Hungary's Data Commissioner reports an eventful first year

The first report of Hungary's Parliamentary Commissioner for Data Protection and Freedom of Information is now available, covering cases dealt with in 1995.

The Commissioner, Dr László Majtényi, plans a series of investigations on specific topics, such as public health, the secret services, PIN numbers, home address registers, data processing by the police, land register, information systems on companies and processing of data concerning groups exposed to social prejudices.

The categories of data controllers reveal that a huge proportion are state organisations (75.2%). Only 17.1% are private businesses and the rest are mainly local government. The Commissioner intends to evaluate the activities of the most important data controllers on a systematic basis.

Types of cases

122 cases were examined up until March 1996. Complaints from state organisations represented the highest proportion of cases (59%). The practice most frequently complained about, after general personal data handling, was illegal transfer or public disclosure of personal data, and denying the right of inspection, deletion and retention of data of public interest. 75% of the cases were judged justifiable. Many complaints filed by citizens were against large registration systems.

Other complaints centred on national security services, local government, direct mail operations, employers, media, and the Court of Registration, which will not grant precedence to the Commissioner's staff for access to data in the public interest.

The police handling of data exceeded the bounds of the justifiable, and they were obstinate in their refusal to change routine operating procedures to comply voluntarily.

Registration

One of the Commissioner's duties is to keep a Register, which is still in its early planning stages. It is expected that many thousand data controllers will be obliged to register, and it will be publicly accessible. A public terminal is planned in the Complaint Office of the Parliamentary Commissioners' Bureau.

Investigations

Site investigations have been rare, and efforts are made to preserve anonymity. In October 1995, the Commissioner himself started an investigation. The case involved the handling and making public the personal data of a lottery winner - an act of negligence on the part of the media which did not require criminal proceedings, but which resulted in some recommendations to media and government departments which they have so far refused to accept.

The lottery incident considerably raised the Commissioner's profile, and a bi-weekly series called *Data Patrol* is now published together with regular articles in the press.

Some observations, supported by evidence in the report are worth highlighting here:

- The sensitivity of Hungarian society to data protection is more advanced than was previously anticipated.
- Data protection does not represent a luxury demand of people of higher social standing or educational level. Sensitivity to data protection spreads across Hungarian society from the unemployed homeless to the highest ranking citizens.
- The attitude of the authorities and public service providers towards freedom of information and data protection is extremely variable.
- Society's general distrust and antipathy towards the state is remarkably strong.

This was the Commission's first year of operation and Dr. Majtényi's report deliberately did not draw far-reaching conclusions. The report is 101 pages, with impressively detailed appendices of opinions, recommendations, and full case studies.

First Report available from Parliamentary Commissioner for DP and FOI, Tüköry u.3, H1054, Budapest, Hungary

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