Case number: NAIH-158-3/2021.

History: NAIH/2019/2805.

NAIH/2020/303

Subject: decision partially granting the request

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

hereinafter: Applicant) in connection with claims management, his personal data is unlawful

on the basis of his application regarding his treatment, an official procedure was initiated on […] (hereinafter:

Respondent 1), and […] (hereinafter: Respondent 2) (hereinafter jointly:

Respondents) regarding the investigation of data management, in which procedure the Authority is the Respondent

1 against his legal successor, […] (hereinafter: Legal Successor) and Respondent 2, the following

makes decisions:

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

into part n instead of d,

and states that Respondent 1 did not fulfill the Applicant's December 12, 2018

on, as well as on February 18, 2019, regarding the response to the requests of stakeholders

obligation by which the processing of personal data of natural persons was violated

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

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

(data protection regulation) Article 12 (1)-(3) and also Article 21 of the general data protection regulation.

paragraph (1) of Article

I.2. The Authority ex officio obliges the Legal Successor to, from the time this decision becomes final

within 15 days from

in relation to which Respondent 1 failed to fulfill his obligation to provide information.

I.3. In its decision, the Authority, by Respondent 1, for Respondent 2, the Applicant

your personal data

illegal data transfer and the Applicant's personal data

In order to establish the unlawful treatment by Respondent 1 and Respondent 2, the Applicant

for the deletion of personal data by Applicant 1 and Applicant 2, and the Legal Successor

your request for the deletion of personal data processed by referring to an appropriate legal basis

e l u t a s í t j a .

II. The Authority is the Legal Successor ex officio due to illegal data processing by the Applicant 1

HUF 500,000, i.e. five hundred thousand forints

data protection fine

obliged to pay.

During the official procedure, no procedural costs were incurred, therefore, no costs were incurred

was provided by the Authority.

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

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

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

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

0425 0000 0000) must be paid. When transferring the amount, NAIH/2020/303. FINE. for number

must be referred to.

If the Legal Successor does not fulfill its obligation to pay the fine within the deadline, it is in default

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

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

in case of non-payment of late payment, the Authority orders the execution of the decision.

III. The Authority, in view of the fact that the administrative deadline has been exceeded, HUF 10,000, i.e. ten thousand

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

will pay.

There is no place for an administrative appeal against the decision, but it is subject to notification

Within 30 days with a letter of claim addressed to the Capital Court in a public administrative case

can be attacked. The letter of claim must be submitted electronically to the Authority in charge of the case

forwards it to the court together with its documents. Those who do not benefit from the full personal tax exemption

for him, 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.

I N D O C O L A S

I.

The course of the procedure and the clarification of the facts

I.1.The Applicant submitted in his submission to the Authority by post on March 13, 2019,

that, according to his opinion, the personal data of the Applicant 1 - the personal data of the Applicant [...]

when assigning his debt arising from the loan - unlawfully forwarded by Respondent 2

towards.

The Applicant attached to his application the letter dated December 12, 2018 - Addressed to Applicant 1

- a copy of your "Declaration" letter, as well as the domestic receipt confirming its posting,

and the letter sent on February 18, 2019, and the receipt confirming its posting

copy, as well as the Applicant 1 [...] filing no. letter dated February 5, 2019. The attached

according to letters, the Applicant

objected to the third party's personal data

to persons forwarded by the Applicant 1.

The request dated December 12, 2018 was worded as follows:

"[...] The revocation also applies to the corresponding contract with invoice number [...]. THE

in my declaration, I forbid the disclosure of my personal data to "THIRD" persons.

[...]“

The submission entitled "Objection" written on February 18, 2019 contained the following:

"I object to the information provided on 02/05/2019..."

[...]

You have violated data management laws...

I forbid the release of my personal data [...]“

The Applicant [...] filing no. information letter dated February 5, 2019, by Respondent 1

referred to all claims against the Applicant.

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

CXII of 2011 Act (hereinafter: Infotv.) on March 14, 2019, based on Section 60 (1)

official data protection procedure has been initiated.

The Authority NAIH/2019/2805/2. on the general administrative order in order no

solo 2016 CL. Act (hereinafter: Act) called the Applicant with reference to § 44,

to fill in the gaps in the application.

In its reply received by mail on April 5, 2019, the Requesting Authority requested the

Establishing the fact of unlawful data processing by the respondents, and that the Authority a

Order Respondent 2 to delete his personal data. The Applicant attached the [...]

According to the reasoning of Court No. [....] – issued in the context of a claim dispute – a

The loan agreement between Respondent 1's legal predecessor ([...]) and the Applicant was dated September 19, 2007.

was created on

The Applicant also attached - among other things - the "Concession Declaration", which

on January 22, 2019, the assignment took place between the Applicants, and the

other documents related to the claim, including those submitted by the Applicant on September 6, 2007.

so-called "[...] Personal Loan application form and contract" document signed on

copy, which contains the following personal data regarding the Applicant:

surname and first name,

place and time of birth

required mutual amount,

term,

-

-

-

-

- purpose of loan application,

-

"demographic" data (marital status, residential property title, highest education

degree),

income data,

- workplace data,

-

- credit debts (no data is included in this section),

-

data on disbursed loans.

I.2.1. The Authority notified Respondent 2 of NAIH/2019/2805/7. the procedure was notified in order no

and invited him to make a statement for the first time in order to clarify the facts.

In its response letter, Respondent 2 informed the Authority that the Applicant is a personal person

he accessed his data from Respondent 1. The data that was not necessary is

in order to achieve a data management goal, it was deleted. The legal basis for data management is general data protection

point f) of Article 6 (1) of the Decree, i.e. the legitimate interests of the Respondent 2, data management

and its purpose is to enforce the claim.

According to the statement of Respondent 2, "[...] from the assignment contract concluded with [...]

the enforcement of resulting claims is the legitimate interest of [...], which the following legal

provisions are based on:

- regarding assignment, Act V of 2013 on the Civil Code

(hereinafter: Ptk.) 6:193-6:198. § (transactions under the scope of the old Civil Code

regarding the old Civil Code. §§ 328-331), as well as the Civil Code. 7:96. of the provisions of §

properly enforce the claim,

- CCXXXVII of 2013 on credit institutions and financial enterprises. law (a

hereinafter: Hpt.) 159-166/A. §, with special emphasis on Hpt. Section 161, subsection (1) c)

point, and Hpt. § 288 (old Hpt. §§ 50-55 and § 215/B), and the Hungarian

3

28/2014 to the President of the National Bank. (VII.23.) regulations

transfer of bank secrecy and personal data,

finally, the provisions of § 169 of Act C of 2000 on accounting

among the documents."

-

In order to validate the claim, the Respondent 2 keeps the following data a

Regarding the applicant: the data necessary to identify the data subject (name, birth name,

place and time of birth, mother's name, address, mailing address), regarding the loan agreement

data (contract terms, amount, term, installments), with the amount of the claim

related data (performance, outstanding debt, interest claim, procedural costs), claim

data related to its enforcement (date of termination, claim enforcement procedures,

procedural costs).

Respondent 2 also stated that he noticed that when purchasing the receivable a

Ptk. 6:196. received from Respondent 1 in the specific case upon submission of documents in accordance with the provisions

of §

documents also contained other personal data not necessary for claims management.

After reviewing the documents, no personal data is required for the purpose of data management

deleted by Respondent 2.

I.2.2. Given that Respondent 2 referred to the legal basis for its data management

point f) of Article 6 (1) of the General Data Protection Regulation, however, a consideration of interests

did not attach a test to its answer, the Authority NAIH/2019/2805/13. called in order no.

to declare whether he has carried out a consideration of interests and, if he has, send it to him

copy, and also certify when it was made, as well as certify that it is general

information according to Article 14 of the Data Protection Regulation fully available to the Applicant

he forgave

In its response to the Authority on July 22, 2019, Respondent 2 informed the

Authority, that he prepared an interest assessment, which he sent as an attachment to the answer, as well

attached information sent to the Applicant

letters in which he marked it

also the availability of its data management information.

I.2.3. The Authority NAIH/2019/2805/8. in the order of file no., Respondent 1 was notified by the

on the initiation of proceedings and called on him to disclose which personal data of the Applicant and

on what legal basis did you hand it over to Respondent 2 and send the letter of assignment

a copy of the contract.

Respondent 1 informed the Authority that for the personal loan agreement no

personal data belonging to the data groups listed below were transferred

For respondent 2: data necessary to identify the person concerned, regarding education

data, data on income situation, purpose of taking out a loan, requested loan

contractual conditions, data related to the amount of the outstanding claim, litigation

procedure-related data, contact data.

Respondent 1 also informed the Authority that the above data is for Respondent 2

the legal basis for its transfer is the Civil Code. 6:193. § (1) and 6:196. § had.

I.2.4. The Authority NAIH/2019/2805/15. in order no

Requested 2 in order to clarify the facts. At the request of the Authority, the Respondent 2 January 2020

In his letter dated the 9th, he informed the Authority of the following:

Following the assignment of the claim, the Applicant to Respondent 2 - Respondent 2

according to his findings - he submitted only one stakeholder application on February 21, 2019, in which

the Applicant contested the legality of the assignment. Other letters of the Applicant (2019

March 22, August 15, 2019), and with the Applicant - on March 19, 2019

the telephone conversation was not a stakeholder request, but related to the Applicant's debt

there were questions, a statement of agreement, and an objection, in which there was a withdrawal or limitation period

referred to by the Applicant.

According to the statement of Respondent 2, civil litigation is ongoing by the Applicant

regarding the enforcement of a disputed claim, in which a final judgment has not yet been issued, that is

due to the debtor's appeal, the legal proceedings are currently being held by the […] Tribunal as a court of second instance

before […] is in progress.

I.2.5. The Authority NAIH/2020/303. in order no. the Respondent called for another statement

1, to which Respondent 1 provided the following information:

Applicant 1 attached the complaint handling report for the period after May 25, 2018

documentation and submitted that the Applicant submitted nearly 50 complaints against the Respondent 1-

to, some of which are tens of pages long, in some cases the confusion of the request and

his self-repetition made the work of Respondent 1's employees extremely difficult, the Applicant

full management of some of your needs.

The Applicant 1 gave the Applicant's home address and telephone number ([…]) as contact information to the

Requested for 2.

Respondent 1 also highlighted that the Civil Code. 6:196. personal were obliged based on §

for the transfer of loan-related data, as it proves the existence of the claim based on this

the assignor must hand over documents to the assignee.

According to Respondent 1, the Petitioner received his submission on December 13, 2019,

it was filed as a complaint, not a data subject request according to the general data protection regulation

were established.

Respondent 1 also asked for the following to be taken into account:

- Respondent 1 did not contact the Applicant via telephone.

- In the contract - of which the loan application itself is an integral part, it is the only one

forms a unit - they really appeared, for example, for educational purposes, credit purposes,

etc...relevant data, but the contract is such essential evidence in litigation,

from handing over during the assignment of which - the position of Respondent 1

according to - even in the case of a customer request regarding this, he could not have ignored the

Applicant 1 of the Civil Code. 6:196. based on the provisions of §

- The assignor and the assignee on the integration of cooperative credit institutions

CXXXV of 2013 cooperative credit institution integration established by law

member. Accordingly, the data was not transferred to an independent third party, thus

the parties concerned take any necessary steps in coordination

could be carried out with his interests in mind, thereby reducing the rights of the data subject

and any risk to your freedoms.

I.2.6. The Authority NAIH/2020/303/5. in order no

Applicant 1, for which the Legal Successor provided the following information:

The transfer of data to Respondent 2 took place on a paper basis and in electronic form. Paper

basis, the following documents were handed over: personal loan application form, number [....].

consumer credit agreement, documentation related to the validation of the claim, and

documents related to litigation. Electronically to the Applicant 2 by the Applicant

1 the application form, the personal loan agreement, the customer

correspondence (pre- and post-termination notice letters, regarding the termination of the contract

notification), as well as documents generated during the litigation process. The Applicant 1

the data required for the assignment process was also transmitted in an excel table

according to the following data ranges:

-

data necessary for the identification of the obligee,

-

-

loan agreement data,

data related to the claim and its amount.

In connection with the data management of the Applicant 1 following the assignment, the Legal Successor is the following

provided information:

It handles the following data ranges in digitized form:

- On the prevention and prevention of money laundering and the financing of terrorism

solo LIII of 2017 data according to § 57 of the Act (hereinafter: Pmt.),

documents, documents created in connection with a business relationship, in them

included data (purpose: fulfillment of the preservation obligation according to § 57 of the Pmt.

if the given document also qualifies as an accounting document, then a

Fulfillment of the retention obligation prescribed in § 169 of the Accounting Act; legal basis: legal

fulfillment of obligations, Article 6 (1) point (c) of the General Data Protection Regulation).

Managed data areas:

1. Data required for the identification of the data subject specified in §§ 7-11 of Pmt.;

2. data on education, income and economic situation,

marital status;

3. conditions of the requested loan, data regarding the loan agreement;

Related to claim 4 and its amount and enforcement

data.

- CCXXXVII of 2013 on credit institutions and financial enterprises. law

(hereinafter: Hpt.) according to § 288, personal handled during complaint handling

data (purpose: related to complaint handling

is a legal obligation

adequacy; legal basis: fulfillment of a legal obligation, general data protection regulation 6.

Article (1) point (c)). Managed data areas:

1. personal data contained in the complaints of the affected person;

2. personal data recorded in the responses of Respondent 1.

-

Data processed in connection with legal proceedings (purpose: submission of legal claims,

enforcement and protection; legal basis: legitimate interest, general data protection regulation 6.

Article (1) point (f): Managed data areas:

1. arose during litigation

in documents (so in particular

in pleadings, orders and other court decisions).

personal data.

I.2.7. The Authority NAIH/2020/303/4. in order no

Respondent 2, to which Respondent 2 provided the following information:

The data transfer took place on a paper basis and also digitally (and in an Excel table).

Documents handed over on paper:

application form and personal loan agreement,

-

- documents of litigation,

-

documents related to claim enforcement (e.g. demand letters).

The following data were transferred in an Excel table:

contract number,

amount of outstanding debt,

- debtor's name, telephone number,

-

-

- case number, debtor ID,

-

- KHR identifier.

date of termination,

6

Data transferred in digitized form:

application form and personal loan agreement,

documents related to claim enforcement,

-

-

- documents of litigation.

I.2.8. The Authority in I.2.6. was detected by the company registry during its procedure based on what was described in point

by viewing his electronically published data, that Respondent 1 was transferred to […]

terminated by merger on October 31, 2019, and based on this, the fact of legal succession

NAIH/2020/303/10. established by order no.

With reference to the above, NAIH/2020/303/11. in its order no., the Authority designated the successor to

in order to clarify the facts, he was invited to make a statement, to which the Legal Successor replied below

provided information:

The Legal Successor maintains its declarations and the declarations made by its legal predecessor with the following

adds:

Respondent 1, as legal predecessor to Act V of 2013 on the Civil Code (the

hereinafter: Civil Code), and referred to the transfer obligation contained therein, however, no

specified legal basis according to the General Data Protection Regulation, which is the position of the Legal Successor

according to Article 6 (1) point f) of the General Data Protection Regulation, taking into account that

after the conclusion of the assignor and the assignment agreement, the Applicant 2

on his side, there are legitimate interests that justify the transfer of data. The Civil Code

provisions were taken into account during the consideration of interests, but at the same time these rules

do not result in the transfer of data related to the assignment being a legal obligation

would be

On a paper basis, the […] personal loan application form and documentation called contract

as part of it, the (customer) Identification data sheet organically connected with it was handed over to

for the discounted part, which includes the mobile phone number provided by the Applicant,

furthermore, the Applicant's phone number was also transferred electronically to Applicant 2.

This documentation on August 24, 2016 between the legal predecessor of the Legal Successor and the Applicant

were submitted in a lawsuit, so they were part of the litigation file that was still in progress at that time

trained.

According to the Legal Successor's point of view, the loan agreement and the related Identification Data Sheet a

relevant document used during litigation, in which case also in case of objection

would have been a compelling legitimate interest of the Applicant 1 to the Applicant 2

for handing over.

The Legal Successor requested that the following circumstances be taken into account during the assessment of the case:

- The Applicant has so far submitted approximately 50 complaints, which are difficult in some cases

they contained understandable, mostly repetitive sentences, making it difficult to

Fulfilling some of the applicant's needs,

- Submitted by the Applicant and by Respondent 1 on December 13, 2018

three lines of the document filed as a received complaint, which are not, or with difficulty

contained an interpretable reference to third parties

the Applicant's data should not be transferred. According to the Legal Successor, a

Indicated in the application submitted to the authority

Personal loan number […].

in connection with the contract, Respondent 1 did not receive a stakeholder request,

considering that the complaint is for the mortgage loan number […], as well as the number […]

it contained a protest regarding a residential bank account, so it is the personal one

cannot be interpreted in the context of loan-related data transfer. The complaint is a

includes:

7

"In my resident declaration under the number […].[…], I forbid that account number […]

also applies to contracts. In my statement, I forbid that my personal data

It is issued to a "THIRD" person."

- Regarding the transfer of data, the Legal Successor emphasized that the assignor and

the transferee also belongs to a group of companies, so the transfer is not an independent one

it happened to a third party, so the measures that might become necessary are taken by the two parties

they were able to implement it in a coordinated manner, keeping in mind the interests of the person concerned

less any that may arise regarding the rights and freedoms of the data subject

risk.

In accordance with the above, the Legal Successor called on the assignee to a

Do not treat the applicant's phone number as contact information, do not call it

initiate (which ban, of course, does not apply to incoming calls

reception).

- Claim disputed by the Applicant

with a civil lawsuit related to its existence

in connection with the Legal Successor informed the Authority that the competent Court

rejected the Applicant's appeal, so the Applicant became a loser. His statement

in support of the Legal Successor, the […] Tribunal, as a court of second instance, was attached

[…]. judgment no.

I.2.9. The Applicant is the Authority NAIH/2020/303/10. "Change of order" for order no.

submitted the following in his letter:

"1/During the procedure, the Authority did not investigate in my report on 10.12.2018 the [...]

On 13.12.2018, he received the Declaration related to the data relating to contract No. […].”

In addition to the above, he objected to the established date of the "merger", and in his opinion

the continuity with respect to his claim was terminated by the merger.

The Applicant also requested to order the immediate deletion of the data stored by the Claims Manager,

furthermore, it also considers the transfer of data to “[…] illegal, but regarding this

he did not attach any documents.

In his letter to the Authority on December 14, 2020, entitled "Comment", the

objected to the established date of legal succession, as according to his opinion, the takeover is not in 2018.

it happened on April 16, but on April 9, 2018, and in connection with this, a company certificate

attached that the date of change for Respondent 1 is April 2018

16, but the post was made on April 18, 2018.

The "[....] personal loan" and the mortgage agreement of [...] were not included either

for termination, and also disputes the existing claim.

II. Applicable legal regulations

According to Article 2 (1) of the General Data Protection Regulation, the regulation must be applied a

for processing personal data in a partially or fully automated manner, as well as

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

are part of, or are intended to be part of, a registration system.

For data management under the scope of the General Data Protection Regulation, Infotv. Paragraph (2) of § 2

according to the general data protection regulation in the provisions indicated there

is occupied

must be applied with supplements.

Pursuant to Article 4, point 7 of the General Data Protection Regulation, "data controller": the natural person

legal entity, public authority, agency or any other body that is the personal data

determines the goals and means of its management independently or together with others; if that

the purposes and means of data management are determined by EU or member state law, the data manager

or special considerations for the designation of the data controller are also EU or member state law

you can define.

Based on recital (47) of the General Data Protection Regulation, if the data management

legal basis is legitimate interest, then an interest assessment must be carried out in advance, in the framework of which

among other things, it is necessary to determine the legitimate interest, the impact on the person concerned, and that

whether the data processing is necessary or proportionate, as well as whether it is a legitimate interest must be considered

and whether the right of the affected person is of a higher order.

Based on Article 5 (1) point b) of the General Data Protection Regulation, personal data

should only be collected for specific, clear and legitimate purposes and should not be processed

in a manner inconsistent with these objectives. ("goal-boundness").

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

they must be appropriate and relevant in terms of the purposes of data management, and a

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

Based on Article 5 (2) of the General Data Protection Regulation, the data controller is responsible for (1)

for compliance with paragraph and must also be able to demonstrate this compliance

("accountability").

Management of personal data based on Article 6 (1) 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

…

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

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

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

especially if a child is involved.

Based on Article 13 (3) of the General Data Protection Regulation, if the data controller a

intends to carry out further data processing on personal data for a purpose other than the purpose of their collection, a

prior to further data processing, you must inform the data subject about this different purpose and (2)

on all relevant additional information mentioned in paragraph

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

at the request of the data controller to delete the relevant data without undue delay

personal data, and the data controller is obliged to ensure that the personal data relating to the data subject

delete data without undue delay if the data subject revokes the consent of Article 6 (1)

pursuant to point a) of paragraph

there is no other legal basis for data processing.

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

acting within the authority's corrective powers:

b) condemns the data manager or the data processor if its data management activities

violated the provisions of this regulation;

c) instructs the data manager or the data processor to comply with this regulation for the data subject

your request to exercise your rights under;

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.

Based on Article 17 (3) of the General Data Protection Regulation, paragraphs (1) and (2) do not apply

applies if data management is necessary:

...

e) to present, enforce and defend legal claims.

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

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

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

be deterrent.

Based on Article 83 (2) of the General Data Protection Regulation, administrative fines are

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

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

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

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

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

nature, scope or purpose, as well as the number of persons affected by the infringement, as well as the

the extent of the damage they have suffered;

b) the intentional or negligent nature of the infringement;

c) mitigating the damage suffered by the data controller or the data processor

any action taken in order to;

d) the degree of responsibility of the data manager or data processor, taking into account the a

technical and organizational measures undertaken on the basis of Articles 25 and 32;

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

f) the remedy of the violation with the supervisory authority and the possible negative nature of the violation

extent of cooperation to mitigate its effects;

g) categories of personal data affected by the infringement;

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

whether the data controller or the data processor reported the violation and, if so, how

with detail;

i) if against the relevant data manager or data processor previously - in the same a

subject - one of the measures mentioned in Article 58 (2) was ordered, orally

compliance with revolving measures;

j) whether the data manager or the data processor has complied with Article 40

certification

to approved codes of conduct or according to Article 42

for mechanisms; as well as

approved

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

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

loss avoided.

On the basis of Article 18 (2) of the General Data Protection Regulation, if the data management is (1)

is subject to restrictions based on paragraph, with the exception of the storage of such personal data, only

with the consent of the person concerned, or

to present or enforce claims or

to protect, or to protect the rights of other natural or legal persons, or

It can be handled in the important public interest of the Union or a member state.

yogi

Based on Article 83 (5) of the General Data Protection Regulation, the following provisions

violation - in accordance with paragraph (2) - in the maximum amount of EUR 20,000,000

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

shall be subject to an amount of no more than 4% of its world market turnover, with the provision that of the two

a higher amount must be imposed:

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

appropriately;

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

Infotv. According to Section 2 (2), personal data is the general data protection regulation

under the scope of the general data protection regulation, III-V. and VI/A. In chapter,

and § 3, 3., 4., 6., 11., 12., 13., 16., 17., 21., 23-24. point, paragraph (5) of § 4, that

Paragraphs (3)-(5), (7) and (8) of Section 5, Paragraph (2) of Section 13, Section 23, Section 25, Section 25/G.

in paragraphs (3), (4) and (6) of § 25/H. in paragraph (2) of § 25/M. in paragraph (2) of § 25/N.

§ 51/A. in paragraph (1) of § 52-54. §, § 55 (1)-(2), § 56-60.

§ 60/A. §§ (1)-(3) and (6), § 61 § (1) points a) and c), § 61 (2)

and paragraphs (3), paragraph (4) point b) and paragraphs (6)-(10), paragraphs 62-71. § 72.

§, § 75, paragraphs (1)-(5), § 75/A. § and defined in Annex 1

must be applied with supplements.

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

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

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

Infotv. 75/A. pursuant to § 83 (2)-(6) of the General Data Protection Regulation, the Authority

paragraph

exercises its powers taking into account the principle of proportionality,

especially with the fact that you are in the law regarding the handling of personal data

The regulations defined in the mandatory legal act of the European Union are being implemented for the first time

in case of violation, to remedy the violation - with Article 58 of the General Data Protection Regulation

in accordance with - takes action primarily with the warning of the data manager or data processor.

Act V of 2013 on the Civil Code (hereinafter: Civil Code) 6:193. according to §:

(1) The creditor may transfer his claim against the obligee to someone else.

(2) In order to obtain the claim by transfer, the transfer contract or other

legal title and assignment of the claim is required. The assignment is between the assignor and

the contract of the assignee by which the assignee takes the place of the assignor.

(3) With the assignment, the pledge securing the claim is transferred to the assignee and

rights arising from sureties, as well as interest claims.

The Civil Code 6:196. Pursuant to §, the assignor is obliged to claim the assignee

to provide the information necessary for its enforcement, and the holder of the claim is obliged

to hand over documents proving its existence to the assignee.

The Hpt. According to § 85, paragraphs (1)-(2):

(1) The credit institution regularly evaluates and qualifies its assets (invested financial assets,

receivables, securities, funds and stocks) assumed obligations, as well as

other placements.

(2) The credit institution – within the framework of applicable legislation and normal banking practice –

will do everything possible to collect the due or expired claim.

The Hpt. Pursuant to § 99, paragraph (1), the credit institution before the decision on placement

is convinced of the necessary

on the existence, fair value and

its enforceability. The documents on which the decision is based for the contract for the transaction

and attaches it to the discounted promissory note.

The Hpt. Based on Section 161, Paragraph (1), point c), a bank secret can only be issued to a third party

to a person, if the financial institution's interest is in the claim against the customer

makes it necessary for the sale or enforcement of an expired claim.

The Hpt. Pursuant to § 258, paragraph (1), the financial institution for business-like activity

relevant records in Hungarian - Hungarian accounting legislation

by complying with its regulations - it is conducted in a manner suitable for supervisory and central bank control.

and the treatment of which the procedure is successful

Acr. On the basis of § 27, paragraph (3), the authority, in the course of its procedure, in order to conduct it -

in the manner and scope defined by law - manages the protected data that

are related to its procedure,

conducting

necessary for

According to Article 77 (1) of the General Data Protection Regulation, all data subjects are entitled to

to file a complaint with a supervisory authority if, in the opinion of the data subject, it concerns him

processing of personal data violates the general data protection regulation.

Infotv. According to § 38, paragraph (2), the Authority is responsible for the protection of personal data,

as well as for learning data of public interest and public in the public interest

law

control and promotion of its validity, as well as personal data within the European Union

facilitating its free flow. According to paragraph (2a) of the same §, general data protection

the tasks and powers established for the supervisory authority in Hungary

with regard to legal entities under its jurisdiction in the general data protection regulation and e

it is exercised by the Authority as defined by law.

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

in order to do so, the Authority will initiate a data protection official procedure at the request of the data subject.

Infotv. According to § 60, paragraph (2), request to initiate the official data protection procedure

it can be provided in the case specified in Article 77 (1) of the General Data Protection Regulation

in.

In the absence of a different provision of the General Data Protection Regulation, data protection initiated upon request

for official procedure, the Acr. provisions shall be applied

Defined in Infotv

with differences.

2007 on the Prevention and Suppression of Money Laundering and the Financing of Terrorism.

year CXXXVI. Act (hereinafter: old Pmt.) on the basis of Section 7, Paragraph (1), the service provider is obliged to comply

with the 6.

In the case specified in paragraph (1) of §, the client, his authorized representative, a

to identify the authorized person, as well as the representative and proof of identity

carry out an inspection.

(2) During identification, the service provider must record at least the following data:

a) natural person

aa) your family and first name (birth name),

ab) your address,

ac) his nationality,

ad) the type and number of your identification document,

ae) in the case of a foreigner, the place of residence in Hungary;

b) legal person or organization without legal personality

ba) name, abbreviated name,

bb) the address of its registered office or, in the case of a foreign-based company, its branch office in Hungary,

bc) in the case of a legal entity entered in the register of the commercial court, its commercial registration number, other legal

in the case of a person, the number of the decision on its creation (registration, registration).

or registration number.

§ 28. (1) The service provider - in the register it keeps - in the 7-10. § and § 17

data, documents or their copies obtained during the performance of obligations, as well as a

the fulfillment of notification and data provision specified in § 23, as well as the transaction order

the document certifying the suspension of its performance according to § 24, or a copy thereof

it must be kept for eight years from the date of data recording or notification (suspension). Section 6

(1) point a) for the preservation of data, documents and copies that came into his possession

its term begins at the termination of the business relationship.

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

based on paragraph:

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

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

can read a register that meets its requirements

mandatory for at least 8 years

keep.

(2) Accounting documents directly and indirectly supporting the accounting

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

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

way to preserve.

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

in form

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

a document issued or prepared by a person or another entrepreneur

(invoice, contract,

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

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

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

On the prevention and suppression of money laundering, effective on September 19, 2007

solo XV of 2003 Act (hereinafter: Pmt.) on the basis of Section 3 (1) the service provider is

when establishing a business relationship with a client, the client or its authorized representative is obliged to a

is entitled to provide, and to carry out the identification of the representative.

Pmt. Based on Section 5 (1), the service provider is obliged to provide the following data during identification

record:

a) natural person

1. your family and first name (birth name), if any, married name,

2. your address,

3. place and time of birth,

4. your nationality,

5. mother's birth name,

6. the type and number of the identification document,

7. in the case of a foreign natural person, 1-6. of the data specified in point

data that can be determined based on an identification document, as well as residence in Hungary

place.

Pmt. Based on Section 10 (1), the service provider in Section 3, Section 5 (7), and also

data and documents that came into his possession during the fulfillment of the obligation contained in paragraph (2) of § 6,

and their copies, as well as proof of the fulfillment of the obligation according to § 8, paragraph (1).

documents or their copies for ten years from the date of data recording or notification

to preserve the data, documents, or those

the retention period for its copies begins at the end of the business relationship.

III. Decision of the Authority

In relation to the data management of the Applicants in this procedure, the Authority decided on May 25, 2018.

data processing carried out prior to the date of

investigated. The reason for this is that the general data protection regulation applies to this data management

took place before the start date of its application, and therefore they are subject to the general data protection

the rules of the regulation are not applicable, so in relation to them, the Data Protection Authority

an application for an official procedure cannot be submitted either, therefore the objectionable data processing

compliance with the provisions of the General Data Protection Regulation

it is not possible to examine it within the framework of a data protection official procedure initiated upon request.

The Authority

loan agreement

invalidity of the claim

legitimacy, as well as the

legality of assignment, because Infotv. Based on paragraphs (2)-(2a) of Section 38 thereof

nor does its assessment fall within the authority of the Authority. The decision of this preliminary issue is within the jurisdiction

of the court

belongs, in relation to which both the Legal Successor and the Applicant have declared that the litigation

terminated, and the related […]Court, as a court of second instance […] no

The Legal Successor also attached a copy of the judgment, according to which the Applicant, as a defendant, appealed

rejected and the judgment of the 1st instance court that the loan agreement is valid

created and upheld. The loan agreement was signed by Respondent 1 before the Applicant's withdrawal

terminated by termination, therefore withdrawal from it is conceptually excluded.

Examining the comments of Respondent 1 regarding the change in company registration, according to which a

The applicant complains that the handover did not take place on April 16, 2018, but on April 9, 2018,

the Infotv. Based on paragraphs (2)-(2a) of § 38, it does not fall under the authority of the Authority, and this

moreover, due to lack of authority, no

could examine the

existence and

13

follower

decree

entry into force

with data management

in context

question in the present case does not affect the preliminary question of data management either, since in the present

procedure the Authority

with regard to data management of the Applicants, only May 25, 2018, i.e. general

data protection

deed

findings.

In view of the above, in this official data protection procedure, the Authority examined only the

that the processing of the Applicant's personal data after May 25, 2018 is general

whether it was carried out in accordance with the provisions of the data protection regulation.

III.1. Data management quality of the Applicants

The Authority established from the attached documents that Respondent 1 for Respondent 2

transferred its claim to the Applicant with an assignment contract. His claim

with its assignment, the claim of Respondent 1 was terminated, so after that it is for claim management

could not handle the Applicant's personal data for this purpose. Respondent 2 is the assignee

with the contract regarding the management of the Applicant's personal data is general

has become a data controller according to Article 4, point 7 of the Data Protection Regulation, since the purpose of data

management and

Respondent 2 was also authorized and obliged to determine its means.

Based on the above, it can therefore be established that it is related to the management of the Applicant's debt

with regard to personal data, the Applicants are separate data controllers, therefore cannot be accepted

Respondent 1's position that since "the assignor and the assignee a

CXXXV of 2013 on the integration of cooperative credit institutions. established by law

is a member of cooperative credit institution integration, and accordingly the data transfer is not independent

occurred to a third party, so the parties will take any necessary steps in coordination,

could be carried out with the interests of the data subject in mind, thereby reducing the rights of the data subject and

possible risk to your freedoms". According to the Authority's point of view, data protection

the severity of the violation is not affected by the fact mentioned above by Respondent 1, since it

it has no data protection relevance that the Applicants are separate data controllers

economically, what kind of integration are they part of, given that the General Data Protection Regulation

does not differentiate between data controllers with reference to how economic

are related to each other.

III.2. Data management of Respondent 1

Based on Article 4, point 2 of the General Data Protection Regulation, data transmission is also data processing

it counts as.

The Authority established from the attached documents that 22.01.2019. on the day of the Applicant 1 a

The Respondent assigned its claim to the Applicant to 2. For concession

with reference to Act V of 2013 on the Civil Code (hereinafter: Civil Code) 6:196.

§, the following data were transferred: data necessary to identify the data subject, school

data on education, data on income situation, taking out a loan

its goal,

with the amount of the outstanding claim

related data, data related to litigation, contact data.

The Applicant 1 informed the Authority that the above data was provided to the Applicant 2

its transfer is based on the Civil Code 6:193. § (1) and 6:196. § had. The Heir this with that

added that for the data transfer of Respondent 1, Article 6 (1) of the General Data Protection Regulation

paragraph f) provided a legal basis.

In the case of financial institutions, for the transmission of data about credit institutions and financial enterprises

CCXXXVII of 2013 may take place on the basis of point c) of § 161, paragraph (1) of the Act, which

According to

for the sale of an existing claim against a customer or for the enforcement of an expired claim

makes it necessary.

requested loan is contractual

conditions, a

Based on the above, therefore, even in the case of assignment, Article 6 (1) of the General Data Protection Regulation

paragraph f), i.e. with reference to the legitimate interest of the data controller, could be transferred a

personal data to a third party, including Respondent 2, therefore for such a purpose

data transfer cannot be considered illegal based on the provisions of the General Data Protection Regulation

for data management.

The Authority therefore established that Respondent 1 is Article 6 of the General Data Protection Regulation

Based on point f) of paragraph (1), the Applicant had the appropriate legal basis as an individual

to transfer his data, however, according to the Authority's point of view, Applicant 1 is Applicant 2

for

the

for claim enforcement, as they do not include data proving the existence of the claim

around. These are the following personal data:

handed over, which ones

are necessary

personal

data

it's like that

no

too

- data on the Applicant's education,

- data on the Applicant's income situation,

- the Applicant's phone number,

- "purpose" of borrowing.

data determined from documents

However, according to the Authority's point of view, the claim of Respondent 1 is acceptable as a reason a

to the above data transfer, that the claim is the document called the application form and the loan agreement

of a document proving its existence and accounting based on Section 166 (1) of the Accounting Act

is considered a receipt, of which, pursuant to § 169 (6) of the Accounting Act, it is not

data can be deleted.

The Civil Code requires the assignor to hand over certain documents, however, the assignee

of course you can decide that it is passed

delete,

destroys it, as it happened in the present case.

Based on the above, the Authority found that on the receipt handed over by Respondent 1

of the personal data included, the telephone number, relating to the Applicant's income situation

data, the transfer of data related to education and the purpose of borrowing a

were not necessary to prove the existence of a claim, but must be handed over

was part of the contract document, therefore by providing these data to Respondent 1 a

did not delete it from the document and forward it to Respondent 2, did not violate the general

Article 6 (1) of the Data Protection Regulation.

The form signed on September 17, 2007 was not even the form of Respondent 1,

but of the assignee, i.e. that

[...]'s. Given that the Respondent 1

the existence of an assigned claim was proved by this form, therefore the Respondent 1

regardless of the fact that it also contained such personal data as the claim

are not necessary to prove its existence, despite this, Respondent 1 is the general

Article 5 (1) point b) and point c) of the Data Protection Regulation were not violated by this data

handling, as they were part of the contract document to be handed over, which

document contained these personal data inseparably.

III.3. Data management of the Respondent 2

In order to validate the claim, the Obligor 2 keeps the following data a

Regarding the applicant: the data necessary to identify the data subject (name, birth name,

place and time of birth, mother's name, address, mailing address), regarding the loan agreement

data (contract terms, amount, term, installments), with the amount of the claim

related data (performance, outstanding debt, interest claim, procedural costs), claim

data related to its enforcement (date of termination, claim enforcement procedures,

procedural costs). These data are provided by the Respondent 2 in Article 6 of the General Data Protection Regulation

point f) of paragraph (1), i.e. it is treated with reference to legitimate interest, and the referred sector

also to legal provisions in connection with data management.

The above personal data therefore differ from the personal data provided by Respondent 1, as

data on the Applicant's education are not included among the above, a

Data on the Applicant's income situation, the "purpose" of the claim, and the Applicant

telephone number, since Respondent 2 declared to the Authority that the data

which, according to his judgment, were not necessary for the management of claims, he deleted them.

The Authority in accordance with III.2. with reference to the findings made in point 2 with the data management of the

Respondent

In this context, he found that Respondent 2 did not violate the general

Article 6 (1) of the Data Protection Regulation, as the legal basis for the data it manages

Article 6 (1) point f) of the General Data Protection Regulation is acceptable, i.e. a

your legitimate interest in claims management, which was proven by attaching an interest assessment,

and that you have deleted data that is not necessary for asserting your claim, which is common

of the principle of data saving according to Article 5 (1) point c) of the Data Protection Regulation

acted appropriately.

III.4. Stakeholder application quality of the Applicant's letter and the Applicant 1 herewith

failure to provide information

The Applicant attached to his application the letter dated December 12, 2018 - to Applicant 1

addressee - of his letter called "Declaration", as well as the domestic receipt confirming its posting

a copy of the letter sent on February 18, 2019, and proof of its posting

a copy of the return receipt. According to the attached letters, the Applicant objected to the fact that the personal

transfer your data to third parties by the Applicant 1.

Contrary to the above, however, Respondent 1 stated that the Applicant is large

submissions received in large quantities were not evaluated as a stakeholder request, and therefore as a stakeholder request

he didn't even answer. At the same time, Respondent 1 also admitted that the large number of submissions

it was a heavy workload for Respondent 1, which was not easy to interpret either

due to repetitions.

The Applicant confirmed with a copy of the receipt that it had paid the Applicant 1 the 2018.

letters dated December 12 and February 18, 2019, which clearly

they also contained a stakeholder request, as he objected to the handling of his personal data in them.

Pursuant to Article 21 (1) of the General Data Protection Regulation, personal data of the Applicant

as a result of the interested party's request containing his protest against the processing, the Respondent 1 is the Applicant

he could not have processed all his personal data, only those in connection with which he proves

that data processing is justified by compelling legitimate reasons that take precedence

with the interests of the person concerned,

to submit claims,

are related to its enforcement or protection.

Based on the above, Respondent 1 should have informed the Applicant of the general

based on Article 12 (3) of the Data Protection Regulation, based on the data subject's request

measures.

According to Respondent 1's statement, his failure to respond was caused by unintentional behavior

to the Applicant's stakeholder requests, but this omission can be traced back to the fact that the Applicant

submitted a large number of applications, the classification of which also caused problems. The Authority

according to his point of view, this argument does not exempt Respondent 1 from data controller responsibility,

considering that pursuant to Article 4, Point 7 of the General Data Protection Regulation a

Respondent 1 is considered a data controller. The Respondent 1 is the one who organizes the data management

process and creates its conditions. The most important feature of the data manager is that

has substantive decision-making authority and is responsible for all data management,

against your rights, or which

yogi

for the fulfillment of the obligation laid down in the general data protection regulation.

considered for data processing and data protection

The Data Protection Working Group established in accordance with Article 29 of the Data Protection Directive (hereinafter:

Data Protection Working Group) on the concepts of "data manager" and "data processor" 1/2010.

also explained in his opinion no. that "Ultimately, the company or organization must

responsible

resulting from legislation

for obligations, unless there are clear elements indicating that a natural person a

responsible. […] However, even in such cases, when a specific natural person is appointed,

to ensure compliance with data protection principles or to process personal data, this

the person does not

to a legal person (or a company

public body) acts on its behalf, which in its capacity as data controller remains responsible for the principles

in case of violation." The fact of inappropriate classification of stakeholder requests is therefore not

is considered a reason for rescue, in this case too the data controller bears the responsibility.

will be a data controller, but its a

Based on all of this, the violation of this decision is the responsibility of Respondent 1, as a data controller

falls within its scope. Article 12(2) of the General Data Protection Regulation requires that it

data controller to facilitate the exercise of the data subject's rights, and can only refuse in that case

and the fulfillment of the request to exercise the data subject's rights, if it proves that the data subject

cannot be identified. If it was not clear to the data controller that a

What the applicant's request is aimed at, in that case it can be justified to ask about it, to ask for clarification,

but with reference to the fact that a request is not clear to the data controller, it is not

may remain unanswered.

In accordance with Article 12 (1) of the General Data Protection Regulation, the Respondent

1 must clearly inform the Applicant of the measures taken.

Based on Article 12 (3) of the General Data Protection Regulation, a decision must be made within one month

to the data subject's request, i.e. to provide information to the data controller with the measures taken

in connection with or in connection with the rejection of the application, so based on this, it is general

adopted as a result of a stakeholder request submitted on the basis of Article 21 (1) of the Data Protection Regulation about measures.

The Authority does not agree with the position put forward by the Legal Successor that the Applicant submitted and filed as a complaint received by Respondent 1 on December 13, 2018 three lines of the document, which contained no or difficult to interpret reference to it regarding the fact that the Applicant's data are not transferred to third parties. THE According to the legal successor's point of view, the personal number […] indicated in the application submitted to the Authority in connection with the loan agreement, no stakeholder request was received by Respondent 1, considering that the complaint is for the mortgage loan number [….] and the residential loan number […] it contained a protest regarding a bank account, so it is related to a personal loan cannot be interpreted in the context of data transfer. The Authority does not agree with this position, because the Applicant did not only submit a stakeholder application on December 13, 2018, which the The applicant also forwarded a copy to the Authority.

Furthermore, the Applicant's application dated December 10, 2018 stated as follows:

"[...] The revocation also applies to the corresponding contract with invoice number [...]. THE in my declaration, I forbid the disclosure of my personal data to "THIRD" persons.

[...]“

The Petitioner's submission entitled "Objection" written on February 18, 2019 contained the following:

"I object to the information provided on 02/05/2019..."

[...]

You have violated data management laws...

I forbid the release of my personal data [...]“

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The Applicant 1 [....] file no. information letter, which was dated February 5, 2019, from the Applicant 1 referred to all claims owed to the Applicant by the Applicant, therefore the Applicant 2019

also a submission written on February 18 for the personal data processed in connection with all claims

concerned.

The personal data were clearly stated in the requests cited above

objection to its handling, so it is clear that it is in accordance with the General Data Protection Regulation

Respondent 1 should have submitted it as a stakeholder request and not as a complaint

handle it.

Based on the above, the Authority established that Respondent 1 violated the general

Article 12 (1)-(3) of the Data Protection Regulation, since the Applicant did not respond

to your requests, and thus Article 21 (1) of the General Data Protection Regulation

violated by Respondent 1.

III.5. Data management of the Applicant 1 and the Legal Successor after assignment, and a

Request for deletion of data by the applicant

III.5.1. In his statement, the Legal Successor indicated for what purpose and on which legal basis the Respondent 1

with reference to which personal data the Applicant has managed, or the Legal Successor manages based on this.

According to the Authority's point of view, Pmt. provisions of the personal data below

does not constitute a legal basis in case of treatment:

1. data on education, income and economic situation,

marital status;

2. conditions of the requested loan, data regarding the loan agreement;

Related to claim 3 and its amount and enforcement

data.

The attached documents - [….] no. judgment - according to the contract was concluded on September 19, 2007 by

Applicant with the legal predecessor of Respondent 1, the “Declaration of Consent” and the Application

according to his statement, the assignment took place on January 22, 2019.

With regard to the date of the conclusion of the contract, applicable on September 19, 2007 a

XV of 2003 on the Prevention and Prevention of Money Laundering law (hereinafter:

Pmt.) based on § 5, paragraph (1), the service provider is obliged to provide the following data during identification

record:

a) natural person

1. your family and first name (birth name), if any, married name,

2. your address,

3. place and time of birth,

4. your nationality,

5. mother's birth name,

6. the type and number of the identification document,

7. in the case of a foreign natural person, 1-6. of the data specified in point

data that can be determined based on an identification document, as well as residence in Hungary

place.

The Applicant 1 and the Legal Successor were in force at the time of the conclusion of the loan agreement Pmt. Section 10

(1) of Pmt. It came into his possession during the fulfillment of the obligation contained in § 3

must keep personal data for 10 years from the termination of the business relationship.

Based on the above, therefore, the Applicant's education, income, family status

personal data regarding your condition, as well as the condition of the requested loan and the claim,

Personal data related to claim enforcement cannot be processed in the Pmt. provisions

with reference, since Pmt. does not impose such a data retention obligation, and for this reason Authority a

with reference to the above, states that Respondent 1 handled it without legal basis and illegally and

the Legal Successor handles this personal data of the Applicant unlawfully.

Respondent 1 referred to the fact that Pmt. stores personal data not prescribed by

because it forms part of the document subject to the preservation obligation, it may be admissible and thus

the Authority's position regarding decision III.2. explained in point Given that the

according to the attached documents, the so-called "[...]" signed by the Applicant on September 6, 2007

Personal Loan application form and contract" based on the existing claim a

Applicant 1 22.01.2019. ceded on the day of, so in this regard it is prescribed in Pmt

there is an obligation to preserve documents, and § 169, paragraph (1) of the Accounting Act

also imposes an obligation to retain documents, so it does not handle the information contained therein without a legal basis

personal data.

With reference to the above, the Applicant's education, income, family status

for ordering the deletion of the Applicant's personal data regarding his status

rejects your request.

III.5.2. The Hpt. 288, in relation to personal data handled during complaint handling

the legal basis according to Article 6 (1) point c) of the General Data Protection Regulation, as well as the legal

Article 6 of the General Data Protection Regulation regarding data processed in connection with the procedure

The legal basis according to point c) of paragraph (1) is acceptable, therefore the Authority dealt with them by reference

rejected the Applicant's request for deletion in connection with personal data.

III.6. Evidence motions and comments submitted by the Applicant

The Akr. Based on § 62, subsection (4), the authority freely chooses the method of proof, and a

evaluates the available evidence according to his free conviction, therefore for the following

did not consider clarification of the relevant facts justified.

III.6.1. According to the Applicant's claim, "1/During the procedure, the Authority did not examine the

in my report, on 10.12.2018, [….] took over contract no. [….] on 13.12.2018

Statement related to relevant data."

Contrary to the claim of the Applicant, the Authority investigated the referenced stakeholder application, to which a

decision III.4. points, and the decision also contains findings in this regard.

III.6.2. Comment on the transformation of Respondent 1

According to the Applicant's statement:

"2/ The statement of [...] that the merger with [...] was terminated on October 31, 2019 is incorrect.

4./With the merger of the no longer existing company 1, all continuity ceased, so the

there is no continuity."

In the present case, the Authority did not mention that the Respondent1 stated that […]-

merged with, as the structural transformation relevant to the present case involved Applicant 1 and

It affected a legal successor. In this round, the Authority NAIH/2020/303/10. in order no

established the legal succession, of which he also notified the Applicant. The order also contained that

education that there is no place for an administrative appeal against the order, from that communication

within 30 days of the date of the appeal addressed to the Metropolitan Court in a public administrative case

can be challenged with a claim submitted electronically to the Authority. The Applicant a

He did not appeal against the order by filing an action with the Capital Court.

III.6.3.

As a claim manager, the claim manager unlawfully released it to […].”

"I would like to clarify that in 2018 the

[…], why did my data get released by

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The Applicant NAIH/2020/303/10. No. - Succession between Applicant 1 and Legal Successor

sent to the Authority with a reference to its decision, received on October 21, 2020

The above "motion for evidence" written in his "change of order" file cannot be interpreted

as a motion for proof, since the subject of the official procedure is for Respondent 1 Respondent 2

and the fulfillment of the Applicant's stakeholder requests. This question has a

can only be examined in a new official application submitted by the Applicant.

The Applicant also received the Authority's letter on December 14, 2020 with the subject "Comment"

objected to the transfer of data to the above-mentioned claim manager.

According to the documents attached by the Applicant (a letter written by Applicant 2 on October 24, 2019), the

[…] informed the Applicant that his previous name […] and the Applicant 2

continues its claim management activities as a data processor on its behalf.

In the case of financial institutions, for the transmission of data about credit institutions and financial enterprises

CCXXXVII of 2013 may take place on the basis of point c) of § 161, paragraph (1) of the Act, which

According to

for the sale of an existing claim against a customer or for the enforcement of an expired claim

makes it necessary.

The legal basis for data collection by individual debt collection companies may be different

depending on whether the holder of the basic claim tries to enforce it himself or through a legal representative

the claim or assigns the claim.

The essential difference between the assignment title and the assignment title is that while a

in the case of an order, the claim is collected in the name of the service provider, until then it is an assignment

in this case, the collection company or law firm calls the consumer/client in its own name

to fulfill.

On the basis of Article 4, point 8 of the General Data Protection Regulation, the data processor manages the data

it is carried out on behalf of the data controller, subject to this, its data management authority is that of its principal

is adjusted, therefore the Authority established that the Applicant's personal data in the Applicant's 2

its transfer to its data processor, i.e. […] (previously known as [...]) pursuant to Article 4 of the GDPR.

according to point 10 of Article

2 did not violate general data protection by transferring data to its data processor

regulations.

III.7. Legal consequences

The Authority grants the Applicant's request in part and

- based on Article 58 (2) point b) of the General Data Protection Regulation

condemns the Successor for violating the data processing of the Respondent 1

Paragraphs (1)-(3) of Article 12 of the General Data Protection Regulation, and

Article 21 (1) of the General Data Protection Regulation, and

- in accordance with Article 58 (2) point g) of the General Data Protection Regulation

ordered the appropriate response to the Applicant's stakeholder requests.

The Authority ex officio examined whether the data processing of Respondent 1 justified the

Imposition of a data protection fine against the legal successor. In this context, the Authority is the general

Article 83 (2) of the data protection decree and Infotv.75/A. considered ex officio on the basis of §

all the circumstances of the case and established that the violation revealed during this procedure

in the case of the warning is neither a proportionate nor a deterrent sanction, therefore a fine

imposition is required.

20

When imposing the fine, the Authority considered the following factors as aggravating circumstances

taking into account:

- The violation is serious, because Respondent 1 is affected by the Applicant's data management

violated his rights by not responding to two of the stakeholders' requests

To the applicant (General Data Protection Regulation Article 83 (2) point a)

- The illegal data management of the Respondent 1 is intentional, from its data management practices

originates, as it did not distinguish between complaint handling and the exercise of rights by the affected party,

(General Data Protection Regulation Article 83 (2) point b).

Due to the data management of the Respondent 1, the general data protection is to condemn the Legal Successor

NAIH/2020/2546/15 has already been issued due to a violation of the decree. in decision no., in which the

The authority established that the Respondent 1, as well as the Legal Successor, is the general data protection officer

violates Article 6 (1) of the Decree and stores personal data without a legal basis, however, the a

is not relevant in this procedure, given that the Authority does not GDPR in this procedure

found a violation of this provision. (General Data Protection Regulation Article 83 (2)

paragraph e) and i)

Based on the nature of the violation - the violation of the principles of data management and the right of the data subject - the

penalty can be imposed

the upper limit of the fine is 20 based on Article 83 (5) point a) of the General Data Protection Regulation

000,000 EUR, or a maximum of 4% of the total world market turnover of the previous financial year.

(General Data Protection Regulation Article 83 (5) point a)

Based on Jogutód's 2019 income statement, its pre-tax profit was HUF [...] million.

(General Data Protection Regulation Article 83 (5) point a) The imposed fine does not reach the

maximum fine, it falls significantly short of that.

With regard to the imposition of the fine, the Authority shall comply with Article 83 (2) of the General Data Protection

Regulation

did not take into account the following provisions of paragraph

points c), point f), point h) and point k) were not relevant in the subject matter.

ARC. Other questions

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

covers the whole country.

The Akr. § 112, § 116, paragraph (1) and § 114, paragraph (1)

there is room for legal remedy against the decision and the order through a public administrative lawsuit.

* * *

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

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

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

(3) a)

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

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

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

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

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

of 2015 on the general rules of electronic administration and trust services

CCXXII. Act (hereinafter: E-Administration Act) according to Section 9 (1) point b) the customer

legal representative is obliged to maintain electronic contact.

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

The amount of the fee for the administrative lawsuit is determined by Act XCIII of 1990 on fees. law

(hereinafter: Itv.) 45/A. Section (1) defines. It is from the advance payment of the fee

Itv. Paragraph (1) of § 59 and point h) of § 62 (1) exempt the party initiating the procedure.

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

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

Budapest, May 11, 2021.

Dr. Attila Péterfalvi

president

c. professor