



National Authority for Data Protection and Freedom of Information
(shortened summary of the case)

Case number: NAIH-4205-2/2012/V.

Fulfillment of request on disclosure of data of public interest

A private person had lodged a petition to the National Authority for Data Protection and Freedom of Information (hereinafter referred to as NAIH). The client wished to receive general information on demands for accessing data of public interest.

In its response the NAIH called up primarily the Fundamental Law (Art. 6) as well as the Privacy Act.

Based on the principle of freedom of information (derived from the freedom of expression) state organs shall establish minor obstacles only against demands for accessing data of public interest. The exercise of this right shall be free of charge and without any justification (the latter is based on a resolution of the Constitutional Court).

According to the Directive 2003/98/EC (so called PSI Directive) the data processor cannot be obliged to produce new data. Should the data processor is not in possession of the data requested the data processor may not be obliged to implement such an inquiry.

Fulfillment of a demand for data shall be easy to understand to the client and in such a way that has been previously asked for by the client.

Producing a copy of the data required may be subject to a charge, however, this is not compulsory (and it is advisable for the authorities to dispense with it.) The expenses occurring in conjunction with the data disclosure and imposed by the authority shall not prevent the client from access to the data – that qualifies as a fundamental right.

B u d a p e s t, 27th of April 2012.

Head of department