

AIG/Inf(2024)14

## **Council of Europe Access Info Group (AIG)**

### **Comments submitted by Hungary on the AIG's Baseline Evaluation Report on the implementation of the Council of Europe Convention on Access to Official Documents (CETS No.205) in respect of Hungary**

Received by the Secretariat on 12 July 2024

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Thank you for sending us the draft baseline evaluation report in respect of Hungary.

1. First and foremost, we wish to maintain our previously submitted comments regarding the provisions of the Information Act in relation with

- the protection of personal data [XII. 59.],
- classified information [XII. 64.],
- the possible limitation for the decision-making process [XII. 65.],
- manifest unreasonableness [XII. 67.].

We believe that the provisions laid down in the Information Act governing these subject areas are in line with the Convention.

2. As regards the supposed limitation of the scope of information [XII. 60.], it should be noted that the definition provided for in §3. 5. of the Information Act is a very broad one and does not exclude any information that is in the possession of the public authority in relation to its duties. In our view, by definition, an authority (as an authority) does not possess any data that is unrelated to its public tasks (the scope of the Act refers to authorities with public tasks). In other words, public authorities are only in possession of information that are connected to their public tasks, thus we believe this recommendation has already been fulfilled by Hungary.

3. Regarding the inspection of official documents [XII. 69.], Hungary maintains its previously iterated position: **the inspection of a document shall be free of charge as it does not include the need for a copy of a document or the (postal) delivery of a medium containing such document**, therefore the Information Act does not allow for such (inspection) charges. It also should be noted that this was expressly laid down in our report as well [pp. 12 of the report]. We also highlighted in our report that in some cases it is the only way to access data of public interest [pp. 13 of the report] so it must be free of charge.

4. Regarding recommendation on other fees [XII. 69], the Information Act only allows for the fee of:

- the reimbursement of storage mediums – such as paper-based storages, HDD's, USB sticks, etc. – and
- the reimbursement of the fee of the (postal) delivery, as detailed in [Government Decree No. 301/2016. \(IX. 30.\)](#).

Servers are certainly not reimbursable „*storage mediums*” within the meaning of the Information Act. Requests are mostly complied with through electronic means which shall be free of charge at all times.

Please let me know if the AIG would need any further explanation or clarification regarding our comments or any other question they may have.