

Data. Protection. Adding Value.

GDPR Local Insights*



Hungary

Legislation

Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information (**Information Act**) supplemented by privacy rules in special fields of law (e.g. the Labor Code specifies some rules regarding the processing of employees' personal data and there are specific rules applicable to health related data).

Supervisory Authority

National Authority for Data Protection and Freedom of Information (in Hungarian: Nemzeti Adatvédelmi és Információszabadság Hatóság)

Special Conditions for Data Processing

Data processing may be based on a legal obligation only if the legal provision imposing the legal obligation for which the data processing is necessary also determines the data controller, the type of the personal data, the purpose, conditions and retention periods of the processing. If the legal obligation is set out merely as a possibility and not as a mandatory obligation, complying with a legal obligation could not be an appropriate legal ground for the related processing.

The Labor Code contains restrictions on the scope of personal data that can be processed by the employer, as a data controller. For instance, it determines when and for what purpose the biometric data or the criminal record of the employee may be processed.

Data processing, as a main rule, cannot be based on the consent of the employees – as data subjects – as the voluntary character of such a consent cannot be secured given the subordinate nature of employer-employee relationships. However, if the data processing does not strictly relate to the employment (e.g. ordering a t-shirt for the employee for a company event) consent may be acceptable.

CCTV surveillance with face recognizing function is not permitted. CCTV surveillance of public spaces is restricted in national laws (which determines which authorities and for what purposes may install CCTV cameras).

As a main rule, direct marketing messages can only be sent to natural persons with their consent, which must be obtained beforehand.

Special Categories of Data

Health data may be processed for purposes other than those specified by law only with the consent of the data subjects (or their representatives) in form that allows ascertaining the fact of the consent later on.

Only anonymised, encrypted or pseudonymised genetic samples or data may be transferred outside of the European Economic Area (EEA) for the purpose of human genetic research. Only coded genetic samples may be transferred outside of the EEA for human genetic testing. In both cases, the relevant authority must be notified in advance.

Restrictions on Individuals' Rights

If a given natural person holds a public position, national laws might prescribe that some of his/her personal data be made publicly available, against which the natural person may not object. This is due to freedom of information considerations.

Other Relevant Exemptions

Under certain sector-specific legislation a data protection officer must be appointed.

Your local contact:



Dr. Csilla Dékány

Attorney-at-Law, Law Firm partner
Réti, Várszegi and Partners Law Firm
PwC Legal Hungary

+36 30 528 1907
csilla.dekany@pwc.com



*The overview intends to provide general insights on the level of supplementary rules implemented in a country and for such purpose provides examples where the relevant member states have made use of the exemption provided by the GDPR. It is therefore non-exhaustive.

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