Case number: NAIH-3975-1/2021. Subject: decision partially granting the request and

order

History: NAIH/2020/2957.

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

based on the request of the applicant (hereinafter: Applicant) on March 24, 2020, the Applicant

personal

data handling,

regarding the violation of the principle of data saving and the obligation to provide adequate information […]-

(hereinafter: Respondent) in the data protection official proceedings initiated against

makes decisions:

I.1. In the Authority's decision, in the part of the Applicant's request

with claims management

connected

illegal

your data

touching

I.1.1. believes that the Respondent violated it

gives place and

- the

processing of personal data for natural persons

by

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

Regulation 2016/679 (EU) on externalization (hereinafter: GDPR) Article 6 (1)

paragraph, because with reference to Article 6 (1) point b) of the GDPR,

As a result of the contract concluded with […] (hereinafter: Grantor) to the applicant

took over your personal data during the assignment of the incurred debt, and Article 6 of the GDPR

He handled the Applicant's telephone number data with reference to point f) of paragraph (1), furthermore

regarding

- points a), c) of Article 5 (1) and Article 6 (1) of the GDPR by the Applicant

by managing your phone number data.

I.1.2. the Applicant is required to delete the Applicant's […] telephone number data!

I.2. In its decision, the Authority ex officio obliges the Applicant that this decision

within 15 days of its becoming final

I.2.1. certify to the Applicant if it has a legitimate interest in the Applicant's personal data

for claims management purposes and this interest against the basic rights of the Applicant

takes precedence, except for your phone number,

I.2.2. for claim management purposes, do not process the personal data of the Applicant for which it is legitimate

his interest is not justified by I.2.1. as written in point

I.2.3. based on point b) of Article 14, paragraph (2) of the GDPR, inform the Applicant that

the processing of your personal data for the purpose of claim management is necessary due to the legitimate interest, on this

interest takes priority over the basic rights of the Applicant, and

inform the Applicant of his/her right to object, as well as how to do so

you can practice!

I.3. In the Authority's decision, it ex officio obliges the Applicant to do so until it complies

the I.1.2. and I.2.1-2. to the obligation contained in points, until then the Applicant is limited to the above scope

the processing of your personal data for claim management purposes.

I.4. In the Authority's decision regarding the request, by the Respondent,

GDPR Article 6 (1) point c), i.e. for the purpose of fulfilling an obligation prescribed by law

and personal data managed for the purpose of claims management - excluding telephone number data -

deletion, as well as the processing of personal data of the Requested Applicant

the part aimed at future prohibition

II. In the Authority's decision, the Petitioner is ex officio for unlawful data processing

because of

rejects.

HUF 1,000,000, i.e. one million forints

data protection fine

obliged to pay.

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

the expiry of the deadline, or in case of initiation of a review, the 15th following the court's decision

Within days, the forint account for the collection of centralized revenues of the Authority

(10032000-01040425-00000000 Centralized direct debit account IBAN: HU83 1003 2000 0104

0425 0000 0000) must be paid. When transferring the amount, NAIH/2020/2957. FINE.

number must be referred 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 case of non-payment of late payment, the Authority orders the execution of the decision, a

collection of fines and late fees in the form of taxes. The fine and late fee

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

III. In view of the fact that the administrative deadline has been exceeded, the Authority orders a

Payment of HUF 10,000, i.e. ten thousand forints, to the Applicant by the authority - in writing

according to your choice - by bank transfer or postal order.

* * *

I.1.2. and I.2. - I.3. The measure is for the Respondent to fulfill the obligation according to point

it must be within 30 days of making it

the supporting evidence in writing

along with its submission - consideration of interests, information letter sent to the applicant, and

of that

you are an affidavit

screen save, and in relation to the Applicant's address data, data accuracy applies

for benefits

towards. THE

be certified by the Authority

in case of non-fulfillment of obligations, the Authority orders the execution of the decision.

copy of the certified mail book, data deletion

a copy of your correspondence - must

surrender

carried on

* * *

The I-II. There is no place for administrative appeal against a decision according to point a

within 30 days from the date of notification, with a letter of claim addressed to the Capital Court

can be challenged in a lawsuit. The claim must be submitted electronically to the Authority, which is

forwards it to the court together with the case documents. During the enhanced protection, the court

out of court

completely personal

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

is subject to the right of levy memo. Legal representation is mandatory in proceedings before the Metropolitan Court.

The III. there is no place for an independent legal remedy against the order according to point, that is just the case

can be challenged in a legal remedy request against a decision made on its merits.

The Authority draws the attention of the Applicant that the decision is open to challenge

including remedial proceedings

too. THE

is acting,

until the expiry of the deadline for filing an action or, in the case of an administrative lawsuit, until the final decision of the court

the data affected by the disputed data management cannot be deleted or destroyed!

JUSTIFICATION

I. Procedure and clarification of the facts

I.1. In his application submitted to the Authority, the Applicant stated that a

05.03.2020 "One time offer!" dated received a letter with the subject, in which the Applicant is

also in connection with its data management, informed the Applicant in a letter dated June 11, 2019 -

"Data management information for obligees and other persons acting on behalf of obligees"

named - with reference to the document, which is with reference to the website of the Applicant

you have also given your access path.

According to the Applicant's point of view, the aforementioned data management information of the Respondent is not

adequate, as it does not contain all the information that the Requested to inform about

obliges the Applicant. According to the Applicant's point of view, also in the data management information sheet

based on the above, the Requested Article 5 (1) point b) of the GDPR, as well as Article 6 (1)

manages the Applicant's personal data in violation of the provisions of paragraph

On the request of the Applicant, on the right to self-determination of information and freedom of information

CXII of 2011 Act (hereinafter: Infotv.) on data protection based on Section 60 (1).

an official procedure was initiated.

With reference to the above, in the application, the Applicant requested the following from the Authority:

- establish that the Requested personal data of the Requester pursuant to Article 5 (1) of the GDPR

is handled in violation of the provisions of paragraph b) and Article 6 paragraph (1),

-

-

-

-

oblige the Applicant to delete the Applicant's personal data,

oblige the Applicant to pay a data protection fine,

prohibit the Applicant from future processing of the Applicant's personal data,

order the requested identification data of the decision ex officio on the Authority's website

disclosure by publication.

I.2. The application submitted to the Authority did not include the time and place of birth of the Applicant, the

The applicant did not present a definite request as to which is personal

with regard to his data, he objects to the data management of the Respondent, and he also did not attach the

all documents supporting an alleged violation of law, so in particular to the Requested Applicant

sent a copy of the letter dated March 5, 2020, therefore the Authority

invited the Applicant to perform.

The Applicant complied with the Authority's invitation on May 5, 2020, and as follows

stated:

The Applicant does not object to the processing of his individual personal data, but the Respondent does

[….].pdf the information according to which the case is related to the following personal data

the obligees continue to process the data of the Requested for 8 years from the date of its termination, so the Requester

also regarding:

- personal identification data (name, birth name, mother's name, place of birth and date of birth),

-

(Obtained from the records of the Ministry of the Interior

address

latest residential address at all times, residential address provided by the obligee),

data on its performance

- for debt,

and its

(grantor name,

date of assignment, original contract number, debt amount, claim details

such as capital, interest, cost, fee amount and rate, currency, account maturity, debt

legal title, legal relationship, classification of obligee (debtor, co-debtor, guarantor, pledgee),

file number, legal procedure case number, reservation data),

residential address, in the case

recorded

- bank account number, payment details (date and amount of payment).

fulfillment,

its conduct is unique

At the request of the Authority, the Applicant forwarded the Applicant - 05.03.2020. letter dated

copy.

I.3. The Authority NAIH/2020/2957/4. notified the initiation of the procedure in order no

invited the Applicant to make a statement in order to clarify the facts, in response to which a

On June 25, 2020, the applicant sent his statement, which contained the following:

The claim against the Applicant was assigned on October 24, 2016

assigned by the Assignor to the Applicant by contract. The Applicant is personal

the purpose of processing his data in accordance with the claim management activity with the Applicant

enforcement of claims against, collection of claims outside of legal proceedings and legal

initiation of proceedings,

conclusion of payment agreements,

exercise of fairness, identification of payments, registration, bookkeeping, accounting

obligation

statutory obligation to provide data

fulfillment.

The period of retention of personal data for the obligation prescribed by accounting legislation

is adjusted, i.e. to that prescribed by § 169 of Act C of 2000. Legitimate interest with reference to legal basis

in the case of data processing, the data processing takes place until the data subject objects, if there is none overriding legitimate reason for data processing, in the case of data processing based on consent a the data manager performs the data management until consent is withdrawn.

I.3.1. The personal data managed by the Respondent in relation to the Applicant are as follows:

1.3.1-4 below. Personal data according to points are handled by the Requested by the Applicant regarding the existing contract between the Applicant and the original holder of the claim performance on a legal basis:

I.3.1.1. Personal identification data (Applicant's name, place of birth, time, mother's name)

- data source: Concessionaire, October 27, 2016.
- legal basis for data management: GDPR Article 6 (1) point b).
- duration of data management: 8 years from the closing of the case

I.3.1.2. Data relating to the claim (data relating to the claim and its fulfillment, i.e. amount of debt, principal, cost, interest, fee, title of debt: loan agreement, debtor classification: debtor, file number, loan agreement)

- legal basis for data management: GDPR Article 6 (1) point b).
- duration of data management: 8 years from the closing of the case

I.3.1.3. Contact information ([…])

- data source: Home address registration system of the Ministry of the Interior
- legal basis for data management: GDPR Article 6 (1) point b).
- duration of data management: 8 years from the closing of the case

According to the Respondent's statement, the Personal Registration and Administration of the Ministry of the Interior Your department has confirmed the residential address data recorded in its records on several occasions, most recently on June 19, 2020.

I.3.1. 4. Telephone number ([…])

- data source: Concessionaire

- legal basis for data management: GDPR Article 6 (1) point f) (legitimate interest)

- duration of data management: 8 years from the closing of the case

managing your phone number data

In general, the Respondent provided information that until then it will be processed for legitimate interests

with reference to the telephone number of the persons concerned, until it cannot reach the persons concerned

in order to ask for their consent. If the person concerned does not give consent, the telephone number

to manage data, in the event that it has a hash print in its system, it will be deleted

is formed, from which the data cannot be deciphered, and which is permanently deleted when the case is closed.

The Respondent stated that the Applicant

does not have the consent of the Applicant.

I.3.1.5. The Applicant also performs a portfolio analysis as follows:

By means of automated means (in which human intervention also takes place), the

the claim score obtained through assignment, which serves as a guideline for the cases

to the order of its treatment, further to the communication channel through which it is received

contact the stakeholders. This data management for the recovery of the Claimant's claim

based on a legitimate interest. If the person concerned requests it, in that case they will inform the

score, and if you object, it will be revised. The scores from the creation of the result

it is kept for 1 year and then irretrievably deleted. Data that are financial

the case is necessary to support the report

it is kept for 8 years from the date of its closure

Requested.

I.3.1.6. CXXII of 2011 on the central credit information system. Act § 6 (3) paragraph b)

and § 11 (1) on the legal basis of GDPR Article 6 (1) c)

data management.

I.3.2. The Respondent to the Applicant after 25 May 2018. 20.12.2018. on the day of, as well as

05.03.2020 sent a letter on the day in which he received information about the outstanding claim

Also about the access route of the requested data management information. The Applicant is currently looking for it

the opportunity to contact the Applicant to ask questions,

however, the Applicant is reticent.

Dated December 20, 2018

letter from the Respondent to the Applicant

He sent it to both addresses obtained from the Ministry of the Interior. As the permanent address of the Applicant

registered […] returned with the postmark “moved”, therefore the Applicant is the Applicant

He sent it to the address [...] registered as his place of residence on 05.03.2020. dated "One time

offer" letter. Despite this, the Respondent cannot arrange to delete the address at […]

since it comes from the official register of the Ministry of the Interior and is mandatory

you should send your notification letters to this address until the next query

will not receive a new address from the Ministry of the Interior.

The Applicant on 20.12.2018. and 05.03.2020. copies of his letters dated

For authority.

The Respondent also informed the Authority that no information had been received from the Applicant

inquiry by request. The Respondent provided detailed information in the letter of the first notice

the Applicant about the data management, after that only the availability of his data management information

route was included in his letter, which the Applicant also referred to in his application.

I.4. Based on the Respondent's statement, the Authority considered that clarification of the statement

because of this, it is necessary to call the Applicant to make a statement again in order to clarify the facts

considering that personal data processed on the basis of Article 6 (1) point f) of the GDPR

he did not attach his interest assessment, only and exclusively with the portfolio analysis

imperative

in relation to related data management. The Authority NAIH/2020/2957/9. order no

The respondent only partially fulfilled it, as it was a consideration of interests requested in point 4 of the invitation

did not attach tests, the litigant in progress requested an extension of the deadline for their review

with reference to procedure.

In response to another call from the Authority, the Respondent stated that it was from another data protection authority

case, the legality of the application of the contractual legal basis is the subject of the lawsuit, therefore it is

will change its data management practices depending on the Court's ruling, with this in mind

requested a deadline extension.

The Authority rejected the Applicant's request for a deadline extension for the following reasons

with reference:

Based on Article 5 (2) of the GDPR, the data controller is responsible for paragraph (1).

for compliance and must be able to demonstrate this compliance.

In view of the above, according to the Authority's position, the deadline extension request is not

properly substantiated, as they are always able to in the case of ongoing data management

the Requested Party must be in order to prove compliance with the provisions of the GDPR, so - and more

that - that in relation to personal data managed with reference to legitimate interest, the

interest assessment required by GDPR, and also has appropriate data management information,

and their provision to the Authority cannot be made dependent on any future

from the occurrence of the event.

II. Applicable legal provisions

The GDPR must be applied when personal data is partially or fully automated

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

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

they want to make it part of the registration system. It is for data management under the scope of the GDPR

Infotv. According to Section 2 (2), the GDPR must be applied with the additions indicated there.

According to Article 4, point 1 of the GDPR, "personal data: identified or identifiable

any information relating to a natural person ("data subject"); the natural can be identified

a person who directly or indirectly, in particular an identifier such as a name, number,

location data, online identifier or physical, physiological, genetic,

one or more factors related to your intellectual, economic, cultural or social identity

can be identified on the basis of

According to point 2 of this article

"data management: you are on personal data

any operation performed on data files in an automated or non-automated manner or

set of operations, such as collection, recording, organization, segmentation, storage, transformation or

change, query, insight, use, communication, transmission, distribution or otherwise

by way of making it available, coordination or connection, limitation,

deletion or destruction."

Pursuant to point 7, "data controller: the natural or legal person, public authority,

agency or any other body that determines the purposes of processing personal data and

determines its assets independently or together with others; if the purposes and means of data management

determined by EU or Member State law, to designate the data controller or the data controller

relevant special aspects can also be defined by EU or member state law."

Based on Article 5 (1) point d) of the GDPR, personal data: accurate and necessary

they must be up to date; all reasonable measures shall be taken to

that inaccurate personal data for the purposes of data management are deleted immediately

or correct ("accuracy").

Based on recital (47) of the GDPR, if the legal basis for data management is legitimate interest,

then a preliminary assessment of interests must be carried out, in the framework of which, among other things,

to determine the legitimate interest, the impact on the data subject, and that the data management

whether it is necessary or proportionate, and it must be considered whether it is the legitimate interest or that of the data

subject

is the right of the superior.

Pursuant to Article 5 (1) point a) of the GDPR, the processing of personal data is lawful and

must be carried out fairly and in a transparent manner for the data subject ("legality,

fair procedure and transparency").

Based on Article 5 (1) point b) of the GDPR, personal data is only collected

be done for a specific, clear and legitimate purpose, and they should not be treated with these purposes

inconsistently. ("goal-boundness").

GDPR5. based on article (1) point c), personal data are the purposes of data management

should be and should be necessary

they must be appropriate and relevant in terms of

be limited ("data saving").

On the basis of Article 6 (1) of the GDPR, personal data is processed only when and to the extent that it is

legal if at least one of the following is met:

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

for its treatment;

b) data management is necessary for the performance of a contract in which the data subject is one of the parties,

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

required;

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

[…]

f) data management to enforce the legitimate interests of the data controller or a third party

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

or fundamental rights and freedoms that require the protection of personal data,

especially if a child is involved.

In the absence of a different provision of the GDPR, the data protection authority procedure initiated upon the request is

CL of 2016 on general administrative regulations. Act (hereinafter: Act)

provisions shall be applied with the deviations specified in Infotv.

Pursuant to Article 58 (1) of the GDPR, the supervisory authority acting in its investigative capacity:

a) instructs the data controller and the data processor, or, where appropriate, the data controller or it

representative of the data processor to provide him with the information necessary to perform his duties

gives;

Pursuant to Article 58 (2) a)-f) of the GDPR, the supervisory authority acting in its investigative capacity:

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

within a period of time - harmonized by this regulation

in a specified manner and specified

with its provisions;

f

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

)

also;

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

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

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

with whom or to which the personal data was disclosed;

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

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

7

The Akr. On the basis of § 17, the authority has its authority and competence in all stages of the procedure

investigates ex officio. If you notice the absence of one of them, and it can be established beyond doubt in the case

competent authority, the case will be transferred, failing which the application will be rejected

or terminate the procedure.

Infotv. On the basis of § 38, paragraph (2b), the Authority is provided with personal data in paragraph (2).

with respect to the defined scope of the litigation aimed at making a court decision and

performed by the court in non-litigation proceedings, based on the relevant regulations

in relation to data management operations, it does not cover the provisions specified in paragraph (3).

to exercise powers.

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

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.

Infotv. Based on § 61, subsection (1), in the decision made in the official data protection procedure a

Authorities

a) in connection with the data management operations defined in paragraphs (2) and (4) of § 2 a

You can apply the legal consequences defined in GDPR,

b) in connection with the data management operations defined in § 2, paragraph (3).

ba) can establish the fact of unlawful processing of personal data,

bb) can order the correction of personal data that does not correspond to reality,

bc) can order a

blocking of illegally processed personal data,

or deletion

destruction,

bd) may prohibit the unlawful handling of personal data,

[…]

bg) can impose fines,

Infotv. On the basis of § 61, paragraph (2), the Authority may order in its decision - the data controller,

and the disclosure by publishing the data processor's identification data,

if

a) the decision affects a wide range of persons,

b) it was brought in connection with the activities of a body performing a public task, or

c) the severity of the infringement justifies disclosure.

Infotv. Based on § 61, subsection (5), the Authority, in deciding whether (1) is justified

imposition of a fine according to paragraph b) sub-point bg),

and the amount of the fine

during its determination, it takes into account all the circumstances of the case, so in particular the infringement

the size of the circle of stakeholders, the gravity of the violation, the reprehensibility of the conduct, and the fact that

whether the violator was previously found to be related to the handling of personal data

infringement.

Infotv. On the basis of § 61, subsection (6), open to challenge the decision

until the end of the deadline, or until the final decision of the court in the case of an administrative lawsuit a

data affected by disputed data processing cannot be deleted or destroyed.

Infotv. On the basis of § 71, paragraph (1) during the Authority's procedure - for its conduct

to the extent and duration necessary - you can manage all personal data, as well as by law

data classified as protected secrets and secrets bound to the exercise of a profession, which with the procedure

are related

in order to conduct

required.

Infotv. 75/A. On the basis of §, the Authority exercises its powers contained in paragraphs (2)-(6) of Article 83 of the GDPR

practices taking into account the principle of proportionality, especially with the fact that personal data

regarding treatment -

in its legal act

in the event of the first violation of specified regulations, to remedy the violation

and the treatment of which the procedure is successful

by law or the European Union is mandatory

in form

- in accordance with Article 58 of the GDPR - primarily the data manager or data processor

takes action with his warning.

Act C of 2000 on accounting (hereinafter: Accounting Act) § 169 (1)–(2)

based on paragraph:

(1) The entrepreneur prepared an account of the business year, the business report, as well as those

supporting inventory, evaluation, ledger extract, as well as the log book, or other, as required by law

can read a register that meets its requirements

mandatory for at least 8 years

keep.

(2) Accounting documents directly and indirectly supporting the accounting

(including ledger accounts, analytical and detailed records), at least 8

must be in readable form for years, it can be retrieved by referring to the accounting records

way to preserve.

Pursuant to § 166, paragraph (1) of the Accounting Act, any accounting document that the entrepreneur

issued or made by, or a natural person with a business or other relationship with the farmer

a document issued or prepared by a person or another entrepreneur

(invoice, contract,

agreement, statement, credit institution receipt, bank statement, legal provision, other

a document that can be classified as such) - regardless of its printing or other production method - which a

supports the accounting accounting (registry) of an economic event.

CXXII of 2011 on the central credit information system. Act (hereinafter: KHR Act)

Based on § 6, paragraph (3), if the conditions set out in this law exist, the reference data

the service provider is obliged to do so within five working days, taking into account customer protection rules

to hand over the reference data managed by him to the financial company managing the KHR in writing. THE

start of deadline calculation

[…]

b) in paragraph (1) of § 11 and § 14 and 14/B. the period specified in § has expired,

[…]

KHR tv. Pursuant to § 11, paragraph (1), the reference data provider is the financial institution managing the KHR

to the enterprise in writing to that natural person according to Annex II. of the chapter

1.1–1.2 of the reference data of the person who is the subject of the data provision in the contract

does not meet its payment obligations in such a way that it is overdue and unpaid

the amount owed exceeds the minimum applicable at the time of default

monthly minimum wage in the amount of 100,000 and persistently in arrears exceeding this minimum wage amount,

lasted for more than ninety days.

During the procedure, the Authority exceeded Infotv. One hundred and twenty days according to paragraph (1) of § 60/A

administrative deadline, therefore the Ákr. On the basis of point b) of § 51, he pays HUF ten thousand to the Applicant.

III. Decision

III.1. Legal basis for processing the Applicant's personal data

III. 1. 1. 1. Data managed on the basis of the contract between the Grantor and the Applicant

According to the Authority's findings, the legal basis according to Article 6 (1) point b) of the GDPR - a

with the exception of certain steps prior to concluding a contract - it can only be used if a

is necessary for the performance of the contract, so this legal basis cannot be extended as such

for data management, for which the situation caused by the non-fulfillment of the contract by the data subject

in order to remedy it, the contracting parties take steps arising from the normal obligation of cooperation

it is necessary to perform overreaching actions. They may still fall within the scope of the contract

the steps when the data controller who concluded the contract with the data subject - that is, who a

in the contract, the other party - in the event of a delay in performance, calls on the person concerned to perform.

However, it is no longer a contractual legal basis according to Article 6 (1) point b) of the GDPR

can be applied in the event that the data controller is against the data subject due to the missed performance

assigns your claim to a debt collection company (i.e. the problem is already

you want to solve outside the contract). In this way, between the Respondent and the Applicant

no contractual relationship exists.

so it's just different, it's typical

As part of the concession

the assignee's legitimate interest in asserting the claim for its own part

may.

Explanation attached to Act V of 2013 on the Civil Code (hereinafter: Civil Code)

according to which the transfer of claims takes place based on the same logic as the transfer of ownership,

therefore, the assignment is actually nothing more than the transfer of ownership of the claim.

data transfer

legal basis

With the assignment, the claim is separated from the original legal relationship from which it originates and is

assignee only acts in relation to the claim and not the basic legal relationship

instead of assignor. By assigning, the claim is separated

from the basic legal relationship and the assignee becomes the holder of the claim, the claim is assigned

its validation by, as well as the related data management, it is no longer a contract

is done in order to fulfill, from which the claim originally originated, since in this case

the assignee should enforce it not in his own favor, but in favor of the assignor

claim acquired by way of assignment. With the concession, if the consideration

is made on his behalf, the assignor's claim against the obligee depends on the purchase price

fully or partially reimbursed. The assignee is in his own interest for the purpose of collecting the claim

and acts for his own benefit, since with the assignment he becomes the rightful owner of the claim, and the claim

enforcement, the judgment of the debtor for performance, as well as the data management carried out for this purpose is his

serves its legitimate interest, not the performance of the underlying contract, as the claim is

became independent from the contract by assignment.

According to the Respondent's response to the Authority, against the Applicant Concessionaire

outstanding debt was assigned to the Respondent on October 24, 2016.

Since the Respondent obtained the claims against the Applicant by assignment,

as well as the personal data of the Applicant, and thus the claims

has become the right holder, the legal basis for data processing cannot be Article 6 (1) point b) of the GDPR

contractual legal basis according to

In this round, the Authority notes that the Capital Court of First Instance […], the present one

similar to an official procedure, a claim acquired through an assignment for the purpose of claims management

in connection with his legal basis, the Court's […] September 2020 concerning the Applicant

Brought on the 14th

legal basis

was shared by the Authority regarding its applicability

position expressed above. The capital city

Tribunal of the European Data Protection Board, 2/2019. which also appears in recommendation no

considered the interpretation to be the governing one, according to which the performance of the contract as a legal basis is

narrow

to be interpreted and does not automatically cover data processing resulting from non-fulfilment, or how

only by sending out the payment reminder or by redirecting the contract to a normal course

related data management may fall under the legal basis of the performance of the contract, the original contract

however, none of this can be applied to data processing for claims management after its termination.

Based on the above, the Respondent has violated Article 6 (1) of the GDPR, as it is not appropriate

processed the Applicant's personal data with reference to a legal basis. However, this does not necessarily mean

that there is no legal basis for processing the Applicant's personal data, since a

it came within the scope of its legally performed receivables purchase activity enabled by law

to the Applicant's personal data - natural personal identification data, as well as a

claim data - and for validating legally acquired claims,

as well as his legitimate interest in the processing of the above data necessary for this

can be determined in principle due to regulation.

III. 1. 1. 2. The Applicant's telephone number data

upheld by its judgment -

in the judgment of the contracting party

legally binding

10

(47)

legal basis

legitimate interest

verify the GDPR

its existence must be based on a consideration of interests

According to the Respondent's statement, the Applicant's telephone number data is subject to GDPR Article 6 (1)

f), since these personal data come from the Grantor, and until now

failed to contact the Applicant in order that the Applicant

request your consent and accordingly on the basis of Article 6 (1) point a) of the GDPR

manage your phone number data.

THE

based on its preamble.

The Respondent is therefore currently managed by the Applicant on the basis of point f) of Article 6, paragraph (1) of the

GDPR

phone number data, however, despite the Authority's express request, the related

did not attach a consideration of interests.

In the absence of an appropriate consideration of interests, the Respondent may not invoke the legitimate interest, such as

legal basis, i.e. the processing of the data of the Applicant's phone number by the Respondent is governed by Article 6 of the

GDPR

It cannot be based on point f) of paragraph (1), so the examined data management has no legal basis, therefore a

The Respondent keeps records of the Applicant's telephone number without any legal basis.

The Authority's position is that the management of the Applicant's phone number is for the collection of the claim
and it is not absolutely necessary to maintain contact with the Applicant, since a
He also requested his other contact information and address to contact the Applicant
handles.
According to the Authority's point of view, it is from the point of view of the original purpose of data management
written
contact form is sufficient and appropriate. The data subject must be allowed to
you can also choose written contact if you do not wish to receive regular phone calls. THE
According to the authority's point of view, there is no data controller's interest that takes precedence over this
would enjoy, and it is hard to imagine that such an interest existed.
Taking into account the principle of "data saving" according to Article 5 (1) point c) of the GDPR
the Requested Party must also act when handling the phone number data. According to the position of the Authority
the Respondent may not process the Applicant's telephone number data if the Applicant has not consented to it
specifically for him, because the management of the Applicant's residential address data means the deletion of his phone
number
ensures the possibility of maintaining contact even after
it would also fulfill its obligation written in the principle. During the procedure, the Applicant said that
stated that it is handled by the Applicant in the public register of the Ministry of the Interior
also the address data of the actor's registered residence and place of residence. During the procedure a
The Respondent did not dispute that although the contact with the Applicant at the address of his residence
was unsuccessful, after that it manages the address of your current location at [...]
as contact information.
The place of residence is what is colloquially called a "temporary address". Citizens are personal
LXVI of 1992 on the registration of your data and address. § 5 (3) of the Act
According to
lives for more than a month (e.g. because of his job). Thus, with the Applicant by post

contact is ensured at the address of the place of residence according to the statement of the Applicant.

According to the Respondent's statement, "Our company is the operator

not yet for phone numbers

has the Customer's consent, the phone consultation with the Customer was unsuccessful,

in view of the fact that the Customer refused to identify himself. The Applicant a

According to the applicant's statement, he is "uncooperative" during phone calls. The Applicant a

he did not give his consent either

phone numbers

for its registration and use, therefore the Respondent may not manage on this legal basis the

Requester for this personal data.

for contact, and

phone

11

The Respondent handles the Respondent's telephone number data with reference to its legitimate interest, since a

The applicant would like to obtain his consent to the processing of this personal data, but so far

there was no way. Due to the Respondent's reference to the legitimate interest, the GDPR (47)

based on its preamble, it had to prepare an interest assessment. On the 25th day of June 2020

The Respondent sent the prepared interest assessment to the Authority, in connection with which a

The authority identified the following main deficiencies/contradictions:

required. Come on

- The consideration of interests is comprehensive for all contact information (address, telephone number, e-mail

title) applies, so in many cases the reasoning is mixed. The position of the Authority is also

that the processing of residential address data is essential for claims management purposes, however a

phone number data management is not, and the consideration of interests is primarily about whether

contact information is definitely needed and it is not explained in detail and the rest

separately from contact information, that a

treatment why

necessarily

the

mentions

the stakeholders also benefit from the contact, since the existing one is informed

regarding the claim, you will be informed about what options you have and to negotiate

know, you can possibly avoid costly legal proceedings, but this will be done by post

is also realized in contact. The debtor's right to be in writing cannot be disputed

choose contact, consider written communication appropriate and optional

tolerate the regular cashier

phone calls that are private

they mean disturbance, where appropriate, psychological pressure, stress, especially weak

in case of health condition. According to the Authority's point of view, the Respondent did not substantiate it

under that his business interest would precede this interest of the stakeholders.

your phone number

the

consideration of interests,

in nature

that

- The consideration of interests also includes the fact that data management is based on legitimate interests

it takes until the data controller reaches the data subject, when consent is requested for further data processing

for treatment. However, this is not detailed by the Respondent, nor is his consideration of interests

includes guarantees about how many calls and for what duration

means, since it cannot mean an infinite duration.

- The phone number and address data from a public database, even from third parties

can be obtained by the Applicant. In the case of residential address data, the public database is the data

source is acceptable, as the postal address is definitely necessary for contact,

however, in the case of your phone number, this is a concern as it is not essential

it is necessary data and affects the privacy of the data subject more directly.

If the data subject requests deletion or withdraws his consent, then a

The Respondent cannot obtain this from the Respondent's public database again

personal data, because in that case the data subject's privacy is violated.

In particular, in that case, it cannot be accepted from another source

your telephone number, if the Respondent obtains it from a specific third party, because

in this case, the data subject did not make this personal data public.

- The weighing of interests is contradictory "Is there another way to achieve the stated goal?"

at part. Here, the Respondent explains that if a telephone number is not available, and

the person concerned does not respond to the notice letters either, in which case legal proceedings are initiated

the Respondent either visits the person concerned personally or from a public database

asks for your phone number. Among other things, he notes here that data management is

it is not expected to cause undue disadvantage or difficulty for those concerned, since

only data absolutely necessary for claims management will be processed a

based on the existence of a legitimate interest (e.g. not for processing telephone numbers or e-mail addresses). These

Based on

necessary a

the management of telephone number data for claims management, further referring to this, states,

that it does not cause undue disadvantage to the person concerned, because telephone number and e-mail address

doesn't handle it.

so the consideration of interests

unconditionally

according to

neither

The Authority determined that the Applicant's consent was valid until the date of obtaining it

reference to the legal basis of interest is not acceptable, as this may give rise to abuse,

namely, it can be the basis for multiple telephone inquiries for which the Applicant does not

gave his consent. Another argument is that the Applicant

phone number data

Its processing by the respondent does not have an appropriate legal basis according to Article 6 of the GDPR, that is

the claim was assigned on October 24, 2016. The position of the Authority

according to him, it is not viable that until March 24, 2020, so the official data protection procedure

in the more than 3 years that had passed until the day of its initiation, the Applicant had no opportunity

obtain the consent of the Applicant. For this reason, according to the Authority's point of view, it is not

it can be accepted that the Respondent claims that he is handling it on the basis of legitimate interest until then

the Applicant's phone number until it reaches the Applicant for the purpose of

request your consent, as this is 22 months from the entry into force of the GDPR

cannot provide a legal basis for its data processing, given that this type of data processing is an appropriate one

also in case of consideration of interests - it can only be of a temporary nature. Given that the Respondent is a

in the case of continuous, long-term data management, it gave the appearance that it was

it would only be temporary, therefore it violated Article 5 (1) point a) of the GDPR

principle of "legality, fair procedure and transparency".

The Authority also points out that in connection with the claims management, with the Applicant

to maintain contact, it is not absolutely necessary to manage the phone number data, since

requests through it have no legal effects, it is only a "soft" collection

part, it is not a condition for the initiation of legal or enforcement proceedings.

THE

with reference to the above, the Authority established that the Respondent is the Applicant

by processing your phone number data, you also violated Article 6 (1) of the GDPR, as it is a legal basis

handles them without

meets the need

nor the principle of ("data economy"), therefore Article 5 (1) point c) of the GDPR

also conflicts with its provisions.

III. 1. 1. 3. For the purpose of transferring the reference data to the central credit information system

managed data

The Authority established that it is mandatory based on Section 11 (1) of the KHR Act

data management is carried out by the Requested Party, so the legal basis for data management in this case is Article 6 (1) of

the GDPR

point c) of paragraph

Pursuant to Section 11 (1) of the KHR Act, the reference data provider is the financial institution managing the KHR

to the enterprise in writing to that natural person according to Annex II. of the chapter

reference data according to points 1.1-1.2, who is in the contract that is the subject of the data provision

does not meet its payment obligations in such a way that it is overdue and unpaid

the amount owed exceeds the minimum applicable at the time of default

monthly minimum wage in the amount of 100,000 and persistently in arrears exceeding this minimum wage amount,

lasted for more than ninety days.

Based on the above, the KHR Act Annex II. data according to points 1.1-1.2 of chapter

which are handled with reference to the data provision obligation of the Requested:

furthermore, the management of the data is not

1.1. Identification data:

the name,

b) birth name,

c) date and place of birth,

d) mother's birth name,

e) identity card (passport) number or other proof of identity a

LXVI of 1992 on the registration of citizens' personal data and residential address. law

ID number suitable according to

f) residential address,

g) mailing address,

h) electronic mail address.

1.2. Data of the contract that is the subject of data provision:

13

a) type and identifier (number) of the contract,

b) date of conclusion, expiration or termination of the contract,

c) customer quality (debtor, co-debtor),

d) * the amount and currency of the contract, as well as the method and frequency of repayment,

e) the date of occurrence of the conditions specified in paragraph (1) of § 11,

f) expired and existing when the conditions specified in § 11, paragraph (1) occur

amount of unpaid debt,

g) the method and date of termination of the expired and unpaid debt,

h) transfer of the claim to another reference data provider, referring to a lawsuit

comment,

i) the fact and time of prepayment, the prepayment amount and the amount of the outstanding capital debt,

currency,

j) amount and currency of outstanding debt,

k) * the amount and currency of the repayment installment of the contractual amount.

fg) on the termination of the debt settlement without exemption of the debtor or co-debtor

the date of entry into force of the court decision,

fh) the Family Bankruptcy Protection Service for the successful conclusion of the out-of-court debt settlement

date of notification to

g) stages of the debt settlement procedure: "Submission of initiative", "Initiator",

"Agreed", "Concluded"

1.6.3. The client's involvement (debtor, co-debtor, participant in the debt settlement procedure

legal basis

legitimate interest

its existence must be based on a consideration of interests

other obligee).

Essentially, the personal data above - managed on the basis of Article 6 (1) point c) of the GDPR

they overlap, i.e. they are the same as I.3.1.1-I.3.1.3. listed in points, by the Applicant

with the scope of personal data managed for claims management purposes.

III.1.1.4. Personal data processed for the purpose of portfolio analysis

The Respondent to GDPR Article 6 (1) point f), i.e. the Respondent's "reimbursement of

on the basis of his legitimate interest" manages the personal data of the Applicant for the purpose of portfolio analysis.

THE

based on its preamble.

At the request of the Authority, the Respondent attached its data management related to the portfolio analysis

its assessment of interests justifying its legal basis, in connection with which the Authority established the following

and:

The data management detailed therein does not differ from the data management of claims management, as it is given

formulates a recommendation in connection with the process of claim management in relation to the person concerned,

therefore, in relation to the subject of letters to be sent to those concerned, and also

which channel should be used to contact the debtors, as well as more related to this

data is not processed by the Respondent in relation to the Applicant.

Based on the above, the portfolio analysis can be part of the data management for the purpose of receivables management

be considered, since according to the Respondent's statement, "it serves as a guideline for how we handle

the case e.g. which communication channel should we use to contact the debtor, and the bank number

the order in which the cases are handled is determined based on that personal data

in respect of which the Applicant is subject to consideration of interests

to support it

legitimate interest in data management, legitimate is also acceptable as a legal basis for portfolio analysis

interest, especially considering that, according to the Respondent's information, the portfolio analysis

deletes the result (score) obtained during the course, if the Applicant objects to its handling

against.

verify the GDPR

you know

(47)

14

also from that

During the procedure, it was established that the Applicant did not object to his personal data

against its processing - by the Respondent - for the purpose of portfolio analysis, therefore Article 21 of the GDPR

did not submit a stakeholder application to the Respondent, therefore the Respondent did not cancel the

Applicant's score data managed during portfolio analysis,

subtracted

conclusions, and therefore did not violate the provisions of the GDPR in this connection.

III.1.1.5. Act C of 2000 on accounting. (hereinafter: Accounting Act) § 169. (2)

personal data and retention period managed on the basis of paragraph

Based on Article 6 (1) point c) of the GDPR, the personal data is also in that case

can be processed if the data processing is to fulfill the legal obligation of the data controller

required.

Regarding the loan agreement, as well as its termination or withdrawal from it

statements, a

payment receipts are considered accounting documents, which is

at the time of assignment, the assignor was obliged under the Civil Code. Pursuant to § 6:196, to hand over a

To the Respondent, what the Respondent, as an accounting settlement, directly and indirectly

supporting accounting documents (including ledger accounts, analytical and detailed

records as well), must be kept for at least 8 years § 169. (2) of the Accounting Act

Based on.

Currently - between the Grantor and the Requested on October 24, 2016

on the basis of an assignment agreement - the Applicant is based on the loan agreement

claim holder, and since the retention period according to Section 169 (2) of the Accounting Act

has not yet expired in relation to the legal transaction related to assignment, therefore Article 6 of the GDPR

on the basis of Article (1) point c), the Respondent has a legal basis for the personal data

for handling, which are contained in the documents according to the Accounting Act.

III. 2. Request for deletion of data by the Applicant

The Applicant requested the Authority to order the personal data managed by the Applicant

deletion of data.

III.2.1. Partial rejection of the cancellation request

The Applicant's request for the deletion of his personal data is primarily for evaluation

the Authority must examine whether the conditions for deletion are contained in Article 17 of the GDPR

are fulfilled, i.e., above all, that the data is processed for the appropriate purpose and the GDPR

whether it is based on a suitable legal basis, or - if there is no data management

its appropriate legal basis - whether it exists as an exception according to Article 17 (3).

one of the listed cases.

It can be established from the Respondent's statements and the documents attached to them that a

At the same time, the applicant handles several data management purposes, with reference to different legal bases

The applicant's personal data, which are as follows:

- Fulfillment of the existing contract between the Applicant and the original holder of the claim

on a legal basis, i.e. point b) of Article 6 (1) of the GDPR (personal identification, on demand

relevant and contact information)

- Fulfillment of KHR's statutory obligation, i.e. Article 6 (1) paragraph c) of the GDPR

point,

- for the purpose of portfolio analysis based on Article 6 (1) point f) of the GDPR,

-

during claim management by telephone until the Applicant's consent is given

for the purpose of contact, telephone number data is provided for in Article 6, paragraph 1, point f) of the GDPR

Based on.

15

III.2.1.1. The Authority established that, in view of point b) of Article 17, paragraph (3) of the GDPR, the

I.3.1.6 of this decision. for the purposes specified in point 1, i.e. Section 6 (3) b) of the KHR Act

point and Section 11, paragraph (1), the Respondent cannot be obliged to delete the data registered,

since in these cases it is based on the legal basis of Article 6 (1) point (c) of the GDPR

data management, i.e. the management of personal data, applicable to the data controller

Data management is necessary to fulfill legal obligations. Besides, it's personal

nor does the Authority order with regard to data, which the Requested by the Accounting Act

Manages on the basis of § 169, paragraph (2).

The Authority determined that it was handled based on point c) of Article 6, paragraph (1) of this GDPR

the range of data - excluding the Applicant's phone number data - is the same as that of claim management

with the scope of data managed for this purpose.

Based on the above, the Authority for Article 17 (3) point b) of the GDPR, as well as Article 6 (1)

with regard to point c) of paragraph 2 - excluding the Applicant's telephone number data - rejects it

the Requester's request to bind the Requested Party to the scope of mandatory data management

to delete personal data processed in connection with

III.2.1.2. The Respondent, based on the assignment contract, owes the Applicant

has become the rightful owner of claims and manages the claim in order to collect it

your personal data. In itself, this data management purpose is considered legal, since the law

receivables legally acquired in the framework of the receivables purchase activity enabled by

validation is the goal.

The Respondent has violated Article 6 (1) of the GDPR, as it does not have an appropriate legal basis

handled the Applicant's personal data for claim management purposes. The data

however, GDPR may be the appropriate legal basis for its legal further processing for claims management purposes

Article 6, paragraph 1, point f).

However, the condition of data processing for this purpose is that the legitimate interest of the

Back it up with a requested interest assessment test.

In view of the above and what was written in the previous point, the Authority rejected the Applicant's request

his part to oblige the Applicant with his personal data managed for the purpose of claims management

to delete (not including the Applicant's phone number data), since the Applicant is the Applicant

for your personal data – natural personal identification data, as well as the claim

data - and a

to enforce legally acquired claims, as well as a

the existence of a legitimate interest related to the processing of data necessary for claims management is legal

can be determined in principle due to regulation. To this

in view of the Authority obliged the

You are requested to process the Applicant's personal data for claims management purposes

in this context, supplement your assessment of interests by proving that the Applicant is legitimate

the priority of your interests, in the absence of this, do not delete this personal for claim management purposes

data,

also obliged the Applicant to prepare the interest assessment

limits the processing of this personal data for claims management purposes.

III.2.2. Partial approval of the cancellation request

The Authority ordered the Applicant at the request of the Applicant in accordance with the provisions of the statutory part

deletion of your telephone number data, with regard to III.1.1.2. for the reasons explained in point.

III.3. Request for the imposition of a data protection fine

Publication of the data protection fine and the decision with the requested identification data

the application of legal consequences does not directly affect the rights or legitimate interests of the Applicant,

such a decision of the Authority does not create any right or obligation for him, as a result

with regard to the application of these legal consequences - which fall within the scope of enforcing the public interest

the Applicant is not considered a customer in the CL of 2016 on the general administrative procedure.

Act (hereinafter: Ákr.) on the basis of paragraph 10.§ (1), and since the Ákr. Section 35 (1)

paragraph, there is no place to submit an application in this regard, the petition

parts of this cannot be interpreted as a request.

III.4. Request to prohibit future data management

Article 58 (2) of the GDPR lists the legal consequences that the Authority

may apply against the data controller in case of unlawful data processing. Legal consequences of this

does not include the prohibition of future data management, so such a legal consequence is the Authority

cannot be used against a data controller, as its legal conditions do not exist,

therefore, the relevant part of the Applicant's request was rejected by the Authority.

Prohibition of future data management would be a sanction that would exclude the data controller

Personal data shall be handled by the Applicant on the basis of any legal basis that complies with the GDPR

your data.

III.5. Legal consequences

III.5.1. The Authority condemns the Applicant based on point b) of Article 58, paragraph (2) of the GDPR,

because he violated:

- Article 6 (1) of the GDPR, and

- points a) and c) of Article 5 (1) of the GDPR.

III.5.2. In accordance with GDPR Article 58 (2) point f), the Authority ex officio orders

the following:

- restriction of the processing of the Applicant's personal data, for the purpose of debt recovery

the termination of its data management operations until the Respondent proves that it is for the purpose of claims management

the priority of its legitimate interest in data management over the rights and interests of the Applicant

opposite.

In accordance with Article 58 (2) point g) of the GDPR, the Authority orders the Applicant

deletion of his telephone number data, since the Respondent did not

confirmed in this regard by

Applicant's consent.

In accordance with Article 58 (2) point d) of the GDPR, the Authority ex officio orders that the

Based on point b) of § 14, paragraph (2) of the GDPR, the requested party should inform the applicant that

the processing of your personal data for the purpose of claim management is necessary due to the legitimate interest, on this

interest takes precedence over the fundamental rights of the Applicant, and inform the

The applicant, as a data subject, about the right to object and how to do so

can practice.

III.5.3. Due to the above violations, it became necessary to establish a legal consequence, which the

Authority decided by acting in discretionary power based on legislation.

The Authority ex officio examined whether a data protection fine against the Application was justified

imposition. In this context, the Authority has Article 83 (2) of the GDPR and Infotv.75/A. on the basis of §

ex officio considered all the circumstances of the case and found that during the present proceedings

in the case of a detected violation, the warning is neither a proportionate nor a dissuasive sanction,

therefore it is necessary to impose a fine.

When imposing the fine, the Authority took the following factors as aggravating factors

taking into account:

- The violation is serious, because the Respondent unlawfully implemented several violations of fundamental rights

data management. (GDPR Article 83 (2) point a)

- THE

caused by data processing without a legal basis

infringement by the Respondent is intentional

caused by his behavior and data management practice. (GDPR Article 83 (2) point b)

- The Respondent has already been convicted for violating Article 6 (1) of the GDPR

because the processing of data for the purpose of claims management was based on an inappropriate legal basis

carried out by NAIH/2019/2566/8., NAIH/2020/5552.

and NAIH/2020/152/2. no

in decisions, of which NAIH/2019/2566/8. No. and NAIH/2020/552. no

no fines were imposed in the decisions, while NAIH/2020/152/2. in decision no

A HUF 1,000,000 data protection fine was imposed. (GDPR Article 83 (2) e) and

and point i)

Based on the Applicant's 2019 profit and loss statement, its pre-tax profit was HUF […]. THE

the imposed data protection fine does not exceed the maximum fine that can be imposed. (general data protection

Regulation Article 83 (5) point a)

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

to review its data management practices to enforce the principle of accuracy,

also regarding the management of telephone number data.

According to Article 83 (5) point a) of the GDPR, the violation committed by the Respondent

it is considered a violation of a higher fine category. Based on the nature of the violation a

the upper limit of the fine that can be imposed is 20,000,000 based on GDPR Article 83 (5) points a) and b)

EUR, or a maximum of 4% of the total world market turnover of the previous financial year.

The Authority follows the provisions of Article 83 (2) of the GDPR regarding the imposition of fines

did not take into account its provisions, because they were not relevant in the case at hand: point c), d)

point, f) point, g), h) point, j) point and k) point.

ARC. Other questions:

The competence of the Authority is set by Infotv. Paragraphs (2) and (2a) of § 38 define it, and its competence is
covers the entire territory of the country.
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 (1)
paragraph or § 114, paragraph (1) against the decision by means of an administrative lawsuit
there is room for a legal 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, it is applicable
of 2015 on the general rules of electronic administration and trust services
CCXXII. Act (hereinafter: E-Administration Act) according to Section 9 (1) point b) the customer
legal representative is obliged to maintain electronic contact.
The place and time of submitting the statement of claim is set by Kp. It is defined by § 39, paragraph (1). THE
on the re-introduction of certain procedural measures valid during a state of emergency

112/2021. According to § 36 (1)-(3) of the Government Decree (III. 6), the period of enhanced protection
during which the court acts outside of a trial, including legal remedy procedures. If trial
there would be room for it to be held, or either party requested it, or the trial has already been scheduled, the proceeding
the court notifies the parties out of turn of the fact of adjudication outside the trial and provides an opportunity

for the parties to submit their statements in writing. If the enhanced defense in the lawsuit
a hearing should be held out of time, the plaintiff can request that the court is out of session
instead of adjudication, adjourn the trial to a date after the end of the enhanced protection,
if a) the court did not order the suspensory effect of the administrative act at least partially,
b) the filing of the action has a suspensive effect, and the court did not order the lifting of the suspensive effect
c) no interim measure was ordered.
The amount of the fee for the administrative lawsuit is determined by Act XCIII of 1990 on fees. law
(hereinafter: Itv.) 45/A. Section (1) defines. It is from the advance payment of the fee
Itv. Paragraph (1) of § 59 and point h) of § 62 (1) exempt the party initiating the procedure.
If the Respondent does not adequately certify the fulfillment of the prescribed obligation, the Authority
considers that the obligation has not been fulfilled within the deadline. The Akr. According to § 132, if a
the obligee has not complied with the obligation contained in the final decision of the authority, it can be enforced.
The Authority's decision in Art. According to § 82, paragraph (1), it becomes final with the communication. The Akr.
Pursuant to § 133, enforcement - unless otherwise provided by law or government decree
- ordered by the decision-making authority. The Akr. Pursuant to § 134, the execution - if it is a law,
government decree or, in the case of municipal authority, a local government decree otherwise
does not have - the state tax authority undertakes. Infotv. Based on § 60, paragraph (7) a
In the authority's decision
reserved, to perform a specific act, defined
the decision regarding the obligation to conduct, tolerate or stop
its implementation is undertaken by the Authority.
During the procedure, the authority exceeded Infotv. One hundred and fifty days according to paragraph (1) of § 60/A
administrative deadline, therefore the Ákr. On the basis of point b) of § 51, he pays HUF ten thousand to the Applicant.
Budapest, April 7, 2021.

Dr. Attila Péterfalvi

president

c. professor

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