

CFR Order no. 1/2012 (I. 6.)

on the Organizational and Operational Rules of the Office of the Commissioner for Fundamental Rights¹

[In consolidated structure with CFR Order no. 2 /2017 (03.02.) on the Amendment of the Organizational and Operational Rules of the Office of the Commissioner for Fundamental Rights]

Acting within my jurisdiction conferred upon me by Section 41 (3) of Act CXI of 2011 on the Commissioner for Fundamental Rights and by taking into consideration the provision of Section 23 (4) *f*) of Act CXXX of 2010 on Legislation, I issue the following order:

Section 1. I establish the Organizational and Operational Rules of the Office of the Commissioner for Fundamental Rights (hereinafter referred to as: Office) as set forth in Annex 1.

Section 2. (1) This order and the internal regulations of the Office shall be reviewed as necessary, but at least annually.

(2) The Secretary General of the Office shall inform the Commissioner for Fundamental Rights of the conclusion of the review conducted pursuant to subsection (1) by simultaneously forwarding the results of the review.

Section 3. (1) This order shall enter into force on the day following its publication, with the provision that its rules shall be applicable from 2 January, 2012.

(2)²

Annex I.

Organizational and Operational Rules of the Office of the Commissioner for Fundamental Rights

Chapter I.

GENERAL PROVISIONS

The legal status and basic data of the Office of the Commissioner for Fundamental Rights

Section 1. (1) The Office of the Commissioner for Fundamental Rights (hereinafter referred to as: Office) performs administrative and preparatory tasks related to the duties of the Commissioner for Fundamental Rights (hereinafter referred to as: Commissioner).

(2) The Office is a central public administration organization with independent legal personality, which – in terms of financial management – is an autonomously operating central budgetary organization with its own financial management.

(3) The basic data of the Office are the following:

a) name: Office of the Commissioner for Fundamental Rights,

b) abbreviated name: OCFR,

¹ Published: Official Announcements 1/2012

² Repealed: based on Section 12 of Act CXXX of 2010. Ineffective: from 8/1/2012.

- c)* name in English: Office of the Commissioner for Fundamental Rights,
 - d)* name in German: Büro des Beauftragten für Grundrechte,
 - e)* name in French: Le Bureau de Commissaire des Droits Fondamentaux,
 - f)* seat: 1051 Budapest V., Nádor u. 22.,
 - g)* mailing address: 1051 Budapest V., Nádor u. 22.,
 - h)* P.O. Box: 1387 Budapest, Pf. 40.,
 - i)* official website: www.ajbh.hu
 - j)* head (head of the budgetary organization): Secretary General,
 - k)* head of the organization managing the chapter: Secretary General,
 - l)*³ founder: Parliament of Hungary,
 - m)* number of founding regulation: Act CXI of 2011,
 - n)* date of foundation: based on legal continuity, 1 July,1995,
 - o)* date and number of the deed of foundation: OBH-99/2011., 13/12/2011,
 - p)* legal status: central budgetary organ defined by the Act on Central Budget that constitutes a separate chapter in the central budget,
 - q)* method of organizing financial management: autonomously operating budgetary organ that manages its finances independently.
 - r)* authority to dispose over appropriation: full authority,
 - s)* account manager: Hungarian State Treasury,
 - t)* appropriation allocation account no.: 10032000-00319401-00000000,
 - u)* tax ID number: 15795764-1-41,
 - v)* registration number: 795768,
 - w)* public finance unique identifier: 331728,
 - x)* sectoral classification: 841101 Activities of the organs of the state,
 - y)* professional activity: 841113 Activities of the organs of the state and of autonomous organs,
 - z)* Central Statistical Office ID no.: 15795764-8411-311-01.
- (4) The scope of basic activities carried out as public duties is defined by the Office`s Deed of Foundation. The Office shall not pursue any supplemental, ancillary or entrepreneurial activities.
- (5) The source for performing the basic tasks: Chapter IV. of the Budget of Hungary.

The organizational structure of the Office

Section 2.⁴ The Office's independent organizational units are the department, the Secretariat of the Deputy Commissioner for Fundamental Rights (hereafter referred to as: Deputy Commissioner) and the OPCAT National Preventive Mechanism Department; the non-independent organizational units are the section and the other secretariat.

Section 3. (1) The organizational structure of the Office is included in Appendix 1.

(2) The Office's staff number – broken down by the total number of employees of the specific organizational units – and the number of senior adviser, adviser, senior policy adviser and policy adviser titles permitted within the organization are included in Appendix 2.

(3) The tasks of the Office's organizational units are set out in Appendix 3.

³ Amended: Sec. 1., Sec. 24 a) of Annex 1. of CFR Order no. 4/2013. (XII. 31.)

⁴ Established: Sec. 1., Sec. 1. of Annex 1. of CFR order no. 4/2013. (XII. 31.); Amended: Sec. 1., Sec. 5.a). of Annex 1. of CFR order no. 1/2014. (I. 31.),
Sec. 1., Sec. 2. of Annex 1 of CFR order no. 4/2014. (XII. 23.)

Chapter II.

THE MANAGEMENT OF THE OFFICE

1. The Commissioner for Fundamental Rights

Section 4.⁵ The Commissioner

a) exercises the competences and performs the tasks that are assigned to him by Act CXI of 2011 on the Commissioner for Fundamental Rights (hereinafter referred to as: CFR Act);

b) exercises the employer's rights over the Deputy Commissioner with the exception of appointment and dismissal;

c) pursuant to Section 38/B of the CFR Act and Section 4 of Act CLXV of 2013 on Complaints and Public Interest Disclosures (hereinafter referred to as CPID Act) ensures the operation of the electronic system for filing and registering public interest disclosures;

d) examines the practices of the authorities referenced in Section 18 (1) *a)-k)* of the CFR Act in handling public interest disclosures subject to the CPID Act and, upon request, investigates whether specific public interest disclosures were handled properly by the authorities entitled to proceed under the CPID Act (Section 38/A of the CFR Act);

e) directs the activities of the Secretary General of the Office of the Commissioner for Fundamental Rights (hereinafter referred to as: Secretary General);

f) appoints and dismisses the Secretary General and public service officials employed in the Office, with the exception of the public service officials who are under the direction of the Deputy Commissioner in accordance with the Organizational and Operational Rules of the Office (hereinafter referred to as: Rules);

g) exercises the employer's rights regarding the establishment and termination of the employment over the employees in employment relationship at the Office;

h) exercises the employer's rights over the Secretary General;

i) transfers the right to issue and submits to Parliament the annual report of the Commissioner for Fundamental Rights;

j) issues the Rules;

k) establishes and approves the work plan of the Office at the proposal of the Secretary General;

*l)*⁶ performs the tasks related to the National Preventive Mechanism under Section 3. of Act CXLIII of 2011 on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as: Protocol);

m) perform the tasks and exercises the competences conferred upon him by law.

Section 5. (1)⁷ Unless otherwise provided by law, if the Commissioner is prevented from acting, he is substituted by the Deputy Commissioner elected earlier, or if the Deputy Commissioners were elected at the same time, by the Deputy Commissioner who is senior in age. If the Deputy Commissioner entitled to substitute is prevented from acting, the Commissioner is substituted by the other Deputy Commissioner, and if he is prevented from

⁵ Established: Sec. 1., Sec. 2 of Annex 1 of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014.

⁶ Established: Sec. 1., Sec 1. of Annex 1. of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015

⁷ Established: Sec. 1., Sec. 3 (1) of Annex 1 of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014.

acting, or if the office of the Deputy Commissioner is vacant, then by the Secretary General. If the Secretary General is prevented from acting, then the Commissioner is substituted by an executive of the Office appointed for this task by the Commissioner.

(2) The Commissioner may not be substituted in his/her scope of tasks related to

- a) the right to appoint and dismiss executives,
- b) the submission of the annual report of the Commissioner to the Parliament,
- c) the establishment of the Rules.

(3)⁸ Concerning the exercising of the Commissioner`s powers relative to attending the sessions of the Parliament and the work of the Parliament – save for the tasks defined in subsection (2) c) – the Commissioner is substituted by the Deputy Commissioner appointed by the Commissioner for the scope of tasks in question.

Section 6.⁹ (1) The performance of the work and the responsibilities of the Commissioner is facilitated by the Secretariat of the Commissioner.

(2) The Commissioner directly manages the activities of

- a) the Secretary General,
- b) the Deputy Commissioners, and
- c) the Secretariat of the Commissioner.

2. The Deputy Commissioners¹⁰

Section 7. In the Office

a)¹¹ the Deputy Commissioner responsible for the protection of the interests of future generations, and

b)¹² the Deputy Commissioner responsible for the protection of the rights of nationalities living in Hungary work.

Section 7/A.¹³ In the course of his activities

a) the Deputy Commissioner for Fundamental Rights responsible for the protection of the interests of future generations may use the title of “Ombudsman for Future Generations”, and

b)¹⁴ the Deputy Commissioner for Fundamental Rights responsible for the protection of the rights of nationalities living in Hungary may use the title of “Ombudsman for the Rights of National Minorities”.

Section 8.¹⁵ (1) The Deputy Commissioners may, in all cases, participate in inquiries commenced based on petition or ex officio in cases subject to their competence.

(2) The Deputy Commissioners

a) issue independent opinions in questions within their scope of responsibilities following professional consultation with the Commissioner,

⁸ Established: Sec. 1., Sec. 3 (2) of Annex 1 of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014.

⁹ Established: Sec. 1., Sec. 1. of Annex 1 of CFR order no. 1/2014. (I. 31.). Effective: from 1/2/2014.

¹⁰ Amended: based on Sec. 1., Sec. 24. d) of Annex 1. of CFR order no. 4/2013. (XII. 31.)

¹¹ Amended: based on Sec. 1., Sec. 24. c) of Annex 1. of CFR order no. 4/2013. (XII. 31.)

¹² Amended: based on Sec. 1., Sec. 24. c) of Annex 1. of CFR order no. 4/2013. (XII. 31.)

¹³ Enacted: Sec. 1., Sec. 4. of Annex 1 of CFR order no. 4/2013. (XII. 31.) Effective: from 1/1/2014

¹⁴ Established: Sec. 1., Sec. 2 of Annex 1 of CFR order no. 1/2015. (VI. 30). Effective: from 1/7/2015

¹⁵ Established: Sec. 1., Sec. 5. of Annex 1 of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014.

- b) exercise the competences and perform the tasks assigned to them by the CFR Act or other statutes,
- c) implement the specific tasks assigned to them by the Commissioner,
- d) participate in laying the professional foundation for and executing the Commissioner's decisions,
- e) based on assignment from the Commissioner, coordinate orienteering, strategic works and the development of sectoral and sub-sectoral strategies related to tasks within the Commissioner's scope of responsibilities,
- f) appoint and dismiss public service officials employed in the Office, who are assigned under their management by the Rules,
- g) provide opinion on the Rules and its amendments and other regulations and their amendments pertinent to the operation of the Office before publication,
- h) perform all other tasks entrusted to them by the Commissioner on a permanent or ad hoc basis.

2.1. Deputy Commissioner responsible for the protection of the interests of future generations¹⁶

Section 9.¹⁷ The Deputy Commissioner responsible for the protection of the interests of future generations is responsible for facilitating, preparing and – based on assignment given by the Commissioner and within the competence delegated under the Rules – for performing the tasks of the Commissioner that are necessary for the protection of the fundamental right to a healthy environment. In the interest of the foregoing, the Deputy Commissioner

- a) monitors, evaluates and checks the enforcement of legislative provisions ensuring the sustainability and improvement of the condition of the environment and nature;
- b) monitors and evaluates the implementation of the sustainable development strategy adopted by the Parliament;
- c) informs the Commissioner, the institutions concerned and the public of his experiences regarding the enforcement of the interests of future generations in the annual, thematic summary and otherwise, at the request of the Commissioner, made by setting an appropriate deadline;
- d) assists in providing information to the national and international public on his work, as ombudsman, pursued in the interest of future generations through informative and awareness-raising activities, in particular, through participation in events and publishing;
- e) initiates and prepares the Commissioner's measure in the event of any abuse he gains knowledge of relative to the protection of the interests of future generations,
- f) within his competence delegated by the Commissioner, orders the person or organization unlawfully jeopardizing, polluting or damaging the environment to cease this activity;
- g) within his competence delegated by the Commissioner, may propose that the competent authority take measures for the protection of the environment;
- h) within his competence delegated by the Commissioner, may issue recommendations to specific organs, institutions, authorities or persons relative to the protection of the interests of future generations;
- i) within his competence delegated by the Commissioner, may initiate review procedure against administrative decisions connected to the state of the environment, or the suspension of

¹⁶ Amended: Based on Sec. 1., Sec. 24. e) of Annex 1 of CFR order no. 4/2013. (XII. 31.)

¹⁷ Established: Sec. 1., Sec. 6 of Annex 1 of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014

the decision's execution, and may intervene as a third-party plaintiff in the judicial review procedure;

j) initiates the measure of the Commissioner as necessary in the cases described in points *c)*, *e)*, *f)*;

k) cooperates in providing opinion on draft regulations and governmental proposals related to his scope of tasks, in conducting investigations related to his scope of responsibilities and in the preparation of related reports;

l) cooperates in reviewing the compliance of legal regulations affecting his scope of responsibilities with the Fundamental Law and in drawing up related proposals;

m) may propose the adoption or amendment of legislation on the rights of future generations,

n) promotes through his international activities the presentation of the values of the domestic system of institutions related to the interests of future generations;

o) may issue opinion about the appointment, dismissal or reassignment of the members of the Environmental Section;

p) may develop assessment criteria and policy statements for his professional field;

q) performs other tasks set out by the law or the Commissioner.

Section 10.¹⁸ (1) The work and the performance of the tasks of the Deputy Commissioner responsible for the protection of the interests of future generations are facilitated by the Secretariat of maximum 8 staff members. The issue of increasing the number of staff specified in Appendix 2 – with regard to the substantiated needs arisen – is decided by the Commissioner upon requesting the opinion of the Deputy Commissioner.

(2) The Deputy Commissioner responsible for the protection of the interests of future generations directly manages the activities of his Secretariat.

Section 11.¹⁹ The powers of the Deputy Commissioner responsible for the protection of the interests of future generations are exercised by the Commissioner, if the Deputy Commissioner is prevented from acting.

*2.2. Deputy Commissioner responsible for the protection of the rights of nationalities living in Hungary*²⁰

Section 12.²¹ The Deputy Commissioner responsible for the protection of the rights of nationalities living in Hungary is responsible for preparing the tasks of the Commissioner relative to the rights of nationalities and – based on assignment given by the Commissioner and within the competence delegated under the Rules – for performing such tasks. In the interest of the foregoing, the Deputy Commissioner

a) monitors, evaluates and checks the enforcement of legislative provisions ensuring the protection of the rights of nationalities living in Hungary;

b) informs the Commissioner, the institutions concerned and the public of his experiences regarding the enforcement of the rights of nationalities living in Hungary in the annual, thematic summary and otherwise, at the request of the Commissioner, made by setting an appropriate deadline;

¹⁸ Established: Sec. 1., Sec. 7. of Annex 1 of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014

¹⁹ Amended: Based on Sec. 1., Sec. 24. f) of Annex 1 of CFR order no. 4/2013. (XII. 31.)

²⁰ Amended: Based on Sec. 1., Sec. 24. e) of Annex 1 of CFR order no. 4/2013. (XII. 31.)

²¹ Established: Sec. 1., Sec. 8. of Annex 1 of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014.

- c)* monitors and evaluates the achievement of goals of the Government's social inclusion strategy affecting the Roma population;
- d)* assists in providing information to the national and international public on his work, as ombudsman, connected to the rights of nationalities through informative and awareness-raising activities, in particular, through participation in events and publishing;
- e)* initiates and prepares the Commissioner`s measure in the event of any abuse he gains knowledge of pertinent to the protection of the rights of nationalities living in Hungary;
- f)* within his competence delegated by the Commissioner, orders the person or organization jeopardizing the rights of nationalities living in Hungary to cease this activity;
- g)* within his competence delegated by the Commissioner, may propose that the competent authority take measures for the protection of the rights of nationalities living in Hungary;
- h)* within his competence delegated by the Commissioner, may issue recommendations to specific organs, institutions, authorities or persons relative to the protection of the rights of nationalities living in Hungary;
- i)* initiates the measure of the Commissioner as necessary in the cases described in points *c)*, *e)*, *f)*;
- j)* cooperates in providing opinion on draft regulations and governmental proposals related to his scope of tasks;
- k)* cooperates in conducting investigations related to his scope of responsibilities and in the preparation of related reports;
- l)* cooperates in reviewing the compliance of legal regulations affecting his scope of responsibilities with the Fundamental Law and in drawing up related proposals;
- m)* may propose the adoption or amendment of legislation on the rights of nationalities;
- n)* promotes through his international activities the presentation of the values of the domestic system of institutions related to the rights of nationalities;
- o)* may issue opinion about the appointment, dismissal or reassignment of the members of the Unit for National Minority Rights;
- p)* may develop assessment criteria and policy statements for his professional field;
- q)* performs other tasks set out by the law or the Commissioner.

Section 13.²² (1) The work and the performance of the tasks of the Deputy Commissioner responsible for the protection of the rights of nationalities living in Hungary are facilitated by the Secretariat of maximum 8 staff members. The issue of increasing the number of staff specified in Appendix 2 – with regard to the substantiated needs arisen – is decided by the Commissioner upon requesting the opinion of the Deputy Commissioner.

(2) The Deputy Commissioner responsible for the protection of the rights of nationalities living in Hungary directly manages the activities of his Secretariat.

Section 14.²³ The powers of the Deputy Commissioner responsible for the protection of the rights of nationalities living in Hungary are exercised by the Commissioner, if the Deputy Commissioner is prevented from acting.

3. The Secretary General

²² Established: Sec. 1., Sec. 9. of Annex 1 of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014.

²³ Amended: Based on Sec. 1., Sec. 24. g) of Annex 1 of CFR order no. 4/2013. (XII. 31.)

Section 15. (1) The organizational structure of the Office of the Commissioner for Fundamental Rights is managed by the Secretary General, under the direction of the Commissioner, in accordance with the legal regulations and the professional requirements. Within this framework, the Secretary General exercises administrative management rights over the public services officials and the employees belonging to the organizational structure of the Office.

(2) Within the scope of his managerial and supervisory tasks, the Secretary General exercises the management rights defined in Section 3 of Act XLIII of 2010 on Central Administrative Authorities, and on the Legal Status of Members of the Government and State Secretaries (hereinafter referred to as: CAA Act).

(3) The Secretary General, as the head of the organ managing the chapter, exercises and performs the financial management and control related powers and duties assigned to him by law.

Section 16. Within his scope of responsibilities related to the coordinated operation of the official units, the Secretary General

a) coordinates the operation of the Office's organizational units, is responsible for their operation and ensuring the conditions for their operation;

b) coordinates negotiations between the Office and external parties;

c) prepares the Commissioner's meeting and proposes its agenda;

d) prepares the annual report on the experiences gained by the Commissioner concerning his activities, and within this framework, on the status of the protection of fundamental rights in official procedures and on the reception of the initiatives and recommendation made by him and their results;

e) convenes and chairs the General Secretary's Meeting, establishes its agenda;

*f)*²⁴ prepares decisions, the Commissioner's statements and recommendations for transferring the right to issue documents;

g) prepares the Officer's Organizational and Operational Rules and issues the Office's other regulations and strategic documents,

h) makes proposals on the Office's work plan and constantly monitors the execution of the tasks specified in the work plan;

*i)*²⁵ checks the timely implementation of the tasks set forth in the law, the work plan and the decisions of the Commissioner, and informs the Commissioner and the Deputy Commissioners about the execution of the tasks;

j) is responsible for commenting on and issuing professional opinion on initiatives, reports legal regulations and public-sector regulatory instruments received from central administrative bodies;

k) approves the Office's annual budget and final accounts proposals;

*l)*²⁶ manages the tasks associated with the internal audit,

m) coordinates teamwork within the Office and in the interest of effective implementation of ad hoc tasks that requires coordinated work performance, sets up ad hoc workgroups from the employees of the organizational units under his direction;

n) performs the tasks assigned to him by the Commissioner;

*o)*²⁷ manages tasks related to the security of electronic information systems.

²⁴ Established: Sec. 1., Sec. 10. of Annex 1 of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014

²⁵ Amended: Sec. 1., Sec. 24. h) of Annex 1 of CFR order no. 4/2013. (XII. 31.).

²⁶ Established: Sec. 1., Sec. 1. of Annex 1 of CFR order no. 2/2014. (X. 10.). Effective: from 11/10/2014

Section 17. Within his scope of managerial responsibilities related to the activities of the organizational units, the Secretary General

*a)*²⁸ exercises the employer's rights over the employees working in the Office under employment relationship and – with the exception of the Deputy Commissioners – the civil service officials save for the establishment and termination of the public service or employment relationships;

b) determines the financial conditions of operations and enforces compliance with the work rules and rules of administration, document handling and financial management in place at the Office;

c) monitors on a constant basis whether the Office`s personnel matters and the operation of the organization are in accordance with the internal regulations, the procedures for exercising the employer's rights and may initiate, in connection with his organizational management duties, the amendment of the Office`s Organizational and Operational Rules and the issuing of measures;

d) coordinates the management of personnel affairs, is responsible for the Office`s HR management and the public relations;

e) carries out documentation activities pertinent to budget management, financial, analytical, planning, asset management;

f) coordinates operations aimed at the acquisition of external resources and the process of using awarded grants;

g) is responsible for the operation and management of the Office's IT, registration and service infrastructure and systems;

*h)*²⁹ makes proposals for the Office`s work plan and strategic and operative target map, and constantly monitors the fulfilment of the tasks and meeting the indicators included therein;

i) designs, operates and develops the Office's internal control system, and within this context, operates management control systems built-into processes and preceding and subsequent to processes;

j) designs, operates and manages internal audits, approves the Office's strategic and annual audit plan, its annual audit report, as well as the summary annual audit plan and the summary report of the chapter;

k) within the competence delegated by the Commissioner, approves the Office`s annual travel and reception plan and decides whether trips not included therein are justified or not;

*l)*³⁰ carries out managerial tasks related to internal control and the assessment and management of risks affecting the Office`s financial and professional operations;

*m)*³¹ performs management duties set forth in legal regulation on the security of electronic information systems.

Section 18.³² The Secretary General directly manages the work of

a) the head of the Department for International and Public Relations,

b) the head of the Department for IT and Administration,

c) the head of the Department for General Inquiries and National Minority Rights,

²⁷ Enacted: Sec. 1., Sec 3. of Annex 1. of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015

²⁸ Amended: Sec. 1., Sec. 24. i) of Annex 1 of CFR order no. 4/2013. (XII. 31.).

²⁹ Established: Sec. 1. of CFR order no. 1/2013. (I. 25.). Effective: from 1/2/2013

³⁰ Established: Sec. 1., Sec. 2. of Annex 1 of CFR order no. 2/2014. (X. 10.). In force from 11/10/2014

³¹ Enacted: Sec. 1., Sec 4. of Annex 1. of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015

³² Established: Sec. 1., Sec. 11 of Annex 1 of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014.

- d) the Head of the Department for Equal Opportunities and Children's Rights,
- e) the Head of the Department for Administrative Cases and Environmental Protection,
- f) the Head of the Department for Public Law,
- g) the Head of the Department for Management and Human Resources,
- h)³³ the Head of the OPCAT National Preventive Mechanism Department,
- i)³⁴ the Head of the Department for the Protection of Whistleblowers and Client Service,
- j)³⁵ the internal auditor,
- k)³⁶ the IT security officer.

Section 19.³⁷ (1) The performance of the Secretary General's work and tasks is facilitated by the General Secretariat.

(2) The Secretary General directly manages and supervises the activities of his secretariat.

Section 20. §³⁸ If the Secretary General is prevented from acting, in his scope of responsibilities related to professional matters within the Office's jurisdiction, he is substituted by the head of the professional department appointed by the Secretary General; in the Office's economic affairs by the head of the Department for Management and Human Resources, and in his scope of responsibilities related to the management of the Office and the coordinated operation of the organizational units of the Office by the head of the Department for International and Public Relations. The Secretary General may not be substituted in his competence for substituting the Commissioner.

4. The Secretariat of the Deputy Commissioner³⁹

Section 21. §⁴⁰ (1) The independent Secretariat (hereinafter referred to as: Secretariat) operating besides the Deputy Commissioners ensures the professional, administrative and coordinative preparation and the continuous performance of the tasks falling within the scope of responsibilities of the Deputy Commissioners.

(2) The Secretariat of the Deputy Commissioner is managed by the head of department.

(3) The head of the Secretariat determines the work plan of the Secretariat, prepare its rules of procedure and, as an annex thereto, the job descriptions and organizes and monitors the execution of the tasks. The rules of procedure of the Secretariat and the job descriptions – unless otherwise provided by the Rules – are approved by the Deputy Commissioner.

(4) The head of the Secretariat carries out his tasks pertinent to the working groups described in sections 27/A. (1) and 28 (1), in particular, monitors the application of the inquiry criteria and policy statements issued by the Deputy Commissioner.

(5) The head of the Secretariat performs all matters assigned to his scope of responsibilities and competence by the Deputy Commission on a permanent or ad hoc basis, such as in particular

- (a) performs the tasks determined by the Deputy Commissioner;

³³ Amended: Sec. 1., Sec. 2 of Annex 1 of CFR order no. 4/2014. (XII. 23.)

³⁴: Amended: Sec. 1., Sec. 7. of Annex 1 of CFR order no. 2/2014. (X. 10.)

³⁵ Enacted: Sec. 1., Sec. 3. of Annex 1 of CFR order no. 2/2014. (X. 10.). Effective: from 11/10/2014.

³⁶ Enacted: Sec. 1., Sec 5. of Annex 1. of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015.

³⁷ Established: Sec. 1., Sec. 2. of Annex 1 of CFR order no. 1/2014. (I. 31.). Effective: from 1/2/2014

³⁸ Established: Sec. 1., Sec. 12 of Annex 1 of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014.

³⁹ Established: Sec. 1., Sec. 3. (1) of Annex 1. of CFR order no. 1/2014. (I. 31.). Effective: from 1/2/2014

⁴⁰ Established: Sec. 1., Sec. 3 (2) of Annex 1. of CFR order no. 1/2014. (I. 31.). Effective: from 1/2/2014

(b) maintains continuous and direct contact with executive officers of the Office in order to carry out his tasks effectively.

Section 22. §⁴¹ The head of the Secretariat is substituted in the cases assigned to his competence and scope of responsibilities – if prevented from acting – by the employee of the Secretariat appointed on an ad hoc basis, or permanently in the Secretariat's rules of procedure.

Chapter III.

THE ORGANIZATIONAL UNITS OF THE OFFICE

Section 23. (1) The independent organizational unit performs the tasks specified in the Rules and by the manager directing the activities of the head of the independent organizational unit.

(2) The positions assigned to the independent organizational unit, and the units operating within that, are determined by the Commissioner within the number of staff specified in the Rules.

(3) The scope of responsibilities of the units within the independent organizational unit is determined by the rules of procedure of the independent organizational unit.

Section 24. (1) The head of the independent organizational unit directs the work of the independent organizational unit – on the basis of instructions and guidelines received from the Commissioner or the Secretary General – in accordance with the law and the professional requirements and is responsible for the performance of the tasks of the independent organizational unit.

(2) The head of the independent organizational unit – in connection with the provisions of subsection (1) – prepares the rules of procedure of the independent organizational unit and, as annex thereto, the job descriptions and organizes and controls the execution of operations assigned to the independent organizational unit.

(3) The head of the independent organizational unit decides in matters assigned to the scope of responsibilities and competence of the independent organizational unit, unless otherwise provided by law, the Rules or the manager exercising control.

(4) The deputy of the head of the independent organizational unit

a) substitutes the head of the independent organizational unit in accordance with the rules of procedure of the independent organizational unit and the instructions of the head of the independent organizational unit;

b) acts as the head of unit in respect of the unit he manages.

25. (1) The head of the non-independent organizational unit directs and supervises the work of the organizational unit under his management in accordance with the rules of the independent organizational unit and the instructions of the head of the independent organizational unit. The head of the non-independent organization, if any, is responsible for performing the tasks of the organizational unit.

(2) The head of the non-independent organizational unit, if prevented from acting, according to the rules of procedure of the independent organizational unit, is substituted by the head of another non-independent organizational unit of the independent organizational unit.

⁴¹ Amended: Sec. 1., Sec. 5. b). of Annex 1 of CFR order no. 1/2014 (I. 31.).

Chapter IV.

FORUMS FOR INFORMATION AND PREPARING DECISIONS

The Management Meeting

- 26.** (1) The Management Meeting is the Office`s main body for preparing decisions.
- (2) The Management Meeting, under the leadership of the Commissioner, oversees the performance of the Office's professional and operative tasks.
- (3) The Management Meeting reviews the enforcement of the measures taken.
- (4) The Secretary General is responsible for making preparations for the Management Meeting and for setting its agenda.
- (5)⁴² The Management Meeting is attended by the Commissioner, the Deputy Commissioners, the Secretary General and the persons invited by the Commissioner.
- (6) The Commissioner makes decisions and issues guidelines based on information provided and suggestions made by the participants of the Management Meeting.
- (7) The Secretary General draws up a memorandum of the tasks and guidelines defined at the Management Meeting, which after approval by the Commissioner, is made available on the day of the meeting by the Secretary General to the participants of the meeting and those responsible for the execution of the tasks.

The Secretary General`s Meeting

- 27.** (1) The Secretary General`s Meeting, under the direction of the Secretary General, reviews the performance of the tasks falling within the scope of responsibilities and competence of the organizational units of the Office.
- (2) The Secretary General makes preparations for the Secretary General`s Meeting.
- (3) At the Secretary General`s Meeting, the Secretary General reports on the issues discussed at the Management Meeting.
- (4)⁴³ The Secretary General`s Meeting is attended by the Secretary General, the heads or designated employees of the Secretariats of the Deputy Commissioners and the heads of departments. Other persons are invited to the Secretary General`s Meeting by the Secretary General.
- (5) The Secretary General makes decisions or provides guidance based on information given and suggestions made by the participants.
- (6)⁴⁴ The General Secretariat makes sure that a memorandum is prepared on the tasks and guidelines determined at the Secretary General`s Meeting, makes it available to the participants of the Secretary General`s meeting and those responsible for the execution of the tasks, and sends it to the Commissioner and the Deputy Commissioners.

⁴² Established: Sec. 1., Sec. 14 of Annex 1. of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014.

⁴³ Established: Sec. 1., Sec. 15 (1) of Annex 1. of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014. Amended: Sec. 1., Sec. 5 c) of Annex 1. of CFR order no. 1/2014. (I. 31.).

⁴⁴ Established: Sec. 1., Sec. 15 (2). of Annex 1. of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014. Amended: Sec. 1., Sec. 5. d) of Annex 1. of CFR order no. 1/2014. (I. 31.)

The Working Group

27/A. §⁴⁵ (1)⁴⁶ Two permanent working groups, the Nationality Rights and the Environmental Protection Working Group (hereinafter collectively referred to as: Working Groups) operate in the Office. The purpose of the Working Groups is to efficiently assist the professional work connected to their respective legal fields, as internal consultative and advisory forums. The work of the Working Groups is governed by their rules of procedure and their activities are coordinated by the competent Deputy Commissioner and managed through his Secretariat.

(2)⁴⁷ The Nationality Rights Working Groups is composed of the employees of the Unit for National Minority Rights and the members of the Secretariat of the Deputy Commissioner for the Protection of the Rights of Nationalities living in Hungary and the persons proposed by Deputy Commissioner for the Protection of the Rights of Nationalities living in Hungary and approved by the Secretary General.

(3)⁴⁸ The Environmental Protection Working Group is composed of the employees of the Unit for Environmental Protection, the members of the Secretariat of the Deputy Commissioner responsible for the protection of the interests of future generations, and the persons proposed by Deputy Commissioner for the protection of the interests of future generations and approved by the Secretary General.

27/B. §⁴⁹ (1) The Environmental Protection Working Group assists the work of the Deputy Commissioner for the protection of the interests of future generations and in the interest of this:

a) analyzes socio-economic processes and the operations of the government, the local governments and economic operators,

b) analyzes and comments on the expected resource-management and environmental impacts of governmental and other strategic documents and the correlations and interactions of strategic documents;

c) analyzes and summarizes the results of inquires related to the protection of the interests of future generations,

d) in general and specific cases, prepares assessment criteria and policy statements under the professional guidance of the Deputy Commissioner and by taking into account the protection of interests of future generations.

(2) The Environmental Protection Working Group carries out the tasks as defined in subsection (1) with a view to the fundamental rights to healthy environment and physical and mental health, sustainable management taking into account the interest of future generations, the long-term strategic goals of intergenerational justice and the responsible management of the natural resources forming common inheritance of the nation.

(3) The employees of the Environmental Protection Working Group collaborate in the coordination of legal and professional aspects of environmental protection in connection with commenting on legal regulations and initiating the passing of legal regulations.

27/C. §⁵⁰ (1) The Nationality Rights Working Group assists the performance of the work of the Deputy Commissioner for the protection of the rights of nationalities living in Hungary, and in the interest of this:

⁴⁵ Enacted: Sec. 1., Sec. 16. of Annex 1. of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014.

⁴⁶ Amended: Sec. 1., Sec. 5. e) of Annex 1. of CFR order no. 1/2014. (I. 31.)

⁴⁷ Amended: Sec. 1., Sec. 5. f) of Annex 1. of CFR order no. 1/2014. (I. 31.).

⁴⁸ Amended: Sec. 1., Sec. 5. f) of Annex 1. of CFR order no. 1/2014. (I. 31.)

⁴⁹ Enacted: Sec. 1., Sec. 16. of Annex 1 of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014.

a) analyses socio-economic processes and the operations of the government, the local government and economic operators,

b) analyses and comments on the correlations and interactions of governmental and other strategic documents;

c) analyses and summarizes the results of inquiries related to the protection of the rights of nationalities living in Hungary,

d) in general and specific cases, prepares assessment criteria and policy statements under the professional guidance of the Deputy Commissioner and by taking into account the protection of the rights of nationalities living in Hungary.

(2) The Nationality Rights Working Group carries out the tasks defined in subsection (1) with a view to the fundamental rights of the nationalities, the rights of the individual and the community, and the principle of equal treatment.

(3) The employees of the Nationality Rights Working Group collaborate in the coordination of legal and professional aspects of nationality rights in connection with commenting on legal regulations and initiating the passing of legal regulations.

28. §⁵¹ (1) Upon the initiative of the Commissioner or the Deputy Commissioners, the Secretary General may set up additional working groups for the effective implementation of an ad hoc task – that affects the responsibilities of several independent organizational units and requires coordinated work performance – which consist of the staff impacted on account of their respective tasks. The order setting the workgroup must specify the task, the leader and the members of the workgroup.

(2) The members of the workgroup continuously inform each other of the events and developments affecting their scope of activities in electronic form, and the leader of the workgroup, the Secretary General or the Deputy Secretaries may convene work meetings.

(3) The heads of departments may set up working groups for the effective implementation of an ad hoc task that requires coordinated work performance which consist of the employees of the department under their direction.

(4) The aim of the working group is to solve the predefined task by using a complex approach, based on the heightened cooperation of the specialized areas and to draw up and elaborate the necessary proposals.

(5) The members of the working group may be substituted by the persons who are otherwise entitled to substitute them.

Chapter V.

SPECIFIC PROVISIONS RELATED TO THE OPERATION OF THE OFFICE

The right to issue official copy

29. §⁵² (1) The decision includes the right to issue official copy.

(2) The right to issue official copy gives authorization:

⁵⁰ Enacted: Sec. 1., Sec. 16. of Annex 1 of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014.

⁵¹ Established: Sec. 1., Sec. 17. of Annex 1 of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014.

⁵² Established: Sec. 1., Sec. 1 of Annex 1. of CFR order no. 4/2014. (XII. 23.). Effective: from 1/1/2015.

a) to sign substantive decisions made within the Commissioner`s competence or scope of responsibilities;

b) to sign substantive decisions made within the Deputy Commissioner`s scope of responsibilities delegated by the Commissioner under the Rules;

c) if so provided by the Rules, to prepare and sign on behalf of the Commissioner decisions made within Commissioner`s competence or scope of responsibilities, or

d) to make decisions by the person entitled and obligated to perform the responsibilities within this scope.

(3) With the exceptions stated in Subsections (4)-(5), the Commissioner transfers the right to issue

a) public law instruments regulating the organization;

b) the document addressed to the President of the Republic; the officials, representatives and general director of the Parliament; the members of the government and the state secretaries; the government commissioners and the representatives and commissioners of the prime minister; the president and the members of the Constitutional Court; the president of the Curia; the president of the National Office for the Judiciary; the chief prosecutor; the presidents of the local governments of the counties; the heads of bodies with national jurisdiction; the president of the Hungarian Competition Authority; the chief of staff of the Defense Force; the heads of the institutions of higher education and the president of the State Audit Office;

c) the reports, recommendations and proposals drafted as a result of an inquiry.

(4) In order to ensure the efficient performance of the tasks (with the exception of motions to the Constitutional Court, motions to review local government decrees, and commenting on legal regulations) the Commissioner may transfer the right to issue official copies to the Deputy Commissioner for the protection of the rights of the future generations in cases related to the rights of future generations, and to the Deputy Commissioner for the protection of the rights of nationalities living in Hungary in cases related to the rights of nationalities.

(5) The Commissioner and the Deputy Commissioner may jointly transfer the right to issue reports that have national minority or environmental implications.

(6) The Deputy Commissioners may act independently in the cases specified in the Rules and within the scope of responsibilities delegated to them by the Commissioner.

(7) The Commissioner is entitled to revoke and exercise the right to issue official copies in specific cases that has been transferred to the Deputy Commissioner.

(8) In order to ensure the efficient performance of the tasks, the Commissioner may transfer the right to issue documents that do not contain measures to the Secretary General or the head of the independent organizational unit on an ad hoc or permanent basis.

(9) The documents concerning which the right to issue is exercised by the Commissioner or jointly by the Commissioner and the Deputy Commissioner are submitted for issuing by the Secretary General.

(10) The documents concerning which the right to issue is exercised by the Deputy Commissioner are submitted for issuing by the head of the Secretariat.

30. §⁵³ (1) The positions belonging to the independent organizational units and the sections operating within them are specified by the Commissioner within the limits of the staff number stated in the Rules.

⁵³ Established: Sec. 1., Sec. 1 of Annex 1. of CFR order no. 4/2014. (XII. 23.). Effective: from 1/1/2015.

(2) The Deputy Commissioner for the Protection of the Interest of Future Generations, acting within his competence delegated by the Commissioner, exercises professional management right – not affecting the additional tasks set forth in the procedural rules of the department – over the work of the Unit for Environmental Protection of the Department for Administrative Cases and Environmental Protection.

(3) The Deputy Commissioner for the protection of the rights of nationalities living in Hungary, acting within his competence delegated by the Commissioner, exercises professional management right – not affecting the additional tasks set forth in the procedural rules of the department – over the work of the Unit for National Minority Rights of the Department for General Inquiries and National Minority Rights.

Section 31. The person entitled to issue official copies and the person entitled and obligated to perform the duties, makes his decision after reviewing preparation, based on the received information, acting within the scope of his responsibilities and powers and without any delay by the applicable deadline.

The general rules of performing work

Section 32. (1) With the exception of the Commissioner and the Secretary General, managers may not give instructions to employees of organizational units not under their direction.

(2) The instruction received directly from the manager referenced in subsection (1) must be implemented by adhering to rules of subordination – unless expressly otherwise provided by the person giving the instruction. In cases of emergency, the consent of the supervising manager prevented from acting due to absence must be obtained by telephone or electronic means. The completion of the above, or if this is not possible, has to be recorded in the file which must be immediately forwarded to the supervisor higher in the hierarchy.

(3)⁵⁴ The Secretary General may delegate in writing his employer's rights over the staff working at the Secretariat of the Deputy Commissioner to the Deputy Commissioner.

Order of reconciliation of drafts prepared in the Office

Section 33. The documents submitted for approval through the Secretary General are signed by the administrator who prepared the document and the head of the independent organizational unit where the document was prepared.

Section 34. §⁵⁵

Section 35. §⁵⁶ The Secretary General regularly prepares consolidated reports on the activities of the independent organizational units, submits them to the Commissioner and simultaneously sends them to the Deputy Commissioners for informational purposes. The formal requirements and the technical conditions of the reporting are established by the Secretary General.

⁵⁴ Enacted: Sec. 1., Sec. 20. of Annex 1 of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014.

Amended: Sec. 1., Sec. 5 g) of Annex 1 of CFR order no. 1/2014. (I. 31.).

⁵⁵ Repealed: Sec. 7. of CFR order no. 3/2012. (VIII. 31.). Ineffective from: 1/9/2012

⁵⁶ Established: Sec. 1., Sec. 21 of Annex 1. of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014.

Cooperation obligation and team work

Section 36. (1) All managers and employees of the Office are required to cooperate in the performance of the official tasks. The heads of the independent organizational units are responsible for establishing cooperation between the independent organizational units. The organizational unit responsible for handling the case or appointed by the Commissioner for this purpose is in charge of the reconciliation, and ensuring that the positions of the other organizational units involved in the performance of the task prevail in a concerted way.

(2) In order to carry out tasks that require a complex approach and the close cooperation of multiple specialized areas, the Commissioner may order teamwork with the efficient collaboration of the managers whose scope of responsibilities is concerned and the administrators competent for the subject matter in question.

(3) During the teamwork, the managers whose scope of responsibilities is concerned and the administrators competent for the subject matter act in a heightened cooperation and bear special responsibility to make sure that the complex task is accomplished by the relevant deadline.

The representation of the Office

Section 37. §⁵⁷ (1) The Office is represented by the Commissioner. If the Commissioner is prevented from acting, the Office is represented by the Deputy Commissioner appointed by the Commissioner, or by the Secretary General. In the event that the Commissioner, the Deputy Commissioner and the Secretary General are collectively prevented from acting, the Office is represented by the official authorized by the Commissioner.

(2) Vis-a-vis the Government, the authorities, the local governments and the non-governmental agencies, the Office is primarily represented by the Commissioner, or if the Commissioner is prevented from acting, by the Deputy Commissioner appointed by the Commissioner, or by the Secretary General. In the event that the Commissioner, the Deputy Commissioner and the Secretary General are collectively prevented from acting, the Office is represented by the official authorized by the Commissioner. In matters concerning his field of expertise, the Office may also be represented by the head of department based on the authorization given by the Commissioner.

(3) The legal representation of the Office before the courts and authorities is provided by the Commissioner. If the Commissioner is prevented from acting, legal representation is provided by the Deputy Commissioner appointed by the Commissioner or by the Secretary General, or a staff member authorized by the Deputy Commissioner or the Secretary General in accordance with the Commissioner's instructions.

(4) In the course of preparing for projects co-financed by the European Union, the Office is represented by the Commissioner and, if he is prevented from acting, by the Deputy Commissioner appointed by the Commissioner or by the Secretary General. In the course of preparing for projects, the Office may also be represented by an official authorized by the Commissioner. During the implementation of such projects, the Commissioner or the Secretary General also settles the issue of representation in the project founding document.

(5) Before parliamentary committees, the Office is represented by the Commissioner, or if the Commissioner is prevented from acting, by the Deputy Commissioner appointed by the

⁵⁷ Established: Sec. 1., Sec. 22. of Annex 1. of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014.

Commissioner or the Secretary General. In the event that the Commissioner, the Deputy Commissioner appointed by the Commissioner and the Secretary General are collectively prevented from acting, the Office is represented by an official authorized by the Commissioner.

Maintaining contact with the press on behalf of the Office

Section 38. (1)⁵⁸ Unless otherwise provided for in the Rules, the Commissioner or the Deputy Commissioner may provide information to the press. Otherwise, the press is informed by the press officer by the involvement of the organizational units concerned.

(2)⁵⁹ In matters falling within the scope of the Office's responsibilities and powers, interviews may only be given with the approval of the press officer, unless otherwise decided by the Commissioner.

(3) The provisions of subsection (1) are not applicable regarding written materials prepared for professional journals that typically present the regulations in force, or are otherwise made for educational or scientific purposes.

(4)⁶⁰

(5)⁶¹

Chapter VI.

CLOSING PROVISIONS

Section 39. (1) The Secretary General issues within 60 days after these Rules enter into force:

- a)* the personnel regulation,
- b)* the document management regulation,
- c)* the financial management regulations,
- d)* the audit regulation,
- e)* the travel and hospitality regulation,
- f)*⁶² the regulation on using rooms and equipment,
- g)* the IT and other related regulations.

(2) In addition to the regulations referenced in subsection (1), the Commissioner may order the issuing of additional regulations.

Section 40. (1)⁶³ The head of the independent organizational unit prepares the order of business for the implementation of this order, in particular, to define the scope of responsibilities of the specific units and the Secretariat of the Deputy Commissioner, within 30 days of these Rules entering into force.

⁵⁸ Established: Sec. 1., Sec. 23. of Annex 1 of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014. Amended: Sec. 1., Sec. 6. of Annex 1 of CFR order no. 1/2014. (I. 31.).

⁵⁹ Established: Sec. 1., Sec. 23. of Annex 1 of CFR order no. 4/2013. (XII. 31.). Effective: from 1/1/2014.

⁶⁰ Repealed: Sec. 12. of CFR order no. 1/2013. (I. 25.). Ineffective from: 1/2/2013

⁶¹ Repealed: Sec. 12. of CFR order no. 1/2013. (I. 25.). Ineffective from: 1/2/2013

⁶² Established: Sec. 1, Sec. 4. of Annex 1. of CFR order no. 2/2014. (X. 10.). Effective: from 11/10/2014.

⁶³ Amended: Sec. 1., Sec. 5 h). of Annex 1. of CFR order no. 1/2014. (I. 31.)

(1a)⁶⁴ Within 30 days of CFR Order no. 1/2014. (I. 31.) on the Amendment of CFR Order no. 1/2012. (I. 6.) on the Organizational and Operational Rules of the Office of the Commissioner for Fundamental Rights (hereinafter as: the Amendment) entering into force, the head of the independent organizational unit must ensure the implementation of the provisions of the Amendment, and thus prepare the order of business, or amend the current order of business, setting forth the scope of responsibilities of the individual units and the Secretariat of the Deputy Commissioner.

(2) At the proposal of the head of the independent organizational unit, the order of business is approved by the Secretary General.

Section 41. §⁶⁵

In consolidated structure with amendments:

Budapest, 2 March, 2017

**László Székely
Commissioner for Fundamental Rights**

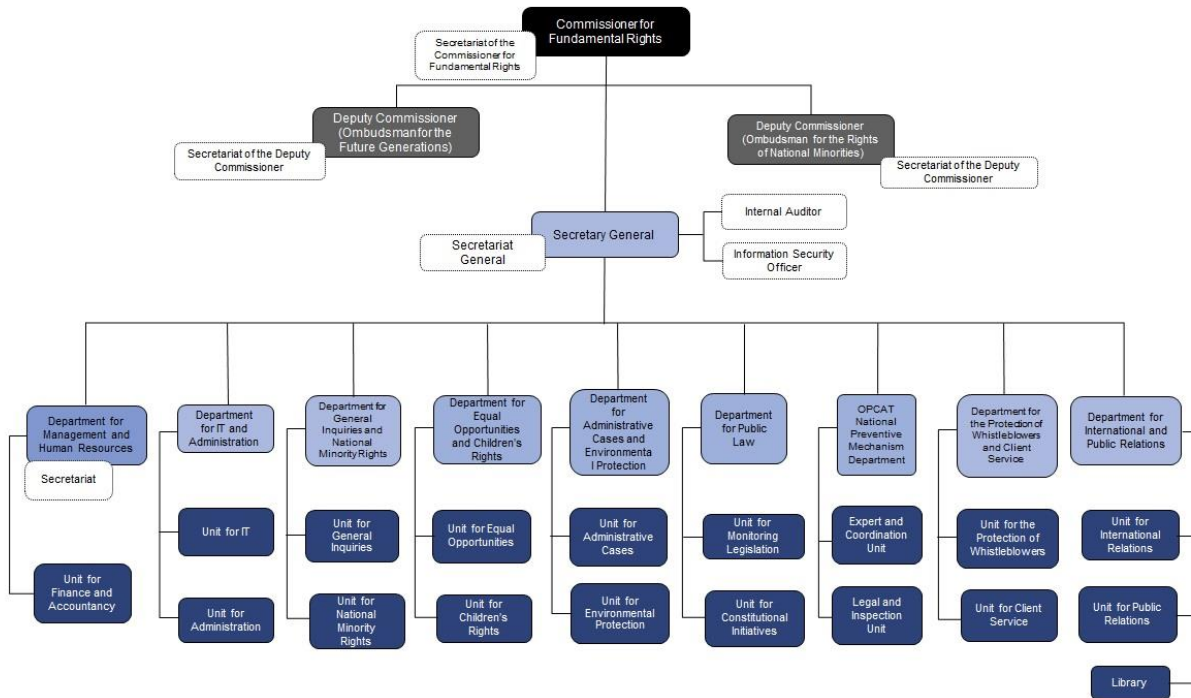
⁶⁴ Enacted: Sec. 1., Sec. 4. of Annex 1. of CFR order no. 1/2014. (I. 31.). Effective: from 1/2/2014.

⁶⁵ Repealed: Sec. 7. of CFR Order no. 3/2012. (VIII. 31.). Ineffective from: 1/9/2012.

Appendix 1⁶⁶

The Organization of the Office of the Commissioner for Fundamental Rights

Organisation of the Office of the Commissioner for Fundamental Rights



⁶⁶ Established: Sec. 1., Sec 6. of Annex 1., Appendix 1. of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015. Amended: Sec. 1., of CFR order no.1/2017 (III.10.). Effective: from 15/3/2017

Appendix 2.⁶⁷

The organizational units of the Office of the Commissioner for Fundamental Rights and the distribution of statuses between the organizational units

Supervising manager	Organizational units	Title	Person	Number of staff (person /organizational unit)
1. Commissioner for Fundamental Rights		Commissioner	1	[1]
	1.0.1. Secretariat of the Commissioner	Employee	3	[3]
1.1. Deputy Commissioner responsible for the protection of the rights of nationalities living in Hungary		Deputy Commissioner	1	[1]
	1.1.1. Secretariat of Deputy Commissioner responsible for the protection of the rights of nationalities living in Hungary	Head of department	1	[7.5]
		Employee	6.5	
1.2. Deputy Commissioner responsible for the protection of the interests of future generations		Deputy Commissioner	1	[1]
	1.2.1. Secretariat of the Deputy Commissioner responsible for the protection of the interests of future generations	Head of department	1	[7.5]
		Employee	6.5	
1.3. Secretary General		Secretary General	1	[1]
	1.3.1. General Secretariat	Employee	4	[4]
	1.3.2. Department for	Head of department	1	[10]

⁶⁷ Established: Sec. 1., Sec 7. of Annex 1., Appendix 2 of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015

Amended: Sec. 2., of CFR order no.1/2017 (III.10.). Effective: from 15/3/2017

	Management and Human Resources Secretariat Unit for Finance and Accounting	Employee Head of unit Employee	5 1 3	
	1.3.3. Department for International and Public Relations Unit for International Relations Unit for Public Relations Library	Head of department Employee Deputy head of department Employee Employee	1 4 1 7 1	[14]
	1.3.4. Department for IT and Administration Unit for IT Unit for Administration	Head of department Deputy head of department Employee Head of unit Employee	1 1 4 1 6	[13]
	1.3.5. Department for General Inquiries and National Minority Rights	Head of department Deputy head of department Employee	1 2 16	[19]
	1.3.6. Department for Administrative Cases and Environmental Protection	Head of department Deputy head of department Employee	1 1 15	[17]
	1.3.7. Department for Equal Opportunities and Children's Rights	Head of department Deputy head of department Employee	1 1 15	[17]
	1.3.8. Department for Public Law Unit for Monitoring Legislation Unit for Constitutional Initiatives	Head of department Head of unit Employee Deputy head of department	1 1 8 1	[16]

		Employee	5	
	1.3.9. OPCAT National Preventive Mechanism Department Legal and Inspection Unit	Head of department Employee Deputy head of department Employee	1 4 1 5	[11]
	1.3.10. Department for the Protection of Whistleblowers and Client Service Unit for the Protection of Whistleblowers Unit for Client Service	Head of department Deputy head of department Employee Head of unit Employee	1 1 6 1 6	[15]
	1.3.11. Internal Auditor	Internal Auditor	0.5	[0.5]
	1.3.12. Information Security Officer	Information Security Officer	0.5	[0.5]

Appendix 3.⁶⁸

The tasks of the organizational units of the Office of the Commissioner for Fundamental Rights

1. ORGANIZATIONAL UNITS UNDER THE DIRECT MANAGEMENT OF THE COMMISSIONER FOR FUNDAMENTAL RIGHTS

1.0.1. The Secretariat of the Commissioner

- a) opens, organizes, and initials based on mandate the mail sent to the Commissioner;
- b) organizes for signing and initials based on mandate the documents submitted to the Commissioner;
- c) participates in the organization, implementation and evaluation of press events affecting the person of the Commissioner;
- d) prepares and manages the organization of the Commissioner's domestic and foreign programs;
- e) prepares background materials for the programs of the Commissioner, for which it may request information from the Office's organizational units;
- f) keeps contact with the organizational units of the Office, inquires about the work conducted there, and can request data and background materials from them on behalf of the Commissioner;
- g) manages the Secretariat of the Commissioner, and within this scope:
 - ga) carries out administrative tasks connected to the person of the Commissioner;
 - gb) organizes the Commissioner's programs;
 - gc) performs the filing and document transmission tasks ordered by the Commissioner;
- h) proceeds in the cases determined by the Commissioner, participates in the coordination of projects specified by the Commissioner.

1.1. THE ORGANIZATIONAL UNITS MANAGED BY THE DEPUTY COMMISSIONER RESPONSIBLE FOR THE PROTECTION OF THE RIGHTS OF NATIONALITIES LIVING IN HUNGARY

1.1.1. The Secretariat of the Deputy Commissioner responsible for the protection of the rights of nationalities living in Hungary

In addition to its tasks defined in Section 21. of the Rules, the Secretariat – within the scope of its coordinative tasks – performs general administrative, filing and document transmission tasks as well as administrative services supporting the activities of the organizational unit.

1.2. THE ORGANIZATIONAL UNITS MANAGED BY THE DEPUTY COMMISSIONER RESPONSIBLE FOR THE PROTECTION OF THE INTEREST OF FUTURE GENERATIONS

1.2.1. The Secretariat of the Deputy Commissioner responsible for the protection of the interest of future generations

⁶⁸ Established: Sec. 1., Sec. 3. c), of Annex 1., Appendix 3. of CFR order no. 4/2014. (XII. 23.). Effective: from 1/1/2015.

In addition to its tasks defined in Section 21. of the Rules, the Secretariat – within the scope of its coordinative tasks – performs general administrative, filing and document transmission tasks as well as administrative services supporting the activities of the organizational unit.

1.3. THE ORGANIZATIONAL UNITS UNDER THE DIRECTION OF THE SECRETARY GENERAL

In respect of the internal control system, the Secretary General:

- a)* examines and evaluates the compliance of the Office's internal control system (including the control steps built into the processes, and the preliminary and subsequent control steps and the system of management control) with the law and the internal regulations;
- b)* examines and evaluates the cost-effectiveness, efficiency and success of the financial management and control systems in place at the Office;
- c)* examines the management of the Office`s resources; the preservation of its assets; the reliability of accounts and reports; the proper, efficient, effective and cost-effective use of public funds and compliance with the laws and internal instructions;
- d)* prepares the strategic and annual audit plan – supported by risk analysis – and the comprehensive annual audit plan of the chapter, and prepares the Office's audit report on its annual audit activity as well as the comprehensive annual audit report of the chapter;
- e)* ensures the adoption of the annual risk assessment and risk management plan and the continuous monitoring of the implementation of the measures necessary to maintain at an acceptable level and minimize the risks;
- f)* ensures the operation of control processes tracking the Office's activities and the achievement of its objectives, and the establishment and coordination of monitoring procedures related thereto;
- g)*⁶⁹ operates the Office`s Management Information System.

1.3.1. The General Secretariat

(1) In addition to its tasks defined in Section 21. of the Rules, the General Secretariat – within the scope of its coordinative tasks – performs general administrative, filing and document transmission tasks as well as administrative services supporting the activities of the organizational unit.

(2) The General Secretariat within its scope of responsibilities related to coordination and supporting the Secretary General:

- a)* opens, organizes, and initials based on mandate the mail sent to the Secretary General;
- b)* organizes for signing and initials based on mandate the documents submitted to the Secretary General;
- c)* performs the filing and document transmission tasks ordered by the Secretary General;
- d)* cooperates in the preparation of the domestic and foreign programs of the Secretary General;
- e)* keeps contact with the organizational units of the Office, inquires about the work conducted there and can request data and background materials from them on behalf of the Secretary General;

⁶⁹ Established: Sec. 1., Sec 8. of Annex 1., Sec. 1 (1) of Appendix 3. of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015.

- f) performs administrative tasks connected to the person of the Secretary General;
- g) participates in the coordination of programs specified by the Secretary General;
- h) proceeds in other cases determined by the Secretary General;
- i) ensures the monitoring of legislative changes affecting the operation of the Office and the work of its staff, and the preparation of the Office's annual plans and the reports on their implementation;
- j) coordinates the preparation of the Office's strategic and operative target map;
- k)⁷⁰ cooperates in operating the Office's Management Information System;
- l)⁷¹ receives requests for access to data of public interest and data public on the grounds of public interest handled by the Office forwards them to the heads of the organizational units owning the data.

(3) The General Secretariat within the scope of its responsibilities related to the control of classified data:

- a) arranges for the implementation of related regulatory tasks;
- b) performs the necessary control tasks;
- c) arranges for the performance of duties falling within the scope of personal, physical and administrative security;
- d) arranges for the coordination and implementation of other tasks related to the protection of classified information.

(4) The General Secretariat within the scope of its responsibilities related to personnel matters:

- a) carries out tasks related to the operation of the Office`s substantive HR system;
- b) acts in close cooperation with the Department for Management and Human Resources;
- c) prepares the Office's HR strategy and, if adopted, is responsible for its implementation;
- d) based on and within the framework of the Office's HR strategy, prepares the Office`s HR development plan and, if adopted, is responsible for its implementation;
- e) ensures the development of the organizational HR policy;
- f) is responsible for the elaboration and implementation of the collective and individual personnel development program of the employees of the Office;
- g) performs organizational development tasks that arise at the Office;
- h)⁷² prepares the annual training plan and organizes trainings and courses for the employees of the Office.

1.3.2. Department for Management and Human Resources

(1) The Department for Management and Human Resources within its scope of responsibilities related to accounting and finance:

- a) prepares the regulations on the use of chapter-managed appropriations;
- b) performs tasks relating to the preparation of the basic budget and the basic budget report of the chapter and the preparation of the annual budget and final discharge proposal of the chapter;

⁷⁰ Enacted: Sec. 1., Sec 8. of Annex 1., Sec. 1 (2) of Appendix 3. of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015.

⁷¹ Enacted: Sec. 1., Sec 8. of Annex 1., Sec. 1 (2) of Appendix 3. of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015

⁷² Enacted: Sec. 1., Sec 8. of Annex 1., Sec. 1 (3) of Appendix 3. of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015

- c)* carries out organizational tasks pertinent to the implementation of budget planning work;
 - d)* organizes the implementation of measures affecting the chapter as the result of changes in the operation of state budget;
 - e)* opens a new appropriation for appropriations received from EU funds, if the aid is used from EU sources that the appropriation of the chapter did not include and ensures the central budget resources by restructuring within the chapter;
 - f)* after the adoption of the law on central budget, prepares the establishment of the budget appropriations for the chapter-managed appropriations belonging to the chapter;
 - g)* fulfills the financial management and accounting obligations of the chapter-managed appropriations and the related data provision tasks;
 - h)* directs the management of control steps built into the processes, as well as preliminary and subsequent management control steps regarding the tasks within its competence;
 - i)* answers to data requests filed by external and internal audit bodies;
 - j)*⁷³ performs tasks related to the disclosure of public interest data managed by it in connection with its scope of duties, arranges for the performance of tasks related to the fulfillment of individual data requests and coordinates the display of public interest data on the Office's website (www.ajbh.hu);
 - k)* prepares the comprehensive report for the chapter on the utilization of the findings and recommendations made in internal and external audit reports;
 - l)* draws up the basic budget, the annual accounts and the interim balance sheet reports of the Office as a budgetary organ;
 - m)* carries out operations relating to amendments to appropriations impacting the budget of the Office;
 - n)* performs economic, financial management and accounting obligations and related data provision operations;
 - o)* performs operations related to non-regular personal benefits;
 - p)* performs petty cash, foreign currency management and value management operations and ensures the safe transport of HUF and foreign currency provisions,
 - q)* is responsible for establishing the accounting policy and the chart of accounts, and for preparing financial management regulations;
 - r)* performs obligation-undertaking, countersigning, remittance and validation tasks;
 - s)* operates the cash counter at the office and performs debit and credit operations and banking transactions;
 - t)* prepares contracts concerning financial management.
- (2) The Department for Management and Human Resources within its scope of responsibilities related to operations management:
- a)* carries out asset management tasks occurring at the Office, with particular regard to the tasks related to the management of real estate directly managed by the Office and makes proposals on the future use of such real estate;
 - b)* is responsible for keeping contact with the Hungarian National Asset Management Inc. [Magyar Nemzeti Vagyonkezelő Zrt.] in matters concerning property and asset management;
 - c)* conducts the public procurement procedures launched by the Office;

⁷³ Established: Sec. 1., Sec 8. of Annex 1., Sec. 2 (1) of Appendix 3 of CFR order no. 1/2015 (VI. 30.).
Effective: from 1/7/2015.

d) in the public procurement procedures conducted by the Department, performs professional representation tasks before the Public Procurement Arbitration Board with legal assistance from the Office;

e) carries out regular and ad hoc disclosure and information operations prescribed by the Public Procurement Act and meets the documentation obligation set out therein;

f) if necessary participates in procedures launched for contact keeping and the enforcement of the Office's interests, where the Office is represented by a solo practitioner or law firm;

g) performs tasks related to the establishment of the liability of Office employees for damages;

h) monitors the calls for tender relevant for the operation of the Office and regularly informs the Secretary General thereof;

i) prepares the civil law contracts of the Office and makes sure that they are countersigned;

j) carries out tasks related to the registration of the civil law contracts of the Office;

k) issues and maintains the register of permits granting entry and access to the premises of the Office;

l) conducts the Office's qualified periodic and disaster relief planning operations on assignment received from the Commissioner or the Secretary General;

*m)*⁷⁴ on assignment received from the Secretary General, prepares the Office's asset inventory and manages the inventory;

*n)*⁷⁵ performs tasks related to the maintenance of machines, equipment, vehicles and other devices that have been taken into inventory at the Office; the purchase of materials, stock, prints and other office supplies and to purchases made for events;

o) is responsible for carrying out the caretaker duties of the Office, as well as for keeping records and taking inventory of the assets in accordance with the law and the instructions given by the Secretary General;

*p)*⁷⁶ procures business cards for the Commissioner, the Deputy Commissioner and their staff, the Secretary General and the employees of the Office;

*q)*⁷⁷ administers and keeps the registry of car applications, performs vehicle operation tasks and manages and checks the work of drivers.

(3) The Department for Management and Human Resources within its scope of responsibilities related to HR policy:

a) performs statutory personnel related duties as they apply to the public service and employment relationships of the staff members working at the Office;

b) performs all administrative tasks pertinent to wage and payroll accounting, social security disbursement, pension fund membership; reporting, registration and data provision obligations, and the evaluation of claims for social security benefits;

*c)*⁷⁸ keeps and manages the registry of the personal data (public service and employee records) of the staff members of the Office, the personal files of the staff members of the Office, the

⁷⁴ Established: Sec. 1., Sec 8. of Annex 1., Sec. 2. (2) of Appendix 3 of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015

⁷⁵ Established: Sec. 1., Sec 8. of Annex 1., Sec. 2. (2) of Appendix 3 of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015

⁷⁶ Enacted: Sec. 1., Sec 8. of Annex 1., Sec. 2. (3) of Appendix 3 of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015

⁷⁷ Enacted: Sec. 1., Sec 8. of Annex 1., Sec. 2. (3) of Appendix 3 of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015

database containing the CVs of the staff of the Office, the personnel and internal records and ensures that the staff table of the Office is kept up to date;

*d)*⁷⁹ after the cessation or termination of the service relationship of the staff working at the Office, arranges for the archiving of the personal records of the public service officials;

e) performs the labour tasks associated with the wage and staff management at the Office,

f) prepares the Office`s loan and other social contracts signed as employer and performs the operations connected to the registration of the Office`s rights related to the above into the real estate register;

g) arranges for the legal representation in litigious and non-litigious procedures of the Office and the employees, at their request in cases brought against or by them in connection with their employment relationships or actions taken in official capacity;

h) performs operations pertinent to issuing and publishing calls for tender in employment matters and coordinates the tender procedure;

i) performs the operations defined in Act CLII of 2007 on Asset Declaration Obligations relevant to the keeping of asset declarations,

j) publishes the personnel data on the Office's website as per the instructions of the Secretary General;

*k)*⁸⁰

l) cooperates in the preparation and implementation of award and recognition decisions;

m) prepares and manages the study contracts of the staff members working at the Office;

n) cooperates in the preparation of the Office's Equal Opportunities Plan;

o) coordinates the execution of other tasks arising from the implementation of the Office's HR Regulation;

p) carries out tasks associated with the vacationing of staff working at the Office;

q) manages the personnel monitoring system;

r) coordinates intra-office work processes related to performance evaluation and reports to the Management Meeting on its effectiveness;

s) prepares the Office`s HR strategy based on the relevant decision of the Secretary General.

(4) The operation of the Department for Management and Human Resources is assisted by the secretariat, which performs general administrative, filing and document transmission tasks and administrative services supporting the activities of the organizational units. The units belonging to the Department for Management and Human Resources are led by the head of unit.

1.3.3. Department for International and Public Relations

(1) The Department for International and Public Relations within its scope of responsibilities related to international relations:

a) cooperates in the preparation of international treaties based on mandate given by the Commissioner;

b) fulfils NHRI responsibilities;

⁷⁸ Established: Sec. 1., Sec 8. of Annex 1., Sec. 2 (4) of Appendix 3 of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015.

⁷⁹ Established: Sec. 1., Sec 8. of Annex 1., Sec. 2 (4) of Appendix 3 of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015.

⁸⁰ Repealed: Sec. 1., Sec 8. of Annex 1., Sec. 8. a). of Appendix 3 of CFR order no. 1/2015 (VI. 30.). Ineffective: from 1/7/ 2015.

c) organizes the performance of the tasks of the independent mechanism referenced in Article 33 (2) of the Convention on the Rights of Persons with Disabilities;

d) organizes the performance of tasks – arising out of independent, national preventive, supervisory or legal assistance mechanisms – necessary for meeting an obligation assumed in international treaty that are assigned to the Commissioner by law;

e) keeps contact with domestic and international organizations;

f) cooperates with the OPCAT National Preventive Mechanism Department in order to carry out the tasks set forth in Act CXLIII of 2011 on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

(2) The Department for International and Public Relations within its scope of responsibilities related to international relations, functional and other tasks:

a) cooperates in the organization of the Office's foreign language correspondence and collects and provides information in relation thereto via the Internet;

*b)*⁸¹ assembles the annual report on the Office's international activities;

c) informs the Office's organizational units about the international negotiations of the managers of the Office;

*d)*⁸² organizes, prepares and coordinates the international activities of the Office, with particular regard to the tasks associated with the status “A” UN national human rights institution, and makes sure that the Office's international activities are coordinated;

e) according to the annual travel and reception plan, prepares professional materials for the international negotiations of the managers of the Office, and in this context, arranges for coordinating the implementation of the tasks resulting from such negotiations;

f) in case of a complainant using foreign language, provides assistances to the work of the Complaints Office, if so requested.

(3) The Department for International and Public Relations within its scope of responsibilities related to public relations and coordination:

a) carries out protocol related tasks pertinent to the domestic and foreign trips of the Commissioner, the Deputy Commissioners, the Secretary General and the staff of the Office as well as to the reception of partners;

b) prepares and coordinates the projects specifically determined by the Commissioner;

c) organizes the conferences, professional programs and other events to be held by the Office;

d) coordinates the appearances of the Commissioner and the Deputy Commissioners on occasion of national holidays;

e) carries out preparatory, coordination, organizational and other tasks associated with the awards granted within the competence of the Commissioner;

f) keeps contact with the bodies and offices of the Parliament and the Government and with non-governmental organizations;

*g)*⁸³ draws up the Office's annual travel and reception plan for the upcoming year, based on information received from the secretariats of the Commissioner, the Deputy Commissioners and the Secretary General,

⁸¹ Established: Sec. 1., Sec 8. of Annex 1., Sec. 3 (1) of Appendix 3. of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015

⁸² Established: Sec. 1., Sec 8. of Annex 1., Sec. 3 (1) of Appendix 3. of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015

⁸³ Established: Sec. 1., Sec 8. of Annex 1., Sec. 3 (3) of Appendix 3. of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015

- h) participates in keeping contact between the foreign partners of the managers of the Office;
- i) coordinates the preparation and technical implementation of the Commissioner's Parliamentary report, by involving the Office's organizational units;
- j) performs tasks related to the implementation of and accounting for domestic and foreign assignments and keeps the analytical records connected thereto;
- k) organizes the interpretation services necessary for the meetings;
- l)⁸⁴
- m) supervises the activities of the press officer, and within this framework:
 - a. prepares and coordinates press assignments related to the international and domestic public appearances of the Commissioner and the Deputy Commissioners,
 - b. provides official information to domestic and foreign mass media organizations and news agencies about the activities of the Office,
 - c. maintains contact with domestic and international journalists and boards of editors,
 - d. prepares the statements of the Commissioner and Deputy Commissioners,
 - e. organizes and prepares press conferences impacting the Commissioner, the Deputy Commissioners and the Office,
 - f. makes proposals to the Secretary General on responding to the press inquiries based on daily press monitoring,
 - g. informs media workers of the public programs of the Commissioner and the Deputy Commissioners,
 - h. participates in public press events and in the implementation of press events, public appearances and programs,
 - i. records and handles questions asked by journalists from the Office,
 - j. updates national and international press lists and tracks changes in the media,
 - k. monitors the public presentation of the activities of the Office, the Commissioner and the Deputy Commissioners in the national written and electronic media, and within this context, prepares press reviews, feedbacks and summaries, as necessary,
 - l. archives press releases,
 - m. prepares preparatory and background materials, draft announcements and speeches and upon request draft responses for the Commissioner, the Deputy Commissioners and the Secretary General,
 - n.⁸⁵ organizes the content development of the Office's website,
 - o. makes sure that a uniform image is developed for the Office,
 - p. organizes, and records the public appearances of the senior officials of the Office by video, audio, photo and other means, stores and archives these materials in a searchable database and presents them upon request;
 - q. prepares, supervises and updates the Office's strategic plan for communication and oversees the implementation of the communication strategy,
 - r. is responsible for displaying the Commissioner's annual report on the Internet,
 - s. coordinates the online appearances of the Commissioner and the Deputy Commissioners,

⁸⁴ Repealed: Sec. 1., Sec 8. of Annex 1., Sec. 8 b) of Appendix 3. of CFR order no. 1/2015 (VI. 30.).
Ineffective: from 1/7/2015

⁸⁵ Established: Sec. 1., Sec 8. of Annex 1., Sec. 3 (5) of Appendix 3 of CFR order no. 1/2015 (VI. 30.).
Effective: from 1/7/2015

t. cooperates in the reproduction of the Office's publications, publishing in foreign languages if necessary and in the preparation of the publications for printing,

u. plans and oversees the creation of informative publications related to information campaigns,

n)⁸⁶ acts as environmental agent,

o)⁸⁷ prepares the Office's Sustainability Plan and its annual reviews.

(4) The Department for International and Public Relations within its scope of other coordinative tasks:

a)⁸⁸ arranges for the preparation of invitations and certificates requested by the Commissioner and the Deputy Commissioners and the ones necessary for holding of Office events;

b) takes care of and records the reservations of conference rooms;

c)⁸⁹

d) purchases gifts for representation and keeps records thereof,

e) takes care of issues related to entering the building of the Parliament, and in this context, in particular acquires access cards and parking permits;

f) ensures that the protocol lists are constantly updated;

g) carries out activities related to cards issued by the employer.

(5) The Library

a) manages and constantly maintains the Office's library, document and legislation database by keeping up-to-date computerized records;

b) performs procurement tasks related to the library;

c) if necessary, participates in the maintenance and development of the library IT system;

d) provides other library services.

(6) The Unit for International Relations of the Department for International and Public Relations is managed by the deputy head of department and the Unit for Public Relation is managed by the head of unit.

1.3.4. The Department for IT and Administration

(1) The Department for IT and Administration within the scope of IT tasks:

a) operates the Office's IT infrastructure and systems, provides for the operation, development, troubleshooting and the necessary repair of the information systems (hardware and software) as well as for the management of the documentation and records required for these activities;

b) participates in the procurement of IT devices and ensures the commissioning of the purchased equipment;

c) initiates the discarding of IT devices and participates in the procedure for discarding IT devices,

⁸⁶ Enacted: Sec. 1., Sec 8. of Annex 1., Sec. 3 (4) of Appendix 3. of CFR order no. 1/2015 (VI. 30.).
Effective: from 1/7/2015

⁸⁷ Enacted: Sec. 1., Sec 8. of Annex 1., Sec. 3 (4) of Appendix 3. of CFR order no. 1/2015 (VI. 30.).
Effective: from 1/7/2015

⁸⁸ Established: Sec. 1., Sec 8. of Annex 1., Sec. 3 (6). of Appendix 3. of CFR order no. 1/2015 (VI. 30.).
Effective: from 1/7/ 2015

⁸⁹ Repealed: Sec. 1., Sec 8. of Annex 1., Sec. 8. d). of Appendix 3. of CFR order no. 1/2015 (VI. 30.).
Ineffective: from 1/7/2015

d) ensures the preparations of tender applications and projects for IT developments, and participates in the implementation thereof;

e) ensures the preparation and elaboration of the Office's IT strategy;

*f)*⁹⁰ carries out the tasks set out in the IT security and operations regulation;

g) ensures the operation and development of the Office`s website and provides support to content managers to facilitate the management of the provided content;

h) operates and acts as application administrator of the Office`s filing and record management system and provides IT support for the use of the system;

i) ensures that IT related complaints and incidents received from the users of the Office are handled;

*j)*⁹¹ in cooperation with the information security officer, ensures the preparation of the drafts of and amendments to the IT code of operations and the related regulations;

k) makes sure that the catalogue of IT services (“Service List”) is prepared and maintained and initiates its approval and issue;

l) ensures that the workstation-, and operating systems of the isolated economic systems are properly secured,

m) ensures the operation and development of the info-, and telecommunications infrastructure and systems (telephone system, access control systems, TV channel services and infrastructure) in collaboration with the external service providers operating these systems;

n) participates in operating the Office`s Management Information System;

*o)*⁹²

p) prepares proposals and technical solutions to facilitate the development of processes for internal communication and information transfer.

(2) The Department for IT and Administration within the scope of its statistical tasks:

a) arranges for the maintenance and development of the statistical modules of the administrative system (filing and record management system);

b) provides statistical data necessary for the preparation of parliamentary reports or ad hoc statements;

c) provides management reports applicable to administrators that can be generated from the administrative system (filing and record management system).

(3) The Department for IT and Administration within the scope of its document management tasks:

a) manages the records and files of the Office, including the following:

aa) receipt of mailed items (documents): ensures the receipt of incoming mail and its sorting,

ab) registration of mailed items (documents): ensures the registration of received items and, if necessary, their entry in the delivery books;

ac) pre-classification, attaching and assembling mailed items (documents): ensures the retrieval of preceding documents and if necessary attaches and assembles such documents;

⁹⁰ Established: Sec. 1., Sec 8. of Annex 1., Sec. 4. (1) of Appendix 3. of CFR order no. 1/2015 (VI. 30.).
Effective: from 1/7/2015

⁹¹ Established: Sec. 1., Sec 8. of Annex 1., Sec. 4. (2) of Appendix 3. of CFR order no. 1/2015 (VI. 30.).
Effective: from 1/7/2015

⁹² Repealed: Sec. 1., Sec 8. of Annex 1., Sec. 8. e). of Appendix 3. of CFR order no. 1/2015 (VI. 30.).
Ineffective: from 1/7/2015

ad) filing of mailed items (documents): ensures the filing of prepared and registered documents, the printing of the file covers, if necessary, and their transfer to the appropriate organizational unit after filing;

ae) mailing (dispatch by post) and delivery of items (documents): ensures that the items to be sent by mail by the organizational units are collected and dispatched by mail, or if necessary, by personal delivery, and that the incoming mail is delivered within the Office;

af)⁹³ archiving of files: ensures the operation of the archive(s) and the archiving of the files transferred for archiving;

ag)⁹⁴ discarding of documents and files and transferring them for archiving: arranges for the annual document and file discarding process – in compliance with the provisions of the Archives Act and in cooperation with the Archive – and the preparation and transfer for archiving of any files of permanent value generated in the Office or its legal predecessor;

b)⁹⁵ ensures that the filed documents are provided with a key word;

c) ensures the preparation and maintenance of the Office's records management rules and if the provisions of the rules are infringed proceeds in accordance with the applicable provision,

d) ensures that the archival plan is reviewed and maintained annually,

e) provides for the annual review of the guide assisting in the collection of statistical data used for the administration system (filing and record management system) and the maintenance of the coding system based on the outcome of the review;

f) participates in the fulfilment of the Office's document management duties related to the control of classified data, and in the course of that, cooperates with the Office's data security officer;

g)⁹⁶

(4) The Unit for IT of the Department for IT and Administration is managed by the deputy head of department and the Unit for Administration is managed by the head of unit.

1.3.5. Department for General Inquiries and National Minority Rights

(1) The Department for General Inquiries and National Minority Rights within the scope of its investigative tasks:

a) carries out the preliminary examination of the petitions received by the Office, and as a result of this, makes proposals for further processing the petition;

b) examines the jurisdiction of Commissioner based on the petitions;

c) if the complaint does not fall within the Commissioner's jurisdiction, prepares the complaint for rejection – by indicating the addressed authority – or the Commissioner's measure aimed at the transfer of the complaint;

d) prepares the substantive action of the Commissioner as per the order of the Commissioner;

e) makes proposal for a comprehensive inquiry;

⁹³ Established: Sec. 1., Sec 8. of Annex 1., Sec. 4. (3). of Appendix 3. of CFR order no. 1/2015 (VI. 30). Effective: from 1/7/2015

⁹⁴ Established: Sec. 1., Sec 8. of Annex 1., Sec. 4. (3). of Appendix 3. of CFR order no. 1/2015 (VI. 30). Effective: from 1/7/2015

⁹⁵ Established: Sec. 1., Sec 8. of Annex 1., Sec. 4. (4). of Appendix 3. of CFR order no. 1/2015 (VI. 30). Effective: from 1/7/2015

⁹⁶ Repealed: Sec. 1., Sec 8. of Annex 1., Sec. 8. f). of Appendix 3. of CFR order no. 1/2015 (VI. 30). Ineffective: from 1/7/2015

- f) investigates abuses related to fundamental rights based on the appointment of the Commissioner;
- g) conducts individual inquiries based on the appointment of the Commissioner;
- h) makes proposals for the measures deemed necessary based on the findings of the investigation and prepares the substantive measure of the Commissioner based on the investigation;
- i) provides information to complainants and other interested parties during the investigation;
- j) codes the cases concluded by it and forwards those to the Secretary General;
- k) evaluates and summarizes the results of the inquiries;
- l) collaborates in the preparation of the Commissioner's report;
- m) organizes and implements the county visits of the Commissioner or Deputy Commissioners involving the on-site recording of complaints;
- n) provides preparatory work for the legal information and awareness raising activities of the Deputy Commissioner responsible for the protection of the rights of nationalities living in Hungary;
- o) maintains contact with the other organizational units;
- p) maintains contact with the national and local governments of minorities;
- q) checks whether the provisions of Act CLXXIX of 2011 on the Rights of Nationalities and that of other legal regulations applicable to the rights of nationalities are enforced, on the basis of individual complaints, or ex officio according to the decision of the Commissioner or the Deputy Commissioners.

(2) In order to assist the work of and substitute the head of department of the Department for General Inquiries and National Minority Rights, a general deputy to the head of department manages the Unit for General Inquiries and the Unit for National Minority Rights.

1.3.6. Department for Administrative Cases and Environmental Protection

(1) The Department for Administrative Cases and Environmental Protection within the scope of its investigative tasks:

- a) examines the jurisdiction of Commissioner based on the petitions;
- b) if the complaint does not fall within the Commissioner's jurisdiction, prepares the complaint for rejection – by indicating the addressed authority – or the Commissioner's measure aimed at the transfer of the complaint;
- c) prepares the substantive action of the Commissioner as per the order of the Commissioner;
- d) makes proposal for a comprehensive inquiry;
- e) investigates abuses related to fundamental rights based on the appointment of the Commissioner;
- f) conducts individual inquiries based on the appointment of the Commissioner;
- g) makes proposals for the measures deemed necessary based on the findings of the investigation and prepares the substantive measures of the Commissioner based on the investigation;
- h) provides information to complainants and other interested parties during the investigation;
- i) codes the cases concluded by it and forwards those to the Secretary General;
- j) evaluates and summarizes the results of the inquiries;
- k) collaborates in the preparation of the Commissioner's report;
- l) maintains contact with the other organizational units;

m) at the initiative of the Commissioner and the Deputy Commissioners, investigates abuses related to the fundamental rights of future generations, the protection of natural resources and the common heritage of the nation and the fundamental right to a healthy environment;

n) according to the decision of the Commissioner and the Deputy Commissioner, or on the basis of individual complaints, verifies compliance with the provisions of environmental and nature protection legislation;

o) participates in commenting on draft legislation and other legal norms affecting the interests of future generations.

(2) In order to assist the work of and substitute the head of the department of the Department for Administrative Cases and Environmental Protection, a general deputy to the head of department manages the Unit for Environmental Protection.

1.3.7. Department for Equal Opportunities and Children's Rights

(1) The Department for Equal Opportunities and Children's Rights within the scope of its investigative tasks:

a) examines the jurisdiction of Commissioner based on the petitions;

b) if the complaint does not fall within the Commissioner`s jurisdiction, prepares the complaint for rejection – by indicating the addressed authority – or the Commissioner`s measure aimed at the transfer of the complaint;

c) prepares the substantive action of the Commissioner as per the order of the Commissioner;

d) makes proposal for a comprehensive inquiry;

e) investigates abuses related to fundamental rights based on the appointment of the Commissioner;

f) conducts individual inquiries and within this framework takes the necessary measures and carries out investigative actions by meeting procedural deadlines;

g) makes proposals for the measures deemed necessary based on the findings of the investigation and prepares the substantive measures of the Commissioner based on the investigation;

h) provides information to complainants and other interested parties during the investigation;

i) codes the cases concluded by it and forwards those to the Secretary General;

j) evaluates and summarizes the results of the inquiries,

k) collaborates in the preparation of the Commissioner`s report;

l) maintains contact with the other organizational units.

(2) In order to assist the work of and substitute the head of the department at the Department for Equal Opportunities and Children's Rights, a general deputy to the head of department manages the Unit for Children's Rights.

1.3.8. Department for Public Law

(1) The Department for Public Law within the scope of its investigative tasks:

a) examines the jurisdiction of Commissioner based on the petitions;

b) if the complaint does not fall within the Commissioner`s jurisdiction, prepares the complaint for rejection – by indicating the addressed authority – or the Commissioner`s measure aimed at the transfer of the complaint;

c) prepares the substantive action of the Commissioner as per the order of the Commissioner;

d) makes proposal for a comprehensive inquiry;

e) investigates abuses related to fundamental rights based on the appointment of the Commissioner,

f) conducts individual inquiries based on the appointment of the Commissioner;

g) makes proposals for the measures deemed necessary based on the findings of the investigation and prepares the substantive measures of the Commissioner based on the investigation;

h) provides information to complainants and other interested parties during the investigation;

i) codes the cases concluded by it and forwards those to the Secretary General;

j) evaluates and summarizes the results of the inquiries,

k) collaborates in the preparation of the Commissioner's report;

l) maintains contact with the other organizational units.

(2) The Department for Public Law within the scope of its tasks to render opinion on legal regulations:

a) constantly monitors the inquiries ordered by the Commissioner and during this, if necessary, makes proposals to amend the law and to file initiatives with the Constitutional Court;

b) evaluates the completed cases on the merits and keeps constant contact with the other departments, and within this framework, codes the cases completed by it and forwards them to the Secretary General;

c) prepares the motions, petitions launching procedures and the documents specified individually by the Commissioner;

d) explores the information and the legal background required for the motion to be prepared that has been specified individually by the Commissioner;

e) acts in close cooperation with the other departments of the Office, in particular, the Department for General Inquiries and National Minority Rights, the Department for Administrative Cases and Environmental Protection and the Department for Equal Opportunities and Children's Rights;

f) constantly monitors the changes in the legal environment;

g) draws up proposals for amending the law as necessary, or on mandate given by the Commissioner;

h) performs tasks pertinent to preparing the Office's internal rules;

i) makes sure that the duties of the internal data protection officer are carried out and is responsible for drafting the data protection rules;

j) organizes the intra Office circulation and the internal discussion of draft legislation submitted to the Office for commentary, and develops a uniform position from the observations made by the Office's organizational units.

(3) The Department for Public Law within the scope of its tasks to prepare motions:

a) prepares the motions, petitions launching procedures and the documents specified individually by the Commissioner;

b) prepares the legislative initiatives of the Commissioner and the Deputy Commissioners and monitors their implementation and execution;

c) constantly monitors the inquiries ordered by the Commissioner and during this, if necessary, makes proposals to amend the law and to file initiatives with the Constitutional Court;

d) evaluates the completed cases on the merits and keeps constant contact with the other departments, and within this framework, codes the cases completed by it and forwards them to the Secretary General;

e) constantly monitors the fundamental rights practice of the Constitutional Court, the courts, the European Court of Human Rights and the foreign constitutional and regular courts, and if necessary, prepares a summary of the above,

f) monitors the functioning of the Parliament in order to get involved in parliamentary committee work;

g) acts in close cooperation with the other organizational units of the Office, in particular, the Department for General Inquiries and National Minority Rights, the Department for Administrative Cases and Environmental Protection and the Department for Equal Opportunities and Children's Rights;

h) keeps contact with state, public administration, interest representation and civil society organizations and experts based on authorization from the Commissioner or the Secretary General.

(4) The Unit for Constitutional Initiatives of the Public Law Department is managed by the general deputy to the head of department, and the Unit for Monitoring Legislation is managed by the head of unit.

1.3.9. OPCAT National Preventive Mechanism

(1)⁹⁷ The OPCAT National Preventive Mechanism Department (OPCAT NPM Department)

a) cooperates in the performance of the tasks related to the national preventive measures laid down in Section 3. of Act CXLIII of 2011 on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;

b) prepares the annual visit plan of the National Preventive Mechanism and the draft reports on the visits;

c) prepares the draft of the annual comprehensive report on the fulfilment of the tasks of the national preventive mechanism;

d) compiles and maintains the database of detention sites pursuant to Section 20 a) of the Protocol based on information provided by concerned organs;

e) performs tasks related to the operation of the Civil Consultation Board;

f) carries the tasks aimed at achieving a constructive dialogue between the authorities and institutions subject to the protocol and the National Preventive Mechanism;

g) keeps contact with the national preventive mechanisms operating in the states that are parties to the protocol;

h) keeps contact with the domestic and foreign organizations acting for the implementation of the protocol and against torture and other cruel, inhuman or degrading treatment or punishment;

i) pursuant to Section 2 of the Protocol, participates in keeping contact with the Subcommittee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

j) performs tasks related to participation in professional events held in Hungary or abroad in connection with the implementation and development of the Protocol;

k) In the course of carrying out its tasks related to international contact, cooperates with the Department for International and Public Relations.

(2)⁹⁸ A general deputy to the head of department works within the OPCAT National Preventive Mechanism Department, in order to assist the work of and substitute the head of department and to perform the assigned tasks.

⁹⁷ Established: Sec. 1., Sec 8. of Annex 1., Sec. 5. of Appendix 3. of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015.

1.3.10. Department for the Protection of Whistleblowers and Client Service

(1) The Department for the Protection of Whistleblowers and Client Service within the scope of its tasks concerning the operation of the electronic system for making and registering public interest disclosures:

a) conducts preliminary review of the disclosures received through the electronic system clarifying whether the disclosure qualifies as public interest disclosure;

b) in case of a petition that does not qualify as public interest disclosure,

ba) if the Commissioner has jurisdiction, makes proposal for the further investigation of the case,

bb) if the case does not fall within the Commissioner`s jurisdiction, prepares the Commissioner`s measure aimed at rejecting the case – by indicating the addressed authority – or transferring the petition;

c) in case of public interest disclosures received from outside of the electronic system (post, e-mail) prepares the informative notice on the use of the system, and if the whistleblower does not wish to use the system:

ca) if the Commissioner has jurisdiction, makes proposal for the further investigation of the case;

cb) if the case does not fall within the Commissioner`s jurisdiction, prepares the Commissioner`s measure aimed at rejecting the case – by indicating the addressed authority – or transferring the petition;

d) in case of a public interest disclosure, identifies the whistleblower;

e) obtains additional information from the whistleblower, where necessary to determine the body competent for investigating the disclosure (acting body);

f) if the identification fails or the acting body cannot be determined, prepares the Commissioner`s measure aimed at rejecting the disclosure;

g) determines, records in the system and notifies the acting body;

h) at the relevant request of the whistleblower, prepares the anonymous abstract of the disclosure,

i) prepares and publishes on the Office`s website the short content abstract of the disclosure, without any personal and specific institutional data, the state of procedure, and upon the conclusion of the case, the acting body/body impacted by the inquiry and the outcome of the inquiry;

j) prepares the measure aimed at forwarding the public interest disclosure to the acting body;

k) keeps contact via the electronic system between the whistleblower and the acting body, and within the context, forwards the interim and substantive measures of the acting body to the whistleblower;

l) codes the cases concluded by it and forwards them to the Secretary General.

(2)⁹⁹ The Department for the Protection of Whistleblowers and Client Service within the scope of its tasks related to the investigation of public interest disclosures:

a) examines the practice of the authorities referenced in Section 18 (1) *a)-k)* of the CFR Act regarding the handling of public interest disclosures;

⁹⁸ Amended: Sec. 3., of CFR order no. .../2017 (.....). Effective: from 13/3/2017.

⁹⁹ Established: Sec. 1., Sec 8. of Annex 1., Sec. 6. of Appendix 3. of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015.

b) upon request conducts individual inquiry, if in the opinion of the whistleblower the acting organ has not fully examined the disclosure, or if he does not agree with the outcome of the inquiry, or if the disclosure has been deemed unfounded;

c) proposes the measures deemed necessary with regard to the findings of the investigation and prepares the substantive measures of the Commissioner based on the investigation;

d) provides information to the whistleblower and other interested parties during the investigation;

e) codes the cases concluded by it and forwards them to the Secretary General;

f) evaluates and summarizes the results of the inquiries;

g) participates in the preparation of the report of the Commissioner;

h) maintains contact with the other organizational units.

(3)¹⁰⁰ The Department for the Protection of Whistleblowers and Client Service, within the scope of its tasks pertinent to overseeing national security checks:

a) at the request of the person subject to national security check, examines the ordering and implementing of the specific check to establish any abuse related to fundamental rights;

b) may examine ex officio the practice of the national security services related to ordering and implementing checks to establish any abuse related to fundamental rights;

c) makes proposals for the measures deemed necessary based on the findings of the investigation and prepares the substantive measure of the Commissioner based on the investigation;

d) provides information to the whistleblower and other interested parties during the investigation;

e) codes the cases concluded by it and forwards those to the Secretary General;

f) evaluates and summarizes the results of the inquiries;

g) collaborates in the preparation of the Commissioner's report.

(4)¹⁰¹ The Department for the Protection of Whistleblowers and Client Service within the scope of its tasks related to the Complaint Office:

a) holds office hours;

b) sees clients petitioning the Commissioner or the Deputy Commissioners at a scheduled time, or as a matter of urgency;

c) in case of scheduled complaint hearings, obtains preliminary information and learns about the complaint;

d) in the course of recording the complaint, presents the jurisdiction of the Commissioner for fundamental rights and the process of recording complaints, provides information on the rules of data processing, hears the complainants, documents the recording of the complaint and receives petitions and the documents attached thereto;

e) forwards the minutes and the received documents to the competent section of the Unit for Administration;

f) processes and registers written complaints, public interest disclosures, proposals and other petitions arriving to the Office that are not within the scope of responsibilities of other organizational units;

¹⁰⁰ Established: Sec. 1., Sec 8. of Annex 1., Sec. 6. of Appendix 3. of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015.

¹⁰¹ Established: Sec. 1., Sec 8. of Annex 1., Sec. 6. of Appendix 3. of CFR order no. 1/2015 (VI. 30.). Effective: from 1/7/2015

g) participates in the processing of resident complaints, public interest disclosures, proposals and other requests addressed to the Commissioner, the Deputy Commissioners or the Secretary General;

h) in the course of recording public interest disclosures, presents the jurisdiction of the Commissioner relevant to handling public interest disclosures and the process of recording the disclosure in the electronic system, provides information on the rules of data processing, hears the whistleblower, identifies the whistleblower, records the disclosure in the electronic system, takes minutes and receives the petitions and the documents attached thereto.

(5)¹⁰² The Department for the Protection of Whistleblowers and Client Service within the scope of its tasks related to the Information service:

a) provides telephone information service;

b) sees clients personally who arrive without appointment,

c) schedules appointments for clients to make complaints and public interest disclosures in person;

d) provides information about the jurisdiction of the Commissioner for Fundamental Rights, the date of registration of the documents, the case number, the “Ad Acta” processing status of the complaint, as well as the jurisdiction regarding the handling of public interest disclosure, the procedure for recording the disclosure in the electronic system and the rules on data processing;

e) receives and returns records/documents;

f) provides the Office staff with support service necessary to carry out administrative activities and to use the filing and records management system.

(6)¹⁰³ The Department for the Protection of Whistleblowers and Client Service within the scope of its professional customer service tasks:

a) processes and records written complaints, public interest disclosures, proposals and other petitions received by the Office that do not fall within the scope of responsibilities of other organizational units;

b) facilitates the mutual exchange of information between the civil sector and the Office;

c) participates in the processing of resident complaints, public interest disclosures, proposals and other requests addressed to the Commissioner, the Deputy Commissioners or the Secretary General;

d) prepares weekly, quarterly and annual statistics on the customer traffic of the Information Service and the Complaints Office;

e) cooperates with the analytical and investigative staff, and within this context, in ongoing cases informs the administrator of the arrival of the client, communicates the administrator's comments and questions to the client, and if the administrator wishes to attend the hearing in person, provides all assistance thereto;

f) informs the administrators directly of any information obtained through telephone inquiries or personal hearings and of any requests related to the proceedings.

(7)¹⁰⁴ In order to assist the work of and substitute the head of department of the Department for the Protection of Whistleblowers and Client Service, a general deputy to the head of department

¹⁰² Established: Sec. 1., Sec 8. of Annex 1., Sec. 6. of Appendix 3. of CFR order no. 1/2015 (VI. 30.).
Effective: from 1/7/2015

¹⁰³ Established: Sec. 1., Sec 8. of Annex 1., Sec. 6. of Appendix 3. of CFR order no. 1/2015 (VI. 30.).
Effective: from 1/7/2015

manages the Unit for the Protection of Whistleblowers and a head of unit manages the Unit for Client Service.

1.3.11. Internal auditor

The internal auditor:

a) conducts the internal audit of the Office's budget chapter and audits relevant to the use of grants allocated to targets from budget appropriations under the Commissioner's oversight – at the beneficiaries and the organizations involved in the implementation of the grant process – and relevant to the management of state assets transferred to the Office for management;

b) during the course of its internal audit activities, performs compliance, financial, system and performance audits as well as information system checks;

c) monitors the implementation of action plans prepared on the basis of internal audit reports;

d) ensures the recording of internal audits and the retention of audit documentation;

e) draws up the internal audit manual and regularly updates it.

1.3.12.¹⁰⁵ The information security officer

The information security officer:

a) ensures that the organization's activities related to the security of electronic information systems are brought into and remain in compliance with the law;

b) plans, organizes, coordinates and controls the activities referred to in point *a)*;

c) assigns the electronic information systems of the organization into classes and classifies the organization in terms of security levels;

d) prepares IT security policies and acts in accordance with the provisions of the policy if the policy is infringed;

e) gives opinions on the contracts of the organization from the aspect of the security of electronic information systems and on other policies not covered by point *d)*;

f) liaises with the authority supervising the security of electronic information systems and the government incident management centre.

¹⁰⁴ Enacted: Sec. 1., Sec 8. of Annex 1., Sec. 6. of Appendix 3. of CFR order no. 1/2015 (VI. 30.).
Effective: from 1/7/2015

¹⁰⁵ Enacted: Sec. 1., Sec 8. of Annex 1., Sec. 7. of Appendix 3. of CFR order no. 1/2015 (VI. 30.).
Effective: from 1/7/2015