

Case number: NAIH-2419...../2021.

Administrator:

Subject: decision

H A T A R O Z A T

real estate)

identified in connection with installed cameras

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

to the applicant ([...] hereinafter: Applicant) [...] ([...]; hereinafter: Applicant1), as well as

living in the same household as [...] ([...]; hereinafter: Applicant 2) and [...] ([...]; hereinafter:

Respondent3) (hereafter together: Respondents) against the property under [...] (a

in the following:

illegal data processing

was initiated following your request to establish, terminate, and delete personal data

makes the following decisions in official data protection proceedings:

I. In its decision, the Authority partially accepts the Applicant's request and states that a

Respondent 2 violated the

processing of personal data for natural persons

regarding its protection and the free flow of such data, as well as 95/46/EC

Regulation 2016/679 (EU) on the repeal of the directive (hereinafter: the general

data protection regulation) Article 5 (2) of the general data protection regulation Article 6 (1)

and Article 13 (1)-(2) of the General Data Protection Regulation.

II. The Authority obliges the Applicant2 to review its data management, and the data management

aligns its operations with the provisions of the General Data Protection Regulation by

eliminate illegal data processing by removing or removing cameras, or your angle of view

by physically or otherwise masking or concealing them so that they do not observe a public area or

another's private area.

III. The Authority obliges the Applicant 2 to cancel before accepting this decision

made camera recordings.

ARC. The Authority obliges the Applicant 2 that the II-III. the fulfillment of those indicated in points is certified by a within 30 days of the decision becoming final.

A. The Authority rejects the Applicant's request for illegal data transmission.

VI. The Authority restricts the Applicant's data processing, and personal data is illegal

rejects your request to prohibit its treatment.

VII. The Authority's part of the application aimed at convicting Applicant 1 and Applicant 3

rejects.

VIII. In the Authority's decision, due to the established violation, the present Applicant 2

within 30 days of the decision becoming final

HUF 50,000, i.e. fifty thousand forints

data protection fine

obliged to pay.

* * *

The initiation of a court review of the data protection fine is a legal action

15 days after the expiry of the deadline or, in the case of initiation of a review, after the decision of the court

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

01040425-00000000 Centralized direct debit account IBAN: HU83 1003 2000 0104 0425 0000

0000) must be paid in favor of When transferring the amount, NAIH/2419/2021. FINE. must count

refer to.

If the Respondent does not fulfill his obligation to pay the fine within the deadline, he is in default

must pay an allowance. The amount of the late fee is the legal interest, which is due to the delay

is the same as the central bank base rate valid on the first day of the relevant calendar semester. The fine and the

in the event of non-payment of the late fee, the Authority orders the execution of the decision, the fine

and the collection of the late fee in the form of taxes. Fines and late fees are taxes

collection is carried out by the National Tax and Customs Office.

There is no place for administrative appeal against this decision, but from the announcement within 30 days from the date of issue, with a letter of claim addressed to the Capital Tribunal can be challenged in a lawsuit. The statement of claim must be submitted electronically to the Authority, which forwards it to the court together with the case documents. The request for the holding of the trial is submitted by the must be indicated in the application. For those who do not receive full personal tax exemption a the fee for the judicial review procedure is HUF 30,000, the lawsuit is subject to the right to record fees. THE Legal representation is mandatory in proceedings before the Metropolitan Court.

I N D O C O L A S

I. The sales process

The Applicant submitted an application to the Authority on February 10, 2021. For the application attached the photographs taken from the cameras, and from the Clerk of the Municipality of [...] ([...]; hereinafter: Clerk) received a copy of the information.

The Applicant addressed the Authority with the following requests:

oblige the Applicant 1 to eliminate the unlawful condition;

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- determine whether you are involved in illegal data processing;

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oblige the Respondents to delete such data by computer technology

about their device;

enjoin the Respondents from further infringement;

order restriction and deletion of data processing;

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- establish the fact of illegal data management and data transfer and prohibit the

illegal handling of personal data.

The Authority found that the request did not include the perpetrator of the alleged violation

describing a specific behavior or condition by not clearly indicating that a

In relation to the behavior of Respondent 1, it is likely that the illegal transfer of data will occur, and in this context

the facts supporting the allegations related to the alleged infringement and their evidence

neither. In addition, the application did not include the 2016 General Administrative Order

CL. for the identification of the applicant according to Section 36, Paragraph (1) of the Act (hereinafter: Ákr.).

nor necessary data.

Thus, the Authority NAIH-2419-2/2021. in order no. With reference to § 44, the

Applicant to make up the gaps in the application.

The Applicant is NAIH-2419-3/2021. supplemented the contents of his application in his submission no.

2

The Authority NAIH-2419-5/2021., NAIH-2419-6/2021. and NAIH-2419-7/2021. no

in order to clarify the facts in its orders, to make statements, provide data and documents

invited the Respondents to send The Applicants confirm receipt of the letters

as evidenced by delivery certificates - received on March 9, 2021, the Authority

however, they did not respond to his order within the specified deadline and did not provide the requested documents

was sent.

Therefore, taking into account that the invitation contained in the order of the Authority remained unanswered, a

To pay a procedural fine of HUF 20,000 per person, i.e. twenty thousand forints, in the orders of the authority

obliged the Applicants to NAIH-2419-8/2021., NAIH-2419-9/2021. and NAIH-2419-10/2021.

in his orders no.

but within 8 days at the latest.

Following the delivery of the orders on May 25, 2021, fulfilling the invitation contained in the orders

it did not happen either within the deadline or after it expired, until the date of this decision.

In addition, the Authority NAIH-2419-11/2021. [...] was called by the Police Department in order no

The investigation department's Miscellaneous Cases sub-department (hereinafter: Police Department) is [...]

to send a camera recording taken by the Applicant, which was seized as evidence of a crime, to which the Police Department complied.

The Authority referred the Applicant to NAIH-2419-12/2021. informed during the procedure in order no about the procedural steps taken.

The Applicant is NAIH-2419-13/2021. made an additional statement in his registered letter.

The Police Department is the Authority fulfilled in his letter.

After that, the Authority contacted NAIH-2419-17/2021. the facts in order no in order to clarify the Notary to check with the cameras placed on the Property related data management conditions and provide information.

At the same time, the Authority ordered the implementation of NAIH-2419-8/2021., NAIH-2419-9/2021 and NAIH-2419-10/2021. of the procedural fines established in orders no. and the procedural in order to collect fines, the Authority contacted the National Tax and Customs Administration Csongrád-Csanád County Tax and Customs Directorate (hereinafter: NAV). NAV informed the Authority that he forwarded the contents of the request to the competent body, and called the Respondents to pay the arrears.

The Registrar is NAIH-2419-23/2021. he fulfilled the call of the Authority in his submission no included, and attached his report, photographs of the camera recordings and the made of cameras, fixed time intervals, and the access screen recording in such a way that the properties of the recordings are also visible, as well as the cameras a shot of its box.

The Authority NAIH-2419-27/2021., NAIH-2419-28/2021., NAIH-2419-29/2021., NAIH-2419-30/2021. in his orders no. informed the parties about the end of the evidentiary procedure and called him the parties with their right to make a statement within the deadline specified in the order, respectively they can exercise their right to inspect documents.

The Applicant is NAIH-2419-37/2021. number

document inspection request

submitted, to which the Authority, at the same time as sending the documents by post, a

NAIH-2419-41/2021. approved in order no.

The Applicant is NAIH-2419-42/2021. revealed during the procedure in his letter no

commented on missing information, and NAIH-2419-43/2021. indicated in his statement no.

included in NAIH-2419-15/2021. no

in his call

in his letter

filed

3

that one page of the document was not sent to him, so he requests that it be sent

with the fact that he does not use the submission of an additional evidence motion.

The Authority is NAIH-2419-44/2021. in order no. the Applicant approved the supplement

of his document inspection request and sent a copy of the missing page, which, in view of the

The applicant made an additional statement.

After that, the Authority contacted the Clerk again for NAIH-2419-45/2021. no

in his order, in view of which the Clerk of NAIH-2419-48/2021. sent in submission no

and his statement by attaching photographs at the same time.

Finally, NAV provided information to the Authority that the Authority NAIH-2419-10/2021.

the procedural fine indicated in order no.

II. Reality

The Applicant submitted that the cameras installed on the Property are probably without masking

other people's private and public areas are monitored, and the recordings are recorded.

In order to prove his status as a stakeholder, the Applicant submitted that he and his family regularly

passed in front of the Property, and after passing, the Respondent¹ harassed the

Applicant and her child.

Regarding the legality of the cameras placed on the Property, the Applicant filed a procedure with the Notary initiated, as a result of which the Clerk asked Applicant 1 to public land or the private area of third parties should not be observed or taken care of by the camera provide information about masking and the measures taken, however, the given no response was received from Applicant 1 within the deadline. In addition, the Clerk established that a cameras are not suitable for monitoring the Applicant's property due to their location.

In light of the above, the Applicant addressed the Authority with the following requests:

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The Clerk, in view of the Authority's inquiry, NAIH-2419-23/2021. about it in letter no informed the Authority that on July 16, 2021 at an agreed time in the Real Estate held an inspection, at which the Applicant2 was present, and made the following findings. The There are 2 IP cameras on the street front, the cameras are equipped with antennas, the data transmission on wifi photographed by the camera recording unit, to which, based on the photo, no computer is connected.

The viewing angles of the cameras mounted on the fence are aimed at the outside and inside of the fence, i.e not only private land, but also public land is monitored, while on the property additional cameras installed are only arable areas belonging to the property of Applicant 2 suitable for observation. Cameras record images, not sound. The statement of the Applicant2 announced the installation of the cameras in advance to the Registrar and also to the Police. THE According to the clerk's report, the camera system is also located in the corner of the living room. THE camera system has only one user in the system. Statement of Respondent 2

only he has access to the camera system, his access is complete. On the street front a next to the entrance, on the mailbox or at both ends of the street front (gas meter and electricity meter) a pictogram indicating the operation of the camera system has been installed, relevant data protection information is not available. The Applicant² as the reason for installing the cameras on the Property happened marked, and based on his statement, the cameras the neighbors also gave their verbal consent to its installation, which if necessary establish the fact of illegal data management and data transmission; oblige the Respondents to eliminate the unlawful condition; establish that the Applicant and his family are involved in data management; call on the Respondents to delete the data; enjoin the Respondents from further infringement.

thefts and carjackings

power supply line

comes out. The Clerk

happens, a

4

prepared for his minutes

will also be confirmed in writing. Based on the documents attached by the Notary, it faces the street front cameras also monitor the public area and record footage, while cameras facing the field public area and other private areas are not observed.

The Registrar is NAIH-2419-48/2021. made the following statement in his letter no. The Clerk submitted, that he repeatedly conducted on-site inspections in order to establish that a

Whether the Respondents treat the Applicant recorded by the camera surveillance system

your personal data (image). During the inspection, the Clerk established that the former

compared to the on-site inspection, the placement of the cameras and the conditions of data management are not

they changed. He added that he selected four of the shots taken by the cameras, and they

based on viewing, determined that the randomly selected

on recordings a

He was unable to identify the applicant, however, due to the quality of the images, it cannot be ruled out,

that can be seen in the recordings. Finally, the Clerk submitted that he had tested the site in such a way that

that he walked under the cameras and stopped right near and found that in this one

his face was recognizable in the recordings.

The Applicant NAIH-2419-42/2021. in his statement no. submitted that the NAIH-

2419-23/2021. no

photographic records are incomplete as it is

does not include camera footage outside the street frontage, and he also considered it worrisome that the

the computer next to the monitor stand is only partially visible in the recordings attached by the Clerk. THE

The Registrar NAIH-2419-23/2021 also considered it unclear to the applicant. protocol no

based on what recordings were made of the Applicant. Finally, according to the Applicant, it is worrying

that the Registrar NAIH-2419-23/2021. according to protocol no., the participant in the on-site inspection

public area inspector is not impartial regarding the Applicant², however, as the reasons for this

the Applicant did not present any arguments.

The Applicant is NAIH-2419-47/2021. stated in his statement no. that Respondent 2 is wrong

his statement that he informed the

Notary on their operation, since based on the information addressed to the Applicant by the Notary a

The Clerk became aware of the admissions based on the Applicant's letter. The Applicant considers it wrong

the

also the Registrar NAIH-2419-23/2021. no

in connection with his minutes, and considered the fact of Internet access to the recordings to be worrisome

too.

During the procedure, the Police Department seized a camera recording of a public area as evidence of a crime

a part of directed camera recording, based on which the camera does not record sound, however moving image in such a way that the facial features of people passing by the camera's field of view are not visible, other distinguishing features (for example: movement, clothing, hairstyle) yes. On the recording minors are also visible.

II . APPLICABLE LAW REGULATIONS

Article 2 (1) of the General Data Protection Regulation applies to personal data partially or fully automated processing, as well as their personal for the non-automated processing of data that is part of a registry are part of a system or are intended to be part of a registration system. The for data processing under the scope of the General Data Protection Regulation, Infotv. Paragraph (2) of § 2 according to the General Data Protection Regulation shall be applied with the additions indicated therein. findings on recognisability

Infotv. According to Section 60 (1), enforcement of the right to the protection of personal data in order to do so, the Authority initiates an official data protection procedure at the request of the data subject and may initiate official data protection proceedings ex officio.

In the absence of a different provision of the general data protection regulation, the data protection authority for procedure CL. 2016 on the general administrative procedure. law (hereinafter: Ákr.) shall be applied with the deviations specified in Infotv.

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

- a) they are carried out during activities outside the scope of EU law;
- b) the member states during activities falling under the scope of Chapter 2 of Title V of the EUSZ are carried out;
- c) natural persons only in the context of their personal or home activities are carried out;

d) prevention, investigation and detection of crimes by the competent authorities, carried out for the purpose of prosecuting or enforcing criminal sanctions, including protection against threats to public safety and prevention of these threats.

Based on recital (18) of the general data protection regulation, the regulation does not shall apply to the personal data provided by the natural person exclusively as personal data for treatment carried out in the context of home activities, which are therefore of no professional or business nature cannot be associated with the activity. It is considered a personal or home activity for example, correspondence, address storage, and personal and home activities mentioned contact and online activities on social networks. E

regulation must be applied, however, to those data managers and data processors who a for the processing of personal data in the context of such personal or home activities is tools are provided.

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

According to Article 4, Point 2 of the General Data Protection Regulation, data management of personal data or any operation performed on data files in an automated or non-automated manner or a set of operations, such as collection, recording, organization, segmentation, storage, transformation or change, query, insight, use, communication, transmission, distribution or in other ways by lot, alignment or connection, accessible restriction, deletion or destruction.

Pursuant to Article 4, Point 7 of the General Data Protection Regulation, the data controller a natural or legal person, public authority, agency or any other body that a the purposes and means of processing personal data independently or together with others define; if the purposes and means of data management are determined by EU or member state law and, the data controller or the special aspects regarding the designation of the data controller in the EU or may be determined by the law of the member state.

Based on Article 5 (2) of the General Data Protection Regulation, the data controller is responsible for (1) for compliance with paragraph and must also be able to demonstrate this compliance ("accountability").

Management of personal data pursuant to Article 6 of the General Data Protection Regulation

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

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

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

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

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d) data management is vital for the data subject or another natural person necessary to protect your interests;

e) data processing is in the public interest or the data controller is authorized by a public authority necessary for the execution of a task performed in the context of its exercise;

f) the data is managed by the data controller or a third party legitimate interests

necessary for its enforcement, unless they take precedence over these interests

interests or fundamental rights and freedoms of the data subject that are personal data

their protection is necessary, especially if the child concerned is a child.

afraid

Based on Article 13 (1)-(2) of the General Data Protection Regulation:

"(1) If personal data concerning the data subject are collected from the data subject, the data controller a

obtaining personal data

at the time of making it available to the person concerned

all of the following information:

a) the identity of the data controller and, if any, the representative of the data controller and

your contact details;

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

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

d) in the case of data management based on point f) of paragraph (1) of Article 6, the data controller or

legitimate interests of third parties;

e) where applicable, recipients of personal data, and categories of recipients, if any

such;

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

organization wishes to forward the personal data to, and the Commission

the existence or absence of a decision of conformity, or in Article 46, Article 47

or the transfer of data referred to in the second subparagraph of Article 49 (1).

indication of the appropriate and suitable guarantees, as well as their copies

a reference to the methods for obtaining it or their availability."

"(2) In addition to the information mentioned in paragraph (1), the data controller is the personal data

at the time of acquisition, in order to ensure fair and transparent data management

ensure, informs the data subject of the following additional information:

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

aspects of determining the duration;

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

access to data, their correction, deletion or restriction of processing,

and

against the processing of such personal data, as well as the data subject

about your right to data portability;

it can object

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

to withdraw consent at any time in the case of data processing based on

right, which does not affect the consent implemented before the withdrawal

legality of data management;

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

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statutory or contractual

e) about the provision of personal data

whether it is based on an obligation or a prerequisite for the conclusion of a contract, as well as whether the person concerned

are you obliged to provide personal data,

possible

failure to provide data may have consequences;

and what it's like

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

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

comprehensible information regarding the significance of such data management and

what are the expected consequences for the person concerned."

Infotv. 60/A. According to § (1), in the official data protection procedure, the administrative

deadline one hundred and fifty days.

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

in its decision, the Authority issued Infotv. Data management defined in paragraph (2) of § 2

operations in connection with general data protection

defined in the decree

may apply legal consequences.

According to Article 58(2)(b) of the General Data Protection Regulation, the supervisory authority

condemns the data manager or data processor if its data management activities have violated it

the provisions of this regulation, and pursuant to point d) of the same paragraph, the supervisory authority

acting within its corrective powers, instructs the data controller that its data management operations - given

in a specified manner and within a specified period of time - harmonises this regulation

with its provisions.

According to Article 83 (1) of the General Data Protection Regulation, all supervisory authorities

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

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

be deterrent.

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

depending on the circumstances of a given case, referred to in points a)-h) and j) of Article 58 (2)

must be imposed in addition to or instead of measures. When deciding whether it is necessary

for the imposition of an administrative fine, and when determining the amount of the administrative fine

in each case due consideration shall be given to the following:

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

the nature, scope or purpose of data processing, as well as the number of data subjects affected by the breach

affected, as well as the extent of the damage they suffered;

b) the intentional or negligent nature of the infringement;

c) damage suffered by data subjects on the part of the data controller or data processor

any measures taken to mitigate;

d) the extent of the responsibility of the data controller or data processor, taking into account the

technical and organizational measures taken by him on the basis of Articles 25 and 32;

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

f) the remedy of the violation with the supervisory authority and the possible negative nature of the violation
extent of cooperation to mitigate its effects;

g) categories of personal data affected by the infringement;

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h) the manner in which the supervisory authority became aware of the violation, in particular
whether the data controller or the data processor has reported the breach, and if so,
in what detail;

i) if against the relevant data manager or data processor previously - in the same a
subject - one of the measures mentioned in Article 58 (2) was ordered, a
compliance with said measures;

j) whether the data manager or the data processor has complied with Article 40
for approved codes of conduct, or for approved certification under Article 42
for mechanisms; as well as

k) other aggravating or mitigating factors relevant to the circumstances of the case,
for example, financial acquired as a direct or indirect consequence of the infringement
profit or avoided loss.

According to Article 83 (5) a) and b) of the General Data Protection Regulation The following

violation of provisions - in accordance with paragraph (2) - a maximum of EUR 20,000,000

with an administrative fine in the amount of, or in the case of enterprises, the entire previous financial year
must be hit with an amount of no more than 4% of its annual world market turnover, with the two
the higher amount must be imposed:

a) the principles of data management - including the conditions of consent - of Articles 5, 6, 7 and 9
appropriately;

b) the rights of the data subjects in Articles 12–22. in accordance with article

III . Decision making

III.1. The person of the data controller

Pursuant to Article 4, point 7 of the General Data Protection Regulation, a data controller is a natural or legal person person [...], which independently determines the purposes and means of personal data management together with others it determines [...].

Based on the documentary evidence submitted by the Registrar, Applicant2 is the sole user camera system, and only he has access to the recordings, therefore, as the purpose of data management and 4 of the General Data Protection Regulation considered the person determining its assets to be the Applicant 2. to the data controller of the Authority based on Article 7.

The Authority rejects the request of the Applicant, Applicant 1 and Applicant 3, in view of the fact that in the absence of data management quality, they did not engage in illegal behavior yes.

III.2. Legality of camera data management

Based on the General Data Protection Regulation, the image of the data subject is considered personal data.

Affected is identified or identifiable

natural person. According to all this,

if a natural person can be identified based on a recording, then the photo recording is personal data, taking pictures is considered data management.

In his request, the Applicant also asked the Authority to determine whether the procedure was involved in connection with the data management examined during Although the Clerk on randomly selected recordings - due to the quality of the recording - the Authority could not clearly identify the Applicant states that due to the fact that based on the Applicant's statement by the Applicant2 regularly passes in the field of view of operated cameras, and the information revealed during the procedure

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the cameras are continuously operational, the Applicant's personal data is processed cost.

Based on Article 2 (2) point c) of the General Data Protection Regulation, they are not included in the regulation under its scope, so the rules of the General Data Protection Regulation do not have to be applied to personal data management, if it

natural persons exclusively personal or domestic

carried out as part of their activities (so-called "household data management"). The personal or home activity is provided by recital (18) of the general data protection regulation

examples, however, the exception rule for private data management needs to be narrow interpret. Camera surveillance - in the part where the data controller

it also covers persons staying in an area outside their private property - the aforementioned does not apply subject to exception.

At the same time, in the event that the individual does not apply to the camera's field of vision

public space - obscuring solutions, or who purposefully observes public space

operating a camera system already becomes a data controller, and its activity is not classified

private data management, so the general data protection regulation must apply

all regulations defined for data controllers.

The camera's viewing angle cannot be aimed at a public area, because it is only narrow enough to monitor it

circle is possible, as this activity may offend the person observed by the camera

your privacy by processing your personal data even against your will. Below

bodies may place video recorders in public areas in accordance with specific legal requirements:

- police data controllers, Act XXXIV of 1994 on the Police. based on § 42 of the Act;
- public space supervision, LXIII of 1999 on public space supervision. Act 7-7/A. § -

on the basis of;

- armed security guards, about armed security guards, nature conservation and

CLIX of 1997 on field guard service. Act 9/A. on the basis of §;

- the

subject to the law

belonging to passenger transport service providers, the passenger transport

XLI of 2012 on services. based on Section 8 (1) of the Act;

- the Hungarian Defense Forces, about the data management of the Defense Forces, individual national defense obligations

XCVII of 2013 on military administrative tasks related to the performance law

Based on § 22, paragraph (1);

- the National Directorate General of Disaster Management, about disaster management and the

CXXVIII of 2011 on the amendment of certain related laws. Act 79/A. § (1)

based on paragraph;

- the organizer, director of the sports event, or the representative of the traveling sports organization, a

based on Section 74 (1) of Act I of 2004 on sports.

owned by

guideline 1

partially complements this

3/2019 of the European Data Protection Board

guidance in addition to establishing that

in relation to private individuals. The

generally own

camera designed to monitor the area

the application of the monitoring system may extend to the border of the area, he admits that in exceptional cases

a situation may arise where the scope of camera surveillance cannot be narrowed down to your own

within the property area, as in this way it would not provide sufficiently effective protection.

Adequate technical or organizational measures (e.g. in terms of the purpose of the monitoring

covering a non-relevant area or filtering the monitored part with IT tools)

in addition to its application, the individual is entitled to extend the camera surveillance to his own

also to the immediate surroundings of the owned area.²

¹ Guidelines 3/2019 on processing of personal data through video devices;

the guidelines are available from the following link:

https://edpb.europa.eu/sites/edpb/files/files/file1/edpb_guidelines_201903_video_devices_en_0.pdf

2 Guidelines 3/2019 on processing of personal data through video devices chapter 3.1.2, paragraph 27

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At the same time, in the event that the private individual does not use public space, or otherwise

solutions that cover private or jointly owned areas, or who purposefully do so

operates a camera system monitoring areas, must apply the general data protection

regulation for data controllers.

The use of cameras facing the street front – based on their location and angle of view setting –

it may be suitable for observing the public area as well, which may violate what is observed with the camera

the personal rights and privacy of persons.

Accordingly, the general data protection regulation applies to street-facing cameras

corresponding provisions of

Along the lines of the above analogy, the Authority determines that the one operated by the Applicant 2 is its own

cameras aimed at his field - in the absence of recording of public land and other private land -

it is considered household data management, so it is general in relation to these camera recordings

the provisions of the data protection decree are not applicable.

For the legality of data management - Article 6 (1) of the General Data Protection Regulation

based on - the appropriate legal basis is required, which the Data Controllers must be able to prove. The

data management must be based on a legal basis according to Article 6 (1) of the General Data Protection Regulation

to have, which in this case may be a legitimate interest according to f) point 3. To apply this

however, the data controller must examine the circumstances of the data management, the necessity and

also proportionality, and must consider the existence of a legitimate interest in the context of an interest assessment test.

According to the information provided by the Notary, the recordings are made in the area of the Real Estate

it is justified by identified "motorcycles" and thefts, and among the legal grounds, the Applicant 2 a

To the notary, the data subject's consent according to Article 6 (1) of the General Data Protection Regulation

marked with regard to the neighbors that there is only verbal consent

at your disposal, which, if necessary, is also confirmed in writing by the neighbors.

According to the Authority's findings, the legal basis indicated by Applicant 2 cannot be considered legal and appropriate, since, on the one hand, Article 7 (1) of the General Data Protection Regulation according to paragraph 2, Applicant 2 must be able to prove compliance, and a Respondent 2 could not prove the granting of consent, and on the other hand, according to his claim, he only obtained the verbal consent of the neighbors, the people crossing the street - including the Applicant - however, there may be other persons, but the Applicant 2 consents from them not earned.

The position of the Authority

some procedure

to initiate or file a report, you need a photo to prove your claims

making video recordings of the state or behavior considered illegal, but such recordings

in many cases, its preparation can be suitable for either others or the person who is performing the act also violate your private sphere, so you have to carefully consider the conflicting interests considering how long data processing is legal.

Given that the referenced legislation - primarily general data protection

decree - they do not allow a private individual by himself or with the assistance of others systematically,

using an imaging device over several months observe a

public space, the private individuals staying and working there, that is why the surveillance is above

because of the above, it is contrary to the principle of legal data management. Thus, the General Data Protection Authority does not consider the legal basis according to Article 6 (1) point f) of the Decree to be a legitimate legal basis either.

according to the relevant case

justified

may

3 Article 6 of the General Data Protection Regulation (1) The processing of personal data is only lawful if and to the extent that if at least one of the following is met: f) data processing is authorized by the data controller or a third party it is necessary to assert its interests, unless the interests of the person concerned take precedence over these interests interests or fundamental rights and freedoms that require the protection of personal data, especially if the child concerned.

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Given that neither in advance nor during the procedure was a suitable legal basis provided for verification, and due to the scope of the monitoring, according to the Authority's point of view, the data management exceeded the necessary and proportionate measure, as the Applicant² did not prove a reason which would have authorized him as a private person to monitor the public area, therefore the Authority established that the Data Controllers violated Article 6 (1) of the GDPR and Article 5 of the GDPR. the principle of accountability contained in paragraph (2) of Article 2, because the Respondent² is appropriate handled the personal data of those concerned, including the Applicant, without legal basis.

III.3. Informing those concerned about camera surveillance

For data subjects in Article 13 (1) and (2) of the General Data Protection Regulation information about the circumstances of data management must be provided in the contents. He has a camera in the case of surveillance, prior information is the first step when entering the monitored area it is already necessary to ensure it - due to the nature of the matter - then still in the observed area short information provided by means of a pictogram placed outside (at the entrance door, gate) is required and it is sufficient at the same time, which, at the same time, is necessarily necessary as a second step should be supplemented by at least a complete (longer and detailed) information sheet available on site. This information on the availability of the latter information must be provided on the posted "pictogram" (one of its function is actually just this: when entering the area, it warns of unavoidable data processing and refers to the possibility and accessibility of the necessary comprehensive information), and this a information must be made available at the request of the data subject.

The Clerk has attached the picture showing the pictogram stuck on the entrance door,

however, additional data management information is provided in Article 13 of the General Data Protection Regulation

In accordance with paragraphs (1) and (2), the Applicant² did not provide, so the Authority determines, that the Respondent² violated Article 13 (1) and (2) of the General Data Protection Regulation paragraph.

III.4. Unlawful transfer of data

The Authority also rejects the Applicant's request for illegal data transmission, bearing in mind that, on the one hand, neither the Applicant knew by statement or otherwise to prove its fact with a document, and not based on the information revealed by the Notary data transfer to third parties.

III.5. Restriction of data processing, prohibition of illegal processing of personal data

The Authority restricts the Applicant's data processing, and the personal data is illegal rejects your request to prohibit its processing, as the Authority previously handled it ordered the deletion of personal data and obliged the Applicant 2 not to in the future observe public land or other private land, so in case of fulfillment of these obligations there are no managed data in respect of which restriction or prohibition can be implemented It could be.

III.6. Legal consequences

Pursuant to the above, the Authority is Article 58(2)(b) of the General Data Protection Regulation convicted the Applicant 2 based on the fact that his data management activities violated the the provisions of the General Data Protection Regulation, and pursuant to point d) of the same paragraph a The Authority obliged Applicant 2 to perform its data management operations - as specified manner and within a specified period of time - harmonized by the General Data Protection Regulation with its provisions as indicated in the relevant section. In addition, the Authority ordered the legal basis the deletion of recordings - including those of the Applicant - handled without the general data protection on the basis of Article 58 (2) point g) of the Decree.

The Authority ex officio examined whether it was justified to contact the Applicant 2 due to these violations imposition of a data protection fine against.

In this context, the Authority is in accordance with Article 83 (2) of the General Data Protection Regulation and Infotv. 75/A. considered all the circumstances of the case based on §.

Noting that the Authority has not yet responded to the Authority's inquiries from the Respondent2 even after the imposition of his procedural fine, so the Applicant 2 did not comply with the Authority existing obligation to cooperate [Article 83 (2) of the General Data Protection Regulation paragraph point f)], therefore the Authority established that the violation discovered during this procedure in the case of the warning is neither a proportionate nor a deterrent sanction, therefore a fine imposition is required. In addition, it is necessary to impose a fine because it is installed on the fence cameras were aimed at public areas, the personal data of many stakeholders was illegally handled by the Respondent2 [Article 83 (2) point a) of the General Data Protection Regulation]. The Authority is aggravating classified as a circumstance the fact that, based on the Applicant's statement, he used to live with his child to pass under the view of the cameras, and also in the footage attached by the Szeged Police Department minors are visible, so the illegal data of minors has also been processed [Article 83 (2) point (g) of the General Data Protection Regulation].

The Authority assessed as a mitigating circumstance the fact that against the Applicant2, the Authority did not previously establish a violation of the general data protection regulation [general data protection decree Article 83 (2) point e)], and the fact that the Respondent2 private person [General Data Protection Regulation Article 83 (2) point k)].

legality, and

in addition to its data management practices

The Authority did not consider the general data protection regulation relevant when imposing the fine circumstances according to points b), c) d), h, i and j of Article 83 (2), since they are specific to the case cannot be interpreted in connection with

By imposing a fine, the special preventive goal of the Authority is to encourage Applicant 2

to investigate

informative

regarding his obligation as well.

The amount of the fine was determined by the Authority acting within its statutory discretion

yes.

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

I V Other questions

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

covers the entire territory of the country.

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

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

and based on § 114, paragraph (1), the decision can be challenged through an administrative lawsuit

as a remedy.

* * *

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

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

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

(3) a)

Based on point aa), the Metropolitan Court is exclusively competent. The Kp. Section 27 (1)

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

The Kp. According to paragraph (6) of § 39, the submission of a claim is an administrative act

does not have the effect of postponing its entry into force.

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

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

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

The time and place of submitting the statement of claim is set by Kp. It is defined by § 39, paragraph (1). The information about a simplified trial in Kp. Paragraphs (1)-(2) of Section 77 and Paragraph (1) of Section 124 and (2) point c) and (5) respectively. The fee for the administrative lawsuit

XCIII of 1990 on fees. Act (hereinafter: Itv.) 45/A. (1) of §

Define. Regarding the advance payment of the fee, the Itv. Section 59(1) and Section 62(1) paragraph h) exempts the party initiating the procedure.

If the Respondent 2 does not adequately certify the fulfillment of the prescribed obligation, a

The authority considers that the obligation was not fulfilled within the deadline. The Akr. according to § 132,

if the obligee has not complied with the obligation contained in the final decision of the authority, that

can be executed. The Authority's decision in Art. According to § 82, paragraph (1), it becomes final with the communication

becomes The Akr. The Akr. Pursuant to § 133, enforcement - if it is a law or government decree

does not provide otherwise - it is ordered by the decision-making authority. The Akr. Pursuant to § 134 of execution - if

law, government decree or local in the case of municipal authorities

the municipal decree does not provide otherwise - it is carried out by the state tax authority. The

Infotv. Pursuant to § 60, paragraph (7), a specified action included in the Authority's decision

an obligation to perform, to engage in certain conduct, to tolerate or to cease

regarding the implementation of the decision, the Authority undertakes.

Budapest, 02.11.2021

Dr. Attila Péterfalvi

president

c. professor