

V. FINDINGS OF THE LEGITIMATE INTERESTS ASSESSMENT

NTPS Plc. offers a wide range of in-person customer services for its customers in respect of the services offered by it. The reason why NTPS Plc. makes audio recordings of in-person customer service dealings is because both its employees and the customer make a legal statement that is relevant under civil law. Such statements may be of importance in the course of a future dispute, such as when the facts of the case require clarification. Additionally, customers may indicate that an NTPS Plc. employee acted erroneously, and replaying the audio recording may enable NTPS Plc. to make a decision in favour of the customer.

If in the course of proceedings by the authorities or in a civil lawsuit NTPS Plc. did not have at its disposal such an audio recording, this would jeopardise or prevent the clarification of the true facts of the case and would not allow NTPS Plc. to provide evidence to support its assertions. NTPS Plc. notes that the absence of such an audio recording would also prevent the customer from proving errors or omissions on the part of the relevant employee of NTPS Plc.

With regard to the proportionality of processing, NTPS Plc. highlights that if a customer declares—after being informed by an NTPS Plc. employee—that he or she prohibits the audio recording of their in-person dealings, then the NTPS Plc. employee will comply with the customer's request and not start a recording. Customers can thus control the processing of their personal data, i.e. they can decide whether or not an audio recording of their dealings will be made. It is also important to emphasise that if an audio recording is made, NTPS Plc. will provide customers with the opportunity to replay the recording and receive a copy of it. In addition, NTPS Plc. has implemented measures to ensure that only a restricted number of employees may have access to the recordings and only in justified cases, and that the IT system enables the verification of their identity. If, in the opinion of NTPS Plc., the conversation between the customer and the employee of NTPS Plc. is objective, matter-of-fact and limited to the topic of the conversation, then the recording and, in some cases, the replaying thereof should not have an adverse effect on privacy.

In view of the above, NTPS Plc. assessed that the legitimate interest in making audio recordings of in-person customer service dealings takes precedence over the rights and interests of Data Subjects, and therefore the legal basis under Article 6(1)(f) of the GDPR is applicable to these processing activities.

Budapest, 1 December 2020

National Toll Payment Services Plc.