

Case number: NAIH-5802-9/2022.

History: NAIH-7550/2021.

Subject: decision

H A T A R O Z A T

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

([...]) represented by AMPLIFON Magyarország Commercial and Service Limited Liability Company

Company (headquarters: 1097 Budapest, Könyves Kálmán krt. 12-14. 3rd floor; hereinafter:

Mandatory) of its practice related to data processing for "market research purposes" carried out by mail

makes the following decisions in the official data protection procedure initiated for its investigation:

1.

The Authority determines that the Obligee is invited to the screening test

appropriate information in connection with the sending of postal notifications containing

it is handled by those concerned without a specific and real purpose and without an appropriate legal basis

your contact (name and address) data and thereby violated Article 5 of the General Data Protection Regulation.

the principle of fair data management according to Article (1) point a), Article 5 (1) b)

the principle of purpose-boundness according to point 6, paragraph 1 of Article 6, as well as the above

in connection with the provision of information according to Article 12, paragraph (1) and Article 14

obligation.

2.

The Authority, due to the provisions of point 1, Article 58 (2) of the General Data Protection Regulation

on the basis of point g) of paragraph, ex officio instructs the Obligor to delete the

name and address data stored by him in connection with sending postal notifications, i.e. all,

from the personal data and address register by the Ministry of the Interior at the request of the Obligor

provided name and address data.

3.

The Authority is ex officio the Obligor due to the above data protection violations

HUF 80,000,000, i.e. eighty million HUF

data protection fine

obliged to pay.

The data protection fine shall be imposed within 30 days from the date of the finalization of this decision

Authority centralized revenue collection target settlement

HUF account (10032000-

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

0000 0000) must be paid. When transferring the amount, NAIH-5802/2022. FINE. for number

must be referred to. If the Obligor fails to pay the fine within the deadline

is obliged to pay a sufficient late fee. The amount of the late fee is the legal interest,

with the central bank base rate valid on the first day of the calendar semester affected by the delay

matches.

This decision makes the Obligor's fulfillment of the obligation prescribed in point 2 final

must be in writing within 30 (thirty) days of the divorce - the supporting evidence

along with its submission - certify to the Authority. In case of non-fulfilment of the obligation a

The authority orders the implementation of the decision.

The Authority draws the Obligee's attention to the fact that the decision is open to appeal

.....

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until the end of

and in the case of an administrative lawsuit, the court

deadline for filing an action

legally binding

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

No procedural costs were incurred in the procedure.

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 claim must be submitted to the Authority electronically¹, 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

the fee for the administrative lawsuit is HUF 30,000, the lawsuit is subject to the right to record the fee. The capital city

Legal representation is mandatory in court proceedings.

The Authority publishes this decision on the Authority's website to the Obligor's identification data

is published with the designation

I N D O C O L A S

History cases

I. Procedure and clarification of the facts

1.

1.1. The Authority received several reports, in which the informants complained that a

He sent them a notice - an invitation to a screening test - by compulsory mail

despite the fact that they had not previously agreed to it.

Due to the above, the Authority considered it justified to initiate an official inspection of it ex officio

in order to verify that the Obligor during the data management practices used by him

whether it complies with the requirements of the General Data Protection Regulation. The Authority is the NAIH-

4181-1/2021. in its order, the data protection authority notified the Obligor

and called him several times to clarify the facts

written information on the questions asked therein. The Obligor in the inquiries of the Authority

he made a statement through his legal representative certified by power of attorney in relation to the questions included.

1.2. The Authority complies with Article 5, Article 6 (1), Article 14 of the General Data Protection Regulation.

due to a suspected violation of Article

on the day of the CL of 2016 on the general administrative order. law (hereinafter:

Ákr.) based on § 101, paragraph (1), point a) initiated official data protection proceedings ex officio.

1.3. Infotv. Based on Section 71 (2), the Authority used the

Regarding the obligation, the facts and other evidence contained in the following documents,

which arose in previous proceedings related to the Obligation:

a) By the Authority NAIH/2019/6052/1. registered stakeholder complaint and its attachments,

which were received by the Obligor at the complainant's address between February 4 and 28, 2019

for the date and between July 20 and August 14, 2020,

postal inquiries inviting free hearing screening.

1 The NAIH_K01 form is used to initiate the administrative lawsuit: NAIH_K01 form (16.09.2019) The form is the general
can be filled out using a form-filling program (ÁNYK program). <https://www.naih.hu/kozig-hatarozat-birosagi-felulvizsgalata>

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b) By the Authority NAIH/2020/2031/1. registered stakeholder complaint and its attachment,

which was delivered by the Obligor to the complainant's home address on November 18, 2019 and

between December 13

invitation mail

inquiry.

for free hearing screening

to date

c) NAIH/2017/4819/1/V by the Authority. registered with the Obligatory GPs

in connection with its direct marketing activities carried out through

notice closing the investigation of its data management practices.

1.4. NAIH-4181-5/2021. No., dated May 20, 2021, and NAIH-4181-

7/2021. No., dated June 29, 2021, the Obligor made the following decision

made relevant statements and attached documents:

i) The Obligor is NAIH-4181-5/2021. No., dated May 20, 2021

attached as Annex No. 2 the data management document dated March 1, 2021

information sheet.

VII.1 of the data management information. Point A describes data management for market research purposes

According to the following:

- Purpose: market research to assess the demand for hearing tests at the regional level;
- Legal basis: voluntary consent;
- Scope of stakeholders: all persons of a given age group who did not request identification can be identified deletion from the database;
- Managed personal data: name, address;
- Source of data: KKtv through the provision of data by the Ministry of the Interior. according to;
- Data management

duration: based on the decision of the Ministry of the Interior a

Data provided by the Ministry of the Interior is provided by the Customer

for 6 months after receipt;

- Name and address of data processors and their activities related to data processing: [...]

Kft. (printing and envelopes of generated letters, delivery to the post office),

Magyar Posta Zrt. (postage);

- There is no common data controller;
- There is no shared data management;
- No data transfer.

ii) The Obligor is the Personal Registration and Administration Department of the Ministry of the Interior

Addressed to the Personal Registration Information and Licensing Department (a hereinafter: BM), the provision of data from the personal data and address register in the context of a request, it requires - only - name and address information.

iii) Data usage

purpose of market and

poll

in the framework of

by

contact and contact.

iv) During the provision of data by the BM, the data of a citizen who did not previously request it will be transferred limiting the provision of your data. Based on the decision of the BM, the request is personal Data usage period is 6 months.

v) The Obligor attached a copy to the Authority's invitation

- BM BMSZAE/3262-2/2020 dated July 1, 2020. decision no. and

It is mandatory for direct marketing purposes, dated June 24, 2020, which is its basis your request for a data provision permit

- BM BMSZAE/4498-2/2020 dated September 9, 2020. decision no. and

It is mandatory for direct marketing purposes dated September 4, 2020, which is its basis your request for a data provision permit, and

- BM BMSZAE/5261-2/2020 dated October 21, 2020. decision no. and the

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It is mandatory for direct marketing purposes dated October 13, 2020, which is its basis your request for a data provision permit.

vi) In its applications, the Obligor shall provide the personal data of the citizens and his address

requested information from the BM from his records for the purpose of hearing care

inform the public about its services. According to the application, the specific settlements and filtering data by age group before the current campaign delivered to the ministry electronically.

vii) In the attached decisions, the BM granted the Obligee's requests for data provision, and allowed that from the register of citizens' personal data and address buy regular group data service required data use it to contact you directly for the purpose of obtaining business.

avail and that

viii) Attached by the Obligor and 2021.

dated January 25 for direct marketing purposes

his request for a data provision license, as well as the related BM February 2021

BMSZAE/225-1/2021 dated the 24th order no., in which the procedure was terminated

in view of the fact that the Obligor notified him electronically on February 22, 2021,

that his request for data provision has become obsolete, therefore he withdrew it and no requested data service.

ix) In addition to the above, the Obligor attached the data for market research dated February 23, 2021

permission to provide data for 1 year for contacting and maintaining contact

a copy of your application, as well as BMSZAE/382-1/2021 dated March 2, 2021.

decision no

and allowed for 6 months of citizens' personal data and address

use and use regular group data services from your records

contacting and maintaining the data in the framework of market and public opinion research

for the purpose of According to the reasons for the decision, the Obligee is the "market and public opinion

he proved his right to carry out research activities with a copy of his company certificate, that is

Nytv. in paragraph (3) of § 19 and Dmtv. of the provisions of § 4, paragraph (2).

appropriately".

x) According to his statement, the Obligor compares the table received from BM with the

with its register, which includes the persons who are the previous data requests

requested their deletion from the database during inquiries based on

Do not send them mandatory additional inquiries.

The table updated in this way is prepared by the Obligor's marketing department and sent to the printer

to your partner, which is in the mailing

circular based on table

the letters are prepared in the form of, and after printing, the printers provide the data

partner deletes directly.

also contributes. THE

xi) NAIH-4181-5/2021 sent by the Obligor to the Authority. No. dated May 20, 2021

attached as attachment No. 9 to the reply letter (between April 12 and May 7, 2021

according to the sample letter regarding the hearing screening date), the following information is on the letters

text is included:

"1. We inform you about the management of your personal data and related to it

about your rights under the GDPR, Infotv. and the LLC. provides information.

2. Data controller: AMPLIFON Magyarország Kft. (headquarters: 1097 Budapest, Könyves Kálmán

boulevard 12-14 III. floor, company registration number: Cg.01-09-710015, tax number: 10762099-2-43,

website: <https://amplifon.com/web/hu/>).

3. Data protection officer: You can contact our data protection officer at any time

at the following contact details: AMPLIFON Magyarország Kft. 1097 Budapest, Könyves

Kálmán körút 12-14, e-mail address: adatvedelem@amplifon.hu. phone number: 06-1-350-60-70

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(9 a.m. to 5 p.m.).

4. Purpose of data management/data use: market research. That's why we're looking for you

With our letter, we would like to assess whether the population of Hungary is between ...-...

what proportion of their age group wants to use a hearing test from our Company.

If you take part in a hearing test, about the relevant data management

will be clarified during

5. Where did we get your data from: For our Company, the Ministry of the Interior has

authorized the name and address information of you and other persons with its decision no

communication in the framework of market and public opinion research

contact and

in order to maintain contact.

6. Scope of processed data: Our company is exclusively yours in connection with market research

manages your name and address.

7. Method of data management: Our company uses its data discreetly, in accordance with the law and above

is managed according to the stated purpose. We only ask for your personal data by post

and you together with our present request and other similar requests. The generated

database is printed by our partner and forwarded to you via Magyar Posta Zrt. Your data

managed exclusively digitally on AMPLIFON Kft.'s own server.

8. Your data will not be transferred to other data controllers. Printing and mailing of items

our contracted partner [...] Kft. (headquarters: [...]) performs.

9. Data management

the

From the Ministry of the Interior, for 6 months from that date, or for your deletion

we will process your request until the day after it is received.

10. Your rights: Request for information, Right to rectification, Right to deletion,

Right to request restriction, Right to request transfer to another data controller,

and the right to request data in a machine-readable format, the right to protest,

The right to file a complaint and go to court: You have the right to appeal and file a complaint can contact the National Data Protection and Freedom of Information Authority (1363 Budapest, Pf.: 9. www.naih.hu), as well as the registered office of our Company or your place of residence, or can also be initiated before the court of your place of residence.

Further

You can find information on the website <https://www.amplifon.com/web/hu/adatkezelesi-declaration>.”

data on

about data management

we got it

information

duration:

yours

you can find

the

xii) The Obligor also attached a date between June 28 and July 23, 2021

also a sample letter calling for a hearing screening, on which, in contrast to the above, the following informative text is included:

"If you no longer want such from Amplifon Magyarország Kft

you can cancel receiving inquiries at one of the following contact details:

On the Internet at the e-mail address adatvedelem@amplifon.com.

By letter to the Company's address, Amplifon Magyarország Kft. 1097 Budapest, Könyves Kálmán krt. 12-14.

Your address data from the Central Office of Public Administration and Electronic Public Services

we bought the CXIX of 1995. Act § 3 (1) point d) and LXVI of 1992.

based on Section 17 (1) of the Act. If you don't want it anymore

be publicly listed in the database, your blocking statement must be in writing or in person

submit it at the document office of your place of residence. From the database of Amplifon Magyarország Kft your data will be automatically deleted."

xiii) Requests for cancellation may be received by e-mail or letter after sending out the letters applications, which applications are filed by the Obligor based on its administrative procedures and immediately, but no later than within 25 days of receipt of the request for cancellation fulfills. The personal data of other persons included in the database is stored by the database it is irrevocably deleted on the last day of 6 months from the date of receipt.

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xiv) In the preparation, printing, and envelopes of the circulars, [...] Kft. (headquarters: [...]) cooperates on the basis of the framework business agreement concluded with the Obligor. To the Authority the Obligor attached a copy of the framework contract to his reply letter, and - according to his statement, the data processors related to it - currently used as a sample sample agreement.

The sealed envelopes are then forwarded by the printer to Magyar Posta Zrt, which company will deliver the inquiries to the recipients.

xv) The Obligee continues its inquiries for market research purposes. Accordingly, the Obligated, as a market researcher, to provide name and address for the purpose of research and direct business acquisition CXIX of 1995 on the management of residential address data. Act (hereinafter: Kktv.) Section 3 (1) pursuant to paragraph d) for the purpose of contacting and maintaining contact, name and residential address data of 1992 on the registration of citizens' personal data and residential address. year LXVI from the register under the scope of the Act (hereinafter: Nytv.) requires the under conditions specified in Nytv. According to the Obligor's declaration, the name and address information is requested according to the year of birth, bearing in mind that the market research it targets the age group affected by hearing loss.

xvi) Justification in the case of the exercise of data subject rights both by e-mail and by post without, but in any case within 25 days from the receipt of the request

informs the person concerned about the measures taken following his request, which deadline extend by another 2 months if necessary.

If it does not take measures following the request of the data subject, without delay, but informs the person concerned no later than 25 days after receiving the request about the reasons for the failure to take action, as well as whether the person concerned can file a complaint with a supervisory authority and may exercise his right of judicial remedy.

The Obligor has attached the sample letter sent by post or e-mail to his reply letter are sent to the stakeholders in response to stakeholder requests received via attached a copy of a request for deletion received by e-mail and his correspondence with the person concerned.

xvii) According to the Obligor's declaration, the personal data is stored on a paper basis store it in a cabinet or drawer at its headquarters, on the other hand, in electronic form a It is stored using Microsoft Dynamics CRM software (hereinafter: CRM). On this besides, it handles postal inquiries specifically in Excel.

According to the screenshots attached to the reply letter, the following is in the CRM system under column names

data storage takes place: Date of creation, related

hearing center, customer name, customer number, address, surname, first name, main telephone number, locality, name of public area, nature of public area, house number.

And in the attached Excel database: surname, first name, first name2, PIR (zip code), settlement, public area, character, house number, building, Lph., Em., Door, County code data is stored by the Obligor.

xviii) In response to the question regarding the size of its database, the Obligor stated that whereas in the case of data provided from the personal data and address register, the data its period of use is 6 months, so in this context the personal data of 585,131 people store based on the amount of data received in the months of March and May 2021. THE

previous database is not available. In addition, the Obligor's database is May 2021

502,025 people at the time of retrieval on the 20th.

xix) During the processing of personal data, the Obligor - according to his statement - more has a contractual relationship with a data processor. According to his statement, between him and that

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In each case, a framework contract is created between data processors (e.g. assignment contract, business contract, etc.), or as an inseparable part thereof a

In relation to personal data management, the legal relationship of a data processor, which is discussed separately they have in a document called a data processing agreement. A sample of this

attached to the Obligor's reply letter.

xx) At the request of the Authority, the Obligor also attached the details of the requested (line) name a copy of the broken-down records, Article 30 (1) of the General Data Protection Regulation a copy of the record of its data management activities according to paragraph and the Obligor's information security policy.

2.

This data protection official procedure

2.1. THE

in this data protection authority procedure, the Authority dated October 5, 2021

in relation to the questions included in the inquiry of the Obligor - deadline extension

after - NAIH-7550-5/2021 dated November 2, 2021. arrived at number

in his reply letter, he made the following statements relevant to the decision:

i) In all cases, postal inquiries for the purpose of assessing the need for a hearing test

they are sent exclusively to the persons included in the database provided by BM

data provided for sending, from other sources, for other purposes will not be used by the Obligor.

ii) The Obligor requests data every 2-3 months on average. In Mandatory writing, to BM

addressee in the form of a request, only requests the communication of name and address information specified

for age groups. This means that it does not indicate a specific year of birth, but requests data for a period spanning several years by stating that the date of birth time, but does not even require year-level identification. The data are provided by the BM provided to the Obligor on an electronic data medium. The Obligor is responsible for that employees all data from the data carrier in a separate, coded are placed on a server volume, and then the entire content of the data carrier cannot be restored is deleted.

iii) BM provides the data in tabular form, in a format that can be opened with the Excel program over.

iv) The Obligee within the examined data management period - according to the attached application copies Between June 24, 2020 and August 4, 2021 - data provided 9 times with a request to the BM. In connection with these requests, the Obligor received the name and address data of an average of 300,000-400,000 data subjects per data service and from BM. Based on the name and address data requested and received from BM, the Obligor a continues its inquiries for market research purposes.

v) According to the Obligor's point of view, the name for the purpose of research and direct business acquisition and address data management CXIX of 1995. Act (Kktv.) § 3 (1) paragraph d) point enables the collection of data from sources specified in the law: a

According to the cited legal position, the market researcher is contacting and maintaining contact purpose, as well as the name and address of the body entrusted by them to manage and receive the data can request residential address data from the register of citizens' personal data and residential address LXVI of 1992 from the register under the scope of the Act (hereinafter: Nytv.).

under the conditions specified in the Official Gazette, provided that the citizen refuses to release his data he did not prohibit [Nytv. Section 2 (1)]. Accordingly, Mandatory contact and can request data from the BM for the purpose of contact, if it is the citizen's data did not prohibit its publication. BM is Nytv. According to Section 17 (1), the Obligor

upon request - in case of proof of the purpose and legal basis of the use - provides data.

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vi) The Obligee requests the name and address according to the year of birth (not time!).

bearing in mind that it targets age groups affected by hearing loss

market research.

vii) The Obligee is the Nytv. Pursuant to point c) of § 19, paragraph (1), Nytv. Section 17, paragraph (2).

the provision of data according to point a), i.e. name, residential address and notification address data

you can claim.

viii) According to the Obligor's current practice, the Kktv. Section 5 (1) and Infotv. § 20

strives to provide appropriate information based on this, and will do everything in its power to do so

in order to ensure the voluntary nature of data provision.

ix) Based on the Obligor's point of view, the legal basis for inquiries is general data protection

provided by Article 6 (1) point a) of the Decree, i.e. according to the Obligor's statement -

manages personal data based on voluntary consent and provides the data subject

exercise of rights, so in particular that the data subject can withdraw the consent at any time.

you can make a statement as a result

In its response letter, the Obligor noted that "in the case of the market research objective, it can be seen that

the legislation already provides the possibility to the Ministry of the Interior

indicate that the data subject does not wish to make their data available to the indicated

in terms of purpose". According to the Obligor's point of view, exercising the rights of the affected party is appropriate

provides information that is specific and appropriate according to the data subject's own will

information

unmistakably

confirm whether or not you consent to the further processing of the data. So it is

the person concerned - according to the Obligor's point of view - has the maximum possibility that

notify BM or the Obligor if you do not wish to process your data

to consent, however, in the absence of this, the consent is considered to be given by the person concerned with his behavior expressing that for the inquiry and thus for the management of his data contributes. Because - according to his point of view - national practice also shows that it is the actual limit of data processing in such cases is a clear declaration by the data subject stating that you will no longer consent to data management.

you are in the form of

x) The Obligee, upon the call and question of the Authority, presents the market research activities and what the purpose of market research is, was attached as Annex No. 1 by the "Market research: Study on the hearing quality of the Hungarian population aged 55+, respectively his undated study on the impact of the COVID pandemic on the industry", which study, however, not only market research, but also research beyond that includes.

The Obligee submitted that, as Hungary's market-leading hearing specialist, it is his task set out to preserve the health of the country's population, and within that, hearing loss monitoring trends in Hungary, as well as an effective level of service aimed at that increase. THE

the aim of the market research formulated in the study is to establish

The attitude of Hungary's aging population to hearing, the quality of hearing level, their regional distribution, and gender differences. The main thing the study addresses questions such as how seriously they take their hearing and compared to that, how big is their real hearing loss, or for health preservation purposes what proportion of the population who bothers to take a hearing test suffers from real hearing loss, are there geographical differences within the country or gender differences.

xi) At the request of the Authority to make a statement as to the reason for that according to his statement dated June 29, 2021, from the second half of 2020 the on the basis of the sample letter attached as attachment No. 6 to the declaration, the purpose of the data management

market research, while the request for permission to provide data sent to the BM and the BM

according to its decision, the goal was direct marketing until March 2021, as the Obligor

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stated that earlier - due to an administrative error - he worded it incorrectly, and in 2020

from the second half, the letter according to the attachment attached under number 6 was not used,

but NAIH-7550-5/2021. attached to the reply letter received at number 2

leaf pattern.

xii) The Authority formulated a question for the Obligor in the letter dated June 29, 2021

in the referenced response letter of the Obligor, attached as Annex No. 6 to his statement

according to his statement, the invitation to hearing screening sent from the second half of 2020

also regarding sample letters. Sample letters sent June 28 and July 23, 2021.

free hearing screening was advertised in Bonyhád for the period between The sample letters

however, its address pages - 1.4. of this decision are described in subsections x)-xi) of

according to - contained information with different wording regarding data management. THE

Authority called the Obligor to state the reason for the same

the hearing screening letter advertised for the same settlement for the period is different

contained information.

According to the Obligor's statement previously sent to the Authority on June 29, 2021

their statement in the response letter dated was incorrect, and from the second half of 2020 it will not be

The sample letter attached as attachment No. 6 of the referenced letter was used, but the

NAIH-7550-5/2021. sample letter attached at number 2 to the reply letter received at

contains the following information:

"If you no longer want such from Amplifon Magyarország Kft

you can cancel receiving inquiries at one of the following contact details:

On the Internet at the e-mail address adatvedelem@amplifon.com.

By letter to the Company's address, Amplifon Magyarország Kft. 1097 Budapest, Könyves

Kálmán krt. 12-14.

Your address data from the Central Office of Public Administration and Electronic Public Services

we bought the CXIX of 1995. Act § 3 (1) point d) and LXVI of 1992.

based on Section 17 (1) of the Act. If you don't want it anymore

be publicly listed in the database, your blocking statement must be in writing or in person

submit it at the document office of your place of residence. From the database of Amplifon Magyarország Kft

your data will be automatically deleted."

xiii) According to the Obligor's statement, 6 to the statement originally dated June 29, 2021.

the sample letter attached as attachment no. will be used from the month of July 2021, while the NAIH-

7550-5/2021. to the reply letter received at number 2, attached letter sample at number 2

used in the previous period.

2.2. The Authority NAIH-5802-2/2022 dated June 14, 2022. in order no

informed the Obligee that the available documents are the previous ones

period, therefore it extends the examined data management period, thereby a

the examined period lasts from January 1, 2020 to October 5, 2021;

informed the Obligee about the other complaints filed by the Authority

and made their annexes part of the official data protection procedure;

invited the Obligee to make further statements and attach documents,

furthermore

informed the Obligee that with the above proof in the official data protection procedure

the evidentiary procedure will be completed and called the Obligor for document inspection and

for the possibility of exercising the right to make a statement.

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2.3. The Obligee is the Authority NAIH-5802-2/2022. with the questions included in order no
in connection with - after a deadline extension - dated July 15, 2022
stated in his reply letter as follows:

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i) The Authority called the Obligee to confirm with supporting documents a
the existence of a market research purpose, in connection with this it confirms that the previously attached
who prepared the market research study and when, and provide information about it
about his journey; if a research plan has been drawn up, attach a copy of it; declare that
what research data and sample were used to prepare the study; furthermore
attach the
and all that serve as the basis of the market research itself
a copy of the available document.

study,

makes continuous analyses". The Obligated

According to the Obligor's statement, the attached market research study "was carried out by the marketing team
prepared and it is constantly reviewed and updated, taking into account that the Obligor
marketing department

"so, forward

compiled the study on the basis of specific questions, for which the
choose". The Compulsory "is basically always a given during the preparation of the study
takes into account a period and analyzes the trends of the given era from which it was extracted
the study for the given period is prepared on the basis of information. The attached
market research covers the period from March 2021 to September 2021.

Its preparation is continuous and the results are summarized every six months by the marketing department. THE
a minimum period of six months is the right time interval to see a market trend,
a shorter period of time would not show significant data or deviation.“.

The Obliger attached a two-page, undated document entitled "Market Research Plan".

document, at the end of which it was stated that "Made by: marketing department". THE

attached "Market research

essentially the one sent earlier

verbatim repetition of the first two pages of a market research study.

According to the Obligor's statement, the study was prepared exclusively by BM

used a serviced database. He also submitted that the Obligee for market research

he basically used his available data.

content

considering

plan"

ii) The Obligor, at the request of the Authority, what business or other decisions

based on the results of the market research stated that based on the study a

It is your bound decision to

- bigger

emphasis

on television,

at sports events, medical interviews, advertisements, professional statements,

through press materials and various Internet channels;

education,

population

to lay

will

the

- prepares an action plan for the following year in which the average age is brought back to 72

per year, since prevention is easier than trying to fix it afterwards

affected hearing;

- the

based on the results of the study, a strategy based on market analysis was carried out to form, to define the target audience, to personalize the target audience, most importantly for creating touchpoints, for strategic sales planning: designing new hearing salons, closure, planning or downsizing of additional resources.

iii) For the market research, the Obligee needed name and address data because on this with the help of his knowledge of data, he was able to contact customers nationwide according to coverage and age group. The Obligor can achieve this in a targeted way affected target group, that it is addressed to the affected persons by name, at their home address an invitation will be sent informing them of the possibility of a hearing test, which is free of charge and free of obligations.

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iv) The study sent to the Authority concerned only those persons who a they also took part in the investigation based on the delivered inquiry letter. More was needed for data requests in the order of hundreds of thousands, as not all contacted persons will to decide whether to take the opportunity of the hearing test or possibly not to take it at all mail. Furthermore, since the research and analysis is continuous and during this the Obligor examines different periods, target groups, and areas, which is why it is necessary for the continuous data request.

v) The Obligor continuously prepares various conditions and samples on an approximately monthly basis analyzes along the way, so it carries out approximately 10-12 market researches annually, which monthly means level frequency.

Market research is continuous because the market is constantly changing, especially covid, as a result of economic influencing factors and the change of generations. The Obligor a can analyze trends in six-month intervals, otherwise the material is not comprehensive enough.

vi) The Obligee, upon the request of the Authority, that internally used forms, samples, correspondence, with the help of internal regulations and by sending a copy of them, with a detailed description, show exactly how the free hearing screening works (the newer starting from the decision to request data service and after the hearing screening, the customer up to and including his departure) stated that

a) according to what was previously presented, customers are contacted by mail a

Based on name and address information requested and received from BM. The Obligor is July 28, 2021.

attached the requests submitted to the BM to his submission dated related to the decisions made by the BM, which are part I of this decision

1.4. were described in subsections v)-ix).

The Authority also attached to its response letter dated July 15, 2022

requests not yet known by the BM, the decision made by the BM based on them,

as well as a copy of the e-mail correspondence with BM in connection therewith, so a

- the Obligee's data provision for direct marketing purposes dated June 24, 2020

your application for a permit,

- for the purpose of the Obligee's market research dated April 15, 2021

by

your request for data provision for contacting and maintaining contact,

- the Compulsory 2021.

dated June 15 for the purpose of market research

by

your request for data provision for contacting and maintaining contact, and

- the Compulsory 2021.

dated July 12 for the purpose of market research

by

your request for contact and contact information.

- On July 15, 2021, he sent an address order to the BM via e-mail, in which the

Required by BMSZAE/382-1/2021. for data service license no

requested name and address information attached to your letter - the e-mail

also sent to the Authority as an annex - the settlements indicated in the table

(born in 44 designated settlements before December 31, 1956

name and address data),

- address order sent to BM on August 4, 2021 by e-mail, in which the

Required by BMSZAE/382-1/2021. for data service license no

referring to the requested name and address information in the table attached to your letter -

worksheet 1 of the table to be sent to the Authority as an attachment to the e-mail

came - in relation to the marked settlements.

1229 settlements were marked on worksheet 1 of the attached appendix, which

living in the settlement, born before December 31, 1956, name and

12

the Obligor requested his residential address data. In addition, according to the content of the e-mail message, a

Mandatory names of those born between 1956-1966 in the 3 other designated settlements

and residential address data, in 11 more marked settlements between 1957-1966

names and addresses of those born, as well as in 1 additional settlement in 1957-1960

requested the name and address information of those born between

- The Obligor also attached the BM dated March 3, 2020 BMSZAE/905-

2/2020. decision no., in which the BM approved the Obligor's direct

data submitted for contacting for the purpose of obtaining business

your request for

b) After providing the data, the Obligor shall enter the data in the received table

compares it with inquiries based on previous data requests

with the register of data subjects for deletion from the database, that the Obligor

do not send further inquiries to them.

c) This is followed by filtered

sending, circular letters

preparation, then printing and envelopes, in which [...] Kft. cooperates. This

then the sealed envelopes are forwarded by the printing house to Magyar Posta Zrt., which

delivers it to the recipients.

table for printing

d) If the contacted person decides to live the free and

is located

no-obligation hearing screening

phone number, you will receive information about its progress and can make an appointment.

with the option of postal

on letters

e) If applicable, this is followed by a free hearing screening and hearing test, then given

purchase of a hearing aid.

vii) The Authority also informs the Obligee of the persons with the initials specified in the order

asked him to attach a database detail: on the one hand, the last day of the examined period,

i.e. the extract as of October 5, 2021, as well as the order of the Authority

receipt, i.e. to attach an extract as of June 27, 2022.

In connection with this, the Obligor stated that the period under review is the last

do not attach a copy of your database detail as of October 5, 2021

taking into account that those who were included in the database provided by the BM,

their data has already been deleted, as the statutory 6-month retention period has expired

period.

The Obligee also stated that it is not clear to him why the

its entire customer database, which also contains other personal data, which a

The obligee manages data based on data management activities of which he/she is aware according to it is not the subject of the present procedure, therefore from the Authority regarding the question requested clarification in view of the fact that only the examined data management (direct marketing) are you requesting a copy of the details of the register, or all the data regarding.

Taking into account that the Obligor, despite the request of the Authority, the requested database detail did not send a copy, the Authority NAIH-5802-6/2022 dated July 20, 2022. no in his order, he repeatedly requested the additional sending of the requested database within 3 days.

viii) At the request of the Authority to make a statement, supported by documents, that

13

what percentage of the sales revenue shown in the data of the 2020 report was made up of

For customers reached by postal inquiries using BM data services

product sales, the Obligor stated that by the marketing department

kept records only show sales from June 1, 2020, because

On June 1, 2020, they switched to a new system and the one stored by the previous system data is no longer included in the new register.

reached

by

to customers

by mail request

after June 1

According to the Obligor's records, the so-called "miniDM", i.e. by mail, direct marketing

in the case of persons contacted for this purpose after June 1, 2020, a total of 1,045

db of hearing aids were sold, of which 599 were customers of BM data services

came for a hearing test on the basis of a postal request letter using

after which the hearing aid was sold.

The Authority NAIH-5802-6/2022 dated July 20, 2022. repeatedly in order no requested that this call be fulfilled by stating that if January 1, 2020 and 2020 does not have the requested information and data for the period between June 1, about 2020.

period - with documents

supported - present the BM data services broken down by year

using

by

product sales ratio, both the Obligor and the AMPLIFON group of companies

regarding.

NAIH-5802-6/2022, dated July 20, 2022, is the Obligated Authority. order no. 2022.

received on August 5. In its answer dated August 8, 2022, the Obligor stated that

stated the following:

- The Obligor in relation to persons whose last name begins as indicated by the Authority

has sent its database detail as of August 5, 2022 to

complete

from your customer database.

The attached table contains 913 records in which the following customer data is recorded

the Obligor: name, customer number, postal code, name and nature of public area, house number (building,

staircase, floor, door), main phone/mobile phone number, e-mail contact, related

hearing center, date of birth.

Regarding the attached table, the Obligor submitted that he manages several databases from it

depending on the legal basis for which the data is processed, for what purpose and for how long. THE

Microsoft Dynamics CRM is required to provide the data primarily in electronic form

software

system

registered database is the most extensive, while for the data requested from the BM, it is separate

The data of those concerned are recorded in an Excel table (hereinafter: DM table).

If a person applies for a hearing test after the postal inquiry, that

from the DM table and transferred to the CRM system, the contacted person

for a person becomes a potential customer who is open to being examined and

get a hearing aid. This is necessary so that if the given person decides to

takes part in the hearing test and makes an appointment for it, then you will be removed from the data circle,

which, according to the law, the Obligor is entitled to manage for 6 months.

The DM table is therefore a separate independent table with data every 6 months

are automatically deleted. The table attached to the Authority does not include direct

data processed for marketing purposes, because they are processed in a completely different way (for different purposes, different

with a legal basis, other data, for a different period of time) the Obligor handles the data of those customers,

who are already customers.

hereinafter: CRM)

store it. The CRM

using

(the

14

The Obligor repeatedly highlighted in his statement that the indicated from his customer database

for persons with a first name, the last day of the examined period, i.e. October 5, 2021

you cannot attach a copy of your database part, taking into account that those who a

Their data was included in the database provided by BM with such a surname beginning

it has since been deleted, as the statutory 6-month period has expired.

- According to the Obligor's declaration, he does not have such documentation and

with a record that could give you an exact percentage as to how much

reached by postal inquiry using the BM data services

rate of product sales to customers. The Obligor has all hearing aids

records sales in a table, regardless of who and under what influence

purchased, so a separate aspect is not recorded in the table.

The Obligee only sees in the register how many people participated on an annual basis

hearing test, and how many hearing aids were sold. That these

what is the relationship between, i.e. the people who buy the sold hearing aids

on which forum they found out about it and as a result of the postal inquiry or other direct

marketing

internet ads,

press products, postal inquiries, events, professional resolutions, etc.)

were purchased from the Obligation as a result, you have no information.

However, a significant part of the Obligor's revenue comes from the sale of the asset

you do not have any information about who bought a hearing aid from where

informed of it

and whether the person who went for the hearing test made a purchase

hearing aid.

According to the Obligor's statement, approximately 5-10% of the total sales revenue is made up of a

direct marketing mail inquiries, however, since by law every 6 months

these data must be deleted, the Obligor is not in a position to prove that

what caused hearing aids to be sold.

(television and

about the possibility

activity

advertisements,

radio

to legal,

as well as the collection of personal data

II. Applicable legal regulations

According to the preamble (39) of the General Data Protection Regulation a

above all, the specific goals of personal data management are explicitly formulated

and

at the time

they must be defined. The personal data are suitable for the purpose of their management

and they must be relevant, and the scope of the data must be the minimum necessary for the purpose

to limit.

According to recital (42) of the General Data Protection Regulation, if the data management is

is based on the consent of the data subject, the data controller must be able to prove it

knows that the data subject has consented to the data management operation. Especially what he did in the other case

in connection with a written statement, it is necessary to provide guarantees that the person concerned

be aware of the fact that you have given your consent and of what kind

degree

in accordance with the directive, the data controller in advance

provides a written statement of consent that is easy to understand

accessible

available, and its language clear and

it must be simple and must not contain unfair terms. To the

for consent to be considered informed, the data subject must at least be aware of it

with the identity of the data controller and the purpose of processing personal data. The consent

its provision cannot be considered voluntary if the data subject does not have real or free access

did. 93/13/EEC

forgives in the form of

advisory

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with a choice, and it is not possible to refuse consent without it

withdrawal to the detriment of this.

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

regulation must be applied to personal data in part or in whole in an automated manner

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

which are part of a registration system or which

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

for data management under Infotv. According to Section 2 (2), general data protection

regulation shall be applied with the additions indicated there.

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) it is

prevention and investigation of crimes by competent authorities,

detection,

carried out for the purpose of prosecution or the execution of criminal sanctions,

including protection against threats to public safety and those threats

prevention.

to a natural person

("affected") concerning any

According to Article 4, Point 1 of the General Data Protection Regulation, "personal data: the identified or identifiable information;

the natural person who, directly or indirectly, in particular, can be identified

an identifier such as name, number, location data, online identifier or a

physical, physiological, genetic, intellectual, economic, cultural or social natural person

can be identified based on one or more factors relating to its identity."

According to Article 4, Point 11 of the General Data Protection Regulation, "consent of the data subject": az of the will of the person concerned, based on voluntary, specific and adequate information and clear declaration by which the relevant statement or confirmation is unambiguously expressed indicates by action that he gives his consent to the processing of his personal data.

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

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

b) it should be collected only for specific, clear and legal purposes, and not those be treated in a manner inconsistent with these purposes; of Article 89 (1).

archiving in the public interest is not considered incompatible with the original purpose purpose, further for scientific and historical research purposes or for statistical purposes data management ("target binding");

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

d) they must be accurate and, if necessary, up-to-date; take all reasonable measures must be done in order to ensure that it is inaccurate and personal in terms of the purposes of data management data to be deleted or corrected immediately ("accuracy");

e) must be stored in a form that allows the identification of the data subjects only a enables the processing of personal data for the time necessary to achieve its goals; the personal

data can only be stored for a longer period if a

archiving in the public interest in accordance with Article 89 (1) for the management of personal data

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too

by

with attention

to implement measures

purpose, will take place for scientific and historical research purposes or for statistical purposes, e

in order to protect the rights and freedoms of the data subjects

technical and organizational

("limited

storability');

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

adequate security of personal data should be ensured by using

unauthorized or illegal handling, accidental loss or destruction

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

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

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

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 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 at the request of the data subject prior to the conclusion of the contract

steps

necessary to do;

- c) data management is necessary to fulfill the legal obligation of the data controller;
- d) the data processing is for the vital interests of the data subject or another natural person necessary for its protection;
- e) the data management is in the public interest or is a public authority entrusted to the data controller necessary for the execution of a task performed in the context of its exercise;
- f) data management to enforce the legitimate interests of the data controller or a third party necessary, unless the interests of the person concerned take precedence over these interests or fundamental rights and freedoms that make personal data protection necessary, especially if a child is involved.

Point f) of the first subparagraph does not apply to the performance of their duties by public authorities for data management during

According to Article 7 (1) of the General Data Protection Regulation, if the data management is based on consent, the controller must be able to prove that it is consented to the processing of the personal data concerned.

Based on Article 12 (1) of the General Data Protection Regulation, the data controller is compliant takes measures in order to allow the data subject to process personal data

all relevant information referred to in Articles 13 and 14 and Articles 15-22 and Article 34 according to each information is concise, transparent, comprehensible and easily accessible provide it in a clear and comprehensible form, especially to children

for any information received. Information in writing or otherwise - incl

where appropriate, the electronic route must also be provided. Verbal information at the request of the person concerned can be given, provided that the identity of the person concerned has been verified in another way.

Paragraphs (1)-(2) of Article 14 of the General Data Protection Regulation:

(1) If the personal data were not obtained from the data subject, the data controller is the data subject provides the following information:

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

- b) contact details of the data protection officer, if any;
- c) the purpose of the planned processing of personal data and the legal basis of data processing;
- d) categories of personal data concerned;
- e) recipients of personal data, or categories of recipients, if any;

driver's license

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- f) where appropriate, the fact that the data controller is a recipient from a third country wishes to forward personal data to an international organization, and a

The existence or absence of a Commission compliance decision, or in Article 46, 47.

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

indication of the appropriate and suitable guarantees, as well as a copy of them

reference to the means of obtaining it or their availability.

(2) In addition to the information mentioned in paragraph (1), the data controller makes available to the data subject is necessary to ensure fair and transparent data management for the data subject following additional information:

- a) the period of storage of personal data, or if this is not possible, this period aspects of its definition;
- b) if the data management is based on point f) of paragraph (1) of Article 6, you are the data controller about the legitimate interests of third parties;
- c) the right of the data subject to request from the data controller the personal data relating to him access to data, their correction, deletion or restriction of processing, and can object to the processing of personal data, as well as to the data portability concerned yoga;
- d) based on point a) of Article 6 (1) or point a) of Article 9 (2) in the case of data management, the right to withdraw consent at any time, which it does not affect the legality of data processing carried out on the basis of consent before the withdrawal;

e) the right to submit a complaint addressed to a supervisory authority;

f) the source of the personal data and, where applicable, whether the data is publicly available

whether they come from sources; and

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

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

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

looking at the expected consequences.

Nytv. According to Section 2 (1), the citizen is entitled - unless otherwise provided by law

to prohibit the release of the data registered about him. The data affected by the ban is aimed at the citizen

can be issued based on a case-by-case permit. The costs of the latter procedure shall be borne by the applicant.

Nytv. Paragraphs (1) - (2) of § 3:

(1) The register is a public authority register that is included in the register

citizens' personal, residential address and notification address data specified in this Act,

as well as contain and justify the changes that occurred in them.

(2) The task of the register is to collect the data specified in this Act and their changes and

management, issuance of documents about them and data to authorized persons defined by law

service.

Nytv. According to § 5, paragraph (7):

(7) Data provision: the data of the citizens included in the register a

communication of specified content and scope. Including:

a) individual data provision: communication of a citizen's data;

b) group data provision: defined by the data requester or by law

regular or occasional data of citizens belonging to qualified groups according to criteria

communication.

Nytv. Section 17, subsection (1) and subsection (2), point a):

in law

(1) The organs of the register, under the conditions and limits defined in this law - a
at the request of citizens, legal persons and organizations without legal personality, a
in case of proof of purpose and legal basis of use - data is provided.

(2) Data from the register can be provided according to the following grouping:

a) name and address data (information about the address);

Nytv. According to § 19:

(1) Any citizen or

legal person and organization without legal personality for the purpose of use and

in addition to proving your legal basis, you are entitled to request:

a) in order to enforce his right or legitimate interest,

b) for the purpose of scientific research,

c) sample required to start public opinion polls and market research, and

d)

(2) Pursuant to points b) and c) of paragraph (1), the following are entitled to request data

can apply according to selection criteria:

a) for the purpose of scientific research, § 11, paragraph (1) a)-e), g)-h) and k) of the Act

according to the data specified in points

b) points c)-d), h) and k) of Section 11 (1) for the purpose of public opinion polls and market research

according to

c)

(3) In case of a data request based on points b) and c) of paragraph (1), the applicant has the

to carry out specific activities, as well as your right to request data

must be duly certified.

(4) The application must be refused if

a) the release of the data has been blocked by the citizen, unless permission is granted for the release of the data

given;

b) the applicant does not or does not adequately fulfill the purpose or legal basis of the use of the data

verified;

c) the indicated purpose does not affect the applicant's right or legitimate interest, or is affected by the data

violates a citizen's right to privacy;

d) ninety days have not yet passed after the registration of the newborn's data.

(5)

(6)

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

146/1993 on its implementation. (X.26.) Government Decree (hereinafter: Nytv. vhr.) Section 24 (1)

according to the provisions of paragraph:

The citizen, legal person, or organization without legal personality from the register

you can request data provision in writing - or recorded in minutes. The data content of the application

It is contained in Annex No. 2.

Section 25, paragraph (1): The applicant certifies:

a) his right to request data, if in his application the Nytv. Section 19, paragraph (1).

It refers to the purposes indicated in points b) and c).

Nytv. vhr. According to paragraphs (2)-(3) of § 26:

(2) In the case of group data provision, the license is in addition to what is contained in paragraph (1).

includes the method of data provision, other things related to the performance of the service

conditions and requirements.

(3) The permission for regular data provision in paragraphs (1) and (2).

in addition to what is booked, it includes the time of the service (periodic or continuous) and the

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license validity period.

The Kktv. According to Section 2, Paragraph (1), Point 3, market research: the consumer habits of the data subject

examination.

The Kktv. Section 2, paragraph 1, point 4 of its version valid until April 25, 2019

according to Direct business acquisition (direct marketing): the direct solicitation of those

informational activities and additional services carried out using the

the totality of which aims to sell and provide products or services

or economic advertising activities directly related to sales promotion

XLVIII of 2008 on its basic conditions and certain limitations. law (hereinafter: Grt.)

transmission of advertising according to point d) of § 3, consumers or commercial partners (a

hereinafter together: customers).

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

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

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

a deadline of one hundred and fifty days, which is not included in the deadline for clarifying the facts

the time from the invitation to provide necessary data to its fulfillment.

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.

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

and by publishing the identification data of the data processor - to the public

making it, if the decision affects a wide range of persons, by a body performing a public task

brought in connection with his activity, or what happened

gravity of infringement a

justifies disclosure.

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

exercises its powers taking into account the principle of proportionality, in particular by that the processing of personal data - in legislation or the European Union in the event of the first violation of the regulations specified in the mandatory legal act to remedy the breach - in accordance with Article 58 of the General Data Protection Regulation - primarily takes action by warning the data controller or data processor.

GDPR Article 58 (2) points b), d), i) and g): The supervisory authority acting within its competence:

b) condemns the data manager or the data processor if its data management activities violated the provisions of this regulation;

i) imposes an administrative fine in accordance with Article 83, depending on the circumstances of the given case depending, in addition to or instead of the measures mentioned in this paragraph;

g) in accordance with the provisions of Articles 16, 17 and 18, orders personal data rectification or deletion, or limitation of data management, 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.

Based on Article 83 (1) of the General Data Protection Regulation, all supervisory

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authority ensures that due to the violation mentioned in paragraphs (4), (5), (6) of this regulation, the administrative fines imposed on the basis of this article are effective and proportionate in each case and be deterrent.

According to Article 83 (2) of the General Data Protection Regulation, administrative fines depending on the circumstances of the given case, Article 58 (2) of the General Data Protection Regulation must be imposed in addition to or instead of the measures mentioned in points a)-h) and j) of paragraph

When deciding whether it is necessary to impose an administrative fine or a sufficiently in each case when determining the amount of the administrative fine the following should be taken into account:

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;

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;

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 matter - ordered referred to in Article 58 (2) of the General Data Protection Regulation
one of the measures, compliance with the measures in question;

j) whether the data manager or the data processor has observed general data protection
according to Article 40 of the Decree
to approved codes of conduct or the general
for approved certification mechanisms under Article 42 of the Data Protection Regulation; as well as

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

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

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

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

shall be hit with an amount of no more than 4% of its world market turnover, provided that of the two

the higher amount must be imposed:

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

in accordance with Articles 5, 6, 7 and 9 of the Decree;

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

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

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

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

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

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

non-compliance with its request to suspend data flow or the general

provision of access in violation of Article 58 (1) of the Data Protection Regulation

failure to do so.

III. Decision of the Authority

III.1. The subject of the official data protection procedure and the examined data management period

III.1.1. The Authority received numerous reports in which the informants objected that

the Mandatory sent them a notification - an invitation to a screening test - by post

despite the fact that the whistleblowers had not previously agreed to it.

The Authority, to investigate whether the Obligor complies with this data management practice

e the provisions of the general data protection regulation, initiated a procedure ex officio.

According to the company register, the Obligor was founded on May 8, 1992. Its main activity retail trade of medical products. The Obligor's statement, as well as on his website according to available information, it is the leading hearing aid in both the country and the world distributor. According to the company register, the Obligor is in Hungary currently 20 operates with a site and 62 branches.

III.1.2. The Authority NAIH-7550-1/2021. as stated in order no

the subject of official data protection proceedings is for the purpose of market research conducted by compulsory mail examination of its practices related to data management.

The data management period of the Obligor examined in this procedure is from January 1, 2020 to 2021. period until October 5.

III.2. Brief summary of the examined data management activity

III.2.1. In connection with the inquiries sent by post, the Obligor shall:

as potential patients – it handles their name and address information. The Obligor is the affected parties in order to find him, he requested the name and address data from the BM.

Indicated by the Obligor in the data request during the examined data management period the purpose of data use is, on the one hand, contacting and maintaining contact for direct marketing purposes, and then the purpose of data management as specified in subsequent requests (after February 23, 2021). it was market research.

III.2.2. According to the Obligor's statement, he requires name and address data on average every month from BM. The Obligor within the examined data management period - the attached application copies between June 24, 2020 and August 4, 2021 - 9 times of data provision towards

the Obligor

per data service, the name and address data of an average of 300,000-400,000 data subjects was received by from BM.

According to the Obligor's declaration, the data processed in connection with postal inquiries is personal handles data in an Excel spreadsheet, and data provision by BM is also in this format is happening. In the attached Excel database, the obligee's surname, first name, first name2, PIR to the BM. On this related

for your requests

with a request

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embracing

several years

(zip code), settlement, public area, character, house number, building, Lph., Em., Door, County code data store it.

The legal basis for data management related to sending notifications by post is the declaration of the Obligor, both the data management linked by him and also available on the Obligor's website according to the information, the voluntary consent of those concerned.

III.3. Data management related to the postal inquiry of Obligated prospective customers practice

III.3.1. Requesting data from the personal data and address register

The Obligee's declaration, as well as in the attached data management information and data management according to the records, in connection with postal inquiries, the persons concerned, manages the name and address data of potential customers. The source of the data is the Obligor according to his statement, only the personal data and address register of citizens.

According to the Obligor's declaration, he applies for certain age groups on average every month regarding - that is

by defining a time interval – name and

address information from the BM. The period of use of the requested data is 6 months.

According to the attached data request application copies, the Obligor on June 24, 2020, in the applications dated September 4, 2020 and October 13, 2020, the data provision he identified the direct marketing goal as the basis.

The Obligor's application of January 25, 2021 also indicated the direct marketing objective of as a basis for data provision. The BM related to this request, however, the procedure terminated it, according to the reasons for its order, the reason for this was that the Obligor a withdrew the application on February 22, 2021, citing lack of reason for the application. Immediately thereafter, on February 23, 2021, the Obligor requests further data provision submitted an application to the BM, in which, however, the basis for providing data is no longer the direct marketing purpose was indicated, but contact for market research purposes and indicated contact. In the decision of the BM regarding Obligor data provision granted his request and allowed that for 6 months

regular group

use data services and use the data for market and public opinion research for the purpose of contacting and maintaining contact. BM dated March 2, 2021

BMSZAE/382-1/2021. According to the reasons for decision no., the Obligor a

"market and public opinion research

certificate of entitlement

confirmed with a copy of Nytv. in paragraph (3) of § 19 and Dmtv. in paragraph (2) of § 4 in accordance with the provisions".

III.3.2. Legal basis for data management

Based on the definition of the GDPR, the name and address of the data subject's personal data, while any operation performed on data, such as collection, recording, storage of data, its organization and use is considered data management.

For the legality of the data management, the data controller with Article 6 (1) of the GDPR must have a corresponding legal basis for data management.

for carrying out activities

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The Obligor's data management - i.e. contact via postal inquiry -

he indicated the voluntary consent of the parties concerned as his legal basis, since in his opinion it is the exercise of the rights of the data subject is guaranteed and the data subjects can withdraw their consent at any time.

Those concerned can do this by indicating that they do not in a statement addressed to the BM

wish to make their data available for market and public opinion research purposes, i.e. live

the Nytv. with the right to prohibit the release of data contained in § 2.

According to the Obligor's point of view, those concerned have the opportunity to make a statement a

BM or to the Obligor that they do not wish to consent to the processing of their data.

If they do not do this, their consent will be deemed to have been given.

Nytv. According to the provisions of § 3, the personal data and address register is public

register, which is defined in the Official Gazette for the citizens included in the register

personal, residential address and notification address data, as well as the changes that occurred in them

contains and verifies. The task of the register is the data specified in the Nytv. and

collection and management of their changes, issuance of documents about them and defined by law

provision of data to authorized persons.

According to the Obligor's point of view, the persons concerned, i.e. in the personal data and address register

the consent of the citizens involved can be considered automatically given, unless a

the release of their data in the personal data and address register was prohibited.

Point 11 of Article 4 of the General Data Protection Regulation states that the data subject

the consent of the person concerned is voluntary, specific and based on adequate information and

clear statement with which the relevant statement or confirmation

by means of an unmistakably expressive act, he indicates that he gives his consent to what concerns him

to manage personal data.

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

contribution all

pertaining to him

requirements.

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

published as its predecessor, Data Protection

created

They were explained in the Data Protection Working Group's guideline No. WP259 on consent

also confirm that the statement or the act expressing the confirmation unmistakably a

a prerequisite for regular consent. About giving consent to the person concerned

clear statement

(42)

also states that it has been formulated in advance for the data controller

recital

you must provide a declaration of consent that is understandable and easily accessible

must be made available in the form

Based on the data subject's consent, data processing may take place if it is clear

with your affirmative action, you agree to the processing of your personal data. Confirming this

action fulfills the data subject's right to self-determination of information: adequate information

based on which the data subject considers whether or not to give consent to the specific data management. THE

consent will be clear if the data controller ensures that it is

the data subject must take an active action in order for the data management to take place. For this

any statement or action that clearly indicates that it is acceptable

the data subject has given his consent to the planned processing of his personal data.

At the same time, the silence of the person concerned cannot be accepted as an affirmative act. If it is affected

does not take any active action regarding the granting of consent, then it is

the data controller cannot also conclude that the data subject has consented to data processing.

should do. General data protection

its conceptual element must

Based on Article 29 of the Directive

be responsible for

decree

must

24

especially not

so for data management

the existence of consent by a public authority

The Obligated

registration

based on the fact. However, according to the position of the Authority

being in the register alone cannot be considered the concrete will of the data subject,

clear statement,

considered voluntary and appropriate

based on information. In the personal data and residential address register, as public authority

registered citizens do not have a choice in regard to

whether they are included in the register or not, the register is not voluntary for the citizens

register based on consent. Nytv. pursuant to § 2

although they have the right to prohibit the release of the data registered about them, this

however, its absence - i.e. the above-mentioned "silence" of the person concerned - does not mean

at the same time, that the person concerned consented to the fact that his personal data was published by Nytv. Section 19 (1)

may be issued during the performance of data provision pursuant to paragraph

can be found by mail.

The consent is also closely related to the appropriate prior information, i.e.

so that the data subject has adequate information about the data management conditions in context before making a decision to grant consent, which in this case it is also clearly missing.

In case of legal basis for consent according to Article 7 (1) of the General Data Protection Regulation furthermore, the data controller must be able to prove that the data subject is personal consented to the processing of his data, which is an obligation - subject to accountability principle - it also includes that the data controller can prove that the consent some of its conceptual elements (adequate information, voluntariness, clarity of consent) were properly enforced during the obtaining of consent, as well as fulfilled by the decree also the additional requirements formulated in connection with the consent. On this conditions during data management of the Obligor, for the reasons explained above, obviously not are enforced.

Based on all of this, the Obligor's data management in this form - i.e. postal contact via inquiry - the general cannot have a legal basis consent according to Article 6 (1) point a) of the Data Protection Regulation, since its all its conceptual elements are missing.

Based on the above, the Obligor violated Article 6 (1) of the General Data Protection Regulation paragraph, as it unlawfully based its data management on the legal basis of consent, and did not prove the existence of a valid legal basis to the Authority.

According to the Authority's point of view, it is appropriate and meets the additional requirements of data management procedure that can be followed for the sake of legality is if the organization requesting the data is not the citizens requests the service of his personal data from the personal data and address register, but the Nytv. Section 18

As explained in paragraph (4), the so-called contact procedure takes the initiative, during which the registration body searches for the indicated circle of personnel, delivering the initiator's message to the recipients. The recipient, if interested, is you

visits the initiating body, so the data management is carried out by the initiating body

in this case, its legal basis will be the consent of the data subject.

III.3.3. Purpose-bound data management

Purpose-bound according to Article 5(1)(b) of the General Data Protection Regulation

according to the principle of data management, the collection of personal data is only defined, clear and

25

the

the

its goal,

according to

data

personal

collection

data usage

indicated in the justification

may be done for a legitimate purpose, and they may not be handled in conjunction with these purposes

in a mutually agreeable manner. According to the provisions of recital (39), furthermore, a

the specific goals of personal data management explicitly formulated and

to legal,

at the time

also already

they must be specific.

The scope of the data is according to Article 5 (1) point c) of the General Data Protection Regulation

according to the principle of data saving, it must be limited to the minimum necessary for the purpose.

According to the Obligor's declaration, the use of the requested data (name and address data).

its purpose is to contact and maintain contact within the framework of market and public opinion research.

Nytv. According to § 19, paragraph (1), point c) the provision of name and address data by any a legal entity is entitled to request, subject to proof of the purpose and legal basis of the use to compile the sample required to start public opinion polls and market research.

According to paragraph (3) of the same section, the applicant has the activity specified therein you must also properly prove your right to request data.

"Market research purposes" dated February 23, 2021 submitted to the Obligatory BM permission to provide data for 1 year for contacting and maintaining contact request"

that

"related to health preservation, including hearing and hearing loss area

let's contact the population.".

Requests for permission to provide data for direct marketing purposes previously submitted to BM based on what was stated in its justification, the purpose of data use is "hearing care to inform the public about our service.".

As of March 2021, the Obligor will no longer use the requested data for direct marketing purposes connecting required and that

data provision was authorized by the BM for this purpose.

The Obliger is therefore direct marketing, i.e. direct, until this date (March 2021).

data required for contacting and maintaining contact for business purposes a from BM, despite the fact that since April 26, 2019, Kktv. its scope no longer extends to requiring name and address information for the purpose of contacting for direct business acquisition, respectively for natural and legal persons, i.e. from April 26, 2019, this data management its legal authority has ceased.

The Kktv. according to its previous definition, direct business acquisition (direct

marketing) for those a

information sheet

the set of activities and additional services, which have a purpose

by selling, providing or promoting sales of products or services

directly related to Grt. Transmission of advertising according to point d) of § 3 a

for consumers or trading partners.

At the same time, it can be established that the purpose of data usage newly indicated in the request

(market research), the Obligor's actual data usage practices compared to the previous ones

did not change until July 2021, the Obligor's statement and the one attached by him

according to the content of the postal notification sample, the notification will remain unchanged until July 2021.

part 2.1. the same informative text described in subparagraph xii) of

on postal notices previously sent for direct marketing purposes. The Obligor provides the requested data

for use, but in connection with market research

by direct inquiry method

finished,

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therefore, according to this, it continued to use it unchanged, i.e. the requested data on it

managed with the aim of contacting potential patients by mail in a personal letter and

notify them of the location of the free hearing screening service provided by the Obligor

and its date.

However, it can be concluded that the "market research" indicated in the information is a data management purpose

it masks the real purpose, which is also confirmed by the fact that it was submitted to the BM

specified in data request requests

subject, as a data management purpose, not specifically a

market research, but misleadingly "for the purpose of market research

contact and

contact", the purpose of which is a general concept, and data processing performed by the Obligor taking into account the activity, the underlying goal is still the direct marketing goal.

The Authority attached the "Market Research Plan" attached to the Authority's invitation by the Obligeé, regarding a two-page, undated document, he found that in fact it cannot be considered a research plan, in terms of content it is only the previously linked market research a copy of the first two pages of the study, so that it is the Authority's research plan, and the market research he could not evaluate it as supporting a goal.

In the Obligor's declarations regarding what he evaluated as market research what kind of business or other decisions your activity has based, only for the future formulated ideas according to the Authority's point of view. The procedure by the Obligor market research study for the period between March 2021 and September 2021 marked as the period examined during the market research, despite this, the Authority is obliged was unable to present the decisions and results made on the basis of the market research, did not certify the actual professional market research to the Authority.

Also based on the Obligor's statements - "a market was conducted based on the results of the study to develop a strategy based on analysis, to define the target audience, the target audience personalization, to design, new planning, closing hearing salons, designing or downsizing additional resources" - the a

it can be concluded that the activity he evaluates as market research is marketing an activity closely related to his activity.

According to the Obligor's reference, the name and address data are shared with future customers contact was needed, which essentially meant sending an invitation tried to reach new customers, which also confirms the marketing goal. This is supported by the statement that it was placed on the notices until July 2021 was already referred to above informational content did not provide any information about the Obligor's activities

would serve market research purposes.

In the response letter sent to the Authority on August 8, 2022, the Obligor also stated in several places he himself called postal inquiries "direct marketing mail inquiries", as well as the table containing the data requested from the BM in his declarations referred to as "data managed for direct marketing purposes and stored in the DM table" (2022 points 6 and 14 of the reply letter dated August 8).

The Authority evaluates the above as confirming the completion of the Mandatory market research did not provide information, the attached documents and statements were not provided by the Authority assessed that they do not prove the existence of the market research objective.

Based on all this, according to the Authority's point of view, it can be established that the Obligee to BM in its data requests from the end of February 2021 - apparent compliance with the legal requirements for creating touchpoints, sales strategy

supreme

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in order to comply - tried to transform its data management into market research in such a way that continue data processing for direct marketing purposes under this name. Despite however, the fact that the Obligee has indicated market research as the purpose of data use until July 2021, it addressed the affected parties with the previous inquiry patterns, therefore, the primary purpose of data management - about which, by the way, he sent to the stakeholders the inquiry did not contain any information at all - direct business acquisition remained the same volt.

Placed on the notices by the Obligee thereafter - the start of the official inspection subsequently, as a result, the data usage has been modified - informative text indicates market research as its purpose, taking into account, however, that the Obligor - both statement, and according to the information available on his website - the country and the world leader distributor of hearing aids, and the main activity of the company is medical products

retail trade, the primary purpose of data management based on the reasons presented above it was still the previously mentioned direct business acquisition (direct marketing) and not the Ltd. According to the definition of point 3 of § 2, the consumer habits of the person concerned investigation (market research), i.e. as stated in the notice applied from July 2021 states in the information: "4. Purpose of data management/data use: market research. You we are contacting you with this letter because we want to assess that Hungary the age group of its population between ...-... to use hearing test from our Company".

Based on the above, the Obligor violated Article 5 (1) of the General Data Protection Regulation the principle of goal-boundness according to point b) of paragraph III.3.4. The purpose must be explained in a clear, obvious, understandable language in such a way that those concerned are aware of all the essential circumstances of data management, with the specific goals and the range of data aligned with them, as well as their personal data with the process of treatment. This expectation of the data controller is general transparency and fairness according to Article 5 (1) point a) of the Data Protection Regulation follows from the principle of data management, and can also be derived from this to enforce the rights of the data subject conditions.

Compliance with the principle of purposefulness therefore consists of two main parts: firstly it includes the choice of a clear and at the same time legal goal, on the one hand, from this following, the processing of personal data in a way that is compatible with the purpose and goals.

The expectations arising from these are the following:

- a concretely defined goal declared before the start of data management (that is part wishes
-

it was completely missed when contacting the affected parties by post);

legitimate purpose in accordance with the legal grounds and in connection with data management (a

Obligated to handle data related to postal inquiries on an inappropriate legal basis

founded by III.3.2. as explained in point, and data management (data use)

nor can the definition of its purpose be considered real during the examined data management period;

- understandable communication to the target group, in a non-misleading and non-misleading manner (a

adequate information in the first half of the period - especially

examined data management

on the purpose and legal basis of data management - nothing happened to the affected parties at all, a

It is mandatory to request data based on the available information

in order to fulfill your request, the previously indicated purpose of data use (direct

marketing) was changed in order to appear to comply with legal requirements

for the purpose of market research, but at the same time in actual data use activities, notification

there was no change in its sending practices, which confirms that the purpose of data management

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-

has not actually changed, the market research goal has always been pushed into the background by the primary,

compared to a direct marketing goal);

additional purpose, in the case of purposes, the interpretation according to the test of compatibility, which

usually or a high degree of similarity is assumed between earlier and later goals

between (in this case, compatibility of goals did not arise, so this condition

compliance is irrelevant).

Based on the available information, the Authority established that the Obligee – a

III.3.3. as detailed in point - despite the change in legislation, the

data processing for the purpose of direct marketing in order to demonstrate compliance

deceptively wanted to proceed as if the purpose of the data processing was market research, i.e

as if its data management complies with the changed legal conditions. It's free

ensuring the opportunity to participate in a hearing screening, and sending those concerned about it by post however, sending invitations on the road was still primarily for sales purposes, the Authority according to his point of view, it cannot be considered market research, or not primarily market research the research of consumer habits from the point of view of who buys the hearing screening part and who subsequently buys a product. If this is solely for the purpose of market research would be, then for market research it would be sufficient, following the principle of data saving participation intention research.

According to the Authority's findings, data management is still subject to sales, direct it took place for marketing purposes, which is what the information should have covered. With this against the Obligee, the purpose of data management is market research marked it. By doing so there was a clear lack of accurate and factual information, which is essential a for proper information.

Based on the above, the Authority determines that the Obligor by the data management real purpose with respect to those concerned, as well as the Ministry of the Interior deceived him, also concealed the real purpose of the data management, violated the general the principle of fair procedure according to Article 5 (1) point a) of the Data Protection Regulation.

III.3.5. Information provided during the postal inquiry

III.3.5.1. According to Article 12 (1) of the General Data Protection Regulation, the Obligor, as the obligation of an independent data controller to take appropriate measures to ensure that concerning the processing of personal data for those concerned, referred to in Articles 13 and 14 all information and 15-22. and each information according to Article 34 is concise, transparent, understandable and easily accessible form, clearly and comprehensibly provide it formulated.

The system of appropriate information in the general data protection regulation serves to the data subject can be aware of which personal data, which data controller and which for the purpose of how you will handle it. This is essential to be in a position to can meaningfully exercise its stakeholder rights.

Data management based on point a) of Article 6 (1) of the General Data Protection Regulation based on Article 4, point 11 of the General Data Protection Regulation, not only the data management beginning, but before obtaining consent, the data controller is obliged to to provide information on the basis of which informed consent can be given.

The data subject's consent to data processing can only be valid if it is specific

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inform the data subject of all data management for purpose(s) - which can be specified separately for each purpose - and appropriate information is provided beforehand, which puts the person concerned in such a position that he can make an appropriate decision to consent and complies with all other provisions of the General Data Protection Regulation validity requirement. All in the preamble booked, all the general ones

Article 12 (1) of the data protection decree requires the data manager to achieve results when determining his obligations, i.e. the person concerned needs such help provide, so that all stakeholders can exercise their rights in an informed manner.

III.3.5.2. During the examined data management, the Obligee searches for potential patients by mail up by sending a notification of its free hearing screening service location and time.

Fair and

the principle of transparent data management requires that the data subject receives information about the data management its fact and purpose. Therefore, one of the essential conditions for the legality of data management is that data controller accordingly

important

about his circumstances.

13-14 of the General Data Protection Regulation. its articles determine that in terms of its content what information must be provided during the processing of personal data. There are different rules for this (content and deadline) apply depending on whether the data is from the data subject

or it was not obtained from the data subject, while it is with regard to the formal requirements of the information

Article 12 of the General Data Protection Regulation provides guidance.

Since the Obligor uses the data provided by BM - i.e. the personal data

after collecting data not from the data subject, but from another source - by post

searches for possible patients by means of inquiries, the Obligor has the general

taking into account the provisions of Article 14 of the Data Protection Regulation, for those concerned a

related to the management of their personal data

information within a reasonable period of time

must make available.

Regarding the examined data management period, there are two types, according to the Obligor's declaration attached a notification sample applied consecutively.

Both notification samples contain information related to data management, and

notification samples are actually distinguished by the content of the informational text placed on them

yes.

III.3.5.3. According to the Obligor's statement, the following information was included until July 2021

Name notice sent to potential patients by post:

"If you no longer want such from Amplifon Magyarország Kft

you can cancel receiving inquiries at one of the following contact details:

On the Internet at the e-mail address adatvedelem@amplifon.com.

By letter to the Company's address, Amplifon Magyarország Kft. 1097 Budapest, Könyves

Kálmán krt. 12-14.

Your address data from the Central Office of Public Administration and Electronic Public Services

we bought the CXIX of 1995. Act § 3 (1) point d) and LXVI of 1992.

based on Section 17 (1) of the Act. If you don't want it anymore

be publicly listed in the database, your blocking statement must be in writing or in person

submit it at the document office of your place of residence. From the database of Amplifon Magyarország Kft

your data will be automatically deleted."

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In connection with the examined data management, the Authority established that the Obligee has a

information placed on a newsletter sent to potential patients by July 2021

it did not include the most important one contained in Article 14 of the General Data Protection Regulation
information:

i) The prospectus did not specifically name who can be considered a data controller. THE

information did mention the name and contact information of the Obligor, but only from that

at most, a conclusion can be drawn that in connection with the examined data management

the Obligor is the data controller [GDPR Article 14 (1) a)].

ii) Information about the (real) purpose of personal data management and data management

did not inform the data subjects of its legal basis [GDPR Article 14 (1) c)].

However, the prospectus also contains two legal references, which is misleading

makes it appear as if the recipient of the notification is a data subject

treatment of

legal obligation

would be necessary for its fulfillment, i.e. its legal basis is GDPR Article 6 (1) c)

would be the fulfillment of a legal obligation according to point

referred to in the information sheet

in legislation

is occupied

iii) In his response to the Authority, the Obligor provided information on the information he used however, there is no information on data processors on the information provided on the notice it was not mentioned in relation to which data processors during the data management uses and what kind of data management activities they carry out [GDPR Article 14 (1) e)].

In addition to the above, the information is necessary to ensure fair and transparent data management it also did not contain important additional information:

iv) The information tangentially mentioned your personal data and address in the address register data blocking

option, if the person concerned does not want the same

to receive inquiries and subsequently informed that the Obligor

your data will be automatically deleted from your database. However, he did not give an explanation

information on what the automatic deletion takes place in relation to

automatically. THE

BM contradicts this sentence of the information sheet

with the provisions of its decision authorizing data provision, according to which "the personal data and from the residential address register, the requested data is only from the application, or the most recent one they can be used within six months from the date of consultation." [GDPR Article 14 (2) a)].

v) Regarding the source of the data, the information with the Obligor's declaration and the attached contrary to the documents, that information until July 2021

gave the data subjects that the data is from the Obligor to the Public Administration and Electronic

He bought it from the Central Office of Public Services, which is the office's activity

however, on December 31, 2016, i.e. almost a year and a half ago, the general data protection

terminated before the regulation became applicable. All this for those involved

it could also be interpreted as such - assuming that the information contained in the information sheet is true

comply - that their personal data will be processed by the Obligor from this date at the latest

[GDPR Article 14 (2) f)].

This, in relation to the previous point (iv), is also questioned by the information on it the truth of the sentence that the data of the person concerned is from the Obligor's database are automatically deleted.

vi) The prospectus did not provide complete information regarding the rights of the stakeholders, only that included that the person concerned sent the inquiries to the Obligor which you can cancel at your contact details, which can be interpreted as information about the right to deletion [GDPR Article 14 (2) c)].

vii) In the declaration given by the Obligor during the procedure, the legal basis for data processing is indicated the consent of those concerned. In addition to the information regarding this

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did not contain any information at all, in this case the information is additional should have provided information to the data subjects to withdraw their consent about their right [GDPR Article 14 (2) d)].

viii) Furthermore, the prospectus does not provide information to those concerned about the supervisory on the right to submit a complaint to an authority [GDPR Article 14 (2) e)].

The Authority established that, based on the details detailed above, the Obligor a placed on a notice mailed to potential patients by July 2021 no information was provided to the data subjects by all of the data management about its essential circumstances, thereby violating the provisions of Article 14 of the GDPR.

III.3.5.4. According to the Obligor's statement, to be sent to those concerned from July 2021 updated the information on data management placed on the circular notice (hereinafter: current information sheet). After that date, it was mailed to potential patients notification by name of this decision Part 1 1.4. described in subsection xi) of contained information.

In relation to the current information, the Authority established that it deals with data management its legal basis has not been indicated, only those concerned are informed of what it is purpose of data management [GDPR Article 14 (1) c)]. Furthermore, the Authority with the indicated purpose of data management in connection with this decision III.3.3. as explained and established in point concerned, it did not indicate the real and actual purpose of the data management.

According to point 1 of the information sheet, "We inform you that the management of your personal data and about your rights in connection with the GDPR, Infotv. and the LLC. provides information", which taking into account that the information sheet does not provide information on the legal basis of data management, it deceives those concerned, because it creates the appearance that it is legal for data management would take place in the framework of fulfilling an obligation.

In relation to the information placed on the notice, the Authority also established that it is not suitable due to its small font size. Data management transparency in the text it must also be ensured by using an appropriate font size that promotes readability.

During the examined period, the Obligor therefore did not provide the stakeholders with clear, providing appropriate and real information in connection with postal inquiries about all the essential circumstances of data management, thereby violating Article 14 (1) of the GDPR-(2) paragraphs.

Furthermore, the Obligor has violated it by not providing transparent and clear information the provisions of Article 12 (1) of the GDPR.

ARC. Legal consequences

IV.1. The Authority based on Article 58 (2) point b) of the General Data Protection Regulation establishes that the Obligor by including the invitation to the screening test appropriate information in connection with the notification of postal delivery, specifically defined and without a real purpose, as well as with an inadequate legal basis, handles the contact information (name and address) violates Article 5 (1) point a) of the General Data Protection Regulation

the principle of fair procedure according to Article 5 (1) point b).

its basic principle, paragraph 1 of Article 6, and in connection with the above, Article 12 (1)

and the obligation to provide information according to Article 14.

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The Authority, taking this into account, Article 58 (2) point (g) of the General Data Protection Regulation

on the basis of ex officio orders the Obligor to delete it in a documented manner to the affected parties

by him in connection with the sending of notices by post

your stored name and address data, i.e

all from the personal data and address register by the BM at the request of the Obligor

provided contact information.

IV.2. The Authority examined whether a data protection fine against the Obligor was justified

imposition. In this context, the Authority is in accordance with Article 83 (2) of the General Data Protection Regulation and

the Infotv. 75/A. based on §, considered all the circumstances of the case and established that a

in the case of violations discovered during this procedure, the warning is neither proportionate nor not

is a deterrent sanction, therefore a fine must be imposed. In this case, personal

data protection - which is the responsibility of the Authority - the imposition of fines detailed below

based on the totality of circumstances, it cannot be achieved without imposing a data protection fine. THE

imposition of fines serves both special and general prevention, which

pursuant to which the decision is also published on the website of the Authority.

IV.3. When determining the amount of the fine, the Authority took into account, above all,

that the violations committed by the Obligor are Article 83 (5) of the General Data Protection Regulation

to a violation belonging to the category of higher fine amount according to point a) of paragraph

are considered [GDPR Article 83 (2) point a)], based on this the maximum fine that can be imposed

EUR 20,000,000, or in the case of businesses, the entire annual world market of the previous financial year

an amount of no more than 4% of its turnover. Taking this into account, with the Obligor

maximum fine that can be imposed against: HUF 101,677,120.

Determination of the amount of the data protection fine imposed by the Authority on the Obligor

took into account the following as mitigating circumstances:

- Condemning the Obligor for violating the general data protection regulation

did not take place. However, the Authority obligates the General Data Protection Regulation

in the investigation procedure conducted before it became applicable - in which case

with its direct marketing activities carried out through Obligatory GPs

connected

condemned him

(NAIH/2017/4819/V.), therefore the Authority took this mitigating circumstance to a lesser extent

taking into account [GDPR Article 83(2)(e)];

data management

practice

- already

investigated

- The Obligees sent it by post after the start of the official inspection

changed the text of the information posted on the notification, tried to provide information

bring it into line with the requirements contained in the general data protection regulation

[GDPR Article 83(2)(c).

- The Authority exceeded Infotv. 60/A. administrative deadline according to paragraph (1) of §

the reason was the difficulty of clarifying the facts.

The Authority as an aggravating circumstance when imposing a fine on the Obligor

took into account the following:

- the nature of the violations is particularly serious, the Obligees has committed several violations, furthermore

the principle of fair procedure is also violated [GDPR Article 83 (2) point a)];

- I.1 of this decision part 1.4. in subsection xviii) and III.2. in point

based on what was written, the number of those affected is significant: a total of 9 in the examined period

in the course of data provision, it occasionally received the personal data of 3-400,000 data subjects

Obligated from the BM to whom you sent the postal letters [GDPR Article 83 (2)

the dot];

- the range of stakeholders targeted by the Obligor is mostly the elderly, who know less to assess the legality of the processing of their personal data and for the sake of their health are more easily influenced [GDPR Article 83 (2) point a)];

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- illegal data processing is the seriously negligent behavior of the Obligor, data processing caused by its practice [GDPR Article 83 (2) point (b)].

IV.4. When determining the amount of the data protection fine, the following circumstances are the fine their level was neither aggravated nor alleviated, they had a neutral effect:

- the Obligee cooperated with the Authority during the procedure, but this is legal obligation, its absence could be an aggravating circumstance [GDPR Article 83 (2) paragraph f)];

- based on stakeholder complaints received against the Obligor, the Authority detected a The probability of the illegal nature of the mandatory data management practices, which resulted in the procedure initiated by this office [GDPR Article 83 (2) point h)];

- the net sales revenue of the Obligor's sales is the latest available 2020 according to data, it was HUF 2,541,928,000. To the Obligor for the year 2021 has no published report.

A. Other questions

The Authority calculated the procedural deadline as follows: the Authority a NAIH-7550-1/2021 dated October 5, 2021. notified by the data protection authority in order no on the initiation of official proceedings, which order was accepted by the Obligor on October 8, 2021. THE The 15-day response deadline provided for in the Authority's order is mandatory requested an extension in his application received on October 15, 2021. The Authority a

extended the response deadline until November 1, 2021. The Obligor's answer is a
Authority NAIH-7550-1/2021. on November 2, 2021, to the questions included in order no
arrived at the Authority.

The Authority is Infotv. 60/A. Taking into account § (1), October 8, 2021 and

The period between November 2, 2021 was not included in the administrative deadline, so the
the administrative deadline expired on March 29, 2022.

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.

Based on § 82, paragraph (1), it becomes final upon its publication. The Akr. Section 112, Section 116 (1)
paragraph, and on the basis of § 114, paragraph (1), a public administrative lawsuit against the decision
there is room for legal redress.

* * *

The rules of the administrative trial are set out in Act I of 2017 on the Administrative Procedure
hereinafter: Kp.) is defined. The Kp. Based on point a) of section 12 (2), the Authority
the administrative lawsuit against his decision falls under the jurisdiction of the court, the lawsuit is referred to the Kp. Section
13

Based on paragraph (11), the Metropolitan Court exclusively
competent. The civil

CXXX of 2016 on procedural rules. to the law (hereinafter: Pp.) - the Kp. Section 26 (1)
is applicable based on paragraph - in a lawsuit within the jurisdiction of the court based on § 72
legal representation is mandatory. Cp. According to § 39, paragraph (6) - unless otherwise provided by law
provides - the submission of the claim for the administrative act to take effect

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does not have a deferral effect.

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. According to Article 9 (1) point b) of the Act, the legal representative of the Obligor is electronic obliged to maintain contact.

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

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. From the advance payment of the fee

the Itv. Section 59 (1) and Section 62 (1) point h) exempt the procedure

initiating party.

If the Obligor 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

obliged in the final decision of the authority

did enough, that is

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

becomes permanent. The Akr. Pursuant to § 133, the execution - if

you are the law

government decree does not provide otherwise - it is ordered by the decision-making authority. The Akr. § 134.

according to the implementation - if it is a law, government decree or municipal authority

the decree of the local government does not provide otherwise - the state tax authority

undertakes. Infotv. Based on § 60, paragraph (7), contained in the Authority's decision,

to carry out a specific act, for specific behavior,

you are patient

to stop

implementation of the

It is undertaken by an authority.

Dated in Budapest, August 11, 2022.

regarding the decision

not as an obligation

obligation

directed

Dr. Attila Péterfalvi

president

c. professor