

# REGULATIONS GOVERNING THE PROCEDURES FOR SATISFYING REQUESTS FOR ACCESS TO PUBLIC INFORMATIONS

effective as of 1 June 2023.

*These regulations contain the rules for the procedures of the independent court bailiff, as a body performing a public task, related to data requests in the public interest.*

## **Purpose of the regulations**

The purpose of the regulations is to make the rights, obligations and procedures related to requests for information of public interest understandable and transparent. The goal is that anyone who reads the regulations should understand what steps can be taken to access public data, as well as in what cases there are limits to accessing public data.

This regulation therefore primarily presents the submission and fulfillment of requests for information of public interest with the help of questions and answers.

## **List of legal abbreviations used in the regulation**

- **Infotv.:** Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information
- **GDPR:** Regulation 2016/679 of the European Union, the General Data Protection Regulation
- **Korm. rendelet:** Government decree No 301/2016 (IX. 30.) on the amount of compensation that can be established for the fulfillment of a request for data of public interest.
- **Vht.:** Act LIII of 1994 on Judicial Enforcement

## **Definitions**

For the purposes of this regulation:

- **requesting person:** anyone who submits a *request for public information* to the bailiff orally, in writing or electronically
- **data request:** the *requesting person's request* addressed to the bailiff, on the basis of which she/he wishes to know the public data managed by the bailiff
- **right of freedom of information:** the right according to which anyone has the right to know and distribute public data
- **public data:** public information and information of public interest
- **public information:** fact, data and information, other than personal data, that are processed and/or used by the bailiff irrespective of the method or format in which it is recorded, and whether autonomous or part of a compilation, such as, in particular, data relating to powers and competencies, organizational structures, professional activities and the evaluation of such activities covering various aspects thereof, such as efficiency, the types of data held and the regulations governing operations, as well as data relating to financial management and to contracts concluded.
- **access to public information upon request:** the data request

- **information of public interest:** any data, *other than public information*, that are prescribed by law to be published, made available or otherwise disclosed for the benefit of the general public
- **NAIH:** National Authority for Data Protection and Freedom of Information
- **requesting party other than a natural person:** any other legally interpretable entity that does not fall into the category of a *natural requesting person* a data request addressed to the *bailiff*
- **personal data:** any information relating to an identified or identifiable natural person
- **natural requesting person:** living person who addresses a data request to the bailiff
- **bailiff:** creator of these regulations, independent court bailiff

### **Responsibility of the bailiffs**

The purpose of the regulation is to record the most important tasks of the bailiff in connection with freedom of information. Although the bailiff may delegate the actual execution of the task to his work organization, so according to the relevant part of the regulations, the bailiff is responsible for the following:

- preparation of these regulations and keeping them up-to-date,
- defining the content of the standard publication list and keeping it up-to-date,
- ensuring the entire process of data requests and ensuring legality,
- if necessary, requesting an exemption from obligation of confidentiality from the head of the administrative department of the Association,
- monitoring changes related to the standard publication list
- registration of public interest data requests

### **Scope of the regulation**

#### **1. Who does the regulation apply to?**

For the bailiff and the data requester.

## **SECTION 1: DATA REQUEST**

### **The person of the data requester, the method of data request**

#### **2. Who can request public data?**

Anyone can be a data requester. Anyone really means whoever: you don't need to be a natural person, you don't need to be a Hungarian citizen, you don't need to be a Hungarian native speaker, there are no age or any other restrictions.

#### **3. How can public data be requested?**

Data requests can be submitted orally, in writing and electronically.

#### **4. In what cases can the data request be submitted orally?**

Verbal data requests can be communicated to the bailiff in person or by phone at the official customer reception during customer reception hours. The bailiff - if the conditions for the immediate verbal fulfillment of the data request are not met - will make a written note of the data request.

If the conditions for the immediate verbal fulfillment of the data request are not met, the bailiff will inform the data requester of the mandatory content of the data request (see question 7!)

The location of personal customer service: Address on the main page of the bailiff's website.

Telephone customer services: Phone number on the main page of the bailiff's website.

### **5. What is a written data request? Where should the written data request be submitted?**

It is considered a written data request if the data requester sends the data request to the bailiff on paper.

The postal address: Postal address on the main page of the bailiff's website.

The written data request can be delivered to the bailiff by post, in person or through a third party.

### **6. What constitutes a data request submitted electronically? Where should the data request be submitted?**

It is considered a data request submitted electronically if the data requester does not submit the data request on paper, but sends it to the bailiff through an electronic channel.

The electronic data request can be submitted:

- to the bailiff's office gate: office gate identifier (KRID) on the main page of the bailiff's website
- by using ePaper: [epapir.gov.hu](http://epapir.gov.hu)

### **Mandatory and optional content of the data request**

#### **7. What is the mandatory content of the data request?**

The data requester must provide as part of their data request:

- name of the natural person data requester or indication of the non-natural person data requester
- contact information, at which any information and notifications related to the data request can be provided to the data requester.

#### **8. What happens to data requests that do not contain the mandatory content?**

It will be rejected. [legal framework: Section 29 (1b) of Infotv] Therefore, please gradually ensure that the mandatory content is included in your data request!

#### **9. Is the bailiff entitled to examine the authenticity of the mandatory data contents?**

No. You can enter any name or designation during your data request, their authenticity cannot be verified by presenting or attaching ID cards or official documents. Do not attach such documents in original or photocopied/scanned form to your data request!

#### **10. What else should the data request include?**

The request must precisely and clearly contain, mutatis mutandis, what public data it refers to, what the data requester wishes to know.

Considering that only such data can be information of public interest, which is specifically called so by law, therefore, in relation to the requested data, it is worth specifying exactly the legal reference that provides the required data classified it as information of public interest.

It is also worth indicating the form and manner in which the requester requests the fulfillment of the data request. If this is not indicated, the bailiff will primarily fulfill the data request in the manner in which the data requester submitted his data request.

## **SECTION 2: EXAMINATION OF THE DATA REQUEST BY THE BAILIFF, NOTIFICATION OF THE DATA REQUESTER**

If the data request is received by the bailiff, *the second section* begins. During the second section, the bailiff evaluates the data request on the evaluation form.

**The day of the start of the second section:** the calendar day on which the data request was received by the bailiff.

### **Examination of the content of the data request**

#### **11. What we consider as receipt by the bailiff?**

The day of arrival is the calendar day when:

- the oral request is made to the bailiff,
- the written request is delivered or handed over to the bailiff,
- in the case of a request received electronically, the request becomes available to the bailiff via the electronic channel.

In the case of written requests and requests received electronically, it is irrelevant whether the bailiff opened, or downloaded, etc. the paper-based or electronic request on the day of delivery, drop-off or availability, the deadline starts.

#### **12. How much time does the bailiff have to make a decision on the data request and to inform the data requester about it?**

15 days, which does not include the day of arrival. Regarding the deadline, it is irrelevant what day the 15th falls on, whether it is considered a working day or any other type of day: the deadline is not extended because the 15th day is not a working day. The bailiff takes this into account when preparing the notification and during work organization.

#### **13. Can the data request be fulfilled orally?**

Only and exclusively if the conditions for immediate verbal fulfillment of the data request are met, i.e., the data request was received verbally, the data requester requests the fulfillment verbally and

- the data request refers to data already made public on the website of the bailiff
- the data request can be fulfilled with general information about the applicable law
- the data request refers to the powers and procedures of the bailiff.

In all other cases, the bailiff takes a record of the data request and fulfills the data request to the contact information specified by the data requester.

#### **14. What does the bailiff examine in relation to the feasibility of the data request?**

The bailiff examines that

- are there any obstacles to fulfilling the data request (see question 15)
- whether the data request concerns a significant volume or a large number of data, (see question 16)
- does its fulfillment entail a disproportionate use of the man-power resources necessary for the basic activities of the bailiff (see question 16)
- are there any costs associated with fulfilling the data request (see question 17)

#### **15. In what cases is there an obstacle to fulfilling the data request?**

The data request is fulfilled by the bailiff if at least one of the following conditions is not met:

- requested data is not considered public information
- requested data is not considered information of public interest
- the data requester's data request does not include the mandatory content of the data request
- with regard to the requested data, the bailiff does not qualify as a data controller, he does not keep records of the data
- the requested data is classified information according to the Act on the Protection of Classified Information
- the requested data is considered information underlying a decision which is not public for ten years from the date it was compiled or recorded.
- the requested data is considered information underlying a decision on the basis of which the decision was made, but the data also serves as a basis for further future decisions,
- the requested data is considered information underlying a decision on the basis of which the decision was made, but if disclosure is likely to jeopardize the legal functioning of the bailiff.
- the requested data is considered information underlying a decision on the basis of which the decision was made, but if disclosure is likely to jeopardize the discharging of the bailiff's duties without any undue influence.
- the data request is the same as a previous data request by the data requester, submitted within a year, for the same data scope and there have been no changes in the data belonging to the data scope since the response to it was provided
- the data requester did not make a statement within the 30-day deadline regarding the reimbursement of the fees determined in connection with the fulfillment of the data request (see question 17), and thus did not uphold his request
- on the basis of the fees determined in connection with the fulfillment of the data request, the requester upholds his request (see special section 2/B), but does not pay the fees within the established deadline.

If at least one of the listed conditions exists, the bailiff will refuse to fulfill the data request.

A request for public information by a person whose native language is not Hungarian may not be refused for reasons that it was written in his native language or in any other language he understands.

#### **16. In what case and by how much time can the bailiff extend the time limit for a response?**

The time limit for a response by 15 days may be extended by the bailiff by fifteen days on one occasion, if at least one of the following conditions exists:

- If the request for information is substantial in terms of size and volume
- if compliance with the request is likely to entail unreasonable hardship on the staff of the bailiff in carrying out its normal duties.

Extending the deadline does not constitute a refusal to comply, it just means that it will take longer to compile the answer. After the extension of the deadline, the request for data can no longer be rejected, no reimbursement can be determined, therefore, before making a decision to extend the deadline, the bailiff examines the existence of the conditions listed in questions 14 and 15.

### **17. In what cases can the bailiff determine the fees charged for fulfilling the data request?**

The bailiff may determine the fees charged as a condition for fulfilling the data request if, in connection with the fulfillment of the data request, the bailiff incurs costs for which the conditions specified in the Government Decree apply (see special section 2/B).

### **Information about the decision regarding the fulfillment of the data request**

### **18. What information obligation does the bailiff have about the decision made regarding the fulfillment of the data request?**

If the data request can be fulfilled, the data request will be fulfilled by the bailiff within the deadline presented in question 12.

If the data request cannot be fulfilled, the bailiff will refuse the fulfillment of the request within the time limit presented in question 12, together with the information about the reasons for refusing fulfillment (*see question 15*).

If the data request can be partly fulfilled and partly refused, it will partly fulfill it within the deadline presented in question 12, and partly refuse it together with information on the reasons for refusing fulfillment (*see question 15*).

If the conditions for an extension exist in the case of the data request (*see question 16*), the data requester will be informed of the extension of the deadline by indicating the new deadline within the deadline presented in question 12.

If the bailiff determines reimbursement of costs as a condition for the fulfillment of the data request (*see question 17*), it shall inform the data requester of the following within the deadline presented in question 12:

- the fact of determining the fee chargeable
- the amount of the fee chargeable in HUF
- that the data requester is obliged to declare within 30 days of receiving the information whether he uploads his data request,
- that, if the data request is upheld, the requester must pay the fee chargeable within 15 days from the date of the statement.
- the bank account number indicated for the payment of the fees, the beneficiary and the information to be indicated in the section headed Comments.

If the data request is to be partially refused, partially fulfilled, and in connection with the part to be fulfilled, the conditions for an extension exist or the fees charged has been determined, the bailiff shall apply the above as appropriate within the deadline presented in question 12. *(That is, in those matters in which the bailiff refuses to fulfill, he records the necessary information in this regard, and in those matters in which he extends a deadline or determines the fees, he records the necessary informations in this connection).*

#### **19. Where does the bailiff send the notification?**

To the contact information provided by the data requester as the information and notification address related to the data request.

#### **20. What should the data requester be informed about in each case?**

In any case, the data requester must be informed of the following:

- if, according to the data requester's point of view, the bailiff acted unlawfully during the provision of information related to the data request, the data requester may initiate an inquiries by the National Authority for Data Protection and Freedom of Information) ([www.naih.hu](http://www.naih.hu)),
- in the event of failure to meet the deadline for the refusal or compliance with a request for access to public information, or with the deadline extended the requesting party may bring the case before the district court of jurisdiction by reference to the registered address of the bailiff for having the fee charged for compliance with the request reviewed regardless of whether the data requester has legal capacity to bring legal proceedings.

### **SPECIAL SECTION 2/A: THINGS TO DO IN CASE OF EXTENSION OF DEADLINE**

#### **21. What final deadline is available to the bailiff in the event of a deadline extension?**

In the event that the bailiff extends the response deadline as described in question 16, he has an additional 15 days in addition to the 15-day deadline presented in question 12, the deadline calculation rule presented in question 12 applies in this case as well.

### **SPECIAL SECTION 2/B: ACTIONS FOR PAYMENT OF THE FEES**

*Before applying the present special section 2/B, the effective normative text of the Government Decree must be examined in all cases, because this special section was prepared based on the text of the Government Decree in force at the time of the issuance of the regulations!*

#### **22. Under what conditions can the payment of the fees be determined?**

The bailiff may charge a fee in the event that the cost of the data medium containing the data requested and the cost of delivering the data medium containing the data requested to the requesting party together exceed 10,000 HUF.

#### **23. How are the costs calculated?**

The following rates can be taken into account as the cost of the data medium containing the data requested:

In the case of paper copies:

- in the case of a copy in colour, the direct cost price of the data medium but not more than
  - o 130 HUF / photocopied page A/4
  - o 260 HUF / photocopied page A/3
- in the case of a copy in black and white, the direct cost price of the data medium but not more than
  - o 12 HUF / photocopied page A/4
  - o 24 HUF / photocopied page A/3
- the number of copied pages required to fulfill the data request is at least 10.

In the case of a copy provided on an optical data carrier or other data carrier that can be used electronically:

- in the case of a copy provided on an optical data carrier, the direct cost price of the data carrier but not more than 580 HUF/data carrier,
- in the case of a copy provided on other data carrier that can be used electronically, the direct cost price of the data carrier.

The following rates can be taken into account as cost of delivering:

- in the case of delivery to the data requester by post within the territory of Hungary, the domestic postal service fee for official documents
- in the case of delivery to the data requester abroad by post, the postal service fee for a registered item sent with additional delivery receipt service within the framework of the universal postal service

As a special cost element in case of temporary or permanent lack of availability of the tools necessary for making copies, as the cost of the data carrier containing the requested data, the costs incurred directly for the purpose of making a copy and absolutely necessary for that, against receipt, can also be taken into account.

The amount by which the fees paid prior to the fulfillment of the data request exceeded the actual cost of fulfilling the data request cannot be included in the ascertainable amount of the fees chargeables. This amount must be refunded to the data requester.

#### **24. Can fees to be charged for labor input related to fulfilling the data request?**

No. In the case if compliance with the request is likely to entail unreasonable hardship on the staff of the bailiff in carrying out its normal duties, the time limit may be extended (*see question 16*), but labor input cannot be charged to the data requester as fees to be paid.

#### **25. What amount of fee can be charged?**

The lowest amount is 10,000 HUF the highest amount is 190,000 HUF.

#### **26. What happens if the bailiff's costs do not reach 10,000 HUF?**

If the bailiff's cost does not reach 10,000 HUF, the bailiff pay the costs.

#### **27. What happens if the bailiff's costs exceed 190,000 HUF?**

If the bailiff's costs exceed 190,000 HUF, the bailiff pays the costs exceeding 190,000 HUF.



## **28. How do the time limit for completion, rights and obligations change in the case of cost reimbursement?**

If the bailiff informed the data requester within the deadline presented in question 12 by communicating the information specified in question 18, then

- if within 30 days after receiving the information. the requesting party does not state in the same manner as when the data request was made whether or not he wishes to uphold his data request, the bailiff refuse to fulfill the data request.
- if, within 30 days of receiving the information, the data requester has declared that his data request is upheld, but does not pay the amount determined as fees charged within 15 days from the date of the statement, the bailiff refuse to fulfill the data request,
- if both the declaration on the maintenance of the data request and the payment of the fees are made within the deadline, the bailiff shall fulfill the data request within 15 days after the payment of the fees by the requester, the deadline calculation rule presented in question 12 applies in this case as well.

## **SPECIAL SECTION 2/C: ACTIONS IN CASE OF REFUSAL OF DATA REQUEST**

### **29. Does the refusal to comply with the data request also constitute a rejection of the data request?**

Yes, the refusal to fulfill the request and the rejection of the request by Infotv. used interchangeably, so the two are identical.

### **30. What is the bailiff's obligation in case of rejected data requests?**

Regardless of the reason for the rejection of the data request, the requesting party must be notified thereof within fifteen days after receipt of the request days in writing, or by electronic means and must be given the reasons of refusal, including information on the remedies available.

The bailiff shall keep records on the requests refused, including the reasons, and shall inform the NAIH thereof each year, by 31 January.

## **SECTION 3: COMPLIANCE WITH DATA REQUEST**

### **31. How should the data request be fulfilled?**

Fulfillment of the data request

- is done verbally in the event that the conditions specified in question 4 are met,
- is done by post, in the event that the data requester provided his or her postal address in the request,
- is done electronically in the event that the data requester has provided his or her electronic mail address in the application and has not specifically requested delivery by post.

### **32. What are the obligations of the bailiff in case of fulfilling data requests?**

If there is no reason for refusing the data request, the bailiff will fulfill the data request taking into account the following aspects:

- If a document that contains information of public interest also contains any data that cannot be disclosed to the requesting party, this data must be rendered unrecognizable on the copy,
- Information shall be supplied in a readily intelligible form,
- Information shall be supplied by way of the means asked for by the requesting party, provided that the bailiff is capable to meet such request without unreasonable hardship,
- If the information requested had previously been made public electronically, the request may be fulfilled by way of reference to the public source where the data is available.

### **33. What does it mean that unrecognizable data on the copy must be made unrecognizable?**

In the case of a paper-based copy, by covering up the unrecognizable part, in the case of an electronic data carrier, and in the case of an electronic mail, by separating the relevant parts into separate documents, if this is not possible, by erasing them from the document, covering them up, or scanning them.

### **34. What are the technical conditions for data provision?**

If possible, the data provision must be provided using the technical means and method requested by the data requester.

Access to documents in person can be provided during customer reception hours.

If the data requester requests a copy of the data, the data requester can request to receive a copy

- on paper or on one of the computerized data carriers
- by electronic mail with a link suitable for download to his Customer Gateway Storage or to the e-mail address specified by the data requester.

### **35. What should be done in the event that the data requester wishes to inspect the public data in person?**

If the data requester wishes to inspect the public data in person or to receive a copy of the public data on a data carrier in person, the bailiff will notify the data requester of the possible dates of viewing or of receiving the public data.

The bailiff designates three possible dates in such a way that at least two working days must elapse between two dates, and a maximum of seven days can elapse between the first and last day.

Given that the person requesting the data chooses the personal access or the receipt of the data carrier, the bailiff considers that by indicating the possible dates, he has ensured the access to the data of public interest, since the bailiff could have sent the public information itself at the time of marking the dates. Therefore, the period between the indication of the dates and the actual inspection of the public data or receipt in person is not included in the deadline presented in question 12, the parties must also cooperate in this case.

The data requester accepts this rule by choosing to receive information in person or receive the data carrier.

For the data requester who appeared at the time, the provision of familiarization and the transfer of the data can only take place if the data requester acknowledges the fact of the transfer or access by signing the form.

The data requester is entitled to:

- inspect the documents made available to him, take notes and photos of them, indicate his need for copies and indicate the desired form of the copy's data carrier,
- to ask questions to the bailiff.

In the case of personal presence, the data requester is financially liable for:

- preserve the physical integrity of the documents temporarily made available to him and
- ensure the integrity of the data and document, i.e. the unchanged preservation of the state at the time of inspection.

## **OTHERS, SPECIALTIES**

### **36. What should be done in the case of data request for an overarching, invoice-based and itemized audit of the management of the bailiff?**

The provisions of separate laws govern such data requests. If there is no reason for refusing the data request for an overarching, invoice-based and itemized audit of the management of the bailiff, the bailiff fulfills the data request by indicating the parties to legal relationships, the type of legal relationship, the object of the legal relationship, the extent and date of the supply and the consideration.

### **37. What is to be done with a data request received through the „KiMitTud” data request system, which is aimed at learning information of public interest?**

Based on the practice of the NAIH (see NAIH-7358-2/2021. or NAIH-7369-2/2021.), special attention must be paid to respecting the principle of purpose-bound data management when fulfilling public interest requests for public personal data and distributing this data.

Access to public information upon request as well as in order to enforce the legal requirements set out in the second and third sentences of Section 26 (2) of Infotv., the bailiff asks the data requester to provide an electronic delivery address through which he can send the response directly to the data requester in view of the fact that completing the data request at the above e-mail address would result in publication on the website.

This rule is used by the bailiff by analogy in the case of any data request system similar to the operation of the KiMiTud data request system.

### **38. What to do if the data request is not clear?**

If the data request is not clear, the bailiff will invite the data requester to clarify the request. The time from the invitation to provide the clarification until its made is not included in the deadline presented in question 12 for the fulfillment of the data request, the data request is "dormant" during this period.

### **39. What should be done in the event that the data requester requests data that is not managed by the bailiff, but the bailiff can identify the data controller?**

As part of the information about the refuse of the data request, the bailiff informs the data requester about who, in his opinion, is the data controller of the requested data by indicating that

his position is not considered a fact regarding the processing of the data, and provides the information for the purpose of the data requester's successful data request.

#### **40. What is the obligation of the bailiff in order to create the cohesion of freedom of information and professional confidentiality regulations?**

Upon receipt of the data request, the bailiff shall notify the Hungarian Association of Judicial Officers immediately, but no later than within three days, on its specially created electronic interface in order to releasing the bailiff from his obligation of confidentiality by the head of the Association, with regard to data and facts that came to his attention during the procedure, in accordance with Section 229 of Vht.

### **DATA PROCESSING RULES**

#### **41. What kind of data management does the bailiff perform in connection with data requests?**

The bailiff keep records on the incoming data requests:

- on the requests refused, including the reasons in accordance with Section 30 (3) of Infotv. for the purpose of preparing the records specified therein,
- about received and evaluated data requests for the purpose of examining the conditions defined in Section 29 (1a) of Infotv.

Information on data management in accordance with Article 13 of the GDPR is provided by the bailiff as follows:

- **data controller:** the bailiff issuing these regulations
- **purpose of data management:** keeping records and examining conditions required by Section 29 and 30 of Infotv.
- **the duration of data management:** one year from the date of receipt of the data request
- **the legal basis for the processing:** section 6 (1) e) of GDPR, i.e. the data management is necessary for the bailiff of the task performed in the framework of the exercise of the public authority granted to the bailiff.
- **contact details of the data protection officer:** <https://dpo-online.naih.hu/DPO/Search>
- **the recipients of the personal data:** in some cases, the data protection officer, or the Hungarian Association of Judicial Officers, or the legal representative.
- **the rights of the data subject:** the data subject can request access to personal data, their correction, deletion or restriction of processing, he may object to the processing of such personal data, he can bring an action before the jurisdiction by reference to his home or registered address, can submit a complaint to the NAIH, but due to the legal basis of data management, he is not entitled to the right to data portability.
- **others:**
  - o the provision of personal data is based on legislation, the data requester is obliged to provide his name and contact information to the data controller according to Section 29 (1b) of Infotv., otherwise, the data request will be rejected.
  - o the data controller does not perform automated decision-making on the data.
  - o the data controller does not forward the data to third countries or international organizations.
- **additional information in case of payment of fees:** if reimbursement of costs will be incurred in connection with the data request, the bailiff is obliged to keep the accounting documents related to reimbursement and the personal data indicated in the receipts for 8 years based on Section 169 of Act C of 2000 on Accounting.