

Case number: NAIH / 2019/3202/8.

Subject: Partial decision granting the application

order partially terminating the proceedings and time limit for the order

in the context of an overrun

The National Data Protection and Freedom of Information Authority (a

at the request of the applicant (hereinafter: the Applicant)

refusal of the request and the obligation to provide information

with regard to data processing with [...] (hereinafter: the Requested)

take the following decisions in official proceedings.

hereinafter referred to as the Authority) [...]

for the deletion of your data

failure and illegal

started against privacy

I. The Authority's right to cancel and to provide adequate information in the decision of the Authority

and the unlawful processing of the Data Subject

application

partially accepts and

I.1. finds that the Applicant has not complied with the deletion of the Applicant's personal data

the exercise of the data subject's right to have access to the data subject, as he did not delete the registered personal data

the data related to the enforcement of legal claims

are not indispensable and which are not sectoral in scope

on the basis of its statutory obligation.

I.2. notes that since the withdrawal of the Applicant's consent is a legal claim

in the absence of a proper balance of interests for the purpose of enforcement

personal data subject to legal proceedings

to initiate and conduct proceedings in accordance with Act CXXX of 2016 on Civil Procedure. Act 7 § 3.

Section 20 (1) (a) of Act L of 2009 on the order for payment procedure

and Act LIII of 1994 on Judicial Enforcement. according to Section 11 (2) - (3) of the Act

also violates the purpose limitation and data saving principles.

I.3. Is also prohibited by the Applicant's telephone number or e-mail address in order to enforce legal claims

data, ID card number, HFSA / MNB register number, employment

data on the beginning and end of your employment relationship with the

processing of data in his / her CV that is not natural to the Applicant

personal data and instructs the Applicant to take one of the above data

those for the management of which there is no legal obligation at all

delete it from its register and inform the Applicant accordingly of his personal data

on the handling of a legal basis in accordance with the General Data Protection Regulation.

II. In the decision of the Authority, the Applicant - in the sectoral legislation applicable to its activities

managed on the basis of its legal obligations and by enforcing legal claims

the Applicant's request for cancellation

the illegality of the refusal, as well as the claims management of the data of another company

application for a declaration of illegality

rejects.

III. The Authority shall, by order of the official procedure, the data processing prior to 25 May 2018

examination

terminates.

ARC. In view of the fact that the administrative deadline was exceeded, the Authority exceeded HUF 10,000, ie ten thousand

HUF to the Applicant, at his choice, by bank transfer or postal order

to pay.

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I.3. to take the measures provided for in point 1 to the Applicant from the time the measure is taken

within 15 days of receipt of the supporting evidence.

to the Authority, so that the information provided to the Applicant (in full) and the

by sending a copy of the post office to the Authority certifying its dispatch.

The Authority draws the Applicant's attention to the fact that it is open to challenge the decision

until the expiry of the time limit for bringing an action or, in the case of an administrative lawsuit, until a final decision of the court a

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

The Authority shall and the decision set out in Annex III. and IV. by the order set out in point

there is no administrative remedy against him, but within 30 days of notification

may be challenged in an administrative action before the Metropolitan Court. THE

the application must be submitted to the Authority, electronically, together with the case file

forward it to the court. The request for a hearing must be indicated in the application. The only is

in proceedings for an order terminating proceedings, the court shall act in accordance with the rules of the simplified proceedings

el. For non-personal tax exemptions, judicial review

the fee for the proceedings is HUF 30,000, the lawsuit is subject to the right to record fees. Before the Metropolitan Court legal representation is mandatory in these proceedings.

## EXPLANATORY STATEMENT

### I. Facts

The Applicant appeared in person on 28 March 2019 before the Authority and was subject to data protection submitted an application for an official procedure.

The Applicant submitted that he had an employment relationship with the Applicant in 2015.

between 31 March and 21 December. When leaving the team leader it is verbal

he was informed that he had no debts to the Applicant. The Applicant's employment relationship

Following the termination of the

The Applicant had to repay the commission previously received to the Applicant. THE

Claimant maintains this claim to this day. The Applicant shall not make the claim of the Applicant

admits. The Claimant used trustees during the receivables management ([...]).

According to the Applicant, the Applicant has unlawfully issued a personal data of which he has not been informed in advance. From the data controller repeatedly requested information on to whom the personal data had been forwarded however, he did not receive a specific answer to his question.

According to the Applicant, in the employment contract concluded with the Applicant nor did he receive adequate information. In his application, the Applicant requested that the Authority establish

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unlawful data processing and failure to receive adequate information  
unlawful transfer of data, instruct the controller to comply with the data subject's rights directed at its request.

The Applicant attached a copy of the following documents to his application:

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[...] dated 8 December 2017 informing you that it is no longer registered  
claim against the Applicant,

[...] Notification of barcodes D 6290346 and D 6450587,

Dated on 26.11.2018, 17.12.2018 and 03.01.2019 written to the applicant  
letters requesting information informing them that they do not know the claim  
requesting information on the transfer of your personal data,

Letter from the Applicant dated 28 February 2019 to the Applicant informing him that  
that the claim is still not recognized,

Applicant Applicant 25 October 2018, 04 December 2018 and 8 February 2019.

letters written on the day in which the data are processed, as well as the cancellation  
information sent in connection with the application,

Protocol [...] [...].

At the request of the Authority, the Applicant stated that it was not for another data controller transmitted the personal data of the Applicant only to data processors

data transmission as follows:

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August 30, 2018 for [...]

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May 10, 2016 for [...]

The Claimant has attached a copy of the following contracts with the above-mentioned receivables managers:

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Framework contract concluded with [...] on 20 March 2017 and its amendment,

and related receivables management procedures, regular quarterly

report data content, record keeping order, reminder letter and sms text sample, telephone

script, objection handling, installment payment authorization procedure, case groups,

power of attorney, bank transfer details, remuneration,

-

Framework contract concluded with [...] on 16 October 2015 and for this purpose

related receivables management procedures, regular quarterly report

data content, registration policy, sample letter and sms text, telephone script,

objection handling, procedure for authorizing installment payment, case groups, power of attorney,

bank transfer detailing, remuneration.

According to the Applicant's statement, the above-mentioned companies have the right to make independent decisions data management.

In addition to the above, the Applicant attached a copy of his correspondence with the Applicant, which

After May 25, 2018, the following were:

- Applicant 30 September 2018, 18 October, 05 November, 17 December 2019.

Letters dated 3 and 21 January

- Applied on 25 October 2014, 04 December 2018, 9 January 2019, 8 February 2019

dated letter.

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According to the Applicant's statement, the source of personal data was the Applicant, for the first time in 2015.

on February 20, when he arrived for his first interview. After that, the training framework contract

on the day of its signing, March 27, 2015, and then the conclusion of the agency contract

provided personal data to the Applicant on 31 March 2015.

According to the Applicant's statement, the legal basis for the processing of personal data is on the one hand a

fulfillment of a legal obligation during the term of the contract,

on the other hand, the legitimate interest. The Applicant is concerned about the processing of personal data - May 2018

Made on day 16 - sent a balancing test to the Authority. The balancing test

based on the data of the data subject are the following: name, address, telephone number, place of birth, time, mother

name, e-mail address, tax number, sole proprietorship registration number, identity card number,

client number, HFSA / MNB register number, bank account number, training data, CV

data, start and end of the legal relationship, licenses, commission debt in case of receivables, invoices,

data in invoices, data in paper documents (eg order books)

contract, letter of formal notice).

By letter dated 11 November 2018, [...] D 6290346 informed the

Applicant to act as the Data Processor of the Applicant, bar code D 6450587 - 2019.

By letter dated 11 February 2006, the Commission informed the Applicant that their contract of assignment had been

completed

their time-limits have expired and they are no longer entitled to act.

The Authority has determined from the public company data that from [...] 15 May 2018

changed its name.

The Applicant wrote to the Applicant for the first time after 25 May 2018 on 30 September 2018,

in which he objected to the transfer of data to the recovery companies.

The Applicant's letter requesting information is dated for the first time on 18 and 25 October 2018

replied in a letter referring to the letter received by the Applicant on 4 October 2018,

that "Your request to our customer service on October 4, 2018 is personal

requested the deletion of his data. " In this letter, the Applicant was informed by the Applicant that the

the claims managers they entrust act as data processors and the data processor

the consent of the data subject is not required for its use. The Applicant also claimed that

the termination of the contract between him and the Applicant

It was also stated in the summary of the legal consequences of the

uses a third party in the debt management proceedings and has informed the

The Applicant has requested that the personal data provided be not deleted from the

on the protection of individuals with regard to the processing of personal data and on the

on the free movement of such data and repealing Directive 95/46 / EC

Article 17 (3) (b) of Regulation (EU) No 2016/679 (hereinafter referred to as the General Data Protection Regulation)

and (e).

In a letter to the Applicant dated 26 November 2018, the Applicant indicated that he did not know

the claim and deplores the fact that it has forwarded the personal data to another claims manager

data. In his letter dated 17 December 2018, the Applicant also requested information about his personal data

in connection with the transmission of this information, this request for information was sent on 01.03.2019. in a letter dated

repeated by the Applicant. The Applicant shall apply to the Applicant on 04 December 2018, 9 January 2019 and

In his letters dated 8 February 2019, he informed that it was dated 25 October 2018

maintains the letter.

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## II. Applicable legal provisions

Regarding the processing of personal data by natural persons

the free movement of such data and repealing Directive 95/46 / EC

Regulation (EU) 2016/679 (hereinafter referred to as the General Data Protection Regulation)

on the right to information self - determination and the

CXII of 2011 on freedom of information Act (hereinafter: the Information Act) § 2 (2)

the General Data Protection Regulation should be supplemented by the provisions set out therein apply.

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

the Authority shall, at the request of the data subject,

to initiate proceedings.

Unless otherwise provided in the General Data Protection Regulation, the application was initiated

CL of the General Administrative Procedure Act 2016 on the data protection authority procedure. law (hereinafter: the Act) shall apply with the exceptions specified in the Infotv.

According to Article 2 (1) of the General Data Protection Regulation, the Regulation shall apply to

the processing of personal data in a partially or fully automated manner, and

for the non-automated management of data that is part of a registration system

which are intended to be part of a registration system.

According to recital 47 of the General Data Protection Regulation, if the data processing

legal basis is a legitimate interest, a prior balancing of interests must be carried out

it is necessary to determine, inter alia, the legitimate interest, the effect on the data subject and whether

whether the processing is necessary or proportionate and whether a legitimate interest or consideration is required

and whether the right of the data subject is superior.

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

(a) be processed lawfully and fairly and in a manner which is transparent to the data subject

("legality, fairness and transparency");

Personal data pursuant to Article 5 (1) (b) of the General Data Protection Regulation

collected for specified, explicit and legitimate purposes and not processed

in a way incompatible with those objectives. ("Purpose-bound").



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

they must be appropriate and relevant to the purposes of the processing, and

should be limited to what is necessary ("data saving").

Pursuant to Article 5 (2) of the General Data Protection Regulation, the controller is responsible for

shall be able to demonstrate such compliance

("Accountability").

Processing of personal data under Article 6 (1) of the General Data Protection Regulation

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

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

purposes

...

(f) processing for the legitimate interests of the controller or of a third party

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

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or fundamental rights and freedoms which call for the protection of personal data,

especially if the child concerned.

Article 6 (4) of the General Data Protection Regulation if for a purpose other than that for which the data were collected

with the consent of the data subject or of an EU or Member State

based on the rule of law, which is a necessary and proportionate measure for a democratic

society in order to achieve the objectives set out in Article 23 (1)

whether the processing for different purposes is compatible with the purpose for which it is personal

data were originally collected, the controller shall take into account, inter alia:

(a) between the purposes for which the personal data are collected and the purposes for which they are intended to be further

processed

possible contacts;

(b) the conditions for the collection of personal data, in particular the data subjects and the

relationships between data controllers;

(c) the nature of the personal data, in particular that they are personal data within the meaning of Article 9

whether it is a matter of dealing with special categories or whether it is a matter of criminal liability

the processing of personal data in accordance with Article 10

weave;

(d) the possible consequences of the data for data subjects

planned further treatment;

(e) the existence of appropriate safeguards, which may include encryption or pseudonymisation.

Pursuant to Article 12 (1) of the General Data Protection Regulation, the controller is appropriate

take measures to ensure the processing of personal data by the data subject

all the information referred to in Articles 13 and 14 and Article 34

each piece of information in a concise, transparent, comprehensible and easily accessible form, in a clear manner

and provide any information addressed to children, in particular, in plain language

in the case of. The information shall be provided in writing or otherwise, including, where appropriate, by electronic means

must also be provided. Oral information may be provided at the request of the data subject, provided otherwise

the identity of the data subject has been established.

Pursuant to Article 12 (2) of the General Data Protection Regulation, the controller shall facilitate the

affected 15-22. exercise of their rights under this Article. In the cases referred to in Article 11 (2)

the data controller shall fulfillment of his request to exercise his rights under Article

he may not refuse it unless he proves that the person concerned cannot be identified.

Pursuant to Article 12 (3) of the General Data Protection Regulation, the controller is unjustified

without delay, but in any case within one month of receipt of the request

inform the data subject in accordance with Articles 15 to 22. on the action taken in response to a request under Article. Need

In view of the complexity of the application and the number of applications, this time limit shall be extended by two additional periods

may be extended by one month. The extension of the deadline by the data controller is a delay

within one month of receipt of the request, stating the reasons

concerned. If the person concerned submitted the application electronically, the information shall be provided as far as possible

shall be provided by electronic means, unless otherwise requested by the data subject.

Pursuant to Article 12 (4) of the General Data Protection Regulation, if the controller does not do so measures at the request of the data subject without delay, but at the latest at the time of the request within one month of receipt of the measure

and that the person concerned may lodge a complaint with a supervisory authority, and may exercise his right of judicial review.

Pursuant to Article 13 (3) of the General Data Protection Regulation, if the controller a intends to carry out further processing of personal data for purposes other than those for which they were collected, a 6

inform the data subject of this different purpose and

any relevant additional information referred to in paragraph

Under Article 17 (1) (b) of the General Data Protection Regulation, the data subject is entitled

that, at his request, the controller deletes his personal data without undue delay

data, and the controller is obliged to provide personal data concerning the data subject

delete it without undue delay if the data subject withdraws the authorization referred to in Article 6 (1) (a).

consent to the processing, and there is no consent to the processing

other legal basis.

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

acting within the corrective power of the competent authority:

(b) reprimands the controller or the processor if he or she is acting in a data-processing capacity has infringed the provisions of this Regulation;

(c) instruct the controller or processor to comply with this Regulation

the exercise of his rights under this Regulation;

(i) impose an administrative fine in accordance with Article 83, depending on the circumstances of the case in addition to or instead of the measures referred to in this paragraph.

Pursuant to Article 17 (3) of the General Data Protection Regulation, paragraphs 1 and 2 do not apply if data processing is required:

...

e) to file, enforce or defend legal claims.

Pursuant to Article 21 (1) of the General Data Protection Regulation, the data subject is entitled to:

at any time on grounds relating to his or her situation, object to the processing of his or her personal data in accordance with Article 6 (1).

based on those provisions, including those provisions

based profiling. In this case, the data controller may not process the personal data

further, unless the controller proves that the processing is so compellingly legitimate

justified by reasons which take precedence over the interests, rights and freedoms of the data subject

or to bring, assert or defend legal claims

are related.

Pursuant to Article 21 (4) of the General Data Protection Regulation in paragraphs 1 and 2

this right shall be expressly invoked at the latest at the time of the first contact with the data subject

its attention and information in this regard clearly and from all other information

should be displayed separately.

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

ensure that any infringement of this Regulation referred to in paragraphs 4, 5 and 6 is in accordance with this Article

The administrative fines imposed pursuant to this Regulation shall be effective, proportionate and dissuasive in each case and be dissuasive.

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

referred to in Article 58 (2) (a) to (h) and (j), as the case may be

should be imposed in addition to or instead of measures. When deciding if it is necessary

to impose an administrative fine or to determine the amount of the administrative fine

in each case due account shall be taken of the following:

(a) the nature, gravity and duration of the breach, taking into account the processing in question

the nature, scope or purpose of the infringement and the number of persons affected by the infringement;

the extent of the damage they have suffered;

(b) the intentional or negligent nature of the infringement;

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(c) the mitigation of damage caused to the data subject by the controller or the processor

any measures taken to

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

Technical and organizational measures taken pursuant to Articles 25 and 32;

(e) relevant infringements previously committed by the controller or processor;

(f) the supervisory authority to remedy the breach and the possible negative effects of the breach

the degree of cooperation to alleviate

(g) the categories of personal data concerned by the breach;

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

whether the controller or processor has reported the breach and, if so, what

in detail;

(i) if previously against the controller or processor concerned, in the same

one of the measures referred to in Article 58 (2) has been ordered orally

compliance with revolving measures;

(j) whether the controller or processor has kept itself approved in accordance with Article 40

codes of conduct or approved certification mechanisms in accordance with Article 42;

and

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

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

avoided loss.

Pursuant to Article 18 (2) of the General Data Protection Regulation, if the processing is subject to paragraph 1, such personal data, with the exception of storage, shall be subject only to the consent of the data subject, or to bring, assert or enforce legal claims to protect the rights of another natural or legal person, or Important public interest of the Union or of a Member State.

Pursuant to Article 83 (5) of the General Data Protection Regulation, the following provisions apply an administrative fine of up to EUR 20 000 000 in accordance with paragraph 2 or, in the case of undertakings, the total worldwide turnover in the preceding business year up to a maximum of 4%, with the higher of the two amounts to impose:

(a) the principles of data processing, including the conditions for consent, in accordance with Articles 5, 6, 7 and 9; appropriately;

(b) the rights of data subjects under Articles 12 to 22. in accordance with Article

Infotv. Pursuant to Section 2 (2) of the European Parliament (EU) 2016/679

and Council Regulation (hereinafter referred to as the General Data Protection Regulation)

the general data protection regulation in accordance with Articles III-V. and VI / A. Chapter and Section 3 (3), (4), 6, 11, 12, 13, 16, 17, 21, 23-24. Section 4 (5), Section 5 (3) to (5), (7) and (8)

§ 13 (2), § 23, § 25, § 25 / G. § (3), (4) and (6)

in paragraph 25 / H. § (2), 25 / M. § (2), 25 / N. §, 51 / A.

§ (1), Articles 52-54. § 55 (1) - (2), 56-60. §, 60 / A. §

(1) - (3) and (6), Section 61 (1) (a) and (c), Section 61 (2) and (3)

paragraph 4 (b) and paragraphs 6 to 10, paragraphs 62 to 71. § 72

in Section 75 (1) - (5), Section 75 / A. With the additions specified in § and Annex 1 should be used.

Infotv. Pursuant to Section 61 (6), an action is open for appealing against the decision

until the expiry of the time limit or, in the case of an administrative decision, until the final decision of the court

data affected by data processing may not be erased or destroyed.

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About the identification methods that replace the personal identification number and the use of identification codes

XX of 1996 Act (hereinafter: Szaz Act), it is natural pursuant to Section 4 (4)

personal data of the citizen

a) surname and forename, surname and forename at birth,

b) place of birth,

(c) date of birth; and

(d) mother's birth surname and forename.

Act LX of 2003 on Insurers and Insurance Activities. Act (hereinafter: Bit)

Pursuant to Section 49 (2), the insurer shall use the insurance mediation employed or entrusted by it

or, if the intermediary organization is an economic operator

entrusted with it, then about this business organization or the intermediary with this organization

shall keep a register of the natural person carrying out the activity. The record

detailed rules are given in Annex 5, paragraph 2. The insurer is obliged to e

in the register in Annex 5, point 2 [(a) (b) and (f) and (B) (b)

changes in certain data to the HFSA within 30 days

to report.

Pursuant to Section 49 (3) of the Bit, natural persons directly performing insurance mediation

criminal records (official certificate issued by a criminal record body,

a copy of the diploma) for each legal relationship with the insurer

the legal relationship is obligatory in relation to the natural person providing insurance mediation

for 5 years after termination.

Appendix 5 to Bit

2. Employed by insurers or independent insurance intermediaries

The register of insurance intermediaries contains the following (insurance intermediaries monitoring changes in the data of the intermediary during the intermediary relationship and by documenting:

A) Register of natural persons providing insurance mediation

a) the name and place of birth of the natural person pursuing the activity of insurance mediation, date of birth, mother's name, address,

(b) registration number and date,

(c) the name of the State or States in which it carries on the business of insurance mediation,

(d) where the insurance intermediary is a natural person acting as a dependent insurance intermediary within the framework of an economic organization, then

(da) the name of that entity,

db) the registration number of the economic organization,

dc) the beginning and end of the legal relationship with the economic entity, the name of the legal relationship,

e) the nature of the insurance intermediation activity (independent, dependent),

(f) the insurer or independent insurance intermediary

(fa) the beginning and end of an existing legal relationship, the name of the legal relationship,

(fb) to an insurer or an independent insurance intermediary in the context of an existing legal relationship

detailed definition of activity,

fc) any restriction of the existing legal relationship, the reason and circumstances for the termination of the legal relationship,

(g) in the case of an intermediary acting on behalf of an insurer, the products referred to in paragraphs 1 and 2

sectoral classification according to the Annexes,

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(h) type of qualification (higher education or defined by separate legislation

professional qualification), a copy of the document certifying this, in the absence of a corresponding qualification

the time limit for obtaining

(i) an insurance intermediary who has left the insurer or an independent insurance intermediary is natural



mediation card issued by a person,

(j) an official certificate issued by a criminal record body.

### III. Decision

#### III.1. Data processing period examined

In the present proceedings, the Authority will only decide on the requested data processing on 25 May 2018.

the findings made in connection with the data management after the day of Section 47 (1)

In accordance with paragraph 1 (a), the Authority shall initiate the data protection authority proceedings before 25 May 2018.

terminated the data management part of the period as the request was not answered

and Infotv. Section 60 (2), since the requested data processing

The General Data Protection Regulation was not yet applicable for this part of the period

nor can an application for an official data protection procedure be submitted to the Authority

the following data processing has not been investigated by the Authority:

##### III.1.1. Contested transmission to [...]

The data processing objected to by the Applicant - carried out with the transfer of data to [...],

It took place before 25 May 2018, as the Applicant stated that on 10 May 2016.

forwarded the personal data to [...] on

the information of [...] dated 8 December 2017 stating that it is no longer in force is attached

obviously a claim against the Applicant.

##### III.1.2. Informing the applicant when establishing an employment relationship,

upon termination and processing of the Requested Data under a legal obligation and legal claim

with reference to validation

The Applicant stood with the Applicant between 31 March and 21 December 2015

employment and after this period is managed and managed by the Applicant

personal data in order to fulfill its legal obligations and to enforce legal claims

with reference to the purpose. Of this, the period until the entry into force of the General Data Protection Regulation is a

Authority did not investigate.

### III.2. Findings for the data management period after 25 May 2018

#### III. 2.1 [...] as a trustee for debt management purposes

According to the statements made during the requested procedure and the attached documents, the [...] And then the after the name change, [...] acted as the Applicant's agent in the Applicant's case.

It is also common in the case of the transfer and assignment of receivables management tasks

Article 6 (1) (f) of the Data Protection Regulation, ie the legitimate interest of the controller

personal data may be transferred to a third party, such as claims management

therefore, the transfer of data for this purpose is subject to the provisions of the General Data Protection Regulation

shall not be considered as unlawful data processing on the basis of

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In view of the above, the Authority found that the applicant had done [...]

transfer of receivables management data with respect to receivables management data

considered illegal.

#### III. 2.2. Unlawfulness of the requested data processing

By letter dated 25 October 2018, the Applicant informed the Applicant that a

your request for the deletion of your personal data is not complied with by reference to the general

Article 17 (3) (b) and (e) of the Data Protection Regulation, given that the data

necessary to fulfill the legal obligation imposed on the Applicant or legal claims

to present, validate or protect.

##### III.2.2.1. Processing of the requested data on the basis of its legal obligation

The 2003 LX. Section 48 (3) - (5) of the Act and Section 49 (2)

is invalid from 1 January 2016, however, at the time of the Applicant's employment

was in force for 5 years after the termination of the legal relationship pursuant to Section 49 (3), ie 2020.

shall keep the following data until 21 December:

- name, place of birth, place of birth of the natural person acting as an insurance intermediary

time, mother's name, address,

- registration number and date,

- the name of the State or States in which it carries on the business of insurance mediation,

- if the insurance intermediary natural person's activities are a dependent insurance intermediary

within the framework of an economic organization, then

- the name of this entity,

- the registration number of the business organization,

- the beginning and end of the legal relationship with the business entity, the legal relationship

name,

- nature of the activity of insurance intermediation (independent, dependent),

- the insurer or independent insurance intermediary

- 

- 

- 

the beginning and end of the existing legal relationship, the name of the legal relationship,

existing

legal relationship

framework

the

insurer

obsession

the

independent

a detailed definition of the activity of insurance intermediary,

possible restriction of the existing legal relationship, reason for termination of the legal relationship,

circumstances,

- in the case of an intermediary acting on behalf of the insurer, items 1 and 2 of the intermediated products

sectoral classification according to the Annexes,

type of qualification (higher education or defined by separate legislation

professional qualification), a copy of the document certifying this, in the absence of a corresponding qualification

the time limit for obtaining

- an insurance intermediary who has left the insurer or an independent insurance intermediary is natural

mediation card issued by a person,

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- an official certificate issued by a criminal record body.

III.2.2.2. The requested data processing is for the submission and validation of legal claims

with reference

In view of the fact that the Applicant is registering a claim against the Applicant with which

neither the Applicant nor the Applicant has attached a court decision which

would find that this was not the case and therefore in view of the claim registered by the Applicant

the processing of the data subject by the Requested pursuant to Article 6 (1) (f) of the General Data Protection Regulation

may be lawful in respect of personal data which are necessary for legal claims

to present, validate and protect.

However, in the Authority 's view, in order to enforce legal claims, not all, a

Personal data processed by the applicant is required for the rejection of the cancellation request

Article 17 (3) of the General Data Protection Regulation cannot be invoked as a justification for all

paragraph (e).

The following personal data is required to enforce legal claims:

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Act CXXX of 2016 on Civil Procedure. Act (hereinafter: Pp.) § 7. 3.

in the case of a natural person: place of residence (in the absence of a place of residence

place of residence), address for service (if different from place of residence or stay), place of birth

place and time, mother's name. A Pp. Pursuant to Section 170 (1) (b), the application is introductory

The names of the parties, the position of the litigation, the identification data of the plaintiff, the identity of the defendant, at least his place of residence. This list is supplemented by the Civil on the forms to be used in legal proceedings and administrative court proceedings 1.4 of Annex 1 to IM Decree 21/2017 (XII.22.) with the defendant's birth name.

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Section 20 (1) (a) of Act L of 2009 on the order for payment procedure from the personal data of the debtors to initiate the order for payment procedure the name of the debtor is required, Pp. but at least a place of residence.

-

Act LIII of 1994 on Judicial Enforcement. Section 11 (2) - (3) of the Act determine which personal data the applicant for enforcement is required to provide to the enforcement authority when submitting the application. This information is as follows: name of debtor, required for identification data (place of birth, time, name of mother), place of residence of the debtor, depending on the circumstances of the case, the place of employment and the location of the property to be enforced, and in the case of real estate execution, the real estate registration data. This information is in the possession of the court the executor can proceed with the enforcement proceedings.

With reference to the above, the Authority considers that it is listed in the balancing test personal information includes phone number, email address, tax number, individual business registration number, identity card number, client number, HFSA / MNB register number, bank account number, training data, licenses and data from the Applicant's CV are not required to enforce legal claims.

III.2.2.3.The processing of the Applicant's personal data for the purposes of claim enforcement and debt management legal basis following the withdrawal of consent

III.2.2.4.According to the Applicant's statement "The source of the Applicant's personal data is a He was an applicant, first on February 20, 2015, when he arrived for his first interview. This

on the day of signing the framework training contract, 27 March 2015, and then on  
on 31 March 2015 in order to conclude a brokerage contract

Personal data requested by the applicant. "

According to the Applicant 's statement, upon termination of the Applicant' s employment relationship (2015.  
15 December 2006), after which only with the request for cancellation

The Applicant responded to the requests of the data subject submitted in connection with Upon termination of the legal  
relationship

the Applicant has been informed that, on the basis of the consent previously given, if

in which case the following data may be transmitted and processed

for the purpose of claim enforcement:

-

name

permanent address

phone number

e-mail

Date of birth

His mother's name

business card number

receivables data, business relationship data

In the above-mentioned interest assessment attached by the Applicant - made on 16 May 2018

In addition to the specified data range, it classified the tax number of the Applicant as personal data, personal  
ID number, HFSA / MNB register number, bank account number, training data,  
also in the curriculum vitae.

III.2.2.5. In the case of data processing based on consent, the general rules must be observed

Article 5 (11) of the Data Protection Regulation, according to which one of the conceptual elements of consent is

volunteering, a decision based on one's own decision. This information self-determination it means that, with the exception of statutory data processing, everyone has their personal data it is up to you to decide whether to give your personal data to someone else, or nor, not only, about the consent, but without the obligation to state reasons you can also decide to revoke it.

Due to the nature of the right to information self - determination, the data subject has the right to: request the deletion of data processed with your consent.

In a letter received by the Applicant on 4 October 2018, the Applicant requested that a Applicant has deleted his personal data, so given to the processing of his personal data withdrew its consent.

Pursuant to Article 17 (1) (b) of the General Data Protection Regulation data shall be deleted after the withdrawal of consent, unless otherwise required for data processing legal basis.

The Applicant does not have the legal authority to process the Applicant's personal data, however, the Applicant intends to continue processing the data, ie if involved withdraws its consent, it must rely on another legal basis for refusing to delete.

The Applicant's decision to reject the data processing following the withdrawal of consent referred to Article 6 (1) (f) of the General Data Protection Regulation as the legal basis, and stated that the processing of data for the submission and enforcement of legal claims, respectively necessary to protect it.

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Personal data pursuant to Article 17 (3) (e) of the General Data Protection Regulation its further storage and handling, despite the data subject's request for erasure, may be considered lawful if it is indeed for the purpose of bringing, enforcing or defending legal claims need.

III.2.2.6. Phone number, email address, tax number, training details and personal resume

the legal basis for the processing of data following the withdrawal of consent

Phone number, email address, tax number, and personal information on your resume

they go beyond what is necessary to enforce legal claims. The

personal information in your CV is also usually listed as a qualification

data, sometimes marital status, interests, etc., that are relevant to the enforcement of legal claims

they are irrelevant, so that their handling does not comply with the principles of purpose limitation and data protection

me. Of these data, only natural personal identification data is required to enforce a legal claim

its management complies with the principles of purpose limitation and data saving.

The handling of telephone numbers, e-mail addresses, tax numbers, training data and natural identity data in the CV is only

subject to the general data protection regulations.

with a reference to a legal basis and purpose

taking into account the principle of The Applicant has legal claims related to this data

required to submit - data processing is a legal authorization and consent of the data subject

may be treated only on the basis of a legitimate interest which the Applicant has sent to the Authority

He also referred in his statement by attaching a balance of interests in support of it.

III.2.2.7.Proof of the existence of a legal basis for a legitimate interest, balance of interests

In order to establish the existence of a legal basis for a legitimate interest, the controller needs a balance of interests

subject to recital 47 of the General Data Protection Regulation.

The Applicant attached his balance of interests to his statement. Balance of interests is not

contained the substantiation of the Applicant 's statement, that is to say, that the

the scope of data listed in the consideration of interests - in addition to the natural personal identification data of the Applicant,

“necessary for the submission or protection of legal claims.”

The Authority is of the opinion that the scope of the balance of interests listed is natural

with the exception of personally identifiable data - there is no need for enforcement.

Management of the Applicant's data listed in the balance of interests - the natural identity

with the exception of the details and address of the claimant - for the recovery of the claim and any legal proceedings, and



It is not essential to keep in touch with the Applicant, as the Applicant

to manage the Applicant's address data in order to contact the Applicant, as well as the claim

When initiating proceedings for the implementation of this Regulation, the indication of this information shall be provided by the  
nor is it required by law.

Given that the processing of the above data by the Applicant is not required by law

and, for the reasons set out below, in the absence of a proper balance of interests, they are

under Article 6 (1) (f) of the General Data Protection Regulation. THE

Petitioner by failing to comply with the Petitioner's request in this way and mentioned above

did not delete any of the data for which it has no legal basis,

Article 17 (1) (b) of the General Data Protection Regulation because it was not provided by the Applicant

exercise of the right of cancellation.

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The Authority has the following fundamental shortcomings in relation to the Applicant's balance of interests  
highlights:

III.2.2.7.1. Attached is the "Balance of Interest Test for Enforcing Legal Claims" document

consists of two parts, one dated 16 May 2018 and the data controller, data management activity,

purpose of data management, duration of data management, data processor, data processing activity,

the transfer of data to another data controller, the storage of data, the data subject and the data concerned, a

the other part attached to it, dated 16 October 2015, the balance of interests carried out

included. In several provisions of the latter - actual - balance of interests, the 25 May 2018

legal references no longer applicable from the date of entry into force of this Act (Section 6 (5) (a) and (b) of the Information  
Act,

Infotv. and references to Directive 95/46 / EC (Article 7 (f)).

In the opinion of the Authority, the Applicant's telephone number, e-mail address and identity card

number, PSZÁF / MNB register number, training data, as well as in your CV

data which are not necessary for the enforcement of legal claims.

The handling of the natural personal identification data and address of the Applicant is mentioned above provides the possibility of legal enforcement even after the data has been deleted.

III.2.2.7.2. The balance of interests does not mention why the data listed on the first page separately necessary and therefore does not support the need to process the data.

In the pre - litigation recovery phase, the Authority considers that

You can also contact the debtor by the requested post office, and this way you can prevent the debtor legal proceedings, also in view of the fact that any agreement will be concluded on paper. The the data subject should also be able to choose to communicate in writing if he or she does not wish to do so receive phone calls and SMS messages.

There is no data controller's interest in the balancing of interests with the right of the data subject to delete would take precedence over. The Applicant's balance of interests does not mention any of its data controllers an interest which could precede the right of the data subject to the protection of his or her legal claims natural identity of the Applicant with regard to the processing of your personal data beyond

The Applicant's statement in the balancing of interests that "justification of our position all the information necessary to prove the issues raised in the case must be attached as evidence "does not support the data of the Applicant's telephone number, e-mail address, the number of the identity card, the number of the HFSA / MNB register, the training data, as well as the the need to process the data contained in his / her CV which is the subject of the the legality of his claim is not substantiated in a possible enforcement procedure.

The principle of "data protection" under Article 5 (1) (c) of the General Data Protection Regulation the Applicant must act in accordance with the processing of personal data. The Authority in his opinion, it is not essential for the Claimant to enforce the claim should have deleted personal data, as this would lead the Applicant to the principle of "data saving" would also fulfill its written obligation.

With reference to the above, the Authority has concluded that the processing of the Requested

is unlawful in the absence of legal bases under paragraph 1 and does not comply with nor the principle of purpose limitation and necessity ("data saving"), so it is general also infringes Article 5 (1) (b) and (c) of the Data Protection Regulation.

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### III.2.3.Obligation to provide information to the requested person

II.2.3.1. After May 25, 2018, the Applicant will be notified on September 30, 2018, November 5, 2018, June 26, 2018.

12. In its letters dated 17 and 21 January 2019, requested information from the Applicant regarding the in connection with the processing of your data.

The Applicant will apply to the Applicant on October 18, 201, December 4, 2018, January 9, 2019, and by letters dated 8 February 2019, handling your personal data rejection of your request for cancellation.

By letter dated 25 October 2018, the Applicant informed the Applicant that the [...]

your personal data has been transferred to him for the purpose of claim management, for the use of the data processor

the consent of the data subject is not required and the deletion of your personal data

the request is not complied with by reference to Article 17 (3) (b) and (b) of the General Data Protection Regulation

e), given that they are necessary for the legal obligation imposed on the Applicant

and to bring, assert or defend legal claims. That's it

did not respond separately to requests for the same from

notified the Applicant on 4 December 2018, 9 January 2019 and 8 February 2019

in its letters to maintain the letter of 25 October 2018.

Based on the above, the Authority concludes that the Applicant is a general data protection regulation

It replied to the request of the data subject within the time limit provided for in Article 12 (3), but a

information was inadequate as it was unsatisfactory due to:

In its reply dated 25 October 2018, the Applicant did not indicate a

a legal reference on the basis of which he is obliged to handle the personal data of the Applicant, as well as the

nor did it provide information on the provisions of Article 12 (4) of the General Data Protection Regulation,

ie that the Applicant may lodge a complaint with the Authority and have recourse to the courts.

with the right.

According to the Claimant's statement in the brokerage contract, as well as the mandate

provided information on the processing of their data, which are covered by the General Data Protection Regulation

were prior to its entry into force. The Applicant is subject to the General Data Protection Regulation

In its reply to the requests from the data subject after the entry into force of the

The right to object under Article 21 of the General Data Protection Regulation.

Transparency must apply throughout the data management process. For the person concerned

it must be transparent which personal data are which data controllers, how, what

the legal basis and, in the present case, the legal obligation

treated.

Based on the above, the Authority concludes that the Applicant is a general data protection regulation

The principle of transparency and general data protection set out in Article 5 (1) (a)

also infringed Article 21 (4) of that Regulation.

In view of the above, it can be concluded that the Applicant with the appropriate information

has failed to fulfill its obligations in this regard.

II.2.3.2. According to the Applicant's declaration, upon termination of the Applicant's contract

(15 December 2015), after which only with the request for cancellation

The Applicant responded to the requests of the data subject submitted in connection with Upon termination of the legal

relationship

the Applicant has been informed that, on the basis of the consent previously given, if

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in which case the following data may be transmitted and processed

for the purpose of claim enforcement:

-

name

permanent address

phone number

e-mail

Date of birth

His mother's name

business card number

receivables data, business relationship data

In the above-mentioned interest assessment attached by the Applicant - made on 16 May 2018

In addition to the specified range of data, the tax number of the Applicant was classified as personal

card number, HFSA / MNB register number, bank account number, training data,

also in the curriculum vitae.

Because after the termination of his legal relationship with the Applicant, the Applicant has a separate data protection

received no information, only the rejection of the data subject 's requests for cancellation, and therefore

The Authority found that the Applicant had not informed the Applicant that the

In addition to the information listed in the termination document, the

additional data referred to in the balance of interests for the purpose of debt management.

Article 6 (4) of the General Data Protection Regulation allows for personal data

data shall be processed by the controller for purposes other than the original purpose of the data processing, provided that the

data processing is compatible with the original purpose of the data processing for which the personal data are intended

originally collected. In this case, the controller must take into account several aspects,

of which the General Data Protection Regulation is listed in Article 6 (4) by way of example

highlights the circumstances that it considers most important to consider.

In the present case, it can be stated that the Applicant for purposes other than the original data processing

(claim enforcement) in the prospectus received by the Applicant upon termination of the legal relationship

additional personal data mentioned in the balance of interests.

For this purpose, it should have applied Article 6 (4) of the General Data Protection Regulation.

and should have established that the data processing was original and whether its different purpose is compatible. The Applicant did not carry out this assessment and therefore a nor has it substantiated the legal basis for this purpose of data processing.

If, on the basis of these considerations, the Applicant had concluded that:

its data processing is compatible with the new purpose, in which case the new data processing purpose and

In connection with this, all relevant information is provided to the Applicant by the General Privacy Policy

should have been informed under Article 13 (3) of that Regulation. Not compatible

and for data processing purposes, data processing for new purposes is clearly not possible, as

there is no valid legal basis.

The Authority found that the Applicant had violated the general rule in the light of the above

Articles 6 (4) and 13 (3) of the Data Protection Regulation.

### III.3. Legal consequences

The Authority granted the Applicant's request in part and Article 58 of the General Data Protection Regulation

(2) b) condemns the Applicant for his data processing activities

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infringed Article 5 (1) (a), (b) and (c) of the General Data Protection Regulation, Article 6 (1)

Article 6 (4), Article 12 Article 13 (1), (4), Article 13 (3), Article 21

Article 17 (1).

Pursuant to Article 58 (2) (c) of the General Data Protection Regulation, the Authority shall instruct a

In order not to handle the Applicant's telephone number, email address data, tax number, identity card number, PSZÁF / MNB register in order to enforce legal claims

number, training details and curriculum vitae and instructs the

Requested to provide the above data are those with which to handle

you have no legal obligation to delete it from all of your records, and

Article 12 (1) and (4) of the General Data Protection Regulation.

In accordance with the provisions of paragraph

personal data processed under this obligation. Information and erasure

and that the applicant has been notified of the cancellation to the Authority.

Based on the above, the Authority has decided in accordance with the operative part.

ARC. Other issues

The powers of the Authority shall be exercised in accordance with Infotv. Section 38 (2) and (2a) defines its jurisdiction as a whole

country.

The Ákr. Pursuant to § 112 and § 116 (1) and § 114 (1)

there is an administrative remedy against him.

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The rules of administrative litigation are laid down in Act I of 2017 on the Procedure of Administrative Litigation (a hereinafter: Kp.). A Kp. Pursuant to Section 12 (2) (a), the Authority

The administrative lawsuit against the decision of the Criminal Court falls within the jurisdiction of the court. Section 13 (11)

The Metropolitan Court shall have exclusive jurisdiction pursuant to On civil procedure

on the 2016 CXXX. Act (hereinafter: Pp.) - the Kp. Pursuant to Section 26 (1)

applicable - legal representation in a lawsuit falling within the jurisdiction of the tribunal pursuant to § 72

obligatory. Kp. Pursuant to Section 39 (6), unless otherwise provided by law, the application

has no suspensory effect on the entry into force of the administrative act.

A Kp. Section 29 (1) and with this regard Pp. Applicable in accordance with § 604, electronic

CCXXII of 2015 on the general rules of public administration and trust services. Section 9 of the Act

Under paragraph 1 (b), the client's legal representative is required to communicate electronically.

The time and place of the submission of the application is Section 39 (1). THE

Information on the possibility of requesting a hearing is provided in the CM. Section 77 (1) - (2)

based on. The amount of the fee for an administrative lawsuit shall be determined in accordance with Act XCIII of 1990 on Fees. law

(hereinafter: Itv.) 45 / A. § (1). From the advance payment of the fee is

Itv. Section 59 (1) and Section 62 (1) (h) shall release the party instituting the proceedings.

If the Applicant does not duly demonstrate compliance with the required obligations, the Authority shall:

considers that it has not fulfilled its obligations within the time allowed. The Ákr. According to § 132, if a

The applicant did not comply with its obligation under the Authority 's final decision

executable. The decision of the Authority Pursuant to Section 82 (1), the communication shall become final

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becomes. The Ákr. Section 133 of the Enforcement - unless otherwise provided by law or government decree

ordered by the decision-making authority. The Ákr. Under section 134 of the enforcement - if

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

unless otherwise provided - by the state tax authority. Infotv. Section 60 (7)

to carry out a specific act contained in a decision of the Authority

the decision as to the obligation to conduct, tolerate or stop

shall be carried out by the Authority.

During the procedure, the authority exceeded the Infotv. One hundred and twenty days in accordance with Section 60 / A (1)

administrative deadline, therefore Ákr. Pursuant to Section 51 b), it pays ten thousand forints to the Applicant.

Pursuant to Section 46 (1) (a) of the Act, the authority rejects the application if the procedure

there is no statutory condition for initiating proceedings, and this law is different

has no legal effect.

The Ákr. Section 47 (1) (a) states that the authority shall terminate the proceedings if a

would have been the subject of the rejection of the application, but for a reason after the initiation of the proceedings

came to the attention of the authority.

Budapest, September 04, 2019

Dr. Attila Péterfalvi

President

c. professor

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