

PRIVACY POLICY

on data management in connection with the handling of complaints

Why this privacy policy was prepared?

The **Hungarian Association of Judicial Officers** (hereinafter: Association) process complaints filed in connection with bailiffs, bailiff substitutes and assistant bailiffs; arranges the data transfers to be provided in connection with complaint cases, maintains records related to complaint cases, and enforcement procedures as tasks defined by *Article 250 (2) (10 and 13), Article 250/A. (2) (18 and 19) (3a) of Act LIII of 1994 on Judicial Enforcement (hereinafter: Vht.)* and by *Article 3-5., 7., 9 (1e) of the SZTFH decree No 10/2021 (X.29) on the management of complaint cases submitted against the action of the independent court bailiff, the supervision of complaint cases and the registration of disciplinary proceedings (hereinafter: Decree)*

The Association considers it is important to present his data management activities within the framework of this information to the complainant, persons associated with the complaint, as well as for Clients who book an appointment for a customer reception on the website, and provide them with information on the most important characteristics and circumstances of data management.

The data protection terms that are used in this information are to be interpreted according to the concepts supplemented by Article 4 of Regulation (EU) 2016/679 of the European Parliament and of the Council (hereinafter: **General Data Protection Regulation or GDPR**) and Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information (hereinafter: **Infotv.**)

Who manages your personal data as a data subject? Who qualifies as a Data Controller?

In relation to the data management activities included in this information sheet, the data controller is the **Hungarian Association of Judicial Officers.**

Contact of the data controller:

Adresse **1146 Budapest, Cházár András utca 13.**

Website **www.mbvk.hu**

Telephone **+36-1-273-1595**

Electronic contact **epapir.gov.hu**

Contact details of the data protection officer

Adresse **1146 Budapest, Cházár András utca 13.**

E-mail: **adatvedelem@mbvk.hu**

What is the purpose of data management?

The purpose of the Association's data management activities is the fulfillment of the legal obligation contained in **Article 250 (2) (10 and 13), Article 250/A. (2) (18 and 19) (3a) of Vht. and by Article 3-5., 7., 9 (1e) of the Decree**

The complaints filed oral (recorded with data content of Article 3. (2) of the Decree) and written (recorded with data content corresponding to at least the form published on the Association's website) in connection with the activities of bailiffs, bailiff substitutes and assistant bailiffs (hereinafter: complained), the unique identifier of the complaint, a copy of the original document attached to the complaint, additional legal declarations made to supplement the complaint, the documents created in connection with the investigation of the complaint (reports, other documents), the documents of the individual case or copies of the case affected by the complaint, the notification generated in connection with the investigation of the complaint (Article 58(4), as well as the data content of the review request must be by the bailiff

- registered based on the decree
- the information contained therein must be provided to the person with authority and competence in the given case and specified in the Decree, in the absence of authority (Article 4 (2) od Decree)
- the information contained therein must be provided to the person with authority and competence in the given case and specified in the Decree, for the purpose of carrying out the procedures defined in the decree, and to keep records in connection with the procedures (Article 5(1), 6(2d),8, 9e)
- retained
- investigated and after the bailiff notify the complainant of the result within the prescribed deadline.

What is the Legal basis for processing personal data according to the GDPR?

The legal basis for keeping records of submitted complaints and the administration related to the investigation of complaints is the Article 6 (1)c of the GDPR, so **data management is necessary to fulfill the legal obligations of the data controller**. Investigation of a complaint is not possible in the absence of the necessary personal data, so in the case of submitting a complaint, the complainant provides the Association with the personal data contained in the complaint in order to investigate the complaint and to be notified of its outcome.

In order to evaluate the complaint, it may be necessary to supplement the complaint with personal data, therefore, if the complainant does not comply with the invitation to supplement the complaint within the deadline, or the person of the complainant is unidentifiable, the Association may waive the investigation of the complaint.

What data is processed?

The complainant can make a complaint to the Association orally or in writing.

In the case of a verbal complaint, the Association will record a report with data content according to Article 3 (2) and (3) of the Decree. In addition to the data required by law and indicated in the report, the Association manages the personal data contained in the documents and other documents submitted by the complainant and necessary for the investigation of the complaint in accordance with Article 3 (6), 5 (1-3) and (5).

In the case of a written complaint the identity and contact information provided by the complainant, the personal data contained in the submitted complaint, as well as the personal data provided by the complainant in connection with the complaint and absolutely necessary for the evaluation of the complaint, will be processed.

The register of submitted complaints contains the following data:

- the name of the person making the complaint
- enforcement case number concerned by the complaint
- the name of the person complained (identification/number of badge)
- date of receipt, method of submission (oral, written)
- the source of the receipt (submitted directly to the Association, or received from another body),
- the result of the preliminary examination
- indicating the subject of the complaint and the legislation affected by the complaint (ex: Vht., No 10/2021 (X.29) on the management of complaint cases submitted against the action of the independent court bailiff, the supervision of complaint cases and the registration of disciplinary proceedings etc.)
- suspension of the investigation
- the name of the administrator investigating the complaint in the Association
- indication of necessary measures
- results of the examination
- the date of preparation and sending of the notification,
- the date of submission of the review request.

The notification on the investigation of the complaint contains - with the exception of classified data or data classified as business, economic or other secrets by law - a brief summary of the complaint and the statement of the bailiff made to it, information about the action or its omission, and the reasons for the decision, as well as the personal identification and contact information required for notification.

Who can access the processed personal data, who are the recipients of the personal data?

The managed personal data can be accessed by those employees of the Association who are obliged to handle complaint cases and disciplinary cases based on their job title, as well as the Head of Office of the Order.

If the review of the complaint falls within the jurisdiction of a court or other authority, the Association sends the complaint to the court or other authority responsible for conducting the proceedings, and if the complaint qualifies as a demurrer of enforcement, the Association will send it to the acting bailiff.

The Association informs the person complained about the complaint, and in the case of a bailiff substitutes or assistant bailiffs, also the employing bailiff.

The processed personal data will be forwarded to the Supervisory Authority of Controlled Activities on the basis of Article 8 of the Decree and upon request for the purpose of monitoring the complaint handling practices of the Association, furthermore, in the case of a crime or violation of the law, or based on an inquiry or request for data, they are also forwarded to the court, the public prosecutor's office, investigating authority, as well as the authority acting in misdemeanor proceedings and the body conducting preparatory misdemeanor proceedings.

How long does it take to process personal data?

The Association is obliged to systematically keep the documents of the complaint case for 5 years, the data of the record kept in connection with the complaint case as a disciplinary history for 5 years from the date when the disciplinary decision has become final, the data of the disciplinary sanction and complaint cases registered in the register of bailiffs for 50 years (Vht. 297.§, 250/A. § (7), Rendelet 7.§).

What is the source of the processed data?

The personal data processed in the handling of complaints comes from the complainant, from the data transmitted by the bailiff Article 3 (5) of the Decree), and from the recorded hearing of the complainants.

If the complainant submits the written complaint to the bailiff or to the bailiff's employee complained about, the bailiff will forward the complaint via the electronic delivery system on the next working day at the latest to the Association, where it will be registered.

The source of personal data processed in connection with booking an appointment is the Data Subject.

What rights do you have in relation to your personal data managed by the Association?

If the Association manages your personal data, you have the following rights in relation to data management. The open deadline for this (provided that no extension takes place) is a maximum of one month after the receipt of the request.

Right of access

On the basis of the data subject's right to be guaranteed under Article 15 of the GDPR, you can request information and feedback from the data controller on the terms and conditions of handling your personal data. If you are the subject (data subject) of a data management process, you are entitled to access the following information in addition to your data:

- Name of the data controller, contact details, contact details of the data protection officer
- the purposes and legal basis of the processing
- the recipients or categories of recipient of personal data concerned
- the envisaged period for which the personal data will be stored
- the data subject's legal rights and remedies
- information about the source of data
- does the data manager carry out automated decision-making, including profiling if so, what are the circumstances of this.

Right to rectification

Pursuant to Article 16 of the GDPR, you have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

Right to erasure

Pursuant to Article 17 of the GDPR, you have the right to request the deletion of personal data from the data controller if:

- the data processing is illegal, especially if the data processing is contrary to the basic principles, or its purpose has ceased, or the further processing of the data is no longer necessary for the realization of the purpose of the data processing, or the period specified in a law, international treaty or a binding legal act of the European Union has expired, or its legal basis terminated and there is no other legal basis for processing the data,
- the erasure of the data was ordered by law, the Association or the court.

The data cannot be erased if the conditions defined by law exist, among other things, if they are necessary for exercising the right of freedom of expression and information, for the establishment, exercise or defence of legal claims, for the purpose of archiving in the public interest. Furthermore, the data may not be deleted if the Association is obliged by law to preserve the data, or if it is necessary for the exercise of official authority or to perform public interest tasks. In such a case, the Data Controller will inform the data subject in detail about the reasons for the impossibility of fulfilling the deletion request.

Right to restriction of processing

Pursuant to Article 17 of the GDPR, you have the right to obtain from the controller restriction of processing where one of the following applies:

- the accuracy of the personal data is contested by the data subject
- the processing is unlawful and You oppose the erasure of the personal data and request the restriction of their use instead
- the controller no longer needs the personal data for the purposes of the processing, but they are required by You for the establishment, exercise or defence of legal claims
- You have objected to processing pending the verification whether the legitimate grounds of the controller override those of the data subject.

Automated individual decision-making, including profiling

The data controller does not perform automated decision-making or profiling during the data management process.

What legal remedies do you have in connection with the data management activities described in this information?

If you consider the way the Association handles your personal data to be harmful, we recommend that you first contact the Association's administrative body, either by post (1146 Budapest, Cházár András u. 13.) or via the contact details indicated in point 1. We will always investigate your complaint and do everything we can to handle it properly. If, despite your complaint, you are still aggrieved by the way the Association handles your personal data, or if you do not wish to file a complaint with us, you have the following legal remedies:

The right to complain to the supervisory authority

Without prejudice to other administrative or judicial remedies, all data subjects have the right to file a complaint with the **Hungarian National Authority for Data Protection and Freedom of Information** (hereinafter: Supervisory Authority) if, according to the data subject, the Data Controller or the Data Processor commissioned by the Data Controller has committed a violation of law or caused the risk of such a violation through their activities or omissions.

Contact of **Hungarian National Authority for Data Protection and Freedom of Information**
1363 Budapest, Pf. 9.
1055 Budapest, Falk Miksa utca 9-11.
Tel.: +36 (30) 683-5969 vagy +36 (30) 549-6838

The right to an effective judicial remedy against the controller or processor

Without prejudice to available administrative or non-judicial remedies, including the right to file a complaint with the supervisory authority, all affected persons are entitled to effective judicial remedies, if in their opinion, their rights related to the management of their personal data have been violated.

The action shall be decided by the general court. You can choose to bring the lawsuit before the tribunal of your domicile or habitual residence.

You can access the list of courts under the link <https://birosag.hu/torvenyszekek>.

dr. Takács Katalin