

## Customer Information

### On submitting an application to access national classified personal data (Access licence)

#### e-Papír included in information

Case group: Requesting data

Identifier	Title of form
100011	Nemzeti minősítésű személyes adat megismerése (Megismerési engedély) iránti kérelem (Országos Rendőr-főkapitányság)
100011	Application to access personal data with national classification (Access licence) – (National Police Headquarters)

**This information is effective as of 1 January, 2018.**

## Information

#### Brief description of the case

The person concerned is entitled to access his personal data with national classification on the basis of the access permission issued by the information classifier. Before accessing the data, the person concerned has to sign a non-disclosure agreement and he has to comply with all regulations concerning the protection of classified data, both while accessing the data and subsequently. The application shall be accepted or rejected with the reasons for the refusal stated, within 15 days of its submission. If the access application is rejected, the case can be brought before the Budapest Court of Public Administration and Labour, which shall hear the case in priority proceedings, in a closed session.

#### Who is eligible for the procedure

Persons who can present evidence suggesting that the national classified records to be accessed probably include their personal data.

#### What data need to be submitted

- The applicant's identification data (name, place/date of birth, mother's name, address)
- The range of data to be accessed
- The grounds for applying for the access permission, and if personal involvement is listed as the grounds for application, the circumstances suggesting or proving the fact of involvement
- The applicant's contact data

#### What documents are required

- Documents proving the applicant's personal identity
- Documents on circumstances suggesting personal involvement

### **Costs and expenses of procedure**

The submission of the application is free of charge.

### **Where shall it be addressed**

At the authority controlling the classified data to be accessed (police headquarters, county (municipal) police headquarters); or directly at the information classifier, if it is known to the applicant.

### **Administration deadline**

Applications shall be judged within 15 days.

### **Legal remedies**

Within 15 days of receiving the decision on the rejection of the application, the case may be brought before the Budapest Court of Public Administration and Labour. The court shall hear the case in priority proceedings, in a closed session, in accordance with the provisions of the Code of Civil Procedures concerning administrative litigations. The applicant may not access the classified data during the procedure, only after the court has issued a decision accepting the application.

### **On what grounds can access licences be issued**

Access licences shall be issued upon written applications.

### **Submitting an application for an access licence**

Applications can be submitted on an e-Form

### **Who can issue a access licence**

Access licences can be issued by the classifier or its legal successors; i.e. the person who has made the decision concerning the classification of the records that the applicant wants to access.

### **What does the access licence include**

- a) The personal identification data of the authorized person
- b) Data that makes it possible to identify the national classified record to be accessed
- c) The actions that the authorized person is entitled to perform based on the authorization
- d) Information concerning regulations pertaining to the protection of the classified records in question and warnings in case the regulations are violated

### **Further tasks of the applicant prior to accessing the records**

The applicant may access the classified records after obtaining the access licence and signing the non-disclosure agreement. By signing the non-disclosure agreement, the applicant acknowledges that he is aware of the regulations concerning the protection of classified records and that he has been informed of his administrative and criminal liabilities in the case of violating those regulations.

### **Important terms**

*Access licence:* a written authorisation, which enables the authorised person to access the national classified records specified in the licence.

## **Relevant legislation**

- Act CLV of 2009. on the Protection of Classified Information
  - Subsection 3 of section 9 (definition of access licence)
  - Sections 11-12 (access to classified information)
- Section 265 of Act C of 2012 on the Criminal Code (on the abuse of classified information)
- Section 206 of Act II of 2012 on Misdemeanours, the Misdemeanour Procedure and the Misdemeanour Registry System (on the violation of the security of classified information)