

Case number: NAIH / 2020/54/4.

Subject: Own-initiative decision

procedure

DECISION

The National Data Protection and Freedom of Information Authority (hereinafter: the Authority) is based in Budapest University of Technology and Economics (1111 Budapest, University of Technology 3; hereinafter: BME, University or Compulsory) regular social scholarship applications and their to the requirements of the General Data Protection Regulation¹ in an ex officio data protection regulatory procedure makes decisions

1.

The Authority shall determine the submission of applications for regular social scholarships by the University, and the illegality of the processing of data in the course of their assessment - the 2018/2019. autumn and spring, and 2019/2020. for the fall semester - in terms of the University under study period

(a) has processed personal data to which it does not go beyond the applicable law

had a legal basis under Article 6 (1) of the GDPR;

(b) the special details of persons living in the same household as the applicant in accordance with Article 9 (2) of the GDPR without a proper legal basis;

(c) defined the data subject in breach of Article 5 (1) (a), (b) and (c) of the GDPR;

(d) infringed Article 12 (1) and Article 13 of the Regulation in providing the information provided; and Article 5 (1) (a).

2. The Authority shall oblige the University to review its data management practices and the list of certificates define the scope of the personal data contained in Annex III in such a way that it complies with Annex III.1. and III.2. with the findings made in

3. The Authority shall oblige the University to adapt its information practices in such a way that

comply with III.3. to the findings made in point!

4. The Authority shall oblige the University to provide unlawfully processed personal data in accordance with this Decision within 90 days of becoming final!

5. The Authority shall notify the University of the finalization of this decision due to the violations set forth in paragraph 1. within 30 days

HUF 8,000,000, ie HUF 8 million

data protection fine

obliges to pay.

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the protection of individuals with regard to the processing of such data on the free movement of data and repealing Regulation (EC) No 95/46 (General Data Protection Regulation or GDPR or Regulation)

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On the measures taken by the Debtor as a result of the obligations set out in points 2 and 3

30 days after the expiry of the time limit for bringing an action

shall inform the Authority within

The Debtor is deemed to have fulfilled the obligation to cancel set forth in Clause 4

shall inform the Authority within 90 days of the decision becoming final.

Until the expiry of the time limit for bringing an action for review, or review

pending the final decision of the court, the data involved in the disputed data processing shall not

may be deleted or not destroyed.

The fine shall be imposed by the Authority on centralized revenue within 30 days of the decision becoming final

direct debit forint account (10032000-01040425-00000000 Centralized collection account

IBAN: HU83 1003 2000 0104 0425 0000 0000). When transferring the amount a

NAIH / 2020/54/4. JUDGE. number should be referred to.

If the Debtor fails to meet its obligation to pay the fine within the time limit, he shall be liable for a penalty payment.

to pay. The amount of the late payment allowance is the statutory interest, which is the first of the calendar semester affected by the delay

equal to the central bank base rate valid on Non - payment of fines and penalties for late payment

In that case, the Authority shall order the enforcement of the decision.

recovery.

There shall be no administrative appeal against this decision, but it shall be subject to a right of appeal within 30 days of its notification

An action brought before the Metropolitan Court may be challenged in an administrative action within one day.

The application shall be submitted to the Authority electronically, which shall forward it to the court. The request for a hearing must be indicated in the application. The whole personal

The fee for the court review procedure for non-exempt persons is HUF 30,000, the subject matter of the lawsuit subject to the right to record duties. Legal representation is mandatory in proceedings before the Metropolitan Court.

The Authority shall publish the decision on its website with identifying information.

EXPLANATORY STATEMENT

I.

Procedure and clarification of the facts

I.1. History

The Authority has transferred a request from the Office of the Commissioner for Fundamental Rights (hereinafter referred to as AJBH) to

found from an anonymous report that the application for a regular social scholarship at the University provided that the identity documents or other certificates containing personal data are making a wide range of statements available.

The University - <https://szoc.sc.bme.hu/> available - "ESZR Terms of Use, Privacy Policy"

(hereinafter referred to as the Privacy Statement or prospectus) of the University

the submitted application material in accordance with the CCIV Act 2011 on National Higher Education. Act (hereinafter: Nftv.) Annex 3 I / B. Chapter 1 (be) and, in certain cases, the applicant 's application with your consent.

The wide range of stakeholders and the handling of specific data have justified the Authority 's compliance with the rules of the General Data Protection Regulation in the framework of an official procedure, therefore the

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On 6 December 2019, the Authority initiated ex officio data protection authority proceedings to investigate whether a BME complies with the provisions of the General Data Protection Decree when submitting and evaluating applications for regular social scholarships.

In the proceedings, the Authority carried out the data management of BME from 25 May 2018 to 5 December 2019. evaluated, covering three application periods - 2018/2019. academic year autumn semester, 2018/2019. school year spring semester and 2019/2020. school year autumn semester - embraced.

I.2. Facts revealed

I.2.1. The University used the same practice on a regular basis in all faculties during the study period examination of applications for a social scholarship (hereinafter: scholarship)

during. Scholarship applications are announced and evaluated by the University Social Committee (hereinafter: Committee) in which each faculty is represented. The Commission on Reimbursement and Allowances Decides on the announcement of the tender and the list of documents to be submitted in the Regulations (hereinafter: TJSZ), and the assessment of the points system.

During the period under review, the TJSZ was amended once: the regulations in force from 28 November 2017 (a hereinafter: TJSZ2017) the regulations in force from 15 August 2019 (hereinafter: TJSZ2019) replaced, which means that the University in 2018/2019. academic year autumn semester and 2018/2019. school year spring The applications for the semester are TJSZ2017, while the applications for 2019/2020. applications for the autumn semester of the academic year according to the regulations of TJSZ2019 judged.

Annex 2 of the TJSZ2017, Annex 3 of the TJSZ 2019 contained a description that the
the circumstances under which the score is awarded during the evaluation of regular social scholarship applications.
As the content of the two Annexes is the same, these two Annexes are hereinafter referred to together in this Decision
It is referred to as the "Annex to the TJSZ".

Certificates required for the submission of "Regular Social Scholarship and Basic Grant Applications
List (Certificate List) "is itemized for the scholarship application.

a list of certificates and documents to be attached. Since the 2018/2019. autumn and 2018/2019. for the spring semester

The Authority's list of certificates is completely identical, so the Authority

2018/2019. certificate lists for the academic year ". As well as the three semesters involved

The content of the Certificate List in force is also essentially the same

refers to the document collectively as the Certificate List, and only there expressly mentions that

which version the statement applies to, where there is a discrepancy between the documents, and

The Authority shall make a statement specifically for a particular Certificate List.

During the study period, the University evaluated a total of 4,949 scholarship applications.

I.2.2. The University stated in its application to the Authority that it was included in the application

all personal data with the consent of the applicant student and the Nftv. Annex 3 I / B.

under point 1 (be) of Chapter

The Nftv. the above paragraph reads: "the data registered on the basis of this Act are the data on student benefits, a
data necessary to assess entitlement to benefits (social status, details of parents, maintenance)
relevant data) '.

On the allowances and certain allowances to be paid by students in higher education

51/2007 (III. 26.) of the Government (hereinafter: the Government Decree) a

regular social scholarship is a benefit paid on the basis of a student's social situation, which is institutional

in accordance with the procedures and principles laid down in the rules on reimbursement and benefits.

Section 21 (1) of the Government Decree contains an itemized list of the social situation

which circumstances should be taken into account when assessing The circumstances to be taken into account are set out in Gov.

according to the decree: the person living together in the real estate according to the student 's address, there

the number and income status of those registered or resident; place of training and place of residence

distance between, duration and cost of travel; if during the student's studies the Tbj.

living in a common household according to how much the disabled student should spend

for the purchase and maintenance of special equipment, special travel needs, and personal

to use an assistant or sign language interpreter; close to the student or living with the household

regular medical expenses due to a relative's state of health; with the student

the number of dependents living in the same household, in particular the number of dependent children; the

costs of caring for a relative in need of care.

Section 16 (2) and (3) of the Government Decree sets a minimum for certain categories

an amount for which the monthly amount of the regular social scholarship for these persons is not

may be lower. It follows that the University must also take these aspects into account

at the time of assessment: the student is disabled due to a disability or medical condition

disadvantaged or multiple disadvantaged, family breadwinner, large family, orphan or half-orphan, and

if his guardianship has ceased because of his age.

Pursuant to Section 21 (3) of the Government Decree, the determination of the student's social situation is detailed

its rules shall be laid down in the institution's rules on remuneration and allowances.

Consideration of the need for the data set - by recording the provisions contained in the TJSZ - is

At university, the commission.

As the University establishes data management simultaneously with the consent of the student and the Nftv.

the student can declare on the interface of the Unified Social System (hereinafter: ESR) - after logging in to the ESR - that he /

she has read the data management information

accepts its content and consents to the processing, which is its consent

covers the processing of all personal data in the application.

The University has stated that it applies this practice because, although there are scholarship applications the processing of personal data requested for the purpose of processing "Mandatory data management", students do not are obliged to submit an application, so the submission of the application itself - so in the process of personal data is explicitly voluntary.

In the opinion of the University, the processing of applications necessarily involves data management, for which the consent can be given by ticking a check-box on the ESRB interface, the consent however, no application may be submitted without

I.2.3. Based on the above, the University has defined the following four main groups of cases in the Annex to the TJSZ, which is used to determine eligibility for the scholarship when assessing the social situation of the applicant the following must be taken into account: (1) the per capita income of those living in the same household as the applicant; (2) training

the distance from the place of residence of the applicant, the duration and cost of the trip; (3) the applicant is personal circumstances; and (4) the personal circumstances of those living in the same household as the applicant.

Case (1) is supplemented by the Annex to the TJSZ, according to which the applicant has

The net income includes all amounts received by the household, except for the income that the TJSZ lists item by item. The TJSZ includes that based on the income of those living in the same household as the applicant monthly net income per capita is calculated on a regular basis

the average of the last six months for incomes and the average for the last six months for non-regular income one twelfth of the total amount received shall be taken into account. Section 21 (2) of the Government Decree hereby stipulates that in the calculation of income, income that can be measured regularly on a monthly basis the average of the last three months and, for other income, the twelfth of the last year shall be taken into account buy.

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Case (2) is taken into account in such a way that the candidate receives a different score according to: application for placement in a dormitory with permanent residence in a dormitory and resides elsewhere. There are also different scores depending on how many

kilometers away from the place of training.

The applicant is different in terms of his / her own situation, ie to assess what is included in case (3) will receive scores in the following circumstances: orphaned candidate, half-orphaned candidate, one an applicant with an unknown, severely disabled or chronically ill parent who has a chronic illness based on the severity of the illness and the medical expenses regularly incurred due to the illness), own disability (the degree of illness and the regular incidence of disability) based on health care expenses), has a child of their own or lives in a household with them, is self-sufficient applicant.

In order to assess what is included in case (4), the applicant shall provide the personal data of persons living in the same household.

will receive different scores depending on their circumstances if the following conditions exist: orphaned, half-orphaned or if the parent is unknown, has a severely disabled or long-term illness per illness, in the case of a chronic illness of a person living in the same household as the applicant (illness severity and regular medical expenses due to the illness), a disabled person (the degree of illness and the regular health problems caused by the disability) divorced or single parent, not yet of school age, in for persons participating in higher education and full-time OKJ training.

On the basis of the above, the Commission has defined the following certificates: general certificates, maintenance-dependent proof of relationship and special certificates in this context, earnings circumstances, study circumstances, parental conditions, medical conditions, adverse or cumulative adverse situation, utility costs.

The following "general certificates" must be attached to the application:

THE)

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personal presentation of the identity card of the student: the student to prove his identity;

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a copy of the address page of the applicant's address card;

In addition to submitting the statement, during the personal presentation of the applicant's original address card presentation is also required.

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certificate (or official certificate) issued by the municipality or district office of the municipality

for persons living in a household, including the number of persons living in a household, the name of these persons and at least the year of birth or other data enabling the person to be identified;

If the office does not issue the document with names and dates of birth, then on the certificate

submission of a statement of the address card of all persons listed in

During the presentation, a copy of the address-containing pages of the address cards must be presented. THE

This page of the address card contains the person 's name, birth name, mother' s name, place of residence and time of notification of address.

Persons living in a household, according to a statement from the University, “are listed on the address cards can be supported by the persons listed on the certificate of residence in a household

age and identity ’. The age of the persons is required by the University

know, because depending on age, it is necessary to request other certificates from the applicant one from persons living in the household.

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for each person on the certificate of residence in a household in this document

obtaining and submitting documents in accordance with the provisions of circumstances ”, of which student dependents are an exception;

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provided that the certificate of residence in a household also includes a person who is in fact

is not a member of the household (eg a brother who has moved abroad), a notary public is required for this fact.

or before a local government clerk at 2 years compared to the last day of the period under review

presenting and submitting a copy of an older statement;

In justified cases, the reviewer may request an environmental study of the household by address.

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a NAV stamp with a dry stamp imprint or issued electronically for all

the person living in the household, except for the dependents of the pupil;

Act XCII of 2003 on the system of taxation 85 / A. § (9) no income certificate

issued to those who did not have taxable income and therefore did not file a tax return.

In this case, when requesting the certificate, NAV shall refer to the above paragraph in writing

refuse to issue the certificate. Non - taxable income resident in the household

in the case of a person, the acquisition and delivery of this decision is required instead of proof of income.

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if the student is rented due to an application for dormitory accommodation rejected in the previous semester

or other non-institutional college of residence, a copy of the contract or the person concerned

a statement made by the parties before two witnesses is required;

A copy of the entire sublease agreement - which includes, among other things, the personal details of the contractor

in the opinion of the University, the authenticity and authenticity of the contract

necessary to support it.

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if the student was not a BME student in the previous semester, but in his / her previous institution

dormitory accommodation, it is necessary to prove this fact, otherwise the

points for dormitory space cannot be awarded;

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if a child (ren) has been (fostered) in the household

care, it is necessary to provide a copy of the decision on the fact of admission to education;

The reason and justification for removing the child from the original family can be obscured from the decision.

In addition, a certificate issued by the competent child protection service is required a
indicating the amount of benefits due for the child (ren).

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a 2018/2019. The certificate lists for the school year contained that all students living in the household were dependent
in the case of a person whose parents do not live in the household, proof of parental responsibility is required
support was given by both parents to a notary public or a local government notary - the investigated
not older than 2 years compared to the last day of the period - the parental benefit is real
indicating the starting date and the reason for the separation, in addition
NAV certification of parents is required;

All 25 years of age in this category living separately from their parents but not self-sufficient - the assessment
until the beginning of the period covered by the survey - in the case of a person living in an unoccupied household
all resident (s) who are their own or their dependent (s) on the basis of their household
bank account statement of the 6-month credits examined during the assessment.

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a 2018/2019. The certificate lists for the school year included that if you live in a household
the person is married or living with a partner and / or is raising a child until the beginning of the study period
has not reached the age of 25, both parents must be certified by a notary public,
or before a local government clerk - compared to the last day of the period under review 2
not older than one year - with a statement of the amount of the actual amount of parental benefit, the separation
indicating the starting date, in addition, a NAV certificate from the parents is required;

All 25 years of age that fall into the separate category of non-self-sufficient parents
until the beginning of the period covered by the assessment - a person living in an unoccupied household
in the case of a person, he or she is the person (s) who is / are the dependent (s) on the basis of his / her household
bank statement of the retail bank account of the 6-month credits examined during the assessment.

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if the student lives in his / her household of permanent residence without dependents but does not qualify self-supporting, in which case all the circumstances surrounding the dependent (s) are required identification and indication (except for specified persons).

B)

To be eligible for a scholarship, an applicant must certify one the earnings of those living in the household in such a way that, if examined during the assessment During the period, the situations listed in the paragraphs below appear together, it is necessary to justification of the circumstances separately so that they cover the entire period required.

The University requests that bank statements be submitted in such a way that the statement is included in the bank the name and address of your customer and the credits for the six months under review. This statement may be replaced by one issued by the bank a certificate containing itemized credits to the bank account. The bank statement or the certificate submitted instead shall be jointly issued by the University as a "bank statement of a retail bank account" referred to as.

BA) If a member of the household receives a family allowance, it is required by the body entitled to it certificate issued (compulsory only if the net income per capita is less than HUF 40,000) or a bank statement of all retail bank accounts of the given person.

BB) Proof of employment required by the employer (s) during the assessment Certificate (s) of net earnings for the period under review, with monthly breakdowns, or indicating the net average over the period (six months).

In case of loss / change of job, proof of the net amount of severance pay is also required.

The employer's certificate must indicate separately the gender received during the period under review the net amount of regular income, even if the amount was HUF 0 during the period under review.

BC) The detailed presentation of the company must be generated when filling in the electronic application By filling in and printing out the "Business and other economic interest" form and signing the signed copy

by handing over.

It is necessary to fill in this form in all cases, even if there is no income from the given activity or if the business is suspended / terminated. In these cases, this fact must be proved by form.

If this paragraph is true for a member of the household, it is necessary in addition to the above bank statement of all retail bank accounts of the person. Where in a retail bank account cash flows that may be associated with the activity are what constitutes income and what constitutes after-tax income.

BD) In case of other economic interest, rental of real estate or other gainful activity (eg liberal professions, an activity which qualifies as a taxable person), so in all cases where a person has a tax number - an electronic application is required filling in and printing out the "Business and other economic interest" form to be generated during the and delivering the signed copy.

It is necessary to prove the reason for which the tax number was triggered and how much of this activity revenue comes from.

It is necessary to fill in this form in all cases, even if there is no income from the given activity or if the activity is suspended / terminated. In these cases, this fact must be proved by form.

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If this paragraph is true for a member of the household, it is necessary in addition to the above bank statement of all retail bank accounts of the person. Where in a retail bank account cash flows that may be associated with the activity are what constitutes income and what constitutes after-tax income.

BE) If the NAV described in the General Certificates section is shown separately on the income statement taxable income, it is necessary to justify the source of the separately taxable income and that whether such income was generated during the period under review.

In addition, it is necessary to fill in a statement that can be generated by the system. After downloading, you need a returning a completed form signed by the person living in the household concerned and signed by two witnesses, and during the oral hearing.

If this paragraph is true for a member of the household, it is necessary in addition to the above bank statement of all retail bank accounts of the person. Where in a retail bank account cash flows that may be associated with the activity are what constitutes income and what constitutes after-tax income.

BF) In addition, all persons living in the household should be listed under 'Business and other economic interest "who is in the business / for-profit activity presented has an economic interest.

If more than one in a business / for-profit activity, living in the same household as the student person is interested, it is sufficient to fill in a form on which the persons concerned live in a household income (supplemented by non-regular exceptions) is itemized.

BG) Detailed presentation of the primary production activity when filling in the electronic application by filling in, printing out the form to be generated, submitting the signed copy and the related certificates by uploading and submitting.

It is necessary to fill in this form in all cases, even if there is no income from the given activity or if the primary production activity is suspended / terminated. In these cases, you need this fact certify on the form.

The form must include all family members who are involved in primary production.

This form is also required for all persons living in the household to complete, print out, and submission of a signed copy, and uploading and submission of related certificates who are any special primary producers has a certificate and is engaged in primary production.

A copy of the deposit slips for the period January to December 2019 is required (presentation of the original is required).

If any of the above statements concerning primary production are true for the household

any retail bank account of that person

bank statement.

BH) In the case of a job search from a district office or a registered jobseeker, it is necessary to

a certificate issued on the amount / termination of the job-search allowance, covering the

period. Participating in full-time training in public or higher education

this is not necessary in the case of a legal person.

In the case of an unregistered jobseeker and a household, everything other than the above is required

bank statement of a retail bank account.

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A 2018/2019. In addition, the certificate lists for the academic year stipulated that it was required by the municipality

original certificate of entitlement / non-receipt of social benefits issued, aid

indicating the extent of the A 2019/2020. the certificate list for the autumn semester no longer included this requirement.

BI) A certificate issued by the municipality stating that you have received the care allowance is required,

indicating the amount of aid, covering the period covered by the assessment.

If the person receiving the care allowance is an employee, proof of this is required (the

employee / enterprise and other economic interest / primary producer

way).

If the person receiving the care allowance is not an employee, the "registered, no

registered jobseeker, household "as described in the paragraph.

BJ) A copy of the certificate issued by the Pension Disbursement Directorate for the given year is required for

or a bank statement of all retail bank accounts of that person.

BK) Benefits for the child (ren) received during the examination period are required

(GYES, GYET, GYED, CSÉD, etc.) and the issuance of the certificates or all

bank statement of a retail bank account.

If the benefit can be used while working, all earnings are required

justification of the circumstance on the basis of the above.

C)

The list of certificates to be submitted and the circumstances to be verified vary depending on the student dependent (including a self-employed person or a breadwinner) or a dependent (including his or her parents or dependent on a dependent other than his or her parents or over the age of 25).

A dependent, including a student dependent, is a person who, during the period examined during the assessment, has not yet reached the age of 25 and is not yet a school-age child participates in public education, higher education, full-time active status or full-time work He participates in OKJ training.

A dependent is a person who has a severe disability or a long-term disability.

is living with an illness, is receiving a care allowance or is under guardianship / custody.

CA) In the case of a dependent living with his / her parents, the following certificates must be provided:

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obtaining and submitting the certificates listed in the General Certificates (address card statement, a certificate of residence in a household, a NAV income certificate) and all proof of additional circumstances related to the claim;

a 2019/2020. autumn semester certificate list includes the addition that if not

a self-employed person lives in a household other than his or her parents without dependents, as well as any parents support their livelihood (housing, meals, etc.), in which case he or she "living with his or her parents person, ie the submission of the parental certificates and the application introduction is also needed.

CB) For a dependent who lives with a dependent other than his / her parents but is not an orphan and is not in foster care person who has not reached the age of 25 by the beginning of the period under investigation, the following submission required:

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Certificates listed in detail among the general certificates (address card statement,

certificate of residence in a household, NAV income certificate, etc.)

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Dedicated to the notary's parents before a notary public or local government / district office clerk

- not older than 2 years compared to the last day of the period under review - a statement from the parents

what the student's livelihood (housing, meals, travel expenses) and university studies are like

the exact beginning of the separation (taking into account during the assessment)

for the period considered) and it is necessary to specify the reason for the separation.

The detailed reasons for the separation need to be known to the University because it claims this

information is necessary "for the fulfillment of the parental responsibility".

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NAV income certificate of the parents of the separated person according to the general certificates.

Because the concept of a breadwinner in the application system is not the same for keeping under the law

obligated persons (eg if the applicant lives not with his / her parents but with his / her grandparents), so

there is a possibility that the separated parent will fulfill his or her maintenance obligation, in which case the

alimony must also be added to household income.

Since, in the light of the above, the applicant student is required to declare that his / her parents -

with whom he does not live in a household - to what extent they support his livelihood, the student is in this

is also required to certify a statement that is an obligation of the University to the parents

You can do so by sending a NAV proof of income.

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Individual (s) and dependent (s) on the basis of their household

bank statement of a retail bank account.

In the case of a dependent who lives with a dependent other than his or her parents but is not an orphan and is not in foster care

person and has reached the age of 25 by the beginning of the period under investigation, submission of the following

certificates

required:

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certificates listed in detail in the general certificates (address card statement,

a certificate of residence in a household, a NAV income certificate, etc.);

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bank statements of all the student's retail bank accounts;

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if the student was not already from his / her parents when the previous regular social scholarship was awarded

a dependent but not an orphan and not a foster carer living with a different dependent, in the case of

a valid claim requires the full number of persons who previously formed a household with it

certification and submission of certificates.

In justified cases, the reviewer may request an environmental study or other additional evidence from the parents

about your household.

A 2018/2019. In addition, the lists of certificates for the school year provided that the dependent was a person who was away

from his or her parents

living with a different breadwinner, but not an orphan and not an educated person (regardless of that person's age),

and lives with a spouse or partner, it is necessary to

proof of income, including scholarships and support from relatives.

A 2018/2019. In addition, the lists of certificates for the school year provided that the dependent was a person who was away

from his or her parents

living with a different breadwinner, but not an orphan and not an educated person (regardless of that person's age),

and lives with a spouse or partner or has a child,

submit:

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If the parents of the child (ren) live separately, one of the parents is a notary public or local

before the notary of the municipality - not for 2 years compared to the last day of the examined period

obtain an older statement and submit a copy of the separation.

The above statement is replaced by the fact that it is on the certificate of living in a household

municipality certifies the fact of separation.

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In addition, proof of the amount of child support is required in writing before both witnesses of both parents statement.

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If one of the parents is unable or unwilling to sign the declaration described in the previous point,

made before the other parent's notary or local government notary - the last of the period under review

presentation of a unilateral declaration not older than 2 years compared to

a copy is required, or a final court judgment on child support is accurate

amount.

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It is also necessary to receive the child (ren) during the examination period

certification of benefits (GYES, GYET, GYED, CSED, etc.) and submission of a copy of the certificates.

If the spouse / partner has other earnings in addition to these benefits, this is necessary

proof of that fact under the "Circumstances of Action".

CC) A self-employed person is a person who has no dependents, forms an economically independent household and

his / her parents / relatives do not know their livelihood in any form (housing, travel, meals),

or do not intend to support.

If the student has not reached the age of 25 by the beginning of the assessment period,

the following certificates must be submitted:

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bank statements of all the student's retail bank accounts;

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before the notary or the notary of the local government / district office of the parents - the period under review

not older than 2 years from the last day of the year - obtain a copy of it

submission of the student's self-sufficiency, indicating that the parents are the student's livelihood

(housing, meals, travel expenses) and their university studies are not known in any way,

or do not intend to support. The statement must state the exact date that this is the case

how long the condition has existed and details of the reason for the separation .;

The University is of the opinion that obtaining this statement is necessary in order to:

applicant must meet the definition of a self-employed person on the certificate list, as the University

According to his statement, the student is considered self-sufficient on the basis of the application if he / she is economically

self-sufficient

it forms an independent household, ie its parents do not support it even if it is required by law

they would be obliged and able to meet their maintenance obligations on the basis of their income.

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NAV income certificate from parents according to general certificates.

Although the self-sufficient applicant forms an economically independent household, his or her parents are not in any form

financially supported by the applicant and, according to the University,

it is necessary to obtain the above statement from the parents in order to be able to say that the parents in it

they would not be able to support him if they did so on the basis of their maintenance obligation under the law

would be obliged. According to the University, this is the only way to prove that the applicant is a candidate

he is an economically independent household, he supports himself, he is not supported by his parents.

A 2019/2020. the list of certificates for the autumn semester is also a person who has not reached the age of 25

previously provided for in 2018/2019. school year certification lists are only 25 years of age

required that:

•

•

full proof of the student's own income (NAV certificate, claim from the employer,

other income, university allowances, student loans, family allowances in their own right, etc.);

the student is obliged to pay a minimum of HUF 50,000 per person per month for the period examined to prove income.

If the student has reached the age of 25 by the beginning of the assessment period, the following certificates must be submitted:

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-

full proof of the student's own income (NAV certificate, claim from the employer,

other income, university allowances, student loans, family allowances in their own right, etc.);

-

the student is obliged to check a minimum of HUF 50,000 per month for the period examined during the assessment to prove per capita income;

-

bank statements of all the student's retail bank accounts;

-

if the student was not self-sufficient at the time of the previous regular social grant,

so in the case of a valid claim it is necessary to have with him previously formed a household

full identification of persons and submission of certificates.

In justified cases, the reviewer may request an environmental study or other additional evidence from the student.

CD) The concept of "breadwinner" is only explicitly defined in 2019/2020. The list of certificates for the autumn semester contains the

category and these regulations were previously issued in 2018/2019. were not included in the certificate lists for the academic year.

The breadwinner living in the household, including the student submitting the application, has not yet completed 25 years of age and has full-time active student status in public education

or full-time OKJs and lives in a household other than his or her parents, the following

certificates must be submitted:

-

general certificates (statement of address card, certificate of living in a household,

NAV income certificate, etc.);

-

full proof of the breadwinner 's own income (NAV certificate, from employer

earnings received, other income, university allowances, student loans, family allowances in their own right, etc.);

-

a notary for the parents of the breadwinner or a notary for the local authority / district office

not older than 2 years compared to the last day of the period under review

and provide a copy of the parents 'subsistence allowance (housing,

meals, travel expenses) and how they support their university studies. If

are not supported in any form, the indication of non-support is required. THE

the statement must state the exact date on which this condition has existed.

-

NAV income certificate of the parents of the breadwinner according to the general certificates;

-

the person supporting the family or the additional person (s) living in the household

bank statement of all retail bank accounts.

In the case of a breadwinner not living in the above category, the following certificates

submission is required:

-

certificates listed in detail in the general certificates (address card statement,

a certificate of residence in a household, a NAV income certificate, etc.);

-

proof of the earning circumstances of the breadwinner.

D)

The study conditions of the people living in the household have different scores during the evaluation of the applications which must be substantiated at the time of submission of the application.

DA) In the case of a student dependent, the following certificates must be submitted:

-

for children not yet in school (0-6 years): birth certificate, personal identification

a copy of an ID card or address card;

The University is of the opinion that the submission of one of these documents is necessary because

a score is awarded if a child who is not yet of school age lives in the household with the applicant.

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To prove this circumstance, the University must know that the child is in the application process

how old was he on the first day of the study period. Because of the certificate of living in one household

the accuracy of age indications is different - as in most cases only the year is included

therefore a copy of the document of the persons concerned selected above

it is necessary to determine the exact date of birth.

The family structure is necessary for the handling of the document - thus the data of the "mother's name"

because if the child living in a household is the child of the applicant, then

extra points can also be awarded for this.

-

in the case of a student in public education (primary school, secondary school or secondary school)

participant in vocational training): school attendance certificate for the given academic year;

-

from an active student participating in higher education, full-time training: the given

semester student status certificate.

-

in the case of a person participating in full-time OKJ training: for the given academic year

certificate of school attendance.

DB) Are you involved in public or higher education, non - full - time training

in the case of a person with a passive status studying in higher education, it is necessary:

-

proof of the circumstances of the action;

-

obtaining and copying the NAV income certificate described in the general certificates

or, in so far as he did not have an independent claim, the proof of that has already been given above

as described;

-

a person participating in public education, a student studying in higher education, participating in full-time OKJ training

the person taking the certificate of school attendance or student status for the given semester / academic year.

A 2018/2019. The certificate lists of the academic year 2006 requested further proof of these circumstances

also for persons who have reached the age of 25 until the beginning of the period covered by the assessment.

DC) A 2019/2020. the fall semester certificate list required full-time in public or higher education

who have reached the age of 25 until the beginning of the period covered by the assessment.

in the case of a person (ie a student who is not a dependent):

-

proof of the circumstances of the action;

-

obtaining and copying the NAV income certificate described in the general certificates

(if you did not have a stand-alone claim, the District Court for Jobseekers)

Certificate issued by the Office is not required);

-

bank statements of all retail bank accounts;

-

for a person in public education: (in secondary or secondary vocational education

participant) school attendance certificate for the given academic year;

-

from a student studying in higher education: a certificate of student status for the given semester;

-

in the case of a person participating in full-time OKJ training: school attendance for the given academic year certificate.

DD) In case of a doctoral student it is necessary:

-

proof of student status for the given semester;

-

the doctoral student scholarship, respectively

-

proof of the circumstances of the claim for the period taken into account in the assessment;

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-

a bank statement of all retail bank accounts of the doctoral student.

E)

The application will also receive a different score based on the circumstances of the student's parents

in view of whether the parent is living separately, divorced or remarried, or has died.

EA) If the applicant's student's parent lives separately, the following certificates must be provided:

-

a certificate of segregation issued by a notary public or a local government notary

and submit a copy, which it replaces if it is for people living in the same household

the person is not mentioned in the certificate;

-

proof of the actual amount of child support was given in writing by both parents to two witnesses

statement; if one of the parents is unable or unwilling to sign this declaration,

before another notary public or local government notary - the last of the period under review

presentation of a unilateral statement not older than 2 years from the date of

or a final court judgment on the exact amount of child support.

The University did not provide an answer to the Authority's question as to why a full demolition report was necessary

a court judgment or a full record (and why it is not enough that only the part of the

the amount of child support) but stated that it was not a child

child support paid by a parent living in the household is added to the family's income, which is a circumstance

one way to prove it is to submit a copy of the judgment or record, but the applicant is a student

you can justify this circumstance in the other ways listed above.

EB) In case of divorced parents, obtain the following documents to prove the amount of child support

and delivery required:

-

a final judgment or a copy of the minutes of the dissolution of the court, or

determining the amount of child support, indicating the actual amount of child support;

-

a written statement from both parents in front of two witnesses about the actual amount of child support;

-

if one parent is unable or unwilling to sign this declaration, the other parent

before a notary public or the clerk of the local government / district office - the last of the period under review

not older than 2 years from the date of issue and a copy of the unilateral statement

submission is required).

A 2019/2020. the certificate list for the fall semester explicitly states that only one of these documents

submission is required, while 2018/2019. The certificate lists for the academic year did not include this comment. A 2019/2020.

the list of certificates for the autumn semester also requires the submission of the same certificates if, in the case of a

remarried parent,

is.

A 2018/2019. The following certificates are for the parents of a remarried / cohabiting partner

submitted:

-

proof of the actual amount of child support was given in writing by both parents to two witnesses

statement;

-

if one of the parents is unable or unwilling to sign the declaration described in the previous point,

made before the other parent's notary or local government notary - the last of the period under review

presentation of a unilateral declaration not older than 2 years compared to

a copy is required, or a final court judgment on child support is accurate

the amount;

-

if the new spouse or partner has moved into the same household as the student

the certificates detailed in the "general certificates" are required;

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-

if the new partner or spouse was also divorced or had a previous partnership, and

the child (ren) from his / her previous relationship are also part of the household

it is necessary to request proof of the actual amount of child support from both parents before two witnesses

written statement.

EC) Orphan or half-orphan student and persons entitled to orphan living in the same household as the student

a copy of the death certificate of the parent (s) and the amount of the orphan's benefit are required.

a copy of the document for the period examined during the assessment or for all residents of that person

bank statement of your bank account.

In the event that the determination of orphan's benefit is still pending because of the recent death a copy of the document issued by the authority certifying the process for determining the benefit submission is required.

In the case of half-orphanhood, proof of the widow's pension is required under the "Old-age, invalidity pension / benefit, rehabilitation care".

ED) If the identity of a parent is unknown, the birth certificate certifying this an extract or a copy of the decision establishing the imaginary parent is required.

F)

The applicant is a student of both his or her own health and that of a person living in a household receive different scores depending on their condition if they have the following conditions: chronic illness, disability.

In the case of proof of medical conditions, a certificate issued by a general practitioner shall not be accepted, but the presentation of the medical certificates or court or authority decisions detailed below, and a copy is required.

FA) In the case of a long-term illness of a student or a person living with him / her, a specialist certificate presentation and a copy is required "without health data" that includes a a list of health services, products and devices that regularly occur due to the disease.

Proof of regular expenditure on the disease (if any) is also required, supported by invoices, the National Health Insurance Fund Management TAJ-based electronic using the patient life query available between its services (magyarorszag.hu), or proof of public health care.

According to the statement of the University, in assessing the social situation, the student or the regularly due to the health of a close relative living in the same household health expenditure. In the opinion of the University, it is therefore not sufficient for the applicant to certify the disease-related expenses, but also the need for regular health care submission of a list of services, products, assets to prove that the expenses a

arise in connection with the disease.

FB) In case of disability of the student or a person living with him / her in the household, disability is required submission of a copy of a valid decision on the degree of

It is necessary to present and provide a copy of a certificate of disability

"Without health data", which includes health problems that occur regularly due to the disease

list of services, products, tools.

Proof of regular expenditure on the disease (if any) is also required,

supported by invoices, the National Health Insurance Fund Management TAJ-based electronic

using the patient life query available between its services (magyarorszag.hu), or

proof of public health care.

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Proof of invalidity pension / benefit, rehabilitation benefit and, if so, is required

has other claims in addition to benefits, it is necessary to prove this fact.

FC) In the case of a student with a disability or a relative living in the same household, a

presentation of a certificate of disability issued by a specialist and submission of a copy

without health data that includes health problems that occur regularly due to the disease

list of services, products, tools.

If this is the case, proof of the disability allowance from the competent body is required.

Proof of regular disability - related expenditure (if any) is also required

supported by invoices.

G)

In order to justify the disadvantage and the cumulative disadvantage, the disadvantage

it is necessary to obtain a decision finding the existence of a cumulative disadvantage

from the municipality.

H)

If the net monthly income per capita of the tender does not reach HUF 40,000, it is necessary

a copy of the utility bills certifying the utility costs for the last 3 months of the period examined

month.

It is necessary to pay a minimum of public utility and food costs per capita for the period examined during the assessment.

confirmation of the amount exceeding.

Public utility expenses to be verified: water, sewerage; gas, heating (central heating, wood burning, etc.); current;

landline phone; mobile phones (recharge card for all persons in the household, including students)

also in the case of); Internet; television; common cost; garbage collection fee; other utility costs.

If a household expenditure cannot be supported by an invoice, it is required in the ESRB

filling in, printing out and signing a statement that can be generated in the utility data field, with two witnesses

submission of a certified copy. The statement can be downloaded after clicking the Generate Form button. THE

Once downloaded, the completed and signed form must be returned to the application and during the oral hearing the presentation.

In the case of payment of a flat-rate fee, a copy of a three-month utility bill other than a settlement account

must be submitted for one of the three months taken into account during the period under review.

I.2.4. In the opinion of the University, the examination and evaluation of the documents submitted as evidence

in his absence, the social situation of the applicant student, including the handling of the data, cannot be reasonably assessed

it is for the purpose of deciding whether or not an applicant is eligible for a scholarship.

Because the University does not have access to public databases from which it could retrieve data for the grant

therefore the conditions governing eligibility

the authenticity of the student is the only way to verify that the documents are available to the student

must attach to his application and / or present it.

The Authority has specifically asked you why you are a notary in certain circumstances

to be certified by a statement made before a clerk when the two witnesses deem it appropriate to prove other circumstances

a declaration signed by the In its answer to this question, the University merely listed in which case

this form of declaration is required, which the University deems particularly necessary for income

situation is based on real and verified data, but did not answer the question that the statements

why it is necessary to do it before a notary public or notary, why it is not possible to judge the real income situation if the statement submitted is not a public document but a private document of full probative value.

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I.2.5. All information about the scholarship can be found at <https://szoc.sc.bme.hu/>.

The main page contains information about the current application, such as deadlines and a information that the information about the scholarships is included in the TJSZ, the scoring system

Annex 2 for TJSZ2017 and Annex 3 for TJSZ2019:

You can also find information that the TJSZ and its annexes are available in the "Downloads" menu. In force

A direct link to the certificate list can be found under the information on the application for the given semester under "A information on the required certificates is provided in the document below. " by clicking on the link.

The Privacy Policy can also be found at <https://szoc.sc.bme.hu/> under the "ESZR Terms of Use"

by clicking on the menu item, for which the following note can be found on the website: "To create a request it is necessary to know and accept the contents of the following document '.

The website also contains the "ESR User Guide", which provides information that the applicant may submit an application for any application for social assistance based on the semester in question for a given application period: the "ESS Terms of Use" must be accepted before the application can be created - ie the Privacy Statement -, after which the student will be placed on the application interface.

The Privacy Statement is dated August 27, 2017 and contains applications submitted to the ESRB.

provides information on the conditions of data processing related to In this regard, the prospectus notes that to take any further action in addition to the information contained therein

contact the University. The prospectus contains the name and contact details of the data controller.

The purpose of the data management is to state that the data processed by the University are "the student social status and benefits based on social status (thus regular

social scholarship, basic allowance, dormitory accommodation and reduction of costs / reimbursement)

responsible and verifiable with public resources

to produce management and to compile statistics exclusively for internal use

use it ”.

The prospectus states, in accordance with the University 's statement, that the legal basis for data processing is that University “Nftv. Pursuant to Annex 3, Chapter I / B on Student Data, point 1 (be)

the details of student benefits and eligibility for the higher education institution

records the data necessary for the assessment of the In addition to the legal basis for data processing, a

information can be found that the applicant is a student in the “Unified Social System

acknowledges that the contents of these ESR Terms of Use and Privacy Notice are provided

has read it, accepts it and consents to the processing of data contained in the data protection information sheet. " The

University, therefore, provides information on the overall data management of the student's application

with the clear and voluntary consent of Nftv. cited above

based on the provision of

The prospectus contains information that the scope of the processed data is included in the Certificate List.

In the prospectus, the University provides information to those concerned that the Infotv. 14-15. §

you may request information about the handling of your personal information or request inaccurate personal information

correction of your data. It is also informed that the data subject may request his or her personal data

which data are processed with the consent of the University. The University calls on stakeholders

note that data processed for the purpose of fulfilling a legal obligation may not be deleted, in which case

the right to protest can be exercised in the Infotv. Pursuant to § 21.

The University also provides information on the right to apply to the Authority, in this context the Authority

and the right to a judicial remedy.

In addition, the University provides information on the ten-year duration of data management in order to get to know the data

that the data have been submitted electronically in the ESR in person

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and stores certificates on paper, and that the Nftv. 3.

may be carried out in accordance with point 4 of Chapter I / B of Annex I or with the consent of the data subject.

II. Applicable law

According to recital 171 of the General Data Protection Regulation, the application of this Regulation within two years of the entry into force of this Regulation should be brought into line with this Regulation.

Pursuant to Article 2 (1) of the General Data Protection Regulation, this Regulation applies to personal data automated processing of data, in whole or in part, and their personal data non-automated processing of data which are part of a registration system which are intended to be part of a registration system.

Infotv. Pursuant to Section 2 (1), the scope of this Act - with respect to personal data, shall apply to (2) - (6) as defined in paragraph 1, covers all processing of personal data and data of public interest or public data in the public interest.

Infotv. Pursuant to Section 2 (2) of the European Parliament and of the Council of covered by the Council Regulation (hereinafter referred to as the General Data Protection Regulation) General Data Protection Regulation in Annexes III-V. and VI / A. Chapter and Section 3, Sections 3, 4, 6, 11, 12, 13, 16, 17, 21, 23-24. Section 4 (5), Section 5 (3) to (5), (7) and (8), Section 13 (2) § 23, § 25, 25 / G. § (3), (4) and (6), 25 / H. § (2) paragraph 25 / M. § (2), 25 / N. §, 51 / A. § (1), Articles 52-54. § 55 (1) - (2), 56-60. §, 60 / A. § (1) - (3) and (6), § 61 (1) paragraph 61 (a) and (c), Section 61 (2) and (3), paragraph (4) (b) and paragraphs (6) to (10) paragraphs 62 to 71. §, § 72, § 75 (1) - (5), 75 / A. § and 1. shall apply with the additions set out in Annex I.

Infotv. Pursuant to Section 60 (1), in order to enforce the right to the protection of personal data the Authority shall, at the request of the data subject, initiate an official data protection procedure and of its own motion may initiate official proceedings.

The processing of personal data pursuant to Article 5 (1) (a) of the General Data Protection Regulation be carried out lawfully and fairly and in a manner which is transparent to the data subject ("legality, fair procedure and transparency").

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

they must be appropriate and relevant to the purposes of the data processing and necessary

limited ('data saving').

Under Article 5 (e) of the General Data Protection Regulation, the controller is responsible for paragraph 1

and be able to demonstrate such compliance ('accountability').

Pursuant to Article 6 (1) of the General Data Protection Regulation, the processing of personal data is limited to

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

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

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

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

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

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

required;

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

necessary for the performance of its task;

(f) processing is necessary for the protection of the legitimate interests of the controller or of a third party,

unless the interests or fundamental rights of the data subject take precedence over those interests

and freedoms which necessitate the protection of personal data, in particular where they are concerned

child.

Pursuant to Article 4 (11) of the GDPR, the data subject's consent is voluntary, specific to the data subject's will

and a sufficiently informed and unambiguous statement by which the statement or

by means of an act which unequivocally expresses its

processing of personal data.

According to recital 42 of the GDPR, the granting of consent cannot be considered voluntary if:

the data subject has no real or free choice and is not in a position to

refusal or withdrawal of consent without prejudice to this.

Pursuant to Article 9 (1) of the GDPR, racial or ethnic origin, political opinion, religion or belief personal data referring to worldviews or trade union membership, as well as natural genetic and biometric data for the unique identification of individuals, health data and personal data concerning the sexual life or sexual orientation of natural persons handling is prohibited.

According to Article 9 (2) of the GDPR, paragraph 1 does not apply if:

(a) the data subject has given his or her express consent to such personal data for one or more specific purposes unless Union or Member State law provides that paragraph 1

that prohibition cannot be lifted with the consent of the data subject;

(b) the processing of employment and social security for the controller or the data subject and the fulfillment of its obligations and specific rights under legal provisions governing social protection appropriate safeguards to protect the fundamental rights and interests of the data subject

Union or Member State law or a collective agreement under the law of a Member State do;

(c) processing for the protection of the vital interests of the data subject or of another natural person necessary if the data subject is unable to consent due to his or her physical or legal incapacity to give;

d) data processing is a foundation or association for political, worldview, religious or trade union purposes or the lawful activities of any other non-profit organization under appropriate safeguards provided that the processing is carried out exclusively by the current or former body of such a body applies to members of the organization or to persons who have regular contact with the organization purposes of the organization and that personal data may not be disclosed without the consent of the data subject make it available to persons outside the organization;

(e) the processing relates to personal data which are expressly disclosed by the data subject brought;

(f) processing is necessary for the submission, enforcement or defense of legal claims; or

when the courts act in their judicial capacity;

(g) processing is necessary in the overriding public interest on the basis of Union law or the law of a Member State, which is proportionate

respects the essential content of the right to the protection of personal data for the purpose to be achieved, and provides for appropriate and specific measures to safeguard the fundamental rights and interests of the data subject;

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(h) for the purpose of pre-processing health or occupational health purposes, the employee

assessment of ability to work, medical diagnosis, health or social care

or the provision of treatment and the management of health or social systems and services

under EU or Member State law or with a healthcare professional

subject to the conditions and guarantees referred to in paragraph 3;

(i) the processing is necessary in the public interest, such as across borders, in the field of public health

protection against serious health threats or health care,

ensuring the high quality and safety of medicines and medical devices, and

under Union or Member State law which provides for appropriate and specific measures

guarantees protecting the rights and freedoms of the data subject, and in particular professional secrecy;

(j) the processing of data for archiving in the public interest in accordance with Article 89 (1) is scientific

and required for historical research or statistical purposes under Union or Member State law

which is proportionate to the aim pursued, respects the right to the protection of personal data is essential

appropriate and specific to ensure the fundamental rights and interests of the data subject

measures.

CCIV of 2011 on National Higher Education. Act (hereinafter: Nftv.) § 84 (1)

the maintainer provides support for the operation of a higher education institution on the basis of

The Nftv. Pursuant to Section 84 (2) (a), the purpose of state support is to provide student benefits (...)

insurance.

The Nftv. 85 / C. § ba), the higher education institution is available for student benefits

may use the following items: to pay a social scholarship, which may be

(...) Regular social scholarship.

The Nftv. Annex 3 I / B. The data recorded pursuant to this Act pursuant to Sub-paragraph 1 (be) of this Act shall: a data on student benefits, data required for the assessment of entitlement to benefits (social situation, parental details, maintenance details) '.

The Nftv. Pursuant to Section 110 (1) (13), the Government is authorized to issue a decree regulates in detail the details of student allowances, grants and other benefits rules.

On the allowances and certain allowances to be paid by students in higher education 51/2007 (III. 26.) of the Government (hereinafter: the Government Decree) Nftv. 85 / C.

§ ba) (...) shall be used to pay the benefits, ie the regular social scholarship in higher education vocational training, initial training, undivided and at least 20 per cent of the student norm provided after the master's degree.

Pursuant to Section 10 (2) of the Government Decree, scholarship (ie regular social scholarship) must be paid to the student on a regular basis. THE not later than the 10th day of the month in question.

to arrange for the transfer of these benefits.

Nftv. 85 / C. § ba) (...)

unless otherwise provided for in this Regulation higher education institution - the first of the academic semester to the credit institution holding the account

Pursuant to Section 11 (3) of the Government Decree, the Nftv. 85 / C. § (b) - ie a social scholarship - can be awarded upon student application.

Pursuant to Section 16 (1) of the Government Decree, regular social is based on Section 16 (1) scholarship based on the student's social situation - set out in the Institutional Reimbursement and Allowance Regulations

according to the procedure and principles - a monthly allowance for a training period.

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According to Section 16 (2) of the Government Decree, the amount of the monthly amount of the regular social scholarship

it cannot be lower than 20% of the annual student norm if the student's social status

entitled to a regular social scholarship, taking into account the provisions of § 21 of this Decree and

(a) has a disability or medical condition, or

(b) is cumulatively disadvantaged, or

(c) a breadwinner, or

(d) large family, or

e) an orphan.

According to Section 16 (3) of the Government Decree, the amount of the monthly amount of the regular social scholarship

it cannot be lower than 10% of the annual student norm if the student's social status

entitled to a regular social scholarship, taking into account the provisions of § 21 of this Decree and

(a) is disadvantaged, or

(b) has ceased to exist due to the age of majority, or

(c) half-orphaned.

Pursuant to Section 21 (1) of the Government Decree, it is taken into account when assessing the social situation of the

student

to be taken

a) living, registered or residing in the real estate of the student's address

the number and income situation of the occupants,

(b) the distance between the place of training and the place of residence, the duration and cost of the journey,

c) if during the student's studies the Tbj. living in a common household within the meaning of

(d) the amount to be spent by the disabled student on the acquisition of special equipment; and

special travel needs and a personal assistant or sign language interpreter

to use

(e) due to the medical condition of the student or a close relative living in the same household

regular medical expenses,

(f) the number of dependents living in the same household as the student, in particular the number of dependents for children

(g) the cost of caring for a relative in need of care.

Pursuant to Section 21 (2) of the Government Decree, it can be measured regularly on a monthly basis when calculating income

the average of the last three months for income and the twelfth for the last year for other income.

should be taken into account. At the request of the student, the proven future change in income must also be taken into account

buy.

Pursuant to Section 21 (3) of the Government Decree, the determination of the student's social situation is detailed its rules shall be laid down in the institution's rules on remuneration and allowances.

Pursuant to Section 21 (4) of the Government Decree, the social situation of the student - the extraordinary social scholarship with the exception of his / her application - once a semester at the institutional level - in accordance with Section 11 (3) among the applicants - will be examined uniformly by a committee appointed for that purpose and the results will be used both social scholarship and dormitory admissions, as well as all other means-tested benefits to judge.

Infotv. Pursuant to Section 5 (3) in (1) (a), (2) (b) and

data processing as defined in Article 6 (1) (c) and (e) of the General Data Protection Regulation (a

hereinafter referred to as "mandatory data processing"), the types of data to be processed, the purpose and conditions of the data processing,

the availability of the data, the identity of the controller and the duration of the processing, or

the need for periodic review of the data processing law or municipal

Regulation.

Act I of 2010 on Civil Procedure Procedure 73 / A. § (2) of the birth certificate

extract contains:

(a) the child

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aa) birth surname and first name,

ab) gender,

(ac) place and date of birth,

(ad) place of origin,

b) the surname and first name of the father and mother at birth,

(c) the fact, place and time of the death of the registered person,

d) the confirmed non-Hungarian citizenship, statelessness or unknown identity of the child and the parents
citizenship, termination of Hungarian citizenship,

(e) in the case of a declaration under the Child Protection and Guardianship Administration Act

and the blood parent or parents 69 / B. § (1) (b) (ba), or

- if the fact of adoption has been entered in the paper-based register, the fact of adoption, and
the adoptive parent or parents 69 / B. § (1) b) ba) and bi),

f) the Hungarian citizenship of the adopted child, if it was received by non-Hungarian parents
to adopt

g) the fact of the Hungarian citizenship of the child of a stateless parent born in Hungary.

Act I of 2010 on Civil Procedure Procedure 73 / A. § (5) of the death certificate

extract contains:

(a) is dead

(aa) his or her maiden name,

ab) surname and first name at birth,

(ac) sex,

ad) marital status,

(ae) place and date of birth or age,

af) proven non-Hungarian citizenship, statelessness or unknown citizenship, Hungarian

cessation of nationality,

b) the place and time of the death,

c) the surname and first name of the deceased's father and mother at birth,

d) the birth name and forename of the deceased spouse or registered partner,

(e) in the event of a judicial finding of death

(ea) the name of the court,

(eb) the number of the decision,

(ec) the date on which the decision becomes final,

(f) in the case of a declaration of death

(fa) the name of the court of origin,

(fb) the number of the decision,

(fc) the date on which the decision becomes final.

Act V of 2013 on the Civil Code (hereinafter: the Civil Code) 4: 220. § (1)

an adult child of working age who is in further education is entitled to maintenance outside the presumption of need,

if necessary, in order to continue his studies within a reasonable time. The child's parent

you must inform your intention to continue learning without delay.

The Civil Code. 4: 220. § (5), the parent is a child who has reached the age of twenty-five and is continuing his or her studies in extremely justified cases.

Infotv. In its decision made in the data protection authority proceedings pursuant to Section 61 (1) (a)

in connection with the data processing operations specified in Section 2 (2) and (4), the Authority shall

may apply the legal consequences set out in the General Data Protection Regulation.

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

condemns the controller or processor, acting in his or her capacity to rectify data, if he or she is a data controller

infringed the provisions of the Regulation or administrative proceedings in accordance with Article 83

shall impose fines on the measures referred to in this paragraph, depending on the circumstances of the case

in addition to or instead of them.

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Pursuant to Article 83 (5) of the General Data Protection Regulation, the principles of data processing, including

Articles 5, 6, 7 and 9 of the General Data Protection Regulation

in accordance with Article 83 (2), a maximum of EUR 20 000 000

or, in the case of undertakings, the full financial year of the previous financial year

up to 4% of its worldwide turnover, with the higher of the two

an amount shall be charged.

Pursuant to Article 83 (7) of the General Data Protection Regulation, each Member State - the supervisory

without prejudice to the corrective powers of the competent authorities under Article 58 (2),

the rules governing the exercise of official authority or other public authority established in that Member State

whether and to what extent an administrative fine may be imposed on the body. In view of this, the

the amount of the fine that may be imposed in accordance with Infotv. Pursuant to Section 61 (4) (b), it may amount to up to

twenty million forints.

III. Decision:

III.1. Legal basis for data management

the)

Based on its statements, the Data Protection Information and the Application Form, the University -

All data requested during the assessment of scholarships were provided by Nftv. provisions and those concerned

with its consent. Although the University did not refer to the itemized GDPR available from its statements

it appears that Article 6 (1) (a) and (e) of the GDPR

creates a legal basis for data processing. In determining the legal basis, the University did not differentiate according to

whether the applicant handles the data of the student or third parties or has not evaluated them differently

data which fall into special categories of personal data pursuant to Article 9 of the GDPR.

b)

As the University claimed that the so-called. Nftv.

thus, although the TJSZ itself may determine the determination of the social situation

detailed rules - not when determining the scope of data, documents, certificates to be submitted

the Nftv. Annex 3 I / B. sub-section 1) of the Government Decree and Section 16 of the Government Decree

(2) and (3) and Section 21 (1), ie the points system

may not determine the circumstances to be verified in accordance with the provisions of Government Decree 16,

or § 21 does not require it to be taken into account in determining the social situation.

If the University still defines such aspects in the TJSZ, it will handle the data

not Nftv. and the authorization of the Government Decree, ie not Article 6 (1) (e) of the GDPR,

processing of such data is lawful if the other provisions of Article 6 (1) of the GDPR apply

legal basis is valid. However, in the Authority's view, no other legal basis can be invoked

up.

Section 16 (1) and Section 21 (3) of the Government Decree authorize higher education

institutions, such as the University, to be eligible for regular social scholarships

the requirements for determining the data, including the scope of the data processed, are laid down in the institutional TJSZ,

which is a data set for the assessment of the aspects specified in the Nftv. and the Government Decree

required.

The Authority first notes that since Infotv. Section 5 (3) provides that the general

processing of data as defined in Article 6 (1) (c) and (e) of the Data Protection Regulation (hereinafter:

mandatory data management), the types of data to be processed, the purpose and conditions of data management, the data

the identity of the controller and the duration or necessity of the processing

periodic review shall be carried out in the law ordering data processing or in a municipal decree

to determine. In the opinion of the Authority, Infotv. this requirement is not met by the University

sets out the scope of the data processed in its internal rules, however, as the University is obliged to

comply with the sectoral legislation of the Member States, so that the Authority did not assess the shortcomings of the

legislator

at the expense of the University and assumed that if the University did not expand beyond the Nftv. and the Government. provided for in this Regulation, its processing complies with Article 6 (1) (e) of the GDPR.

c)

The Authority further notes that health data is personal according to Article 9 of the GDPR

These are special categories of data, the processing of which is prohibited in principle and only covered by Article 9 of the GDPR.

may be lawful in special cases under Article 2 (2).

A point in the application points system if the student or a person living in the same household

is disabled, has a chronic illness or is considered to be disabled. The existence of those circumstances is

University in various ways - with a specialist certificate, decision or other means

as the score is awarded if the University is satisfied that these conditions are met.

The fact that a person is disabled, chronically ill or living with a disability is in itself e

is considered to be the health data of a person and the health data is better protected by the GDPR

category of personal data, so the processing of this data is covered by Article 6 of the GDPR.

In addition to the legal bases listed in Article 9 (2), the conditions listed in Article 9 (2) of the GDPR

lawful if one of them prevails.

Although the List of Certificates states that the medical certificate on the degree of disability, the

submission of a medical certificate for a disease or a medical certificate for a disability

"Without medical data", the handling of a copy of a document is already special in that respect

is considered to be a data processing if the medical certificate contains only the name of the person or

whether the person is disabled, chronically ill or disabled.

However, as explained by the Authority above, the University has an obligation to comply with Member States' requirements

sectoral legislation, therefore the Authority assumed that if the University and the Government.

acts in accordance with the provisions of Decree no.

necessary to assess the criteria required by this Regulation, the Authority did not charge the University

that the processing of special data did not comply with Article 9 (2) of the GDPR. Other

in cases where the University has required special data beyond its statutory authority

the Authority examined the application of Article 9 (2) of the GDPR.

III.1.1. Management of the personal data of the applicant student

Section 16 (2) and (3) and Section 21 (1) of the Government Decree list the items

aspects to be taken into account when assessing the social situation of the student. According to him

the University must determine the scope of the certificates and documents required to be submitted in such a way that they

in possession of the following circumstances: in the real estate of the student's home address

the number and income of people living, reporting or residing together by way of life

situation; the distance between the place of training and the place of residence, the duration and cost of the journey; If

during his student studies not in the Tbj. living in a common household according to the disabled

the amount the student must spend on the acquisition and maintenance of special equipment,

special travel needs and the use of a personal assistant or sign language interpreter; the

due to the medical condition of the student or a close relative living in the same household

incurred medical expenses; the number of dependents living in the same household as the student, especially

with regard to dependent children; involving the care of a relative in need of care

expenditures; the student is in need of a disability or medical condition; disadvantaged

or cumulatively disadvantaged; family breadwinner; large family; orphaned or half-orphaned; furthermore,

if his guardianship has ceased because of his age.

The University is a state-funded higher education institution that is a sectoral institution

the rules of the Nftv. and by Government Decree. It is clear from that legislation that

University is required to provide a certain portion of the support provided to students on a social basis

to pay scholarships. These laws also specify which aspects are required

take into account the eligibility of the University - and all higher education institutions

25

which limits the scope of the data to be processed. These rules are binding on the University, i

the University may not decide to go beyond what is required by law

It also wants to take these aspects into account when awarding scholarships, as this generates additional data management.

Since the provision of the scholarship is therefore a task of the University, the framework of which - so what

based on the existence of circumstances, the student is entitled to a scholarship - it is fixed by law, so the University

may not decide to go beyond that legislation to take other aspects into account - and

thus, further processing of data is required in the TJSZ, for which data - quasi-precise legal basis e)

in addition - requests the student's consent. "Mandatory data management" is manifested in the fact that

the data controller has a statutory task, which is necessarily data processing

accompanied by a set of data defined by the legislator (in this case a strictly defined

criteria) and the University must act within the framework of this legislation. It's legal

nor can it arise in the environment that the arbitrary

the legal basis for the processing of a specific set of additional data may be the consent of the data subject.

The University argued that the voluntary nature of the contribution was, in their view,

that the submission of the application itself is voluntary. This aspect is, of course, defined in Section 11 (3) of the Government Decree.

also appears in paragraph, as in the case of a social scholarship, it states that the student

available on request. But this simply means that the University is not obliged - and cannot be obliged - to

a student to apply for a social scholarship if they are presumed to be eligible

would depend solely on the student's decision as to whether or not to submit an application.

However, consent under the GDPR as a legal basis for data processing may exist if the student does not

you can simply decide whether you want to take part in a process that also involves data management, ie

in this case, whether or not to submit an application, but also whether it may decide voluntarily

what kind of data you want to process and which data you do not consent to the processing of without

any disadvantage would result. Although the student is free to choose not to issue a certain certificate

available to the University, however, as a result, the disadvantage will be less points

will receive your application, as a result of which you will be entitled to fewer scholarships or, if applicable, will lose your

support, for which, otherwise, on the basis of the Government Decree - the existence of the criteria specified therein

would be eligible.

Based on the above, the legal basis for the processing of all data in the submitted applications is only a Article 6 (1) (e) of the GDPR. If the University also handles data that it manages

it is not necessary to take into account the aspects specified by the Government Decree, or in addition new aspects, its processing is unjustified, in breach of Article 6 of the GDPR.

the)

In accordance with Section 21 (1) (a) of the Government Decree, it is included in the Annex to the TJSZ that the per capita income of those living in the same household as the applicant should be taken into account,

Unlike the Government Decree, TJSZ is not the last three months, but the six months defined by it

requires the average of the As no legislation authorizes the University to

that - unlike the Government Decree - during the assessment of regular income, all six months

your income will be handled by the University without any legal basis for any certificate that is an application

for more than three months prior to the release of the data, the processing of these data is in breach of Article 6 of the GDPR.

Article.

b)

In accordance with Section 21 (1) (b) and (c) of the Government Decree, the TJSZ

that the applicant receives a different score depending on whether he / she has a permanent household,

in a dormitory and, in the case of an application for a rejected dormitory, another residence

lives in a place. Consistent with this is the fact that there is also a different score due to the fact that

how many kilometers the applicant lives from the training place.

c)

The applicant will receive different scores according to his / her situation according to the annex of the TJSZ

in the following circumstances: an orphan, in the case of a half-orphan, one of the parents is unknown,

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Applicant with a severe disability or long-term illness, own chronic illness (severity of illness

and regular medical expenses due to illness), own disability (the

the extent of the medical condition and the regular medical expenses incurred due to the disability

has a child of his own or lives in a household with him, is a self-sufficient applicant.

Orphanhood, half-orphanage is an aspect that the University

the data processed in order to establish these aspects are subject to the GDPR

They shall be considered as data processed in accordance with Article 6 (1) (e).

The fact that the applicant student has his or her own child is an aspect that the University states in accordance with Article 16 of the Government Decree.

§ (2) c) of the Government Decree, taking into account that it is

Under paragraph 1 (ea), a breadwinner is one who has at least one child and is therefore required

know that the applicant has a child of his or her own. In order to establish this aspect

The data processed shall be considered as data processed in accordance with Article 6 (1) (e) of the GDPR.

Article 6 (1) (e) of the GDPR does not cover data processed for the purpose of

whether one of the parents is unknown - the Government Decree for the assessment of the social situation e
nor does it require consideration of such aspects.

Certificates and documents relating to the identification of an unknown parent shall be provided by the University without legal
basis

data processing did not comply with Article 6 (1) of the GDPR.

d)

In the Authority's view, one of these aspects is the serious disability of the applicant student,

long-term or chronic illness or disability are aspects that are covered by Section 21 (1) of the Government Decree.

However, Article 6 (1) (e) of the GDPR

it covers the management of the costs incurred and their justification.

Article 6 (1) (e) of the GDPR does not apply to the processing of data which are not a

support the costs incurred, but only the medical condition of the applicant student

(exactly what kind of disability the student has, how severe and what kind of illness they have,

degree of disability), as these aspects are not mentioned in Section 16 (2) and (3) of the Government Decree and

nor does Section 21 (1).

As these aspects are not required to be justified by Government Decree, so when the University of these aspects requested the information necessary for its assessment, it did not follow the law of a Member State but

In addition, it decided to set additional criteria in addition to those specified in the Government Decree wants to appear in the scoring system. In determining the additional requirements prescribed by its own competence the University has decided on the processing of student health data, which data - as they are go beyond the criteria prescribed by the Government Decree - is lawful if it is in Article 6 (1)

In addition to the fulfillment of one of the conditions set out in Article 9 (2) of the GDPR.

As Article 6 of the GDPR does not apply to the processing of data relating to the medical condition of the applicant student Article 9 (1) and Article 9 (2) did not apply to the processing of such data there was no legal basis.

III.1.2. Management of data of third parties living in the same household as the applicant student

Based on the above, it is included in accordance with Section 21 (1) (a) of the Government Decree the annex to the TJSZ states that the per capita income of persons living in the same household as the applicant must be taken into account

take into account: the University may manage data on the income of persons living in a household in this circle.

However, since the TJSZ, unlike the Government Decree, is not the last three months, but its own therefore requires the taking into account of the average of the six months specified in

for more than three months prior to the submission of the application, Article 6 of the GDPR does not apply

With reference to paragraph 1 (e). These data were processed by the University without a proper legal basis, thus infringed Article 6 (1) of the GDPR.

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According to the annex of the TJSZ, the following personal circumstances of persons living in the same household as the applicant are required

to be taken into account: in the case of an orphan, half-orphan, or if the parent is unknown, severely disabled or long-term after a person living with an illness by disease, a person living in the same household as the applicant is chronic

in the event of illness (severity of the illness and regular health problems due to the illness)

on the basis of expenses), in the case of a disabled person (due to the degree of health condition and the disability

on the basis of regular medical expenses), a divorced or single parent, even

participates in non-school age, public education and higher education, as well as full-time OKJ training

after receiving persons.

the)

Pursuant to Section 21 (1) e) and g) of the Government Decree, the student must be taken into account

costs due to the health of a close relative living in the same household, or

the costs of caring for a relative in need of care. In view of this, Article 6 (1) of the GDPR

Paragraph (e) provided the legal basis for the following categories listed in the TJSZ: one with the applicant

in the case of chronic illness or disability of a person living in a household, only the certificates

documents supporting the costs involved. Not based on GDPR 6.

Article 1 (1) (e), the processing of data on the basis of which the University is classified as serious

disability or long-term illness, the severity of your chronic illness or your disability

intends to determine the extent of the state of health, as the Government is responsible for assessing these aspects.

not required by this Regulation.

As these aspects are not required to be justified by Government Decree, so when the University of these aspects

requested the information necessary for its assessment, it did not follow the law of a Member State but

In addition, it decided to set additional criteria in addition to those specified in the Government Decree

wants to appear in the scoring system. In determining the additional requirements prescribed by its own competence

the University has decided to process the health data of third parties, the processing of which -

as they go beyond the criteria prescribed by the Government Decree - it is legal if it is legal if

in addition to the fulfillment of one of the conditions in Article 6 (1), in Article 9 (2) of the GDPR

condition is met.

Because the applicant is a student living in a household with health data

neither Article 6 (1) nor Article 9 (2) of the GDPR

there was no legal basis for processing this data.

b)

Neither Section 16 (2) and (3) nor Section 21 (1) of the Government Decree requires that

when assessing the social situation, it should be taken into account that the applicant has one

the person living in the household is an orphan or a half - orphan, or, if the parent is unknown, and that

with a student, a parent living in a household divorces or raises his or her child alone. Although Section 16 of the Government Decree

In paragraphs (2) and (3), orphanhood appears as an aspect to be taken into account, however

specifically the orphan's orphanhood of the student is relevant according to the Government Decree.

Because according to the Government Decree, these aspects do not have to be taken into account in the social situation data processed for the purpose of assessing these aspects are not covered by Article 6 of the GDPR

Paragraph 1 (e). The University processed this data without a proper legal basis, in violation of the

Article 6 (1) of the GDPR.

c)

Pursuant to Section 21 (1) (f) of the Government Decree, the student must be taken into account

the number of dependents living in a common household, in particular the number of dependents. The Authority shall e as data processing under Article 6 (1) (e) of the GDPR

assessed the handling of the data necessary for the University to judge that the

a person living in a household with a student who is not yet of school age, in public education, higher education, and participates in full-time OKJ training, ie a dependent child or a student dependent.

III.1.3. Summary

28

Summarizing the above, the Authority found that the University and by Government Decree

significantly extended the scope of the data to be processed within the framework of the authorization granted to. The

The university referred to mandatory data management despite the fact that it also required the processing of data

which was not defined as an aspect to be assessed by the legislation to which it refers.

The University, presumably in order to ensure the existence of a legal basis in any case, consent was also invoked as a legal basis. The University probably did not consider that a consent is otherwise not subject to the conditions of validity of the consent of this data processing as it considered that, if the application itself was voluntary, then it follows that it is for handling all the data provided during the completion of the application contribution is also voluntary.

It is also particularly offensive that the University goes beyond the law to be more special also decided to handle data, but was unaware that he had a disability / chronic the information contained in the medical certificate on the degree of illness / disability is considered special data, since it is in itself a health - and therefore special - fact that a person has a disability live, have a chronic illness or disability, so the University will handle special data even if the cover any additional information on the certificate.

III.2. Evaluation of the application of the data management principles in relation to the managed data set

In this point, the Authority distinguished between four main groups of cases (per capita income, place of residence and training).

distance of the place, the applicant 's own circumstances, the circumstances of a person living in the same household as the applicant), and

evaluated the personal data managed by the University separately for each group in the light of the fact that it was given compliance with the data management principles listed in Article 5 of the GDPR. The Authority shall each

categories were assessed one by one and then in section III.2. He also made general observations at the end of

Since the Authority stated that the University did not have the capacity to handle certain data sets

this is specifically indicated in this point and is not assessed in relation to personal data processed without a legal basis

whether the processing of the data would otherwise comply with Article 5, if there is a valid legal basis

principles set out in

III.2.1. Data treated in determining the per capita income of persons living in a household

legality

For the purpose of being established in accordance with Section 21 (1) (a) of the Government Decree

what is the per capita income of persons living in the student's household, the University

you need to know how many people live in the household and how large these people are during the reference period

he had an income.

the)

Primarily, the University needs to know who lives in the same household as the student.

In order to establish this, the University is the municipality of those living in one household

writes the submission of a certificate (or official certificate) issued by your municipality or district office

the number of persons living in a household, the name of those persons and at least the year of birth, or

other data enabling the person to be identified. If the agency does not issue names and birth

dates of the document, the address card of all persons on the certificate

submission of a statement as well as a personal presentation of the address cards containing the address

a copy of the pages is required. This page of the address card contains the person's name and birth

name, mother's name, place of residence and time of notification of address.

The certificate of living in a household may also include a person who is actually

not a member of the household: before this notary or local government notary is required for this fact

presentation and a copy of a statement not older than 2 years from the last day of the investigation period

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submission, in addition to the University may, if justified, request an environmental study at the address

about the household.

The University requires parents to make a statement before a notary public or notary, which is a statement form plus

generates data management before the notary or notary. If the parents make statements to the notary public

in order for the notary to record the fact presented by them in a notarial deed, they shall

the parents' declaration is thus a public document. However, a statement made before the notary is not equivalent,

since if the parents declare to the clerk that the person does not live in the household, the

the statement contained therein does not constitute an authentic instrument. The University was not aware of this question

from the Authority either

provide an answer as to why this declaration form is required - thus generating new data management a
before a notary or notary - and why it is not sufficient for the person concerned to do so before two witnesses
a statement, which is a private document of full probative value, attesting to the contrary
the circumstances set out in the document.

The Authority considers that the principle of data protection under Article 5 (1) (c) of the GDPR
conflicting if the University, thereby generating additional data management, notifies the notary or
as the Authority considers that the statement signed by the two witnesses would also be able to
to ensure the goal the University seeks to achieve.

An environmental study is an official tool that is specifically privacy-restrictive and that
it shall be carried out by a body competent and competent to do so to the extent required by law
authorizes. The University does not provide information on exactly which legislation provides
authority to carry out an environmental study with competence and competence
therefore the non-transparent processing of data is in breach of Article 5 (1) (a) of the GDPR.

b)

In the point system, the student receives the score uniformly on the basis of the per capita income:
the University does not differentiate between a given income from wages, severance pay, family
from allowances, other annuities or any other income.

The Authority considers it appropriate for this purpose if the University requests the household of persons living in the
household

bank statement or, in addition, request proof that the company / primary producers
activity / other activity (hereinafter together: other revenue)

income was received, as this data can be used to determine the total amount of a given person
income came from that period.

However, the University also requires a NAV income certificate to prove that it is under review
whether the person living in the household had taxable income during the period and, if so, how much

was taxable income, which, in the Authority 's view, may be required if

for some reason, the person's income is not included in the retail bank statement either,

nor among other revenues, e.g. because the income flowed in cash.

It does not appear as a consideration that a person is employed (or otherwise employed)

whether, and if so, how much of that employment

income is derived from it, so it may not be necessary in addition to the retail bank statement by the employer

the treatment of a certificate of net earnings only if the income is not shown

on the retail bank statement or among other income, e.g. because the

claim was received in cash.

For all these reasons, the verification of the net amount of the severance grant does not serve any purpose

The university does not need to know that the person living in the household has lost your job or

he changed jobs, as did the amount of severance pay he received. Although examined

To determine the per capita income received during the period, the severance pay received must be added

also, which the person must prove, specifically the proof of the net amount of severance pay may then be

purposeful and necessary if this amount does not appear in the retail to the retail

30

bank statement or other income, e.g. because it is a person living in the household

received in cash.

On the basis of the above, the Authority has concluded that it is not transparent that the University

which certificate you are seeking to provide for the exact purpose of determining your per capita income, so

the processing violates Article 5 (1) (a) GDPR.

c)

The University's income from the business or other economic interest is detailed

asks to be presented. The form to be filled in contains the name of the beneficiary, the degree of relatedness to the applicant,

name and registered office of the enterprise, tax number, telephone number, nature of work, form of enterprise, a

data on the employees of the enterprise (subordinate name, position, average net monthly salary), regular

expenses incurred, a detailed presentation of the business (what activity it carries out) or a break

reason, amount of monthly income, income taken out by the beneficiary as wages per month, income by the beneficiary

the amount of other income earned retrospectively.

Both in Section 21 (1) a) of the Government Decree and in the annex to the TJSZ it appears that

that the per capita income of the household should be taken into account: it follows that the University

for this purpose, it may manage the data set that is necessary for the monthly net worth of the person living in the household

income for a period of three months. To judge this aspect, the “beneficiary

the names of the fields ‘income earned by the beneficiary as wages per month’ are sufficient to

‘only the amount of other income earned by the beneficiary retrospectively’

the data content of this field may be required, but not for half a year but only for three months,

as required by Government Decree.

Other information - degree of relatedness to the applicant, name and registered office of the company, tax number,

telephone number, nature of work, type of business, regular expenses, a

a detailed description of the business (what activity it is doing) or the reason for the suspension - no

are necessary for the assessment of the aspect set out in Section 21 (1) (a) of the Government Decree, thereby

the processing of the data is in breach of Article 5 (1) (c) of the GDPR. Because data management is not

is necessary for the enforcement of the condition prescribed by law, thus the data processing has no legal basis, a

It also infringes Article 6 (1) of the GDPR.

Particularly infringing on the data of the company's employees (subordinate name, position, average net monthly salary)

who are unlikely to live in the same household as the applicant student,

processing of any personal data relating to the data subject is unjustified, ie in breach of Article 6 (1) of the GDPR.

d)

The University requests a detailed presentation of the primary production activity. It is on the form to be filled out

name of the primary producer, degree of relationship with the applicant, telephone number, nature of work, persons living in

the household

among those working on the farm, regular and occasional expenditures for a year, the land

the size of the holding, the detailed description of the holding or the reason for its cessation, arose from the activity of primary producer

income, profits from primary production activities.

Subject to point (b), the Authority is of the opinion that

it is not necessary to have all the information on the form to be completed in order to determine your per capita income data. To judge this aspect, the name of the primary producer, those working on the farm among those living in the household, or income from primary production activities is required. Relationship to the applicant degree information, telephone number, description of the nature of work, regular and ad hoc a description of the expenditure for one year, the size of the land, a detailed description of the holding or processing of data on the reason for termination is not necessary, therefore Article 5 (1) (c) of the GDPR collides with point. As the processing of this data is not a necessary condition required by law thereby infringing Article 6 (1) of the GDPR without a legal basis.

III.2.2. The distance of the place of training from the applicant 's place of residence and the duration and duration of the journey

the lawfulness of the data processed in order to verify the cost of

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In accordance with Section 21 (1) (b) of the Government Decree, the student receives

points for where you live: points are awarded if you are in a dormitory or dormitory

his application for placement was rejected and he therefore resides elsewhere. It doesn't work exactly when

if you live in a household or other place of residence (but not because

application for dormitory accommodation would have been rejected).

In this context, it is necessary to manage the student's address data, which you can prove with an address card,

or that you are in a dormitory or, in the case of a rejected dormitory application, another

place of residence. For this purpose, the University

a copy of the contract, complete and not extracted, or of a statement made by the interested parties before two witnesses requires delivery.

In the Authority's view, it is not necessary to deal with the content of the whole contract, in particular the other personal data of the contracting party: the Authority did not accept a suitable reason from the University in this regard argument that the data content of the whole contract, in particular the personal data of the other party, it is not necessary to establish the circumstance to be proved, an extract from the contract would suffice requesting that the contract has been concluded by the student and the purpose of the contract (eg rental housing).

Handling a full copy of a residence contract is not in accordance with the GDPR

Article 5 (1) (c). As the processing of the data is not a necessary condition required by law thereby infringing Article 6 (1) of the GDPR without a legal basis.

III.2.3. Legality of data processed in the context of verification of the applicant's own circumstances

The applicant will receive a score in the following circumstances, given his / her own situation: an orphan, half-orphan applicant, one of the parents is an unknown applicant with a severe disability or a long-term illness, chronic illness (the severity of the illness and the health problems that regularly occur due to the illness own disability (due to the degree of health condition and the disability on the basis of regular medical expenses), have or have had their own child in a household child living, self-sufficient candidate.

the)

Orphanhood, half-orphanage is an aspect that the University (3).

In the Authority's view, it is good practice for the University to considers it necessary to certify it with a death certificate, as this document can support the the fact of death.

However, the full death certificate contains the following information: the married name of the deceased, family and forenames, sex, marital status, place and date of birth or age, non - Hungarian citizenship, statelessness or unknown citizenship, the place and date of death, the date of birth of the deceased father and mother.

surname and forename of the deceased spouse or registered partner,

in the case of a finding of death by a court decision, the name of the court, the decision

the date on which the decision becomes final, in the case of a declaration of death, the person making the decision

the name of the court, the number of the decision, the date on which the decision became final.

The full document therefore also contains data that the University does not need to handle

during the adjudication: it is sufficient if the fact of death is evident from the document or if the person of the deceased is identifiable.

The treatment of a complete copy of a death certificate is in breach of Article 5 (1) (c) of the GDPR.

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Because the processing of additional data beyond the fact of death and the name of the deceased is not required by law thereby infringing Article 6 (1) of the GDPR.

In addition, both orphanhood and half-orphanage have a financial impact, which

the University's Orphan Care Document and the Pension Disbursement Directorate's

request a copy of the certificate of the amount of the pension.

The University requires the submission of these certificates as an alternative, as the applicant student may choose to submit the orphan's benefit document or the certificate from the Pension Disbursement Directorate, or instead, attach a bank statement from each retail bank account of that person.

If a circumstance can be justified in a number of different ways, it is the University's responsibility to consider which solution involves the processing of less personal data and the principle of data minimization choose the solution that is more optimal for you to succeed. In this round, the University is

Certificate list 8.8.1. should have drawn the student's attention to the fact that the Orphan Care Act

The document or the certificate of the Pension Disbursement Board shall be issued only if the

otherwise you would not be required to attach your bank statement to your application. Manage the entire copy of a document however, it would not be appropriate in this case either, the University would have to consider which data necessary to prove orphanism or half-orphanage and containing only such data

call the student to submit an extract.

Based on the above, the document on orphans' benefits and the report of the Pension Disbursement Directorate the certificate of the amount of the pension is complete, without any additional remarks or instructions handling of a copy of the GDPR is contrary to Article 5 (1) (c) of the GDPR, as the documents less personal data, which is also reflected in the practice of the University there is an alternative to treatment. Because the handling of the document is not required by law Article 6 (1) of the GDPR violates.

b)

In view of the student's own disability, the disability will be scored during the assessment of the application differentiated according to the degree and regular expenditure incurred as a result. In connection with this, the TJSZ contains the following evaluation criteria: "in the case of the applicant's own disability, the state of health 0-13

(the exact value of the score will be decided by the ECB depending on the expenditure)". TJSZ e

on the basis of the provisions of the

0-13 points are affected, and the degree of disability, even if the TJSZ says so, is not relevant to this circumstance. in terms of the score due.

Section 21 (1) of the Government Decree does not explicitly state that the student is disabled

should be taken into account when assessing the social situation, but in accordance with paragraph 1 (e),

"Regular medical expenses due to the student's state of health"

also health expenses regularly incurred with disability. In this context, the Authority shall, in accordance with Article III.1.1.2.

(d) - found that the University was exclusively for medical expenses

has a legal basis for handling relevant information.

The University does not have an adequate legal basis for dealing with the decision on the degree of disability.

c)

Pursuant to Section 21 (1) (d) of the Government Decree, it is taken into account when assessing the social situation

take into account how much the disabled student should spend on special equipment

acquisition and maintenance, special travel needs, and personal assistance and sign language to use an interpreter.

However, the annex to the TJSZ does not state that the applicant is a student in the case of a disability, depending on the cost of the disability would receive a score, but the student will receive a point for their own disability.

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As only knowledge of regular expenditure related to disability is relevant, Article 5 of the GDPR Paragraph 1 (c) is incompatible with the treatment of a full medical certificate for a disability, since the The Government Decree does not authorize the handling of information other than the knowledge of the costs incurred University. As the processing of the data is not necessary to fulfill the statutory condition, thereby infringing Article 6 (1) of the GDPR.

d)

The applicant receives a score for having his or her own child: this circumstance is in line with the Government. § 2 (1) (ea) of the Decree, according to which a breadwinner is a person who has at least one child. Wow circumstance that the student must be a family breadwinner in accordance with Section 16 (2) (c) of the Government Decree taking into account.

In order to prove this, in the opinion of the University, it may be appropriate for the applicant to submit the not yet in the case of a school-age child, the child's birth certificate, personal identification number a copy of your ID card or address card, as the "mother's name" may be based on personal data to determine the family structure.

The birth certificate contains the child's birth surname and first name, gender, date of birth place and time, place of origin, surname and forename of father and mother at birth, registered person the fact, place and time of his death, the proven non-Hungarian citizenship of the child and the parents, statelessness or unknown citizenship, cessation of Hungarian citizenship, in the case of a declaration under the Protection and Guardianship Administration Act, the fact and the blood parent or parents according to 69 / B. § (1) (b) (ba), or - if the paper

the fact of adoption has been entered in the

adoptive parent or parents 69 / B. § (1) b) ba) and bi), the

the Hungarian citizenship of an adopted child, if it was adopted by parents who are not Hungarian citizens,

the fact of the Hungarian citizenship of a child born in Hungary to stateless parents.

The address card contains the surname and first name, birth name, place and time of birth, mother's name,

personal identification number, address, place of residence and their period of validity, document identifier,

the date of issue and the name of the issuing authority.

The identity card contains the person's name, place of birth, date of birth,

nationality, mother's name, gender, portrait, signature if she is 14 years old,

the document ID of the card, the period of validity of the document, the identity card

the date of issue, the code of the issuing Hungarian state and the name of the issuing authority.

The documents to be submitted cover a much wider range of data than the personal data of "mother's name",

which data, in the opinion of the University, would be necessary to substantiate that the applicant

the student has his or her own child. Birth certificate, identity card or

the submission of a full copy of an address card is contrary to the principle of data saving, as this

knowledge of all personal data contained in the documents is not necessary to establish it

let the student have their own child. The processing of data by the University is thus governed by Article 5 (1) of the GDPR.

collided with paragraph 1 (b).

d)

The applicant student will receive an extra point if he / she qualifies as a self-sufficient person. According to the Certificate List,

he is self-sufficient

a person who has no dependents, forms an economically independent household and whose parents / relatives

they do not know or want to make a living in any form (housing, travel, meals)

to support.

The Authority considers it appropriate for the University to request proof of this circumstance by a statement from the parents,

however

neither the form nor the content of the statement is necessary to justify it

to support.

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The Authority considers that the principle of data protection under Article 5 (1) (c) of the GDPR conflicting if the University, thereby generating additional data management, notifies the notary or as the Authority considers that the statement signed by the two witnesses would also be able to to ensure the goal the University seeks to achieve.

The University stipulates that parents are also required to detail the reason why the applicant student forms an independent household. There can be a number of reasons for separation (including family) bad relationship within the student, the student's own decision to live an independent life), which cannot be relevant to whether or not the student is otherwise self-sufficient. The reasons are detailed may be severely restrictive of privacy, which the Authority considers to be unlawful therefore infringes Article 5 (1) (b) of the GDPR.

The parents of a self-sustaining student also declare (before a notary or notary public) that they do not know you are they do not want to support the student's livelihood, ie the student does not receive financial support from them, thus, by implication, the income of his parents is not included in his income, which is otherwise certified by a bank statement of all its retail bank accounts. However, the position of the Authority according to which the University is not required to manage the NAV income certificate of the parents of the self-sufficient applicant, since the fact that parents have an income is irrelevant to how much income is per capita in the student's household - separate, independent.

According to the University, it is necessary to obtain the above statement from the parents in order to be able to say that that his parents would not be able to support him even if he had a statutory maintenance order they would be obliged to do so by virtue of their obligation, but the student is not the only one to qualify self-sufficient if their parents are unable to support themselves, but also if their parents are merely for whatever reason - they do not wish to support the student financially. So parents are in vain

NAV's proof of income, how much taxable income they have if the student

is considered self-sufficient because his parents, although he could, do not want to support him financially,

in fact, there is no legitimate purpose in managing the parents' NAV income certificate. If

NAV issues a certificate stating that the parents do not have taxable income, ie if they wish to

nor can they support the student, it is not necessary to handle this certificate, as the parents' statement is already

includes that the student cannot be supported.

Although the parents of an adult child in further education are subject to the provisions of the Civil Code. the child's need may

be maintained

In the case of

no, because the award of the scholarship is for a past period (six months prior to the submission of the application).

regular or extraordinary income), so it may not be relevant if the self-employed applicant

he may assert his claim for maintenance in the future.

Based on the above, the management of the NAV income certificate of the parents of the self-sufficient student does not

comply with the GDPR

Article 5 (1) (b) and (c).

III.2.4. Treated with the applicant in the context of proof of the circumstances of persons living in a household

lawfulness of data

the)

The Authority shall, in accordance with Article III.2.3. (a) living in the same household as the applicant

also for a person in the household with the applicant

treatment of orphan / half-orphan data without legal basis, orphan care document,

and the management of the certificate issued by the Pension Disbursement Directorate on the amount of the widow's pension

Article 5 (1) (c) of the GDPR, as the

appropriate alternative to the processing of less personal data

van. As the handling of certificates is not necessary to fulfill the statutory condition,

thereby infringing Article 6 (1) of the GDPR.

b)

The Authority shall, in accordance with Article III.2.3. (b) living in the same household as the applicant also for persons with a disability living in the same household as the applicant treatment of a decision on the degree of invalidity is unfounded.

c)

The Authority shall, in accordance with Article III.2.3. (c) living in the same household as the applicant also for persons. Because only disability-related regular expenses knowledge is relevant, it is contrary to Article 5 (1) (c) of the GDPR to the treatment of a full disability medical certificate for a person, as the Government Decree does not authorize the University to handle information other than the costs incurred. Because it is the processing of additional data in addition to the costs incurred is not a condition required by law further processing of data without a legal basis also infringes Article 6 (1) of the GDPR.

d)

An applicant student will still receive a score if his or her parents divorce him or her raises alone (unless the parent is remarried or cohabiting), that this aspect does not appear in any form in Section 21 (1) of the Government Decree me.

da) The University shall issue a certificate of sole education issued by a notary public or a local government notary, asks for proof of separation, which he replaces if he lives in a household the person is not on the certificate.

Because the University has no legal basis to handle information about the student's parent alone, this information may be relevant only to the extent that the other parent is living in a household: this information is also used to determine whether your income should be added to the household income or not.

Article 5 (1) (c) of the GDPR is infringed if, as a general rule, the university prescribes an alternative

submission of a statement or certificate, as the statement to be submitted is the preparation of additional data processing generates before the notary or notary when the certificate otherwise handled by the University is the most

In this case, it is also able to substantiate this verifiable circumstance - the fact of not living in the same household. THE

In the Authority's view, it would be good practice for the University to state, as a general rule, that

this circumstance can be substantiated by a certificate of residence in a household, which must be provided anyway, and it is only in those rare cases that it is necessary to declare the fact of separation separately, if for some reason the separated parent, although no longer living in the household, is still on the list of people living in one household certificate.

The Authority shall maintain the and finds that the notary

or the form of the declaration made before a notary still infringes Article 5 (1) (c) of the GDPR.

db) In the case of divorced parents, child support paid by a parent living separately from the child is added to the household revenue. According to the University, it is necessary to know the specific and real amount of child support,

the proof of which is required by both parents in a written statement before two witnesses. If it is

one parent is unable or unwilling to sign this declaration, the other parent is responsible for the amount of child support

you can prove that you are one-sided before a notary public or a local government notary

make a statement of the amount or file for divorce - in full, not taken out

a final court judgment or a record thereof.

In the Authority's view, the exact amount of child support and, in principle, the

it is also irrelevant whether the parents are divorced. Because the persons living in the household are all residential

they are required to provide a copy of their bank statement so that they only know the exact amount of child support

it may be necessary if the child support does not appear on the bank statement, e.g. because

because it is handed over in cash by the parent liable for maintenance. On the basis of the above, the Authority concludes that:

a statement of the amount of child support before a notary or notary or two witnesses

except in the exceptional cases set out above, does not comply with Article 5 (1) of the GDPR

principle of data protection under point (c).

dc) Because the University does not have the authority to take into account that the student's parents divorce, the Authority considers that the treatment of the divorce decree or report is a legal basis without.

dd) A 2018/2019. The certificate lists for the academic year stipulated that if the applicant is a single parent remarried or living with a partner and the new spouse or partner joins the student in the same household moved, the certificates detailed in the "general certificates" are also required. The Authority In its view, this - in point III.2.1. subject to the provisions of point - an appropriate requirement, as his his income is included in the income of the household just as much as the income of other persons. The University however, it also provides that if the new partner or spouse is also divorced or cohabiting had a previous relationship and the child (ren) from the previous relationship are also part of the household he / she is also required to ask two parents of both witnesses to certify the actual amount of child support. written statement before.

In the Authority's view, the exact amount of child support is in line with the above knowledge in this case may also be required only if the child is the new spouse or does not appear on the partner's bank statement, e.g. because it is held by the parent in cash pass it on. On the basis of all this, the Authority finds that the new spouse or partner is child support The submission of a statement made by a notary or notary public or before two witnesses does not comply with the Principle of data protection under Article 5 (1) (c) GDPR.

e)

The applicant will also receive a score if the non-school-age person living in the same household as persons participating in public education and higher education, as well as full-time OKJ training after. In the opinion of the Authority, knowledge of this information is required by Section 21 (1) (f) of the Government Decree. It may be necessary to have common ground with the student in order to assess the circumstance set out in how many dependents live in the household.

ea) The fact that the child living in the household is not yet of school age

with a copy of your birth certificate, ID card or address card.

In the Authority's view, it is sufficient to know the child's name and birth to justify this circumstance date, because if the University compares these data with the data on persons living in a household certificate, you can make sure that the person lives in the household and is already of school age. or not. The Authority has set out above - in point III.2.3. explained in paragraph 3 (d) that those three documents data content is different, each document has a name and date of birth with a lot of personal information which are not relevant to the determination of age, so the applicant is any a complete copy of the document, the handling of the copy of the document infringes Article 5 (1) (c) of the GDPR. point. As the handling of the entire document is not necessary to fulfill the statutory condition, thus, in addition to the processing of the name and date of birth, the processing is unjustified, Article 6 (1) of the GDPR also infringes paragraph

eb) In the opinion of the Authority, it is good practice if the University is a student in public education In the case of higher education, the certificate of school attendance for the given academic year is full-time a certificate of student status for the given semester from an active student participating in the training, or in the case of a person participating in full-time OKJ training, school attendance for the given academic year requires the submission of a certificate.

f)

The University generally stipulates that if any, a person living in the household caring for the child (ren) in (temporary) care, a decision on the fact of upbringing is required submission of a copy of the decision which may obscure the reason for the removal of the child from the original family and justification. In addition, a certificate issued by the competent child protection service is required a indicating the amount of benefits due for the child (ren).

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However, the fact that the applicant student receives a point in it does not appear as an aspect in the TJSZ in the case of a person living in a household caring for a (temporary) foster child, or this aspect is not included in Section 16 (2) and (3) of the Government Decree, as well as in Section 21 (1)

nor in paragraph

The treatment of a copy of a decision on the fact of enrollment is thus unfounded, in accordance with Article 6 of the GDPR. infringes Article 1 (1).

II.2.5. Summary

The Authority therefore concluded from its examination of the scope of the data processed that:

the University infringed Article 5 (1) (a) and (b) of the GDPR in determining the scope of the data, or has seriously infringed Article 5 (1) (c) of the GDPR.

In the case of several certificates / documents, it is not clear under which circumstances their treatment is justified in the case of necessary certificates or several requested documents / documents, it was established that their handling does not serve

clear and legitimate purpose or not necessary to achieve that purpose.

Highly infringing on the full documents (full sublease, full divorce, full birth

birth certificate, full death certificate, full address card, full identity

request for a copy of the document) without the University having considered the nature of the document.

whether it is necessary to process all the data or whether the document is sufficient instead

submission of an extract.

The Authority also considered that the University had not given due consideration to which

the submission of documents or certificates is required in any case, ie did not seek to

data minimization, but it has appeared in practice that all circumstances requested to be verified are certainly subject to

be supported, even if the justification for a particular circumstance is thus unnecessarily extra data

associated with its treatment.

III.3. Information on data management

In examining the adequacy of the information provided by the University, the Authority assessed the

All documents are available through <https://szoc.sc.bme.hu/> - including the Data Management

the contents of the prospectus, the Certificate List and the ESR application guide, as well as the content of the University statements.

III.3.1. The Authority shall, in accordance with Article III.1.1. He explained why the contribution of the data subject could not be made by the University

possible legal basis for data processing. Although the University informed stakeholders about their data to manage the Nftv. Annex 3 I / B. Chapter 1, point (be), is also misleading provided information that the data processing is otherwise concerned by the data subjects - Privacy Notice "clear and voluntary" consent.

It is particularly infringing that the University made no distinction between the applicant student and third parties processing of his data: it did not appear that he had contribution "may not arise in the case of third parties other than the student submitting the application.

Although the aspects to be taken into account when assessing the social situation are set out in Section 16 (2) and (3) of the Government Decree.

§ 21 (1), ie essentially - Nftv. in addition to

the Government Decree gives a more specific authorization to the University for data management;

The university did not inform the stakeholders in any way.

Misleading information is particularly inappropriate because of the consent of the data processing

it could be withdrawn at any time, and since point 9 of the prospectus

that the data subject may request the deletion of data processed on the basis of his or her consent, thereby

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student could request the deletion of his or her data processed with his or her 'clear and voluntary' consent,

as data management is in fact the so-called mandatory data processing, which is in line with Article 6 (1) (e) of the GDPR.

is based on.

The University infringed Article 13 (1) of the GDPR by providing misleading information about the legal basis (c).

III.3.2. Although it is clear from the Privacy Notice that the personal data processed is

University for the evaluation, determination and fulfillment of the scholarship, as well as with public funds

to demonstrate responsible and controllable management and to produce statistics only

on the basis of which it cannot be concluded that the submission of personal data or their further use would be for an illegal purpose, however, this cannot be established either in the Data Management or on the basis of statements made by the University to the Authority that personal data have been exactly why the document or certificate is required, exactly what the circumstance is it must be sent to the student to determine.

Thus, in general, the processing of personal data is the processing of personal data so it is good practice for the University to provide information on this, however data management can be fully transparent to data subjects if they are aware that - in addition to the fact that data processing is necessary for the assessment of the application - exactly how to handle a given data purpose, as the purpose limitation itself requires that data processing be clear for a specific purpose, so the University does not generally concern the data management but clearly defined data processing purposes.

Although the annex to the TJSZ sets out the circumstances in which a score will be awarded, and the Certificate List lists which documents and certificates containing personal data submission is required, but nowhere is there clear and comprehensible information that it has been given exactly for what purpose the processing of data is necessary, exactly which circumstance is intended to prove the existence. Failing this, the person concerned is not aware of the exact purpose for which the University is releasing it personal data, so you cannot even consider whether it is actually necessary for a given purpose submission of a given certificate, a document - this is especially true in cases where the University has a specific condition requires a number of different documents to prove its existence.

By its above practice, the University has violated Article 13 (1) (c) of the GDPR, as provided information on the purpose of the data processing in general, did not show one by one that it was given the purpose for which personal data are processed. As the specific purpose of handling certificates and documents thus completely opaque - and, in the Authority's view, not with due care by the University the University thereby also infringed Article 5 (1) (a) of the GDPR.

III.3.3. Pursuant to Article 12 (1) of the GDPR, the information referred to in Article 13 may be communicated easily shall be carried out in an accessible manner: information in accordance with the guidelines of the Article 29 Working Party it is easily accessible if the data subject does not have to seek the information but is immediately visible where and how to access the information.

Although the University provided information on the scope of the processed data at <https://szoc.sc.bme.hu/>

The Certificate List can be found on the website and the website does not require much effort to find the

A list of certificates, however, would be a practice in accordance with Article 12 (1) of the GDPR if the University would also link the Certificate List itself directly in the prospectus, or the so-called prepare a multi-level prospectus, Thus, a document would also provide information on the scope of the data processed.

Based on the above, the information provided by the University on the range of data processed was not easy available did not comply with Article 12 (1) of the GDPR.

III.3.4. The Data Management Information, which was available at <https://szoc.sc.bme.hu/>

period, which is still available at the date of this Decision, is invalid, as the 2017

was made on August 27, and it is still in the Infotv. instead of May 2018

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It would include the GDPR rules applicable from 25 onwards. This is particularly clear in point 9, where, as part of the information provided on the rights of the data subject, the Infotv. links can be found.

It is in vain to state that the data subject has "data processed with his or her consent request the deletion of your personal data ", which is essentially out-of-context information, however, as it does not list which data the University considers to be managed on the basis of consent personal data, the data subject is not aware of which data he or she may exercise his or her right to delete.

The information correctly states that the data subject is not always entitled to the deletion

However, the information still refers to the earlier law in force, ie only mentions that

if the processing of personal data is for the purpose of a legal obligation, the data subject is not entitled to do so request the deletion of your data. However, the GDPR defines more broadly the cases in which

the data subject is not obliged to comply with the data subject's request for erasure: these cases are covered by Article 17 (3)

of the GDPR.

which paragraph (b) expressly provides that it does not apply

Article 17 (1) and (2) of the GDPR, which contains the data subject's right of cancellation, if the personal data

compliance with an obligation under Union or Member State law applicable to the controller

or in the public interest or in the exercise of a public authority conferred on the controller

for the purpose of performing this task, ie not applicable if the legal basis for the processing is provided for in Article 6 (1) of the GDPR.

paragraph (c) or (e).

On the basis of the above, the Authority concluded that the University provided only general information

the legal basis for the application for cancellation and the legal basis

However, this is not useful and specific information for the data subject, as this is not the case

on the basis of the information provided, he has no idea as to which data he may have deleted in the specific case, and

for which data not.

Although the University informs stakeholders that they have the right to object to data processing, it does not lead

that they have the possibility to do so because Article 21 (1) of the GDPR

in the case of data processing. With regard to the right to protest, the prospectus is invalid

contains provisions, as the Infotv. Section 21, but Article 21 of the GDPR contains the protest

legal institution. Although this does not fundamentally cause much harm to the data subject, the principle of transparency

in principle, it can be asserted if the data subject is aware of his rights and that

which legal standard you can find out about in this regard.

Although the University provides information on the data subject's right to "information" or rectification, a

information would be perfectly adequate if it did not erroneously state that these legal institutions are covered by Infotv.

14-15. But would provide the correct GDPR references (Articles 15 and 16)

information.

In addition, the person concerned has the right to the restriction laid down in Article 18 of the GDPR, which

University did not provide any information at all.

Based on the above, the information provided by the University in the field of affected rights did not comply with the GDPR Article 13 (2) (b).

ARC. Sanction and justification applied

The Authority found that the data processing carried out by the University during the period under review violated the Article 5 (1) (a), (b) and (c), Article 6 (1) and Article 9 (2) and Article 12 (1) and Article 13. The Authority considered that a fine had been imposed for this infringement appropriate as set out below.

As to whether the imposition of a data protection fine is justified, the Authority should

Article 83 (2) of the Decree and Infotv.75 / A. § under its own motion considered the case all

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and found that no warning was given in the case of the infringement found in the present proceedings it is neither a disproportionate nor a dissuasive sanction and it is therefore necessary to impose a fine.

In view of this, the Authority Pursuant to Section 61 (1) (a), they are contained in the operative part and in this decision obliged the Debtor to pay a data protection fine.

The amount of the fine was determined by the Authority acting in accordance with its statutory discretion.

Pursuant to Article 83 (7) of the General Data Protection Regulation, each Member State - the supervisory without prejudice to the corrective powers of the competent authorities under Article 58 (2),

rules governing the exercise of official authority or other public authority established in that Member State

whether and to what extent an administrative fine may be imposed on the body. In view of this, the

the amount of the fine that may be imposed in accordance with Infotv. It may amount to up to twenty million forints pursuant to Section 61 (4) (b).

In imposing the fine, the Authority assumed that, as an attenuating circumstance,

the extent to which the omission of the legislature affected the violations committed by the University. As the legislature did not specify the scope of the data to be processed, so it was the responsibility of the University to consider which data to handle in order to take into account the criteria set by the legislator required.

The University should have followed the criteria set by the legislature and could not have written new circumstances under which it generated additional data processing: Article 6 (1) (e) of the GDPR the definition of an overly broad range of data, such as the lack of a legal basis and its purpose; and the breach of data protection did not result from the legislator's failure to act. It was not due to a legislative gap nor that the University did not provide adequate information to those concerned, of which the it follows that the data management practice is opaque. Nor was it affected by the shortcomings of the legislature nor to the University's failure to update its Privacy Statement with the GDPR after it becomes applicable.

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

-

in the case of a legal basis under Article 6 (1) (e) of the GDPR, it is for the legislator to the law shall specify, inter alia, the types of data to be processed and the purpose of the data processing and conditions; if these main aspects do not appear in the legislation, a the law enforcement officer is responsible for considering whether to deal with a task in the public interest what kind of data may be required for that purpose;

-

the Authority exceeded the 150-day administrative deadline.

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

-

the University has committed a serious violation due to its general data management practices practice violated several fundamental provisions to a large extent: the University of the law significantly extended the scope of the data to be processed within the framework of the mandate, which personal data - and personal data that are specifically classified as special data data - unjustified, possibly pointless, and in most cases completely caused unnecessary treatment; he did all this in a way that his data management - the concrete in the absence of a definition of data processing purposes - was completely opaque [Article 83 (2) GDPR

paragraph (a)];

-

the high number of stakeholders, as the University evaluated 4,919 applications in the period under review,

Thus - given that the certificates submitted are not only the applicant, but also others with him

personal data of persons living in the household - the number of data subjects is determined by the Authority

estimated at tens of thousands [Article 83 (2) (a) GDPR];

-

the unlawful processing has taken place over a long period of more than one and a half years [Article 83 GDPR

Paragraph 2 (a)];

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-

the processing of data is subject to special categories of personal data (the applicant student or one with him / her)

disability, handicap and long-term chronic illness of persons living in the household

(Article 83 (2) (g) GDPR);

-

the University announces and evaluates scholarship applications every semester, which is a major activity

involves the processing of personal data and special personal data no

adequate data protection awareness would have been expected of him, so his level of responsibility would be higher

[Article 83 (2) (d) GDPR];

-

the lack of precise and specific targeting, resulting in opaque

data management, or that the University was unable to identify it in large numbers as special

handles data, which is subject to stricter rules for handling data, the University seriously

negligent conduct [Article 83 (2) (b) GDPR].

In imposing fines, the Authority took into account the following other factors:

-

the predecessor in title has complied with its obligation to cooperate with the Authority [Article 83 GDPR

Paragraph 2 (f)];

-

the fine imposed will be able to achieve its purpose if its amount is appreciable. To the University

- based on the data on <https://www.bme.hu/bme-koltsegvetese> - in the year 2019

HUF 17,707,800,000 “budget revenue” and HUF 17,468,058,000 “financing revenue”

volt.

In imposing fines, the Authority did not consider Article 83 (2) (e), (h), (i), (j) and

(k) as they cannot be interpreted in the context of the specific case.

ARC. Other issues:

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

the Authority may initiate ex officio data protection proceedings. The data protection authority procedure is general

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

with the additions specified in the Infotv.

The Ákr. Pursuant to Section 103 (1) of the Act, ex officio proceedings procedures initiated upon request

The relevant provisions of Art. 103–105. With the exceptions contained in §.

Infotv. Pursuant to Section 38 (2) and (2a), the Authority is responsible for the protection of personal data, and

monitoring the exercise of the right of access to data in the public interest and in the public interest

and promoting. The powers of the task set out in the General Data Protection Decree for the supervisory authority with regard

to legal entities under the jurisdiction of Hungary shall be exercised by the General Data Protection Authority.

as defined in the Decree and the Information Act. The powers of the Authority shall be:

covers the whole country.

Infotv. 75 / A. § of the General Data Protection Regulation

shall exercise its powers in accordance with the principle of proportionality, in particular by:

legislation on the processing of personal data or a binding act of the European Union

for the first time in the event of a breach of the rules laid down in

in accordance with Article 58 of the General Data Protection Regulation, in particular the controller or processor shall be warned.

The decision is otherwise based on Ákr. Sections 80 and 81 shall apply.

The Ákr. Pursuant to Section 112 and Section 116 (1), the decision is open to administrative action redress.

42

The rules of administrative litigation are laid down in Act I of 2017 on the Procedure for Administrative Litigation (hereinafter: Kp.). A Kp. Pursuant to Section 12 (1), an administrative lawsuit against the decision of the Authority falls within the jurisdiction of the court, the lawsuit is the Kp. Pursuant to Section 13 (3) (a) (aa) of the Capital Act The General Court shall have exclusive jurisdiction.

A Kp. Pursuant to Section 27 (1) (b), legal representation in litigation falling within the jurisdiction of the General Court obligatory. A Kp. Pursuant to Section 39 (6), the filing of an application is an administrative act has no suspensive effect.

A Kp. Section 29 (1) and with this regard Pp. Applicable according to § 604, electronic administration and Act CCXXII of 2015 on the general rules of trust services. Pursuant to Section 9 (1) (b) of the Administrative Procedure Act (hereinafter: the Administration Act), the legal representative of the customer for electronic communication obliged.

The time and place of the submission of the application is Section 39 (1). Holding the hearing Information on the possibility to apply for It is based on § 77 (1) - (2). The administrative lawsuit of the XCIII of 1990 on Fees. Act (hereinafter: Itv.) 45 / A. § (1)

Define. From the advance payment of the fee, the Itv. Section 59 (1) and Section 62 (1) h) exempts the party initiating the proceedings.

The Ákr. Pursuant to Section 135, the debtor is obliged to pay a late payment supplement corresponding to the statutory interest to pay if he fails to meet his payment obligation on time.

Act V of 2013 on the Civil Code 6:48. § (1) in the case of a debt

the debtor shall, from the date of the delay, on the first day of the calendar half-year affected by the delay
is required to pay default interest equal to the applicable central bank base rate.

Budapest, December 10, 2020

Dr. Attila Péterfalvi

President

c. professor