

Recent court ruling in relation to accessing data of public interest (19.P.21.414/2012/4.)

atlatszo.hu Nonprofit Company Ltd. vs. Ministry of Foreign Affairs of Hungary

In March 2012 a nonprofit company (hereinafter referred to as plaintiff) filed an action against the Ministry of Foreign Affairs of Hungary (hereinafter referred to as defendant) at the Capital Court of Budapest. Description of the preliminary case as follows:

Earlier this year the plaintiff had lodged an application to the defendant in which it had required the defendant to disclose several data of civil servants employed by the Ministry of foreign Affairs. The defendant in its response rejected to provide the required data on grounds that such an action would seriously affect and jeopardize the diplomatic interests of Hungary and may expose the civil servants of the defendant to perilous enemy intelligence activities.

The plaintiff challenged this position of the defendant and brought the case before court. In its claim it referred to the Privacy Act and the Act on Civil Servants which enable anyone the access to data of public interest and data public on grounds of public interest – with appropriate exceptions if applicable (e.g. national security and defence, law and order etc).

The court came to the conclusion that the claim of plaintiff was well-grounded pursuant to the relevant regulations. The court in its decision emphasized the disclosure of data required by the plaintiff could have been refused lawfully only if they had been classified as confidential or secret. Since such classification has not existed the claim of the plaintiff has been well-grounded.

In its judgement *the court* (of first instance) *ordered the defendant to disclose the required data* electronically *within 15 days* as of the communication of the judgement.

2012