

Case number: NAIH-4950-19/2022.

Subject: decision rejecting the application

H A T A R O Z A T

Before the National Data Protection and Freedom of Information Authority (hereinafter: Authority).

Based on the request of the applicant (hereafter: Applicant), his request as a stakeholder is not appropriate performance, as well as your personal data in the Central Credit Information System (hereinafter:

KHR) an official procedure was initiated with [...] (hereinafter:

Respondent), in which procedure the Authority makes the following decision:

The Authority requests the Applicant

rejects.

forwards it to the court together with its documents. Holding the trial

There is no place for administrative appeal against the decision, but only from the announcement

within 30 days from the date of issue, with a letter of claim addressed to the Capital Tribunal

can be challenged in a lawsuit. You must submit the claim to the Authority electronically¹, which

the case

request for a

must be indicated in the application. For those who do not receive full personal tax exemption a

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

Legal representation is mandatory in court proceedings.

I N D O C O L A S

I. Procedure of the procedure

I.1. On April 25, 2022, the Applicant on the right to informational self-determination and

CXII of 2011 on freedom of information. Act (hereinafter: Infotv.) Section 60 (1)

the Respondent initiated an official data protection procedure pursuant to paragraph

with reference to data management.

The Authority CL. 2016 on the general public administrative order. law (hereinafter:

Akr.) with reference to § 44, called on the Applicant to fill in the gaps, to which the Applicant

He complied with his statement received by the authority on May 29, 2022 (No. NAIH-4950-6/2022).

I.2. The Authority accepted the Application under NAIH-4950-7/2022. the procedure was notified in order no and invited him to make a statement for the first time in order to clarify the facts with reference to Art. to paragraph (1) of § 62.

To the Authority's invitation, the Respondent sent its answer and its allegations within the deadline attached a copy of the supporting documents.

I.3. The Authority is the Akr. Magyar contacted with reference to point b) of § 25 paragraph (1).

1 The NAIH_KO1 form is used to initiate the administrative lawsuit: NAIH KO1 form (16.09.2019) The form can be filled out using the general form filling program (ÁNYK program).

National Bank. At the request of the Authority, the Magyar Nemzeti Bank September 23, 2022. sent his response to the inquiry on (NAIH-4950-11/2022.).

I.4. The Authority NAIH-4950-12/2022. and NAIH-4950-13/2022. notified in its orders no

Notify the Respondent and the Applicant that the evidentiary procedure has been completed and the declaration is made they can use their rights and their right to inspect documents.

In response to the Authority's order, both the Applicant and the Respondent exercised their right to inspect documents, however, they did not use their right to make a statement.

II. Clarification of facts

II.1. The Applicant requested the following in his request for the official data protection procedure

From authority:

- conviction of data controller and data processor for violation of GDPR,
- instructions from the data controller to inform the data subject about the "data protection incident",
- ordering the final limitation of data processing or prohibiting data processing,
-

ordering the deletion of personal data from the KHR, and ordering that

to inform those concerned about this,

- ex officio imposition of a data protection fine,
 - decision - data manager and data processor identification data - on the website of the Authority ordering its publication,
 - compliance with the legal requirements of all reports made in KHR in the last 15 years examination,
- the Authority instructs the Applicant to fulfill the Applicant's stakeholder request.

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II.1.1. Transfer to the Hungarian National Bank

The Applicant submitted that CXXII of 2011 on the central credit information system. law

(hereinafter: Khr. tv.) his obligation to provide information according to paragraph (3) of § 15 is not a was performed by the Respondent in the manner and form prescribed by law, and also violated the Khr. TV. Paragraph (1) of § 11.

The Authority of Khr. TV. by examining the fulfillment of the obligation according to § 15, paragraph (3). established that this is not a data protection official matter, because by examining it related procedure does not fall under the competence of the Authority, but of the Hungarian National Bank, therefore a The applicant's request in this part is referred to in Art. It was transferred by the Hungarian National with reference to § 17 To the bank, NAIH-4950-2/2022. s. with its execution.

II.1.2. Requests related to contact requests

In his application, the Applicant also requested that the Authority instruct the Applicant to to fulfill the stakeholder's request. According to the attached correspondence, the Applicant a

On February 24, 2022, he addressed the respondent with a cancellation request and requested the deletion of default data in Khr. TV. of the fulfillment of the obligation according to Section 15 (3).

for failure to do so. The Respondent refused to comply with the cancellation request, which was referred to in 2022. notified the Applicant in a letter dated March 3. After that, a cancellation request again presented by the Applicant in his letter dated March 26, 2022, to which the Applicant

In his letter dated April 6, 2022, he again sent a negative reply.

II.1.2.1. Stakeholder request dated February 24, 2022

The Applicant has attached a copy of the subject of the cancellation request - Addressed to the Applicant - 2022.

his letter dated February 24, in which Khr. referring to TV, he asks the KHR "late

deletion of the data transmitted in connection with "debt". The letter is also late in payment

contains his discussion.

The Applicant has attached a copy of the letter sent to the Respondent on March 3, 2022.

a copy of your letter dated 11.01

received in response to his dispute, and partly in response to the request of the interested party. With the stakeholder request

regarding this, the Respondent's reply letter contained the following:

"[...] Since we legitimately provided the default information in connection with your credit, we did not
can be deleted from the KHR:

- Pursuant to Section 11 (1) of the KHR Act, the Bank is obliged to submit to the KHR the prescribed

data in the event of the simultaneous existence of the conditions specified in the KHR Act.

- Data transfer based on Section 15 (3) of the KHR Act and Section 11 (1)

thirty days before its planned implementation, the Bank will inform in writing the

a natural person that his/her data defined by law will be included in the

to KHR, if you do not fulfill your obligations under the contract.

According to our investigation, the preliminary KHR notification letter was not sent due to a unique technical error

and to you. The error is being corrected. Replacement of the unsent letter, expected in March

will happen in the middle, for which we ask for your patience.

Based on the above, the transfer of data to BISZ Zrt.

information obligation. However, the lack of information does not mean that it is

in this case, our bank would not have been able to submit the default data to the KHR either. (in fact, that

it had to happen regardless of the information)."

The Respondent's reply letter also contained that the default data on February 14, 2022

entered the KHR, at which time the loan default was HUF 581,292 without late interest.

For this reason, the "submission" of the loan default to the KHR is justified, as the default on the loan amount was continuously overdue for 90 days from November 16, 2021

the amount of the minimum wage valid at the beginning of the fall.

II.1.2.2. Stakeholder request dated March 26, 2022

In addition to the above, the Applicant attached to the Applicant dated March 26, 2022 (the hereinafter: second cancellation request), and written to the Requested Applicant - April 2022

Dated the 6th - a copy of your letter. In this letter from the Applicant, in the subject line, and also a does not indicate in the content of the letter that he is contacting the Respondent again with a stakeholder request, only refers to the following regarding deletion:

"[...] Please kindly a confirm the cancellation of your report by sending me a complete copy of the KHR. [...]"

In addition to the above, the Applicant, under the heading "last notice", asked the Application that 2022.

by April 20, by mail or electronically, the late debt that occurred illegally

lent a full KHR copy certifying the complete and untraceable deletion of his report send it in a worthy way.

In its response letter to the second cancellation request, the Respondent stated that the cancellation request was fulfilled regarding his rejection, he presented what he had written in his previous reply letter, highlighted separately - and unlawfully delayed belonging to KHR

3 quoted - Khr tv. Paragraph (1) of § 11, as well as the following laws and regulations referred:

Infotv.,

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

(hereinafter: Hpt.),

- GDPR.

In his response letter, the Respondent repeatedly emphasized that "[...] the overdue debt is in the future. The regrettable lack of customer information about the report to KHR does not mean that this is the case in this case, our bank would be exempted from the obligation to provide data contained in the KHR act (i.e. a from submitting late data).[...]"

II.1.2.3. "Privacy Breach" Claims

In his response to the Authority's request to fill in the gaps, the Applicant referred to the fact that by "data protection incident" notification, he meant that the Respondent was informed about it would be necessary to inform the Applicant that the legal conditions of the KHR report are not they stood up.

II.2. The Respondent submitted the following at the request of the Authority:

The Khr. TV. Paragraph (1) of § 11 stipulates that if the natural person is in this way, the payment obligation undertaken in the contract that is the subject of data provision satisfies that the amount of his overdue and unpaid debt exceeds the delay minimum monthly minimum wage valid at the time of fall and the amount of this minimum wage a request to die continuously, for more than ninety days, to the Respondent it is the duty of the financial enterprise managing the KHR to reference the natural person's reference data to hand over to.

The Khr. TV. On the basis of Section 15 (3), the handover in accordance with Section 11 (1) is planned thirty days before its execution, the Applicant must inform in writing the a natural person that his/her data defined by law will be included in the KHR, if you do not fulfill your obligations under the contract.

Based on the above, the transfer to the financial company managing the KHR (Khr. tv. § 11.

(1)), as well as the preceding customer information (Khr. tv. § 15. (3) legislation)

independent obligation prescribed by The fact that the information has been provided is not a prerequisite

In order to transfer data to the KHR, the Requested Party must be satisfied even in the event of a failure to provide information fulfill its data transfer obligation if the relevant conditions are met.

The Applicant informed the Authority that the Magyar Nemzeti Bank (hereinafter: MNB) initiated consumer protection proceedings against the Applicant at the request of the Applicant, which a At the time of your requested statement, it had not yet been concluded.

The Respondent submitted that on February 14, 2022, the Applicant's personal data was forwarded to For the company managing KHR, given that the credit default data is transferred to KHR transmission was the legal obligation of the Applicant, given that the Applicant the amount of arrears due under the loan agreement is 90 days from November 16, 2021 continuously exceeded the minimum wage valid at the start of the delay amount.

The Respondent informed the MNB that, due to a banking error, the statutory did not comply with prior information, the information was supplemented afterwards (March 28, 2022), however, regardless of the lack of prior information - based on legal obligation - was obliged to forward the debt data to the KHR. Based on these, the legal basis for data transfer is a It was GDPR Article 6 (1) point c), as it is a legal obligation for the Respondent it was necessary for its fulfillment.

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The Respondent has attached a copy of the information letter subsequently sent to the Applicant.

The Respondent by handling requests for deletion of personal data recorded in the KHR submitted the following regarding:

Typically, objections related to KHR data transmission are received as complaints

To the Respondent, the investigation and response of which is centralized by the Respondent complaints handling is coordinated with the involvement of the responsible specialist areas.

If the complaint also contains a GDPR deletion request (or possibly only that), it the central customer service, which also coordinates the handling of stakeholder requests, involves the

You requested your data protection officer.

II.3. At the request of the Authority, the MNB forwards the default data to the KHR

provided the following information about his position:

In its response, the Magyar Nemzeti Bank emphasized that the Khr. TV. its preamble states that the regulation aims at a more grounded assessment of creditworthiness, the excessive amount of residential reduction of indebtedness, safer operation of the money market, and lending of risk reduction, as a whole, society as a whole is economic and financial promoting its stability.

The MNB referred to the fact that Khr. TV. On the basis of § 15, paragraph (1), the subject of the data provision during the preparation of the contract, the reference data provider informs in writing the a natural person acting in the matter of concluding a contract on the rules governing the KHR, a about the purpose of registration, the rights of the registered person, and which in some cases, the data of the data subject may be transferred.

Due to the above, the position of the MNB is that Khr. TV. information according to § 15, paragraph (3). failure to fulfill the obligation does not affect the legality of data transfer to KHR.

III. Applicable legal regulations

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

According to Article 4, point 1 of the General Data Protection Regulation, "personal data": you are identified any information relating to an identifiable natural person ("data subject"); it is possible to identify the a

natural person who directly or indirectly, in particular an identifier,
for example name, number, location data, online identifier or the natural person's physical,
one concerning his physiological, genetic, intellectual, economic, cultural or social identity
or can be identified based on several factors.

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

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restriction, deletion or destruction;

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 controller
or special considerations for the designation of the data controller are also EU or member state law
you can define.

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:

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

Based on paragraphs (1) to (4) of Article 12 of the General Data Protection Regulation:

(1) The data controller shall take appropriate measures in order to ensure that the data subject a
all the information referred to in Articles 13 and 14 regarding the management of personal data
and 15-22. and each information according to Article 34 is concise, transparent, comprehensible and easy
provide it in an accessible form, clearly and comprehensibly worded, especially the
for any information addressed to children. The information in writing or otherwise -
including, where applicable, the electronic route - must be specified. Oral at the request of the person concerned
information can also be provided, provided that the identity of the person concerned has been verified in another way.

(2) The data controller facilitates the relevant 15-22. the exercise of his rights according to art. Article 11 (2)
in the cases referred to in paragraph 15-22, the data controller is the person concerned. to exercise his rights according to art
may not refuse to fulfill your request, unless you prove that the person concerned
cannot be identified.

(3) The data controller
without undue delay, but by all means the request
within one month of its receipt, informs the person concerned of the 15-22 application according to art
on measures taken as a result. If necessary, taking into account the complexity of the request and the
number of applications, this is the deadline
it can be extended by another two months. The deadline
request for an extension by the data controller indicating the reasons for the delay
informs the person concerned within one month of receipt. If the data subject is electronic
submitted the application via e-mail, the information must be provided electronically if possible,
unless the data subject requests otherwise.

(4) If the data controller does not take measures following the data subject's request, without delay,
but it informs the person concerned no later than one month from the date of receipt of the request
about the reasons for the failure to take action, as well as about the fact that the person concerned can submit a complaint to a
with a supervisory authority, and can exercise his right to judicial redress.

Based on Article 15 (3) of the General Data Protection Regulation, the data controller is

provides a copy of the personal data subject to data management to the data subject. The

for additional copies requested by the data subject, the data controller shall charge administrative costs based on

may charge a reasonable fee. If the person concerned submitted the application electronically, it

information must be made available in a widely used electronic format,

unless the data subject requests otherwise.

Based on Article 17 (1) - (3) of the General Data Protection Regulation:

(1) The data subject has the right to request that the data controller delete the

personal data concerning him, and the data controller is obliged to ensure that it concerns the data subject

delete personal data without undue delay if one of the following reasons applies

exist:

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a) the personal data are no longer needed for the purpose for which they were collected or otherwise

treated in a manner;

b) the data subject withdraws it pursuant to point a) of Article 6 (1) or point a) of Article 9 (2)

pursuant to point 1, the consent that forms the basis of the data management, and the data management does not have

other legal basis;

c) the data subject objects to the data processing on the basis of Article 21 (1), and there is no *

an overriding legitimate reason for data processing, or the data subject is Article 21 (2).

objects to data processing based on;

d) personal data were handled unlawfully;

e) the personal data is legal as prescribed by EU or member state law applicable to the data controller

must be deleted to fulfill an obligation;

f) to collect personal data with the information society referred to in paragraph 1 of Article 8

took place in connection with the offering of related services.

(2) If the data controller has disclosed the personal data and pursuant to paragraph (1).

it must be deleted, taking into account the available technology and the costs of implementation

takes the reasonably expected steps - including technical measures - for it
in order to inform the data controllers handling the data that the data subject has requested
links to the personal data in question or a copy of this personal data from them,
or the deletion of its duplicate.

(3) Paragraphs (1) and (2) do not apply if data management is necessary:

- a) for the purpose of exercising the right to freedom of expression and information;
- b) EU or Member State law applicable to the data controller, which prescribes the processing of personal data fulfillment of the obligation according to, or in the public interest or public authority entrusted to the data controller for the purpose of performing a task performed in the context of exercising a driver's license;
- c) in accordance with points h) and i) of Article 9 (2) and Article 9 (3)
on the basis of public interest in the field of public health;
- d) in accordance with Article 89 (1) for the purpose of archiving in the public interest, scientific and for historical research purposes or for statistical purposes, if the right referred to in paragraph (1).
would likely make this data management impossible or seriously jeopardize it; obsession
- e) to present, enforce and defend legal claims.

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:

...

b) EU or Member State law applicable to the data controller, which prescribes the processing of personal data or entrusted to the data controller in the public interest

legal obligation

for the purpose of carrying out a task in the exercise of a public authority;

fulfillment,

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.

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.

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

exercises its powers taking into account the principle of proportionality,

paragraph

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. 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), the 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.

The Khr. TV. Pursuant to Article 8, paragraph (1), the financial enterprise managing the KHR - in paragraphs (3)-(4), and with the exception contained in § 9 - the reference data specified in paragraph (2).

managed for five years from the date. After the end of the five years, or further according to § 9 in case of withdrawal of consent to data management, the financial enterprise managing the KHR a permanently and irreversibly deletes reference data.

The Khr. TV. Section 8, paragraph (2) of the calculation of the deadline specified in paragraph (1). start:

a) in the case according to § 11, if the debt has not been terminated, according to § 11 paragraph (1) the end of the fifth year from the date of data transfer,

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legal force

b) in the case according to § 14, if the debt has not ceased, from the date of data transfer according to § 14 end of fifth year calculated,

c) the date of the transfer of the data in § 12, § 13 and 14/A. in the case according to §

d) the date of termination of the claims queue 14/B. in the case according to §

e) the date of termination of the company's contract for financial services,

f) * 13/A. of the termination of the debt settlement procedure in the case according to paragraph (1) of § date:

fa) failure of the out-of-court debt settlement for the Family Bankruptcy Protection Service date of notification,

fb) the entry into force of the court order rejecting the court debt settlement procedure day,

fc) a judicial decision establishing the termination of the out-of-court debt settlement agreement

the date of entry into force of the decision,

fd) court decision establishing the termination of the court debt settlement agreement

in the case of the date of entry into force of the court decision establishing this,

fe) the date of entry into force of the court decision on the discharge of the debtor (co-debtor),

ff) a court decision annulling the decision discharging the debtor

rising day,

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

the date of entry into force of the court decision,

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

date of notification to

The Khr. TV. Pursuant to § 8, paragraph (4), the financial enterprise managing the KHR is the data provider

in the event of the payment of an overdue debt arising from the contract to which it is subject, the defaulter

immediately and irrevocably after one year from the payment of the debt

deletes the reference data according to Section 11 (1).

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

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

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

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

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

monthly minimum wage in the amount of 100,000 and continuous delay in excess of this minimum wage amount,

lasted for more than ninety days.

ARC. Decision of the Authority

IV.1. Personal data included in the KHR, the subject of the investigation and the competence of the Authority

lack of it

IV.1.1. Personal data and the subject of the investigation

According to Article 4, point 1 of the General Data Protection Regulation, the Applicant is owed to the Respondent data stored in the KHR in relation to your debt - including all contractual basic data, all default data - are considered personal data of the Applicant, which data a Transfer to a financial company managing KHR is in accordance with Article 4 of the General Data Protection Regulation. is considered data management according to point 2 of Article

THE also the provisions of the General Data Protection Regulation are applicable, which are permitted by national regulations as contained therein must be interpreted together. In the same way as all domestic regulations relating to specific data management legal provision, in this case Khr tv. related provisions are also general in accordance with the data protection decree, it is necessary to interpret its rules without degrading them. due to the above

in this case

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The data stored in KHR form two separate groups:

- default data and

-

contractual basic data and static repayment data.

Khr tv. because two levels of data transfer are required for residential loan contracts

for a reference data provider. At the time of signing the contract, Khr. TV. Section 5, paragraph (1), point a).

based on the "Contractual basic data" must be transferred. Conditions for Default

and in case of occurrence, the Khr. TV. Section 11 (1) based on Section 5 (2) point a).

provides for the repeated transfer of the provided reference data, supplemented by the one relating to the omission with information ("Default data").

they requested, objecting to its legality

In the stakeholder request written by the Applicant to the Respondent, the default data was sent to KHR

forwarding

deletion, and with reference to the

In his application sent to the Authority, he requested that the Authority order the deletion of personal data a
from KHR. The Applicant submitted the application to the Authority with the alleged violation

also in connection with only the alleged illegality of the transfer of default data, therefore a

The authority's investigation was also only focused on the legality of the management of default data, since a

The applicant did not object to the transfer of basic contractual data.

Regarding ordering the deletion of the Applicant's personal data by the Respondent

in order to assess his request, the Authority had to first of all examine whether a

Is the requested data controller, the processing of the data for an appropriate purpose and one according to the GDPR
whether it is based on a suitable legal basis.

IV.1.2. Negligence dispute

In his cancellation request written to the Respondent, the Applicant also referred to the fact that he disputed the payment
the fact, amount and "legal basis" of the default.

In the present procedure, the Authority, in relation to the data management of the Respondent, the claim and the
did not investigate the existence of an omission, because this is judged by Infotv. Paragraphs (2)-(2a) of § 38
does not fall under the authority of the Authority. The decision on this is within the jurisdiction of the court.

The Applicant is such

registered against the Applicant, with which

in connection with the Applicant did not attach any court decision that would establish that it is

does not exist, therefore the Authority cannot base its findings on it - it is legally binding

in the absence of a court decision - that there is no default on the part of the Applicant.

IV.2. Data controller quality of the Requested

The Authority established from the attached documents and statements that the Respondent a

Personal data of the Applicant in connection with a claim against the Applicant

in relation to its management, the data manager according to Article 4, point 7 of the General Data Protection Regulation,

since the Respondent is entitled and obliged to determine the purpose and means of data management.

The Khr. TV. Pursuant to Section 2, Paragraph (1), Point f) Subpoint 1, the Requested reference data-
is considered a service provider.

The Khr. TV. Pursuant to Section 5 (6), KHR's data is processed in an automated manner, so
if a modification is required with regard to the reference data provided, in that case a
modified data must be submitted by the reference data provider to the financial department managing the KHR
institution (BISZ Zrt.), which automatically takes it over. Although registered with the KHR
In relation to personal data, BISZ Zrt. and the Requested Party also carry out certain data processing
activity, however, these affect different data management operations of the data available in the KHR.

payment default

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of his time

reference data

BISZ is obliged to receive the data automatically, i.e. without any kind of examination. The Khr. TV.
according to its provisions, BISZ Zrt. does not handle the documents on the basis of which the KHR
the accuracy, up-to-dateness, preservation of the data contained in
expiration (deletion

the existence of an obligation) could be established.

The Khr. TV. Pursuant to § 5, paragraph (5), the transmission and deletion of data to the KHR, as well as their
regarding its legality and accuracy, the Respondent is the responsible person, thus by the Applicant
in relation to objectionable data processing, the Respondent is considered the data controller. It supports this
under the Khr. TV. Also Section 5 (4), according to which "The financial enterprise managing the KHR is responsible for a
provided by reference data providers
comprehensive and up-to-date
for its registration, completeness and continuous maintenance of the database."

BISZ Zrt. is obliged to receive the data automatically, i.e. without any kind of investigation. The Khr.

TV. according to its provisions, BISZ Zrt. does not handle the documents based on the

The accuracy, up-to-dateness, and expiration of the retention period of the data in the KHR (deletion the existence of an obligation) could be established. For this reason, the Respondent is clearly a data controller with regard to the data management examined in this data protection official procedure.

IV.3. Reference data on the Applicant's default data

If the debtor defaults on payment, the Khr. TV. Article 11, paragraph (1).

if the conditions are met, default data may be forwarded to KHR, i.e

as a result, the debtor may avoid the so-called to negative list.

According to the Authority's point of view, the reference data is GDPR Article 6 (1) point c).

for the transfer with the legal basis according to Khr. TV. The conditions according to paragraph (1) of § 11 must to be fulfilled, the Khr. TV. fulfillment of the obligation to provide information according to § 15, paragraph (3).

failure to do so does not exempt the reference data provider from the obligation to transfer data, therefore this fact alone does not result in the illegality of the data transfer.

The Khr. TV. Paragraphs (1) and (2) of § 8 determine how long the default data is for can be handled in the KHR. Accordingly, the reference data as a general rule in Section 8 (2).

it can be handled in the KHR for five years from the specified date. After five years, the BISZ

Zrt. - at the initiative of the reference data provider - the reference data permanently and

is irreversibly deleted. However, if the debt has not ceased, the transfer of data

from the end of the fifth year from the date of the data processing in KHR is 5 years

duration, which means that, overall, in this case, the reference data

The natural can be treated in the KHR for a period of 10 years from the date of handover by the service provider reference data relating to unpaid debt relating to persons, if

the debt did not cease in the meantime.

According to his statement, the Respondent completed data transfer to the KHR on February 14, 2022, which data can be deleted based on the above after 10 years, if the debt is not eliminated

Meanwhile. Given that, according to the attached documents, based on the claim of the Respondent, a

there is a default, and there is no court decision to the contrary, and it is

from data transfer - Khr. The mandatory retention period stipulated in tv. has not passed, therefore a

Until February 14, 2032, or until the debt ceases, the applicant may

reference data to BISZ Zrt., on the basis of which the default data could be deleted.

Based on the above, the Authority rejected the Applicant's request to order the

The Requester is prohibited from deleting or restricting the personal data contained in the KHR

from data management, as well as all recipients who became aware of the data transfer

notify.

IV.4. Request for cancellation submitted by the Applicant to the Respondent

On February 24, 2022 attached by the Applicant and March 26, 2022 - in default

2022 from the Application to his letters - containing requests from stakeholders for data deletion.

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received answers in letters dated March 3 and April 6, 2022.

In his answer, the Respondent referred to Khr. TV. regulations, and that the claim

still exists, so it is not possible to delete the data in the KHR.

The Requester responds to the Requester's deletion requests within the 1-month deadline stipulated in the GDPR

provided understandable and clear information about the rejection of the stakeholder request and the reason for it, therefore a

He fulfilled his obligation according to Article 12 (1) - (3) GDPR.

Article 17 of the GDPR regulates the data subject's right to erasure. Article 17 (3) point b) of the GDPR

on the basis of the preservation and management of personal data despite the data deletion request of the data subject

can be considered legal in the event that the person prescribing the processing of personal data is

for the purpose of fulfilling an obligation under EU or Member State law applicable to the data controller

required.

The Khr. TV. relating to the transfer of default data, and those in the KHR in IV.3. wrote in point

Due to the obligation to preserve it for a period of time, GDPR Article 17 (3) b)

point, the Respondent was obliged to refuse the Requester's cancellation requests

fulfillment, since IV.3. in view of the points explained in point, the KHR-

Obligation to delete in relation to personal data related to the omission listed in a

it did not exist when the cancellation request was assessed, so it was not violated by rejecting the cancellation request
the Respondent's right under Article 17 of the GDPR.

Due to the above, the Authority rejects the Applicant's request to determine a

The respondent violated the right of the data subject, and also rejects the request that
instruct him to fulfill the data subject's request.

IV.5. Additional requests submitted by the Applicant to the Authority

IV.5.1. Condemnation of the data manager and the data processor for violating the GDPR

Given that the Authority stated above that the complained data management
there was no violation of law in this context, therefore it rejected the Applicant's request to
to condemn the data manager and the data processor.

IV.5.2. The data controller's instruction to inform the data subject about the "data protection incident".

In his response to the Authority's request to fill in the gaps, the Applicant referred to the fact that
by "data protection incident" notification, he meant that the Respondent was informed about
it would be necessary to inform the Applicant that the legal conditions of the KHR report are not
they stood up.

The IV. The transfer of data examined in point 3 is not considered a data protection incident, therefore it is general
there was no obligation to provide information according to Article 34 of the Data Protection Regulation.

The Authority of Khr. TV. by examining the fulfillment of the obligation according to § 15, paragraph (3).

established that this is not a data protection official matter, because by examining it
related procedure does not fall within the competence of the Authority, but rather within the competence of the MNB, therefore
a

The applicant's request in this part is referred to in Art. With reference to § 17, NAIH-
4950/2022. s. with its execution.

Based on the above, the Authority rejected the Applicant's request to instruct the data controller

to inform the Applicant, as a data subject, about the "data protection incident".

IV.5.3. Office to establish a data protection fine, decision - data manager and data processor

regarding ordering the publication of your identification data on the Authority's website

please

The Authority rejected the Applicant's requests regarding the above, as the Authority's finding

according to which no violation occurred in connection with the complained data management, and since e

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

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

- with regard to the application of legal consequences falling within the scope of enforcing the public interest a

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The applicant does not qualify as a customer under Art. Based on paragraph (1) of § 10, and since Ákr. Section 35 (1)

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

parts of this cannot be interpreted as a request.

IV.5.4. Compliance with the legal requirements of all reports made in the KHR in the last 15 years

request for examination to determine whether it is truly "unique" technical

whether it can be a mistake and whether multiple orders can be established

Similar to what was written in the previous point, all the reports made in the KHR in the last 15 years

it can be established regarding the request for the examination of the fulfillment of the legal conditions,

that the Applicant does not qualify as a customer in this regard either under Art. Based on paragraph (1) of § 10, respectively

since the Akr. It does not comply with § 35 (1), no application has to be submitted in this regard

place, these parts of the application cannot be interpreted as a request.

IV.6. Legal consequences

The Authority, in view of the fact that Infotv exceeded administrative according to paragraph (1) of § 60/A

deadline, therefore HUF 10,000, i.e. ten thousand forints, to the Applicant - at his choice -

Ákr. will be paid by bank transfer or postal order. Section 51, paragraph (1) point b).

Based on.

A. 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 under 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 submission of 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. Section 59 (1) and Section 62 (1) point h) exempt the party initiating the procedure.

dated: Budapest, according to the electronic signature

Dr. Attila Péterfalvi

president

c. professor

