

Banning and retention of fans, investigation of fan complaints

Information on Data Processing in relation to the banning and retention of fans and the investigation of fan complaints

1. Where you can find information on data processing

MLSZ (the Hungarian Football Federation) prepared this information material in compliance with the General Data Protection Regulation of the EU (EU Regulation 2016/679, hereinafter GDPR or Regulation) with the specific purpose of making its data processing operations transparent and clear.

This information material sets out key information in respect of data processing (purpose and legal basis of processing, scope of processed data, duration of processing and the rights you are entitled to). The information set out herein is complemented by the document titled General Information on Data Processing that elaborates on your rights and how you can exercise those rights along with the obligations regarding data security and the rules of amending this information material. The General Information on Data Processing document is available [here](#).

2. Presentation of data processing cases and the scope of processed information

2.1 Banning a fan

Data processing by MLSZ in respect of banned fans arise in relation to matches organized by MLSZ or to those matches held abroad for which MLSZ or its ticketing partners sell tickets or vouchers on assignment from the organizer.

If an offence or crime is committed at a national team match or at another match organized by MLSZ, or if a fan violates stadium rules, the organizer may take action against said fan, deliver him to the police or to a health service provider, after which police will launch proceedings as necessary. If the identity of the fan is unknown, MLSZ may file a case with the police.

If the organizer has the time to check the identity of the individual and if the latter is willing to identify himself, MLSZ may also get to know the offender's personal data immediately. If prompt identification is not feasible, MLSZ may subsequently request the data from police and take action to exclude the offender.

In the course of banning proceedings, MLSZ shall process the concerned individual's name, place and date of birth, and, if available, his photo, mother's maiden name, address, the duration of the ban, the venue name and the range of sporting events from which the person is banned.

The banning of a participant is made mandatory by Article 73 of Act I of 2004 on Sports (hereinafter the Sports Act), since if an access control system is used, both the organizer of a sporting event and the visiting sports organization participating in a sporting event are required to prevent banned persons from participating in the sporting event concerned (hereinafter jointly referred to as banning from participation in a sporting event).

Pursuant to the Sports Act, MLSZ as a visiting sporting organization may ban those persons from a sporting event organized by MLSZ who were expelled from the sporting event or who were not expelled because any intervention by the organizer at the sporting event would

have been expected to trigger viewer action that may have posed a disproportionate threat to the security of said event.

MLSZ shall issue a resolution on banning. The resolution will be delivered to the banned person. Personal data contained in the resolution, in the mail receipt confirmation note and in materials used or generated in the procedures launched to identify the person concerned shall be managed pursuant to Paragraph 5 in Article 73 of the Sports Act and as described herein.

2.2 Retention of a person subjected to action

Pursuant to Article 71 of the Sports Act, in case a person attempting to access a sporting event or a participant during a sporting event fails to meet applicable access criteria or poses a hazard to the event, to the personal security of others or property security, or fails to stop, upon being called on by the organizer, any racist, inflammatory, insulting, provocative or similar behaviour that is incompatible with fair cheering, said person shall not be granted access to the sporting event or shall be expelled from it.

The organizer shall call on the person to verify his identity. If the person fails to fulfil this request, the organizer shall promptly notify the police to have the person identified, unless otherwise provided in applicable laws.

Until police arrives at the site but not longer than three hours counted from the notification of police, the organizer may retain the person concerned on condition that such retention shall take place within the visual range of a video recording device operating on the site. The information in the information material available at https://adatvedelem.mlsz.hu/file/dokumentumtar/29/file/camera_surveillance_20190306.pdf shall duly apply to the management of recordings captured by the video recording device.

Pursuant to Paragraph 2 in Article 20 of Government Decree 54/2004 (III.31) on the Security of Sporting Events, if a person subjected to action is retained, the organizer must promptly hand over to him a written notice detailing the following information:

- a) exact time when police were notified;
- b) brief description of the action that served as the cause of expulsion;
- c) Sector or part of venue from which the expelled person was removed from;
- d) Name and identification number of attendants participating in expulsion, retention and guarding of the person, name and contact information of organizer's representative;
- e) A statement from the organizer on whether there are any bodily injuries on the person to be expelled;
- f) End time of retention;
- g) Signature of organizers participating in the proceedings.

A second copy of the written notice shall be delivered by the attendant to the event organizer and processed in accordance with the Document Management Rules of MLSZ.

2.3 Complaints and investigation of complaints

Pursuant to Paragraph 4 in Article 20 of the referenced Government Decree, a person failing to verify his identity may file a complaint in the course of his retention with the organizer's representative. The organizer's representative is required to investigate the complaint and draw up an investigation protocol by the time the police arrive.

Pursuant to Paragraph 5 of Article 20 of the Government Decree, the protocol shall include the following:

- a) description of objected action of organizer;
- b) name of organizer's representative, time when protocol was drawn up;
- c) contents of information provided by organizer to person submitting the complaint;
- d) description of action ordered by organizer.

Any person legitimately attending a sporting event is entitled to file a complaint regarding any allegedly derogatory action taken by an attendant, the organizer or any other party.

3. Period of data processing

MLSZ shall process the data referenced in point 2.1. pursuant to applicable laws and under the duration of the ban.

In the cases described in points 2.2-2.3 and with the exceptions referenced above, MLSZ shall retain in its document management system the personal data it obtained from documents serving as a basis of proceedings or supporting the proceedings for a period of 5 years after said data were obtained.

4. Purpose of data processing

The purpose of data processing is to ban offending participants from events organized by MLSZ, to protect the rights of retained individuals, to investigate and judge complaints, to document offences committed at matches and to fulfil document management obligations.

5. Addressees of data, categories of addressees

In the course of the banning procedure described in point 2.1, MLSZ shall forward the following data to the organ maintaining the Sports Safety and Security Database (Hungarian acronym: SRNY), i.e. the National Police Headquarters, to the visiting sports organization (in case any visiting sports organization subject to the Sports Act participates in the match): the individual's name, place and date of birth, residential address, photo (if available), mother's maiden name, duration of ban, name of sports venue and the range of sporting events from which the individual is banned. The resolution on the ban and a copy of the receipt confirmation note shall also be sent to the National Police Headquarters.

Based on the submitted data, the visiting sports organization may also decide on applying a ban against the individual concerned. If no such decision is made, it must delete the received data after 8 days following their receipt. If a ban is decided on, the visiting sports organization shall process the related data in compliance with its own data processing rules.

The attendant shall hand over a copy of the written notice of retention as per point 2.2 above to the retained person and to the organizer's representative, one copy to each.

One copy of the investigation protocol as per point 2.3 above shall be submitted to the police.

6. Source of personal data

The data are provided by the participant of the sporting event, or if such data provision is not available, by the police or potentially the health service provider on the request of MLSZ. Data may also come from the access control and/or ticketing system, or from photo and video recordings.

7. Legal basis of data processing

Legal basis of data processing:

- In the case of banning as per point 2.1. above, it is the fulfilment of the legal obligation set out in point c) in paragraph (1) of Article 6 of the Directive, since pursuant to Paragraph (1) of Article 73 of the Sports Act, the organizer has the obligation to launch proceedings.
- In case the banning of an individual takes place in a situation where MLSZ is a visiting sports organization as per paragraph (1a) of Article 73 of the Sports Act, the legal basis for processing personal data is the rightful interest cited in point f) of Paragraph (1) in Article (6) of the Directive whereby MLSZ should be able to ban those persons from home sporting events who were expelled from an away match of the Hungarian national team, or who were not expelled because any intervention by the organizer at the sporting event would have been expected to trigger viewer action that may have posed a disproportionate threat to the security of said event.
- In the case of retention as per point 2.2 it is the fulfilment of the legal obligation set out in point c) in paragraph (1) of Article 6 of the Directive, since Paragraph (3) of Article 71 of the Sports Act requires the recording of personal data and Paragraph (2) of Article 20 of the Government Decree requires the issue of a written notice.
- In the case of complaints as per point 2.3 it is the fulfilment of the legal obligation set out in point c) in paragraph (1) of Article 6 of the Directive, since Paragraph (4) of Article 20 of the Government Decree requires the investigation of the complaint. In the case of other complaints, the provisions set out in Article 1.1 of the document titled General Information on Data Processing shall prevail.

8. Data processor

Canon Magyarország Kft. (1031 Budapest, Záhony u. 7., Hungary), the company that operates our document management system shall have access to these data.

9. Rights of data subjects

Pursuant to the directive, data subjects are entitled to several rights (pl.: right to request information, right of access to personal data, right to erasure and right to be forgotten, right to restrict processing, right to revoke consent, right of turning to supervisory authority and court). However, the legal bases of data processing in the case of which these rights can be exercised and the legit ways of exercising them are set out in the document titled [General Information on Data Processing](#).

On behalf of underage data subjects under the age of 16, their rights can be exercised by their legal representative; on behalf of underage data subjects over the age of 16, their rights can be exercised also by their legal representative.

Data subjects can access the forms required for exercising their rights [here](#).

This information material shall enter into effect on 3 July 2019.