



INTERNATIONAL ASSOCIATION OF YOUNG LAWYERS

Privacy & the media. Traditional and emerging protections in an online world.

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1. Privacy rights

Under Privacy right, we understand the right not to have information about a person to be disclosed to other persons without consent of the person the which the information refers to.

1.1. Are privacy rights statutory rights or are these case-law based ?

Privacy rights are statutory rights primarily regulated in Article VI of The Fundamental Law of Hungary (25 April 2011).

*Everyone shall have the right to have his or her private and family life, home, communications and good reputation respected.¹
Everyone shall have the right to the protection of his or her personal data, as well as to access and disseminate data of public interest.²*

Privacy rights are covered within Personality rights in Section 2:42 of Act V of 2013 on the Civil Code (hereinafter Civil Code).

[Protection of rights relating to personality]

(1) Everyone is entitled to freely practice his personality rights within the framework of the law and within the rights of others, and to not be impeded in exercising such right by others.

(2) Human dignity and the related personality rights must be respected by all. Personality rights are protected under this Act.³

Section 2:42 (2) Civil Code provides a general clause for the right to human dignity from which all personality rights, including right to privacy may be derived.

Section 2:43 (b) Civil Code explicitly mentions the right to privacy; however that term is not equal to the term “privacy rights”.

[Specific personality rights]

The following, in particular, shall be construed as violation of personality rights:

b) any violation of personal liberty or privacy, including trespassing;⁴

Section 2:46 Civil Code defines right to privacy as follows.

[Right to privacy]

(1) The right to the protection of privacy shall, in particular, cover the confidentiality of correspondence protection, professional secrecy and commercial secrecy.

(2) Invasion of privacy shall, in particular, cover the unauthorized access to and use of private secrets, including publication and disclosure to unauthorized persons.⁵

¹ Article VI Section 1 of The Fundamental Law of Hungary

² Article VI Section 2 of The Fundamental Law of Hungary

³ Section 2:42 of Act V of 2013 on the Civil Code (hereinafter Civil Code)

⁴ Section 2:43 b Civil Code

⁵ Section 2:46 Civil Code

1.2. What type of information (including pictures, sounds, etc.) would be covered by the concept of “privacy rights” in the legal system of your country ?

Please note that the Hungarian legal system is not using the expression or legal term “privacy right” although the concept is used. Equivalent of privacy right would be the sum of several personality rights such as listed below.

According to Section 2:43 (e) Civil Code violation of personality rights covers violation of personal secrets and personal data.

[Specific personality rights]

*The following, in particular, shall be construed as violation of personality rights:
e) any violation of the right to protection of privacy and personal data;⁶*

According to Section 2:43 (g) Civil Code violation of personality rights covers violation of the right to facial likeness and recorded voice.

[Specific personality rights]

*The following, in particular, shall be construed as violation of personality rights
g) any breach of the right to facial likeness and recorded voice.⁷*

Section 2:48 Civil Code names special information the right to facial likeness and recorded voice.

[Right to facial likeness and recorded voice]

*(1) The consent of the person affected shall be required for producing or using his/ her likeness or recorded voice.
(2) The consent of the relevant person is not required for recording his/ her likeness or voice, and for the use of such recording if made of a crowd or in a public event.⁸*

The Hungarian legal system uses the legal term Personal data. The best and most detailed summary of what is covered under “privacy right” can be found in Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information (Information Act)

According to Section 3 of Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information (Information Act) defines personal data which is covered by Section 2:43 (g) Civil Code.

“Personal data shall mean any information relating to the data subject, in particular by reference to his name, an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity, and any reference drawn from such information pertaining to the data subject;

Special data shall mean:

a) personal data revealing racial origin or nationality, political opinions and any affiliation with political parties, religious or philosophical beliefs or trade-union membership, and personal data concerning sex life,

⁶ Section 2:43 e Civil Code

⁷ Section 2:43 g Civil Code

⁸ Section 2:48 Civil Code



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b) personal data concerning health, pathological addictions, or criminal record;⁹

1.2.1. Would the information included in that concept, or the extent of the privacy rights, depend upon the celebrity of the person, or upon other elements? Please describe briefly.

The concept of privacy rights or its extent does not depend upon the celebrity of the person or its fame. However the protection of the privacy rights of politically exposed persons may be diminished, to the extent necessary and proportionate, without prejudice to human dignity.

1.2.2. Would privacy rights also apply in relation to legal persons (vs. physical persons) ?

Yes, privacy rights also apply to legal person. All the rights apply which by their nature are not solely linked to an individual person.

1.2.3. Would privacy rights encompass private information made available only to some chosen persons (authorized recipients). So, for instance, can disclosure to third parties, by one of the authorized recipients of the private information, be part of the privacy rights (e.g. disclosure of private correspondence, private phone calls, information shared on social media, etc.)

Yes, all private information are covered by the right to private information according to Section 2:43 (e) Civil Code. According to 2:46 Civil Code, these include all information, data, facts for which the holder has legitimate interest, in specific it covers confidentiality of correspondence as well. In case of confidentiality of correspondence the fact that the information disclosed to restricted number of audience, either recipient of a mail, group of friends on social network, makes the information private, thus protected by the right to privacy.

1.3. Is there a specific status for “fictional use” of information related to an individual ? And are disclaimers sufficient to allow such use ?

No, “fictional use” has no specific status. Personality right may cover “fictional use” of data or information of a person, if those can be identified and connected to the person itself.

2. Freedom of speech

⁹ Section 3 of the Information Act



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- 2.1. Is there on the one hand a statutory/ treaty based freedom or constitutional recognition of “Freedom of speech” or on the other hand is that freedom based on case-law.

It is statutory based in Article XI Section 1 of The Fundamental Law of Hungary (25 April 2011).

- 2.2. If it is a statutory/treaty/ constitution based freedom is it based on domestic or supranational law?

Based on The Fundamental Law of Hungary (constitution based). Freedom of speech may be derived from Article 10 of the European Convention on Human Rights (treaty implemented by Act XXXI of 1993).

- 2.3. Describe the main characteristics of the “freedom of speech” as recognized in your jurisdiction:
2.3.1. beneficiaries;

According to Article IX Section 1 of The Fundamental Law of Hungary everyone shall have the right to freedom of speech.¹⁰

- 2.3.2. extent of the freedom of speech;

According to article IX Section 4 of The Fundamental Law of Hungary has its limits because the right to freedom of speech may not be exercised with the aim of violating the human dignity of others.¹¹

According to article IX Section 5 of The Fundamental Law of Hungary the right to freedom of speech may not be exercised with the aim of violating the dignity of the Hungarian nation or of any national, ethnic, racial or religious community.¹²

According Section 2:42 (2) Civil Code human dignity and the related personality rights must be respected by all.¹³ This rule can also be understood as rule laying down the boundaries of freedom of speech.

- 2.3.3. exceptions;

See above at 2.3.2.

¹⁰ Article IX Section 1 of The Fundamental Law of Hungary

¹¹ Article IX Section 4 of The Fundamental Law of Hungary

¹² Article IX Section 5 of The Fundamental Law of Hungary

¹³ Section 2:42 Civil Code

Section 2:45 Civil Code provides explicit protection for the right to integrity and reputation which is an exception to freedom of speech.

“[Right to integrity and reputation]

(1) The integrity of a person is considered violated when a false and malicious oral statement is uttered publicly to damage that person's reputation, and to make people have a bad opinion of such person.

(2) Defamation means when something bad about someone that is not true, or a true fact with an untrue implication is published or disseminated in an abusive attack on that person's good name.”¹⁴

Section 2:50 Civil Code the right in memoriam is an exception as well according to which:

“(1) In the case of any violation of the memory of a deceased person, the relative and/or the person having been named heir apparent in the will of the deceased shall be entitled to bring court action.

Section 332 of Act C of 2012 on the Criminal Code provides sanctions in case of incitement against a community:

“Any person who before the public at large incites hatred against:

a) the Hungarian nation;

b) any national, ethnic, racial or religious group; or

c) certain societal groups, in particular on the grounds of disability, gender identity or sexual orientation; is guilty of a felony punishable by imprisonment not exceeding three years.”

Section 333 Criminal Code provides sanctions in case of open denial of nazi crimes and communist crimes:

“Any person who denies before the public large the crime of genocide and other crimes committed against humanity by nazi and communist regimes, or expresses any doubt or implies that it is insignificant, or attempts to justify them is guilty of felony punishable by imprisonment not exceeding three years.”

Section 334 Criminal Code provides sanctions in case of blasphemy of national symbol

Any person who - before the public at large - uses an expression to dishonor or degrade the national anthem, the flag or the coat of arms, or the Holy Crown of Hungary, or commits any other similarly slanderous act is guilty of a misdemeanor punishable by imprisonment not exceeding one year, insofar as the act did not result in a more serious criminal offense.

Section 333 Criminal Code provides sanctions in case of use of symbols of totalitarianism:

“Any person who:

a) distributes,

b) uses before the public at large, or

c) publicly exhibits,

the swastika, the insignia of the SS, the arrow cross, the sickle and hammer, the five-pointed red star or any symbol depicting the above so as to breach public peace - specifically in a way to offend the dignity of victims of totalitarian regimes and their right to sanctity - is guilty of a misdemeanor punishable by custodial arrest, insofar as the did not result in a more serious criminal offense.

2.3.4. specific status for press (including online press)?

According to article IX Section 2 of The Fundamental Law of Hungary, Hungary shall recognise and protect the freedom and diversity of the press, and shall ensure the

¹⁴ Section 2:45 Civil Code



conditions for free dissemination of information necessary for the formation of democratic public opinion.¹⁵

3. **Hierarchy** between Freedom of Speech on one side and privacy rights on the other side.

3.1. Under the law applicable in your jurisdiction, is there a clear hierarchy between freedom of speech on the one hand and privacy rights on the other?

No, both are constitutional rights. However in certain cases freedom of speech prevails over privacy rights and vice versa as it is explicated below.

3.2. What would be the most significant criteria allowing freedom of speech or privacy rights to prevail over the other (e.g. public interest argument) ?

In the cases where the freedom of speech prevails over privacy rights, the most significant criteria is public interest. According to the Section 2:44 Civil Code politicians and person who are active in the public may have to accept broader criticism than regular private persons.

*“[Protection of the personality rights of politically exposed persons]
Exercising the fundamental rights relating to the free debate of public affairs may diminish the protection of the personality rights of politically exposed persons, to the extent necessary and proportionate, without prejudice to human dignity.”¹⁶*

That means the limitation of politically exposed persons’ privacy rights must be necessary and proportionate. Therefore the freedom of speech in their case in certain matters prevails over right to privacy.

However, the primacy of freedom of speech over privacy rights shall not reach the level of slander, which is followed by consequences of the criminal law.

Section 227 of the Act C of 2012 (Criminal Code) provides the following:

*“(1) Any person who, apart from what is contained in Section 226, makes a false publication orally or in any other way:
a) tending to harm a person’s reputation in connection with his professional activity, public office or public activity; or
b) libelously, before the public at large;
shall be punishable for a misdemeanor by imprisonment not exceeding one year.
(2) Any person who engages in an act to defame someone by physical assault shall be punishable in accordance with Subsection (1).”¹⁷*

On the other hand, privacy rights prevail over the freedom of speech in the following case. As it is regulated in the Fundamental Law of Hungary; Article IX (4) and (5) as explained above (2.3.2). In these cases the most relevant criteria is the dignity of others.

¹⁵ Article IX Section 2 of The Fundamental Law of Hungary

¹⁶ Section 2:44 Civil Code

¹⁷ Section 228 Criminal Code



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4. Remedies available in your jurisdiction to protect individuals against disclosure of information belonging to their privacy

- 4.1. Are there pre-emptive remedies to avoid disclosure of such information before disclosure occurs ? Describe briefly the main remedies available.

No, no such remedy is available in our jurisdiction.

- 4.2. Are “gagging orders”¹⁸ or “super injunctions”¹⁹ as known in the UK known under the legal system of your country? Describe briefly their main characteristics.

No, no such is available in our jurisdiction. Only classic preliminary injunction exists according to Civil Procedure Code.

- 4.3. Are there other post-disclosure remedies, such as for example damage claims, rectification claims, right of answer. Describe shortly

Section 2:51 Civil Code provides classic sanctions for violations of rights relating to personality, including right to privacy.

[Sanctions independent of attributability]

(1) A person whose personality rights have been violated shall have the right to demand within the term of limitation - based on the infringement - as appropriate by reference to the circumstances of the case:

- a) a court ruling establishing that there has been an infringement of rights;*
- b) to have the infringement discontinued and the perpetrator restrained from further infringement;*
- c) that the perpetrator make appropriate restitution and that the perpetrator make an appropriate public disclosure for restitution at his own expense;*
- d) the termination of the injurious situation and the restoration of the previous state, and to have the effects of the infringement nullified or deprived of their unlawful nature;*
- e) that the perpetrator or his successor surrender the financial advantage acquired by the infringement according to the principle of unjust enrichment.²⁰*

Section 2:52 Civil Code provides a new legal instrument introduced by the “new” Civil Code (2014) that is called “restitution”. Restitution is a financial compensation (a certain amount of money), which is payable in case of the violation of personality rights without the need to prove that any actual damage arose. Thus, the aim of the restitution is typically to compensate non-financial loss. This legal instrument was replaced the so called “immaterial damages” which was hard to prove and quantify. Now the new legal instrument of restitution allows the person who’s personality right was violated to claim money (financial restitution) even if harm cannot be quantified or proved. Thus the new legal instrument most probably will open the flood gate of civil claims under this

¹⁸See for details : http://en.wikipedia.org/wiki/Gag_order#United_Kingdom

¹⁹ See for details: http://en.wikipedia.org/wiki/Injunction#UK_superinjunctions

²⁰ Section 2:51 Civil Code

provisions where only the infringement must be proved. The court shall determine the amount of restitution in one sum, taking into account various factors as laid down in Section 2:52 (3) Civil Code.

[Restitution]

(1) Any person whose rights relating to personality had been violated shall be entitled to restitution for any non-material violation suffered.

(2) As regards the conditions for the obligation of payment of restitution - such as the definition of the person liable for the restitution payable and the cases of exemptions - the rules on liability for damages shall apply, with the proviso that apart from the fact of the infringement no other harm has to be verified for entitlement to restitution.

*(3) The court shall determine the amount of restitution in one sum, taking into account the gravity of the infringement, whether it was committed on one or more occasions, the degree of responsibility, the impact of the infringement upon the aggrieved party and his environment.*²¹

Section 2:53 Civil Code besides the classic sanctions relating to injunction and restitution provides the option to claim damages to any person whose personality rights were violated and the infringer is liable under the provisions on liability for damages resulting from unlawful actions.

[Liability for damages]

*Any person who suffers any damage from the violation of his personality rights shall have the right to demand compensation from the infringer in accordance with the provisions on liability for damages resulting from unlawful actions.*²²

4.4. In the case of damages, how are they calculated ?

As to the previous legal instrument available under “old” Civil Code (1959) immaterial damages were very hard to calculate. The same concern is now under the new legal instrument of restitution. According to Section 2:52 (3) Civil Code the court shall determine the amount of restitution in one sum, taking into account the gravity of the infringement, whether it was committed on one or more occasions, the degree of responsibility, the impact of the infringement upon the aggrieved party and his environment.

4.5. In case of disclosure of private information, who can be held liable for damages, especially online?

Pursuant to Article 23 of the Data Protection Act (Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information), the data controller shall be liable for any damage caused to a data subject as a result of unlawful processing or by any breach of data security requirements.

Furthermore, should the data controller violate the rights of the data subject relating to personality as a result of unlawful processing or by any breach of data security

²¹ Section 2:52 Civil Code

²² Section 2:53 Civil Code

requirements, the data subject shall be entitled to so-called “restitution” from the data controller.

4.6. Are there special defences to a cause of action for information disclosed by the press/ media?

Yes, according to Section 342 of Civil Procedure Code the person who’s personality rights were violated in the press or media may initiate a special procedure of press rectification called “actions for media remedy”

“(1) Publication of retraction may be demanded by the person or organization affected in accordance with the Act on Freedom of the Press and on the Basic Rules Relating to Media Content from the media service provider, press product editors or news agency implicated within thirty days from the date of publication or broadcast of the disputed communication.

(2) Publication of a statement of remedy, if requested in due time, may be refused only if the argument made in the request is promptly refutable.”²³

4.6.1. As part of your answer please explain what is range of news information organisations is covered by the definitions press/ media?

According to Section 1 (2) Act CIV of 2010 on Freedom of the Press and on the Basic Rules Relating to Media Content **media service provider** shall mean:

“the natural or legal person who has editorial responsibility for the choice of the content of the media service and determines the manner in which it is organized. Editorial responsibility means the exercise of effective control both over the selection of the media content and over its organization, and does not necessarily imply any legal liability for the media services provided.”

4.6.2. Is there a specific protection offered to informants/sources?

According to Section 82 (1) d of Criminal Procedure Code (Act of 1998 XIX) the media service provide or its employees or other persons who are in contractual relationship with the aim of employment may deny testimony or refuse to answer questions if that would reveal the identity of the informant, except the court orders them to reveal their source.

4.7. Are the principles described in your answers above also applicable to the online world ? Is there any specific case-law in your country relating to social media, and if so please summarise this?

²³ Section 342 of Civil Procedure Code



The above explained sanctions apply for all cases, which include violation of personality right on the online world.

4.8. Are there specific remedies against disclosure of information that (could) damage an individual reputation (such as slander or libel) ? Describe these remedies briefly.

Section 2:45 Civil Code provides specific protection the right to integrity and reputation, however no special rules apply as to their violation. Same sanctions are available as explained above.

Section 226 of the Act C of 2012 (Criminal Code) defamation may be punished under criminal law.

“(1) Any person who engages in the written or oral publication of anything that is injurious to the good name or reputation of another person, or uses an expression directly referring to such a fact, is guilty of a misdemeanor punishable by imprisonment not exceeding one year.

(2) The penalty shall be imprisonment not exceeding two years, if the defamation is committed:

a) with malice aforethought or with malicious motive;

b) libelously, before the public at large; or

c) causing a significant injury of interest.”²⁴

Section 226/A. of the Act C of 2012 (Criminal Code) provides sanctions against production of sound or video recording of a defamatory nature:

(1) Any person who produces a falsified or forged sound or video recording or a sound or video recording with untrue contents with intent to injure the good name or reputation of another person or persons, is guilty of a misdemeanor punishable by imprisonment not exceeding one year, insofar as the act did not result in another criminal offense.

Section 226/B. of the Act C of 2012 (Criminal Code) provides sanctions against publication of sound or video recording of a defamatory nature:

“(1) Any person who makes available to the public a falsified or forged sound or video recording or a sound or video recording with untrue contents with intent to injure the good name or reputation of another person or persons, is guilty of a misdemeanor punishable by imprisonment not exceeding two years.

(2) The penalty shall be imprisonment not exceeding three years, if the criminal offense is committed:

a) before the public at large; or”

Section 227 of the Act C of 2012 (Criminal Code) provides sanctions against slander:

“(1) Any person who, apart from what is contained in Section 226, makes a false publication orally or in any other way:

a) tending to harm a person’s reputation in connection with his professional activity, public office or public activity; or

b) libelously, before the public at large;

shall be punishable for a misdemeanor by imprisonment not exceeding one year.

(2) Any person who engages in an act to defame someone by physical assault shall be punishable in accordance with Subsection (1).”

²⁴ Section 226 of the Act C of 2012 (Criminal Code)

4.9. Forum and applicable law

4.9.1. Describe shortly what rules exist in your jurisdiction for the determination of the forum and the applicable law.

Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

Law-Decree No. 13 of 1979 on International Private Law

4.9.2. Are there specific rules for breaches caused online (when the information is accessible from different jurisdictions) ?

No, no specific rules exist. However in my view one can file a lawsuit against an infringer in a different jurisdiction than it the seat or domicile of the infringer. In my view same principles should apply as in case of copyright cases. CEJU recently has issued its decision in the case C-441/13 Hejduk which confirmed its previous case law regarding special jurisdiction in matters relating to tort, delict or quasi-delict.

4.10. From your experience, what reforms should be made to the legal system of your country to better protect individual privacy, if any ?

Personality right, specifically right to privacy should be regulated similarly as in case of intellectual property rights through the Enforcement Directive.

5. Interplay between **data protection** rules and privacy rights

5.1. Summarize how does data protection law in your jurisdiction protects privacy or other personal data being used in online media?

According to the Hungarian data protection act (Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information) “personal data’ shall mean:

“any information relating to the data subject, in particular by reference to his name, an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity, and any reference drawn from such information pertaining to the data subject.”²⁵

Act CXII of 2011 also regulates the processing of personal data’s definition:

²⁵ Act CXII of 2011

„Processing of data’ shall mean any operation or set of operations that is performed upon data, whether or not by automatic means, such as in particular collection, recording, organization, storage, adaptation or alteration, use, retrieval, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction, and blocking them from further use, photographing, sound and video recording, and the recording of physical attributes for identification purposes”.²⁶

In accordance with that the use of personal data in online media is qualified as processing of data, which means the Act’s principles shall be applied in that case. In this regard personal data can be used only *„for specified and explicit purposes, where it is necessary for the implementation of certain rights or obligations”* (Section 4 of the Act) and only when the personal data subject has given his consent or *„when processing is necessary as decreed by law”* (Section 5 of the Act).

Section 5 of Act CXII of 2011 provides the legal basis of data processing:

“(1) Personal data may be processed under the following circumstances:

- a) when the data subject has given his consent, or*
- b) when processing is necessary as decreed by law or by a local authority based on authorization conferred by law concerning specific data defined therein for the performance of a task carried out in the public interest (hereinafter referred to as “mandatory processing”).*

(2) Special data may be processed according to Section 6, and under the following circumstances:

- a) when the data subject has given his consent in writing, or*
- b) when processing is necessary for the implementation of an international agreement promulgated by an act concerning the data under Point 3.a) of Section 3, or if prescribed by law in connection with the enforcement of fundamental rights afforded by the Fundamental Law, or for reasons of national security or national defense, or law enforcement purposes for the prevention or prosecution of criminal activities, or*
- c) when processing is necessary for the performance of a task carried out in the public interest concerning the data under Point 3.b) of Section 3.”²⁷*

5.2. Is there an effective a right of opposition to collection of data?

Yes, there is as it is regulated by the data protection act’s Section 21:

(1) The data subject shall have the right to object to the processing of data relating to him:

- a) if processing or disclosure is carried out solely for the purpose of discharging the controller’s legal obligation or for enforcing the rights and legitimate interests of the controller, the recipient or a third party, unless processing is mandatory;*
- b) if personal data is used or disclosed for the purposes of direct marketing, public opinion polling or scientific research; and*
- c) in all other cases prescribed by law.*

(2) In the event of objection, the controller shall investigate the cause of objection within the shortest possible time inside a fifteen-day time period, adopt a decision as to merits and shall notify the data subject in writing of its decision.

Section 14 Act CXII of 2011 additionally provides rights of data subjects; enforcement

The data subject may request from the data controller:

- a) information when his personal data is being processed,*
- b) the rectification of his personal data, and*
- c) the erasure or blocking of his personal data, save where processing is rendered mandatory.”²⁸*

6. Right to be forgotten

²⁶ Act CXII of 2011

²⁷ Act CXII of 2011

²⁸ Section 14 Act CXII of 2011



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- 6.1. Is there a statutory or case-law based “right to be forgotten” in your jurisdiction (whether under domestic or supranational law) ? Describe it briefly..

No Hungarian statutory or case law based “right to be forgotten” exist in our jurisdiction.

- 6.2. Is there relevant case law in your jurisdiction regarding the right to be forgotten and/or are there other guidelines (whether under domestic or supranational legal procedure) for a successful claim under the “right to be forgotten”.

No. No case law exists.

- 6.3. Did the view on the right to be forgotten change in your jurisdiction due to the European Court of Justice Case in Google Spain v. AEPD and González (C-131/12)? Is there any case law arising from this decision in your jurisdiction?

Yes the view itself changed. The president of the Hungarian National Authority for Data Protection and Freedom of Information (NAIH) wrote a letter to the Minister of Justice in which he greets the decision of CEJU and urges to the modification of relevant national rules.²⁹

7. Are there other aspects to take into consideration in your jurisdiction in relation to freedom of speech, the privacy right and the right to be forgotten?

No special consideration need to be taken into account, besides the possible recognition of ‘right to be forgotten’ as an individual right under personality right. It is unlikely that Civil Code would be amended because of the decision of CEJU. In my view ‘right to be forgotten’ should be introduced by EU directive so that Member States are obliged to amend their national data protection acts.

²⁹ <http://www.naih.hu/files/NAIH-1410-4-2014-J-140624.pdf>