

INFORMATION
on the openness of the operation of
the bodies of local governments

Openness in the course of the operation of a local government

Openness in exercising local public power is the foundation of democratic functioning and one of the key points of the rule of law.

Public sessions of the body of representatives

In addition to the general rules of the Privacy Act, the Act on Local Governments declares the openness of the sessions of the bodies of representatives as a fundamental principle. As a general rule, submissions and statements made here qualify as public data in the public interest or as public data for reasons of public interest, and they are accessible and can be distributed freely by anyone without restriction. If the documents of an open session of the body of representatives includes protected data that are not to be accessed, care must be taken for their protection (rendering them illegible).

Closed sessions of the body of representatives

Pursuant to Section 46(2) of the Local Government Act, the body of representatives shall hold a **closed session**

- a) in the case of procedures related to cases of municipal authority, conflict of interest, unworthiness, decoration, imposing disciplinary penalties and declaration of financial interests,
 - b) upon request of the person concerned when discussing elections, appointments, dismissals, issuing a leadership assignment and its withdrawal, launching disciplinary procedures and dealing with a personal case requiring a statement,
 - c) it may order a closed session in the case of providing for its assets, when specifying the terms and conditions of a tender it issues, when discussing the tender, if an open session would infringe the business interests of the local government or another party concerned.
- The Authority underlines the importance of broad openness in cases related to its assets.

Pursuant to Section 27(3) of the Privacy Act, the local government concerned, the natural person, legal entity or organisation that is not a legal person involved in an economic relationship with the local government must provide information to anyone in relation to their legal relationship.

Neither the submissions to the closed session, nor the protocols of the closed session shall be consulted, but the decisions brought at the closed session – the anonymised decisions – are to be published with mandatory force.

Welfare cases

The body of representatives of the local government takes the first place among the bodies of local welfare administration. According to the position of the Authority, the members of the body of representative may only get to know the data of the **welfare records** kept by the municipal notary only if and to the extent the body of representatives makes the decision on awarding the benefit in question within its own powers, and a representative personally exercises the decision-making powers as a member of the body.

In the case of renting municipal homes, with respect to persons who rent housing owned by the local government in view of their social situation on a welfare basis, none of their data other than their names and their personal data related to the fact of the leasehold qualify as public data on public interest grounds. The reason for this is that they use public property but they are not in a business relationship with the local government. (In contrast to individuals or organisations or persons pursuing other economic activities, who rent municipal property on a market or business basis. In their case any arrears in the rent also qualify as public data for reasons for public interest.)

Mandatory publication

In addition to the municipality's Rules, the following data in the public interest must be published in a digital form:

- a) *place, time and date of the session of the body of representatives or committee and whether it is open or closed;*
- b) *and their decisions;*
with the provision that individual decisions must be published in an anonymised form;
- c) *protocols and summaries of the sessions;*
with the provision that the protocol of a closed session is not public, but the decision made during the closed session is.
- d) *data concerning the voting by the body of representatives or committee;*
Pursuant to the Local Government Act, the mandatory elements to be included in the protocol of the session (number of participants in decision-making, the name of the representative excluded from decision-making and the reasons for the exclusion as well as the numerical result of voting) also qualify as public data.

Anonymisation

Whether a session of the body of representatives or the committee is open or closed will determine if the submission and the decisions made there, as well as the protocol are open or closed. If at an open session of the body of representatives anyone participating therein as a member of the audience may learn what was said there and the votes cast by the representatives, if he may take notes and make recordings and may subsequently freely distribute them, then anyone shall have the right to get to know the contents of the audio or video recordings of what was said and done there.

It is, however, important to emphasise that the circumstance in itself that some data protected or to be protected are disclosed at the open session does not result in such data becoming public for reasons of public interest stemming merely of this circumstance. The obligation to protect the data remains in spite of the openness of the session.

The Authority always emphasises need to provide and ensure full protection of privacy, private secrets and personality rights at open sessions and also in the course of their preparation and when drafting the protocols.