

**Information of the Hungarian National Authority for Data Protection and Freedom of Information (NAIH)  
regarding the amendment of the rules concerning the amount of the reimbursement claimable for  
complying with public data requests**

Pursuant to Subsection (3) of Section 29 of Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information (hereinafter referred to as „the Act”) public authorities may claim reimbursement for complying with public data requests, the detailed rules of which have been laid down in Government Decree 301/2016. (IX. 30.) (hereinafter referred to as „Gov. Decree”).

There have been significant changes concerning the rules of claiming reimbursement for data requests due to legislative changes published on 10 October 2022. The purpose of the amendments was to facilitate access to public information.

Provisions pertaining to the reimbursement claimable for the excessive use of human resources were regulated by Section 29 of the Act and have been repealed in the meantime. The Gov. Decree sets out cost limits regarding the remaining cost elements, ie. costs of the data carrier (or costs of copies) and delivery costs.

Due to repealing the provisions laying down the rules of reimbursement claimable for the excessive use of human resources, costs related to the use of human resources are now bearable by the public authorities (data holders).<sup>1</sup>

Reimbursements amounting to less than the minimum amount set out in the Gov. Decree may not be claimed for. The Gov. Decree also sets out the maximum amount claimable.

Pursuant to Section 6 of the Gov. decree the amount of the reimbursement under Subsection (3) of Section 29 of the Act may not be

- a) less than HUF 10 000,
- b) more than HUF 190 000.<sup>2</sup>

It should be noted in this regard that only actual costs incurred may be claimed for. It should be stressed that it is not compulsory to claim reimbursement and it may only take place if the data holder public authority responsibly decides to apply the rules and claim reimbursement. In this case the public authority shall comply with the data request within 15 days of the date of payment of the reimbursement by the applicant.

The above mentioned amendments of the Act and the Gov. Decree entered into force on the 13 October 2022. The relevant legislation is available at the following links:

<https://njt.hu/jogszabaly/2011-112-00-00.36>

<https://njt.hu/jogszabaly/2016-301-20-22.4>

Considering the purpose of the amendment and the uniform law enforcement practice, NAIH advised against claiming reimbursement in cases ongoing after 13 October 2022 where a reimbursement had been established but disputed or not yet paid for.

Budapest, 10 May 2023.

Dr. habil. Attila Péterfalvi  
President  
National Authority for Data Protection and Freedom of  
Information  
Hon. Professor

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<sup>1</sup> Explanatory memorandum to Act XXVIII of 2022 on the amendment of certain laws related to the control of the use of European Union budgetary resources.

<sup>2</sup> Government Decree 382/2022. (X. 10.) on the amendment of Government Decree 301/2016. (IX. 30.) on the amount of the reimbursement claimable for complying with public data requests.

## **Government Decree 301/2016. (IX. 30.)**

### **on the amount of the reimbursement claimable for complying with public data requests**

Pursuant to the authorization granted in Point (b) of Subsection (1) of Section 72 of Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information (hereinafter referred to as „the Act”), acting within its legislative competence conferred under Article 15(1) of the Fundamental Law, the Government has adopted the following Decree:

#### **Section 1**

(1) The following amounts may be taken into account as costs of the data carrier containing the requested data:

a) for hard copies in colour, the direct costs of the data carrier but not more than

aa) HUF 130 per page for A/4 size copies,

ab) HUF 260 per page for A/3 size copies,

b) for hard copies in black & white, the direct costs of the data carrier but not more than

ba) HUF 12 per page for A/4 size copies,

bb) HUF 24 per page for A/3 size copies,

c) for copies on an optical data carrier, the direct costs of the data carrier but not more than HUF 580 per medium,

d) for copies on any other electronic medium, the direct costs of the medium.

(2) In the event of temporary or permanent unavailability of the device necessary to reproduce data – notwithstanding the amounts set out in paragraph (1) hereof – costs accompanied by proof and incurred in and necessary for the reproduction of data may be taken into account as costs of the data carrier containing the requested data. The data holder public authority must prove the applicability of the costs set out in this paragraph in order to discharge the burden of proof referred to in Subsection (2) of Section 31 of the Act.

(3) Hard copies only over and above ten pages may be claimed for.

#### **Section 2**

The following amounts may be taken into account as delivery costs of the data carrier containing the requested data:

a) sent as domestic mail, the domestic postal tariffs applicable to official documents,

b) sent as international mail, the tariffs applicable to registered post with a delivery advice, within the universal postal services.

#### **Section 3**

*Repealed by Section 3 of Government Decree 382/2022. (X. 10.). Not in force since 13. 10. 2022.*

#### **Section 4**

*Repealed by Section 3 of Government Decree 382/2022. (X. 10.). Not in force since 13. 10. 2022.*

#### **Section 4/A**

*Repealed by Section 15 of Government Decree 31/2020. (II. 29.). Not in force since 01. 03. 2020.*

#### **Section 5**

Pursuant to Subsection (4) of Section 29 of the Act, the difference with which the advance payment exceeds the actual costs of complying with the data request as set out in Section 1 and 2 hereof is repayable to the requesting party and may not be included in the amount claimable for complying with public data requests.

#### **Section 6**

The amount of the reimbursement under Subsection (3) of Section 29 of the Act for complying with public data requests may not be

- a) less than HUF 10 000,
- b) more than HUF 190 000.

#### **Section 7**

This Decree shall enter into force on the fifteenth day following its promulgation.