is defined by § 39, paragraph (1).

The administrative lawsuit

law

(hereinafter: Itv.) 45/A. Section (1) defines. It is from the advance payment of the fee

Itv. Paragraph (1) of § 59 and point h) of § 62 (1) exempt the party initiating the procedure.

If the Respondent does not adequately certify the fulfillment of the prescribed obligation, the Authority

considers that the obligation has not been fulfilled within the deadline. The Akr. According to § 132, if a

the obligee has not complied with the obligation contained in the final decision of the authority, it can be enforced. THE

Authority's decision of the Acr. According to § 82, paragraph (1), it becomes final with the communication. The Akr. 133.

Pursuant to §, the execution - unless otherwise provided by law or government decree - a

ordered by a decision-making authority. The Akr. Pursuant to § 134, the execution - if it is a law,

government decree or, in the case of municipal authority, a local government decree otherwise

does not have - the state tax authority undertakes. Infotv. Based on § 60, paragraph (7) a

In the authority's decision

reserved, to perform a specific act, defined

the decision regarding the obligation to conduct, tolerate or stop

its implementation is undertaken by the Authority.

Budapest, March 2, 2022.

Dr. Attila Péterfalvi

president

XCIII of 1990 on fees.

c. professor