



National Authority for Data Protection and Freedom of Information

Case number: NAIH-4208-2/2012/V.

Publicity of files relating to the assessment of applications in conjunction with the utilization of lands maintained by the National Land Fund (shortened summary of the opinion)

The deputy state secretary of the Ministry for Rural Development had lodged a petition to the National Authority for Data Protection and Freedom of Information (hereinafter referred to as NAIH). He requested the NAIH to issue an official statement on whether the Subcommittee for Supervision of the Parliamentary Committee on Agricultural Issues may gain access to data files having generated in conjunction with the utilization of lands maintained by the National Land Fund (hereinafter referred to as NFA). He also stated that the files in question contain documents respecting the decision-making procedure, personal data on the assessment staff and also business secrets.

1. On the assessment procedure of applications:

Pursuant to the relevant regulations the applications will be exempt from the obligation of confidentiality depending on the relevant actor. As to the NFA the data are no more confidential after the conclusion of the decision. As to the applicants the data are no more confidential after the publication of the NFA decision. In this respect once a contract has been concluded between the NFA and the successful applicant, the following data shall be deemed to be public on grounds of public interest:

- contracting party, his seat or domicile and his legal representative,
- location of the land,
- amount of reward and deadline for fulfillment,
- deposits and guarantees required,
- duration of contract.

It has to be emphasized, however, that there are several data existing which are exempt from disclosure. These include business secrets, classified data, documents composed in the course of a decision-making process as well as documents that are subject to intellectual property rights.

2. Right for information of MPs has always been a crucial point in this regard.

According to the view of the NAIH there is not such reason existing which could lawfully prevent the MPs and parliamentary committees from access to data necessary to perform their duties and functions. Obliging the members of the Subcommittee for Supervision, once the decision on the applications has been made, to sign a declaration of confidentiality would seriously harm the principle of transparency.

B u d a p e s t, 24th of May 2012.

President