

Customer Information

On submitting an application for access to data of public interest and data public on grounds of public interest

inNOVA form included in Information:

Case group: Requesting data

Identifier	Title of form
IN-100142	Közérdekű adatok és közérdekből nyilvános adatok igénylése
IN-100142	Application for access to data of public interest and data public on grounds of public interest

This information is effective as of 18 December, 2020

Brief description of the case:

By means of this inNOVA form, anyone is entitled to submit a request for access to information of public interest or data of public interest in connection with the operation of the body created for the performance of general police duties and for the purpose of performing their public duties, as well as data qualified by the law as data public on grounds of public interest.

The data controller is required to comply with the request only if the claimant gives his name or, in case of a non-natural person, the name of the non-natural person he represents, as well as the contact information to which the information and notification related to the access request shall be sent.

In the case of an access request submitted using the inNOVA form, the applicant's name and identification data will be automatically sent to the data controller and, if the claimant does not dispose differently, the reply to the request will be sent to the claimant's storage space (Client Gateway, Business Gateway).

The data controller body must comply with the submitted claim within the shortest time after receipt of the request, but not later than within 15 days. If the data request is unclear, the data controller calls the claimant to clarify the claim through a contact channel corresponding to the claim holder's registration record. If the data request relates to a large volume or a large number of data or the processing of the access request results in a disproportionate use of the labor force necessary to perform the core activity of the data controller body, this deadline may be extended once for 15 days, of which the claimant must be informed within 15 days of receiving the request. If the recipient of the requested information submits an access request to the same set of public information within one year - provided that no changes have been made in the data - the data controller body shall not be obliged to provide access. If the requested data has already been disclosed in electronic form, the claim may be fulfilled by indicating the public source containing the data.

If the application relates to information controlled by an institution or a Member State of the European Union, the data controller shall immediately consult the relevant institution or Member State of the European Union and inform the claimant thereof.

If the document containing data of public interest also contains data that must not be accessed by the claimant, this set of data on the copy shall be made unrecognizable.

The data controller body may set a cost reimbursement for the fulfilment of the request for information, up to the amount of the costs incurred, the amount of which the claimant must be informed of before claim is completed.

Who is eligible for the procedure?

Anyone who is interested in the access to data of public interest or public interest data processed by the police's data processing bodies, with no requirement of being involved, or disposing of legal capacity or of capacity to act.

What data are required?

- a) Name of the claimant (automatically filed to the data processing body when filing the inNOVA form);
- b) Set of public information or data public on grounds of public interest to be known;
- c) Notification address, in case the claimant does not request information and notification regarding the access request to be sent to the personal storage space (Client Gateway, Business Gateway).

What documents are needed:

No additional document is required for the procedure

What are the costs and expenses of the procedure:

The submission of the application is free of charge, however, the data controller body may set a cost reimbursement for the fulfilment of the request for information - up to the amount of the costs incurred - the amount of which it is required to inform the claimant before the claim is completed.

The claimant is obliged to make a statement within 30 days from the date of notification of whether he is maintaining the claim. If the claimant maintains the claim, the cost reimbursement shall be paid to the data controller by the date set by the data controller at least within 15 days the latest.

If the fulfilment of the request results in a disproportionate use of the labour force required to perform the core activity of the data processing body, or the document or part of the document for which the claimant has requested a copy is substantial and the reimbursement rate exceeds the amount specified in the Government Decree, the claim for payment of the cost reimbursement by the claimant must be completed within 15 days.

The data management body shall take into account the following cost elements when determining the rate of reimbursement:

- a) the cost of the media containing the requested data,
- b) the cost of delivering the data required by the requested data to the claimant, and
- c) if the performance of the access request results in a disproportionate use of the labour force necessary to perform the core activity of the public service, the cost of labour inputs related to the fulfilment of the access request.

Where to send it:

Using this inNOVA form, all police data controller body can be addressed.

Deadline for administration:

There are 15 days to assess the application. If the access request is significantly large respectively refers to a large number of data, or the fulfilment of the data request results in a disproportionate use of the labour force necessary to perform the core activity of the public service, the 15 day time limit for the data request can be extended once for 15 days. The claimant must be informed about this within 15 days of receipt of the claim

The period up to the date of receipt of the claimant's statement by the data controller shall be excluded from the date on which the information on the amount of the reimbursement is made by the data controller within the time limit for completing the request.

If the application relates to data controlled by an institution or a Member State of the European Union, the data controller shall immediately consult the relevant institution or Member State of the European Union and inform the claimant thereof. The period from the date of receipt of the information until the date on which the response of the institution or Member State of the European Union concerned to the data controller is received shall not count towards the time limit for the fulfilment of the request for information.

Available legal remedies:

The applicant shall have the right to appeal to the court to refuse the application or to review the amount of reimbursement for the performance of the extended period with no result, or for an expiration of the extended period and for the reimbursement of the amount of reimbursement. The lawsuit may be initiated within 30 days of receipt of the notification of the foregoing reasons. The data controller must demonstrate the legality of the refusal and the grounds for refusal or the substantiation of the amount of reimbursement for the fulfilment of the request for information.

Who can provide access to information of public interest and information on data of disclosed public interest:

The head of the data management body or a person authorized by it in organizational and operational rules or in a procedural order.

Relevant concepts:

Data of public interest shall mean information or data other than personal data, registered in any mode or form, controlled by the body or individual performing state or local government responsibilities, as well as other public tasks defined by legislation, concerning their activities or generated in the course of performing their public tasks, irrespective of the method or format in which it is recorded, its single or collective nature; in particular data concerning the scope of authority, competence, organisational structure, professional activities and the evaluation of such activities covering various aspects thereof, the type of data held and the regulations governing operations, as well as data concerning financial management and concluded contracts;

Data public on grounds of public interest: Any data not covered by the notion of public interest, its public disclosure, availability and accessibility being governed by law;

Relevant legislation:

- Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information.
- 301/2016 (IX.30.) Government decree on the amount of reimbursement for the fulfilment of the demand for public interest information.