- It is the obligation of the state and of the public administration bodies to consider in advance the impact of their decisions affecting the economy and the social processes, and to examine their results ex post.
- Rational and just decisions can only be made by public bodies if they have thorough understanding of the facts and consequences of their decisions.
- Impact assessments supported by empirical research can provide assistance in choosing between policy alternatives, in enforcing efficiency and expediency.
- The preparation of regulations of socio-political significance should be supported by analyses of the redistributory impact of the policy alternatives.
- Recognizing the need to foster efforts to fulfill these tasks, the Parliament creates the following law:

§ 1 [1] Autonomous public bodies and majority state-owned enterprises (hereinafter referred to as data owner) shall forward the data of public interest in their handling to any organ of the central government (or the National Bank of Hungary) requesting the data to fulfill their public task, within 15 days, without charging a fee.

§ 2 **(1):** A state leader and the head of the government office may request that the data owner provides an irreversibly modified copy of the personal data, tax secret or unique statistical data that he or she handles, so it can no longer be traced back to the person, in order to prepare decisions that have significant social or economic impact and in particular to prepare decisions regarding the fulfillment of EU obligations, and may request the transfer of anonymised data pursuant to § 1.

(2): Upon the data request, the data owner shall make the anoymisation in such a way that it limits the realization of the research goal as little as possible.

(3): The data owner must refuse to provide the requested data if the data cannot be anonymised. A partial or complete denial of the request must be reasoned in writing by the data owner and the data owner must at the same time notify the body responsible for the creation of the database.

(4): The data owner shall simultaneously inform the body responsible for the creation of the database of the name of the data requester, the date of the request and date of completion, the cost of the request, and the data set supplied.

§ 3 **(1):** The data requester is obliged to reimburse the data owner in advance for the costs incurred in connection with the anonymisation, data grouping and conversion of the data into a format other than the original format of the data. These costs shall be detailed by the data owner.

(2): The data owner and the data requester may agree on a bearing of the costs and deadline for the transfer of data other than what is settled in this law.

§ 4 (1): The minister and the head of the government office may request the transfer of anonymised data in accordance with §2 from autonomous public bodies that are authorised to handle personal data or individual statistical data together with a tax identification number, social security number, personal identification number, name, or address.

(2): Data transfer pursuant to section (1) shall be made to the body responsible for the creation of the database on the basis of the coding method it has established with an anonymous linking (hash) code and a sampling procedure determined by the coding method.

(3): The data linking is carried out by the body responsible for the creation of the database by collecting the data from the different data owners, using the same linking code created with the same method.

(4): In case of a database created by linking data, the method of forming an anonymous linking code should be based on an identier that all data owners contributing to the linked dataset are authorised to use.

(5): At the request of the body responsible for the creation of the database, one data owner shall take a sample of the database it manages and transfer its linking codes to the body responsible for the creation of the database.

(6): The entity responsible for the creation of the database shall pass the anonymous linking codes of the sample pursuant to section (5) to the other data owners indicated in the request for information pursuant to section (1) without the relevant data.

§ 5   **(1):** The method of creating the anonymous linking code and the basis for the creation of the code should be determined by the body responsible for creating the database, as follows:

> **a)** the basis of the code creation shall not be such a personal identifier that the data *requester* is entitled to handle,
>
> **b)** the basis for code creation shall not be such a personal identifier that the body responsible for the creation of the database is entitled to handle,
>
> **c)** the specific method of code creation shall include a unique, randomly determined element.

(2): The body responsible for creating the database may only forward the code creation method to the data owners. The code creation method must be deleted immediately afterwards .

(3): The data owner must not forward the code creation method and must delete it immediately after creating the linking codes.

(4): The data owner deletes the linking codes immediately after the data have been transferred.

(5): The body responsible for creating the database sets a 5-day interval for the data transfer. Data received outside this time interval cannot be linked with other data and their linking code will be deleted immediately.

(6): The body responsible for creating the database must, after linking the data, terminate the connection between the anonymous linking code and the received data, and delete the anonymous linking code without delay.

§ 6 [2]   The activities of the body responsible for creating the database concerning the lawfulness of data request, data transfer and data linking, and the method of creating the anonymous linking code can be examined in advance by the National Data Protection and Information Authority.

§ 7 **(1):** In case of a data request pursuant to § 2 the data owner, or in case of linking the data, the body responsible for creating the database pursuant to § 4, modifies the data on the address of the natural person before the data is transferred, so that the residence of the person concerned cannot be established more precisely than at small region level.

(2): In case of a data transfer pursuant to § 2 and § 4, the sample size should exceed one hundred persons per data owner. In case of databases covering the entire population, the sample should not exceed 50%.

(3): The body responsible for creating the database shall, after carrying out the operation referred to in section (1), send the database to the data requester referred to in § 4 section (1).

(4): On the website of the body responsible for creating the database the data requests shall be published in a searchable form including: the description of the data set, its operators, the name of the data requester referred to in § 2 section (1) and § 4 section (1), the date of the request for data and the denial or completion date.

(5): The data transfer referred to in § 2 section (1) and § 4 section (1) may also be made to the autonomous public body managed or supervised by the data requester.

§ 8 **(1):** For the purposes of this Act:

> **a)** *anonymous linking code*: a character string created from personal identifiers in a way that included a random element that always creates the same character string but which cannot be used to recover the personal identifiers (hash)

> **b)** *small region:* small region according to the law on multi-purpose small regional associations of local governments, and a district in the case of Budapest

(2): The provisions of this Act shall not apply to classified information under special law or to data of public interest the disclosure of which is restricted by a separate law for reasons of national security.

§ 9 [3]

§ 10 **(1)** [4]

(2) [5]

§ 11 The government is authorized to:

> a) appoint the body responsible for the creation of databases by a decree, [6]

> b) lay down the detailed rules for the contribution of the body responsible for the creation of the databases in a decree, [6]

> c) define in a decree further – pursuant to § 2 section (1) and § 4 section (1) - data request entitlements. [6]

§ 12 **(1):** This Act, with the exception of section (2), shall enter into force on the 15th day following its publication.

(2): § 4 - § 6 of this Act, § 7 section (3) and § 8 section (1) point a) of this Act shall enter into force on the first day of the fifth month following its publication.

[1] Stated: Act CXLIII of 2013, § 97. Valid from 1 January 2013.

[2] Amended by: Act CXII of 2011, § 81, section (13).

[3] Incorporated: Act XCII of 2003, § 53, section (4).

[4] Incorporated: Act XLVII of 1997, § 4 section (2), point d).

[5] Incorporated: Act XLVII of 1997, § 22, section (6).

[6] See: Government Decree nr. 335/2007 (13 December)