

Data protection information

(with regard to the activity of the Office of the Commissioner for Fundamental Rights concerning public interest disclosures or whistleblowing)

Data controller: Alapvető Jogok Biztosának Hivatala (Office of the Commissioner for Fundamental Rights, 1055 Budapest, Falk Miksa utca 9-11.)

Data controller's data protection officer: Dr. Márton Ghira (e-mail: dpo@ajbh.hu)

In the course of administering public interest disclosures, the Office of the Commissioner for Fundamental Rights (Hungarian acronym: AJBH) manages the personal data provided by the complainant in the public interest disclosure or whistleblower report, or those data that have been exposed in relation to such disclosure or report in the course of investigating into it.

AJBH handles these personal data for the purpose of investigating into public interest disclosures or whistleblower reports, as well as for keeping contact with the whistleblower, with a view to fulfilling its responsibilities of protecting public interests or using its public powers, protecting the key interests related to the enforcement of the fundamental rights of the person concerned, or other natural persons, as well as fulfilling the legal obligations of the Commissioner for Fundamental Rights and AJBH.

The legal basis for data management and providing personal data is constituted by the provisions set out in Sections 6 (2) and 7 (2), as well as Section 39 of Act XXV of 2023 on complaints, disclosures in public interest, and related rules on reporting abuses, which took effect on 24 July 2023 (hereinafter referred to as: the Whistleblower Protection Act), applied jointly with Notes c), d) and e) of Article 6(1) of GDPR. With a view to investigating into the complaints, the data can be shared with the organ authorised to proceed, with the limitations set out in the Whistleblower Protection Act. In the course of a public interest disclosure or whistleblower report made to the Commissioner for Fundamental Rights via the electronic system, the whistleblower may request that their personal data be accessible exclusively to the Commissioner for Fundamental Rights and his office. In such a case, the public interest disclosure or whistleblower report is extracted and made anonymous by AJBH, in order to ensure that it does not contain any data that would allow the identification of the whistleblower and it is only this anonymous extract that will be forwarded to the organ authorised to proceed.

Except for whistleblowers who has communicated untrue data or information in bad faith, the personal data of the complainant or the whistleblower shall not be handed over to any recipient other than the body competent to carry out proceedings on the basis of the respective complaint or public interest disclosure, provided that such body is entitled to process such data pursuant to the law, or the complainant or the whistleblower has given explicit consent to the forwarding of his or her data. Without such explicit consent, the personal data of the whistleblower shall not be made public. In the secure electronic system of public interest disclosures or whistleblower reports, it is the name and residential address of the whistleblower that will be stored for the identification of the whistleblower.

If it becomes obvious for the body entitled to proceed that the complainant or the whistleblower has communicated untrue data or information in bad faith, it may conclude the investigation that substantiate the assessment of the complaint or the public interest disclosure without taking any action.

If it becomes obvious that the complainant or the whistleblower has communicated untrue data or information in bad faith, and

- it gives rise to an indication that a crime or an infraction was committed, the personal data of the complainant or the whistleblower shall be handed over to the body or person entitled to carry out proceedings;

- there is good reason to consider it likely that the complainant or the whistleblower caused unlawful damage or other harm to the rights of others, his or her personal data shall be handed over to the body or person entitled to initiate or carry out proceedings, upon the request thereof.

Please, find detailed information at <https://www.ajbh.hu>.

Any person concerned whose data are managed by AJBH may request access to the personal data concerning them, they may request the correction, deletion or limited handling of such data and may protest against the handling of such personal data. These requests shall be sent to the address of the data controller specified above. The ability to fulfil the request for the data deletion or the limitation of data handling may be restricted by the fact that the management of data takes place in public interest, in order to exercise public powers and fulfil statutory obligations; those concerned are not entitled to the so-called right to data portability with regard to the data controlled by AJBH for the same reason. The data may be deleted five years after the conclusion of the last investigative action or measure.

If the public interest disclosure or whistleblower report concerns a natural person, the personal data of the person making the public interest disclosure or whistleblower report cannot be made available to the person requesting the information in the course of exercising the right to information and access that this natural person is entitled to according to the requirements regarding the protection of personal data.

If you have any complaints about the data control of the Office of the Commissioner for Fundamental Rights, you can file your complaint to the following authority: Nemzeti Adatvédelmi és Információszabadság Hatóság (National Authority for Data Protection and Freedom of Information, 1055 Budapest, Falk Miksa utca 9-11.; phone: +36-(1)-391-1400; online application: <https://naih.hu/online-uegyinditas.html>).