



National Authority for Data Protection and Freedom of Information

Case number: NAIH-4017-2/2012/V.

Data public on grounds of public interest – members of the PM's delegation

An MP of the Hungarian Parliament had lodged a petition to the National Authority for Data Protection and Freedom of Information (hereinafter referred to as NAIH). The MP wished to find out whether the Prime Minister's Office (hereinafter referred to as PMO) acted lawfully as it disclosed the data of members of a PM delegation (to visit Saudi Arabia last year) only who have been undertaking public duties or who authorized the PMO to do so.

Consequently the name of PM delegation members who have been undertaking public duties within the scope of responsibilities of the organization qualify as data public on grounds of public interest and that's why these data shall be disclosed duly upon request in accordance with the prevailing regulations.

According to the relating practice of the Constitutional Court the right of information and communication can be derived from the freedom of expression as constitutional right. This right is essential to safeguard the transparency of different branches of power and to enable the citizens to gain control over the activity of state organs.

This principle is supported by the European Data Protection Supervisor (EDPS) as well who asserted that an optimal balance is to be achieved between the protection of personal data and the citizens' rights to gain access to Community documents.

Personal data of businessmen and the name of companies that were involved in the PM delegation qualify as data public on grounds of public interest as they attended the journey as members of a state delegation rather than private persons. Disclosure of the above data should contribute to the transparency of state activities.

To sum up the above the NAIH takes the position that both the names of attending companies as well as those of the businessmen involved in the delegation shall be made public upon request.

B u d a p e s t, 23rd of May 2012.

President