

Act No. XLVI of 1993

on Statistics¹

Purpose of the Act

Sec. 1² The task and purpose of statistics is to provide state and public administration bodies and the organisations and members of society with a realistic and objective picture of the condition and changes of society, economy, ownership and the environment. To this end, this Act regulates the public and other activities related to the collection, processing, storage, transmission, receipt, analysis, supply, dissemination and publication of data with statistical methods (hereinafter: statistical activities).

Scope of the Act

Sec. 2 The scope of this Act shall include

- a) natural and legal persons as well as organisations without legal personality engaged in statistical activities as defined in Sec. 1;
- b) bodies and organisations engaged in data collection and data management for non-statistical purposes, with respect to their data that are also used for statistical purposes.

Official statistical service

Sec. 3 (1) Statistical activities as defined in this Act shall be performed by the official statistical service.

(2) Bodies of the official statistical service are:

- a) Hungarian Central Statistical Office;
- b)³ Ministries;
- c)⁴ National Office for the Judiciary;
- d) Office of the Prosecutor General;
- e) Central Bank of Hungary;
- f) Hungarian Competition Authority;
- g) National Research, Development and Innovation Office ;⁵
- h)⁶ Hungarian Energy and Public Utility Regulatory Authority;
- i)⁷ the institute of economic analyses directed by the Minister in charge of agricultural policy.

(3)⁸ In order to perform its responsibilities laid down in Sec. 6b) and e), the Hungarian Central Statistical Office may ask the bodies listed in subsection (2)b)-g) for information about their statistical activities and the implementation of the national statistical data collection programme. These bodies shall provide the requested information.

Sec. 3/A⁹ The head of each body of the official statistical service shall ensure the autonomy of operation of the statistical activities and the independence of the dissemination of statistical information.

Hungarian Central Statistical Office

Sec. 4 (1) The Hungarian Central Statistical Office (hereinafter: HCSO) shall be a professionally autonomous government office with a budget that constitutes a separate budget chapter.

(2) The Prime Minister shall appoint and terminate the appointment of the President and Deputy Presidents of the HCSO. The term of appointment shall be 6 years which can be extended twice for further 6 years.

Sec. 5 (1)¹³

(2) The HCSO shall consist of central and territorial organisational units.

Sec. 6 (1)¹⁴ The HCSO shall be responsible for:

a) planning surveys, collecting, processing, storing, transmitting, receiving, analysing, disseminating, publishing and protecting data;

b) coordinating statistical activities, performing professional and, in some particular cases, other kinds of governance activities;

c) implementing periodic censuses to collect demographic data regulated by a separate Act;¹⁵

d) managing and implementing other national surveys;

e)¹⁶ preparing the draft of the national data collection programme of the official statistical service, implementing its own data collections and monitoring the implementation of the programme by the bodies of the official statistical service;

f)¹⁷ developing statistical methods, concepts, classifications, elaborating and publishing statistical codes of territorial units and making their use obligatory, operating the statistical register and making listings from the register, involving the National Statistical Council;

g) contribution to the development of concepts and classifications of administrative information systems and registers or other data collections related to the administrative control or other activities of public authorities;

h) submitting an annual report to Parliament and the Government on the social, economic and demographic statistics of the country;

i)¹⁸ providing statistical data to state and public administration bodies, associations, unions, local governments, public corporations, scientific and business organisations, the general public and the media, as well as to international organisations;

j)¹⁹ keeping the Gazetteer of Hungary and publishing the Register of Settlements of Hungary;

k) participating in the statistical work of international organisations and liaising with national statistical offices of other countries;

l)²⁰ maintaining and operating a scientific library with nationwide responsibilities entitled to legal deposit;

m) participating in the preparation of legislation related to statistics.

(2)²¹ In order to keep record of respondents, the statistical register shall contain the names, statistical identifiers and statistical grouping criteria codes of business organisations with legal personality, natural persons and organisations without legal personality engaged in economic activities (enterprising), the basic data used for grouping, seat and mailing address required for their identification, their telephone and facsimile numbers, as well as the address, business and opening regime (permanent or seasonal) of their sites.

(3)²² The entries in the statistical register as defined in subsection (2) shall be public with the exception of the basic data used for grouping. In order to manage their data collections within the national statistical data collection programme, the bodies of the official statistical service may supplement the entries in the register as necessary.

Sec. 6/A²³ (1) The HCSO shall perform its responsibilities of public power related to data collections, data processing and dissemination by involving the Centre for Statistical Analysis Limited Liability Company established by the President of the HCSO and in the sole ownership by the Hungarian State.

(2) The owner's rights over the company shall be exercised by the President of the HCSO in the name of the Hungarian State.

National Statistical Council

Sec. 7 (1) To promote the functioning and the coordination of the official statistical service, to represent the interests of society and of the users of statistics, and by commenting on the draft of the National Statistical Data Collection Programme, the National Statistical Council shall function as an advisory body to the President of HCSO

(2) Members of the NSC:

a) one member delegated by the head of each body of the official statistical service;

*b)*²⁴ two members delegated by employers' associations, one member designated by each national economic chamber, one member designated by the representations of employees, and three members designated by the representative bodies of local government;

c) one member delegated by social security bodies, and

d) a maximum of five academics, recommended by the Statistical Committee of the Hungarian Academy of Sciences and invited by the President of the HCSO.

(3)²⁵ The sessions of the NSC shall be attended by the President of the National Data Protection and Freedom of Information Authority as a permanent invitee.

(4)²⁶ The members and the Chairperson shall be appointed by the Prime Minister for a fixed term. The recommendation to the Prime Minister for the mandate shall be made by the Minister supervising the HCSO upon the proposal of the President of the HCSO.

(5)²⁷ The head of the body or organisation laid down in subsection (2) shall communicate the designation and proposal for a member of the NSC to the President of the HCSO. The mandate shall be of a duration of three years, while the bodies laid down in subsection (2)*b)* may nominate persons for shorter periods but no shorter than one year, in which case the mandate shall be valid for this period.

(6)²⁸ NSC membership shall be terminated

a) upon expiration of the mandate,

b) upon acceptance of resignation,

c) by the member's death,

d) upon revoking the membership by the Prime Minister following withdrawal of the designation and proposal.

(7)²⁹ In case NSC membership is terminated in the manner laid down in subsection (6)*d)*, the provisions in subsection (5) shall duly apply to removal and, in the case of the new member's mandate, to the designation and proposal procedure. In case NSC membership is terminated in the manner laid down in subsection (6)*b)-d)*, the term of the new member's mandate may be different.

(8)³⁰ The member nominated for Chairperson of the NSC shall be proposed by the members of the NSC in the manner laid down in its rules of procedure. The mandate shall be given by the Prime Minister upon the proposal of the President of the HCSO. The mandate shall be valid for the term of membership.

(9)³¹ The mandate of the Chairperson of the NSC shall be terminated:

a) by resignation,

b) by expiration of membership,

c) upon revoking the membership by the Prime Minister proposed by the members.

(10)³² In case the Chairperson of the NSC is removed and a new Chairperson is appointed, the provisions in subsection (8) shall duly apply.

Sec. 7/A³³ (1) Members of the NSC and its Chairperson have to have a clean criminal record and not be suspended from any profession which is subject to qualifications in statistics (hereinafter jointly: grounds for disqualification).

(2) Upon appointment, every member and the Chairperson of the NSC shall submit an official certificate to prove that they are not subject to any grounds for disqualification.

(3) During the mandate of any member or the Chairperson of the NSC, the Minister supervising the HCSO may call on a member or the Chairperson of the NSC in writing, by explaining the legal consequences of a default, to prove that they are not subject to any grounds for disqualification.

(4) If a member or the Chairperson of the NSC proves, upon the call laid down in subsection (3), that they are not subject to any grounds for disqualification, the HCSO shall reimburse such member or Chairperson of the NSC for the administrative service fee paid for the procedure where the criminal records body issued an official certificate as proof.

(5) The mandate of any member or the Chairperson of the NSC shall also be terminated if:

a) such member or the Chairperson of the NSC neglects their obligation laid down in subsection (4) within fifteen business days of the duly repeated call and fail to prove that they have neglected such obligation through no fault of their own within fifteen business days of such repeated call,

b) if the Minister supervising the HCSO establishes that there are grounds for disqualification according to the content of the official certificate issued by the criminal records body as proof, on the day when such establishment is served on the person subject to grounds for disqualification.

(6) If the mandate of the Chairperson or any member of the NSC is terminated under subsection (5), the Minister supervising the HCSO shall call on the body entitled to nomination to nominate a new person to fill the vacancy.

(7) The Minister supervising the HCSO shall treat the personal data of any member or the Chairperson of the NSC learnt under subsections (2) and (3) until termination of the mandate of such member or the Chairperson.

Statistical data collections

Sec. 8 (1) Statistical data collections may be performed

a) by prescribing an obligation to provide data, or

b) on the basis of voluntary data supply.

(2) The obligation to provide data may be imposed on any natural and legal person as well as on any organisation without legal personality.

(3) Natural persons may only be required to provide their personal data if an Act of Parliament so stipulates.

(4)³⁴ Special data may be collected for statistical purposes under the following terms:

a) any data related to the affected person's racial origin, national or ethnic affiliation, political persuasion or party preference, religious or other conviction may only be collected in a manner that is unfit for personal identification and on the basis of the affected natural person's voluntary data supply,

b) any data related to health status, addiction, sexual life and criminal record may only be collected in a manner that is not suitable for personal identification, on the basis of the affected natural person's voluntary data supply or by virtue of the provision of an Act.

(5)³⁵

(6)³⁶ The detailed rules of the obligation to provide data related to legal persons and, with respect to their economic activities, natural persons and organisations without legal personality engaged in economic activities shall be laid down in a government decree, taking into consideration the position of the NSC.³⁷

Sec. 8/A³⁸ (1) Legal persons as well as natural persons and organisations without legal personality engaged in economic activities shall apply for a statistical code. The statistical code shall comprise the statistical identifier laid down in Sec. 6(2) and the statistical grouping data code.

(2) The organisations laid down in subsection (1) shall register for a statistical code in the following manner:

*a)*³⁹ in the case of an individual entrepreneur's activities, by submitting the report on commencement of the activity to the competent authority;

b) if they may only perform business activity after submission of the application for company registration, by submitting such application for company registration to the competent companies court;

c) in any case other than those in paragraphs *a)-b)*, by filling in the form used for assigning the statistical code upon performing the obligation to register with the state tax authority.

(3)⁴⁰ The authority acting in matters related to individual entrepreneurs' activities and the companies court shall provide the HCSO, via the relevant electronic system, the data required for assigning the statistical code, the affected person's name (company name), address (seat) and core business, available in the form filled in to report the individual entrepreneur's activities or company registration,.

(4)⁴¹ Based on the data laid down in subsection (3), the HCSO shall immediately provide the Budapest Metropolitan or County Government Office's District (Metropolitan District) Office (hereinafter: District Office), the companies court, and the state tax authority, via the relevant electronic system, with the statistical code of the persons laid down in subsection (2)*a)* and *b)*, or shall notify the requesting organisation of the refusal to assign the statistical code by giving reasons. The persons laid down in subsection (2)*c)* shall be notified of their statistical codes in writing if they so request.

(5)⁴² The affected persons shall inform the HCSO about any change in their data required for assigning a statistical code, unless they must report it to the District Office or the companies court, as well as any change in their core business within 15 days of such data change.

Sec. 9 (1) A person obliged to provide data shall provide the required data truthfully, by the set date, in the required manner and without any reimbursement.

(2) Liability for the obligations laid down in subsection (1) shall be held by the person who has been stated by the body responsible for data collections in the survey questionnaire as the person obliged to sign.

(3) Bodies collecting the data covered by the national statistical data collection programme may inspect the respondent's records and documents related to the provided data, subject to prior notice, in order to check the provided data for veracity. The protection of data learnt during such inspection shall be subject to Sec. 17(2).

(4) The inspection shall take into consideration the operation of the inspected body. The inspection shall be organised without limiting continuous operation.

Sec. 9/A⁴³ (1)⁴⁴ By virtue of Sec. 94/A of Act CXL of 2004 on the general rules for the official procedures and services of public administration, the County or Metropolitan Government Office shall, at the initiative of the statistical authority responsible for the data collection, impose an administrative fine on the legal person or organisation without legal personality which supplies false data or provides false information with respect to the data.

(2) The amount of the administrative fine shall range from HUF 200,000 to HUF 2,000,000. The fine shall be imposed for each individual unlawful activity.

Sec. 9/B⁴⁵ (1)⁴⁶ By virtue of Sec. 94/A of Act CXL of 2004 on the general rules for the official procedures and services of public administration, the County or Metropolitan Government

Office shall, at the initiative of the statistical authority responsible for the data collection, impose an administrative fine on the person who or which

a) unlawfully orders or implements statistical data collection involving an obligation to provide data or by violating statutory procedural rules,

b) fails to perform any lawfully ordered obligation to provide statistical data by the set date,

c) violates the legislation on the dissemination or publication of statistical data, or on transmitting or receiving data for statistical purposes,

d) fails to keep the record required to process personal data for statistical purposes,

e) hinders the verification of statistical data provision, refuses to provide information requested during the verification or neglects his, her or its obligation to retain documents.

(2) The amount of the administrative fine shall range up to HUF 200,000 for natural persons, and from HUF 100,000 to HUF 2,000,000 for legal persons and organisations without legal personality. In the case of the omissions laid down in subsection (1)a)-b), the fine shall be imposed for each unlawful activity.

Vital statistics data collection

Sec. 10⁴⁷ (1)⁴⁸ Vital statistics shall monitor all births, deaths, marriages, registered civil partnerships, the registration of civil partners' declarations, dissolutions and invalidations of marriage, the dissolution and termination of registered civil partnerships (hereinafter jointly: vital events), and all changes of address.⁴⁹

(1a)⁵⁰ Within the scope of demographic events, monitoring shall cover the deaths abroad of Hungarian residents and the births abroad by mothers with Hungarian residence, in case the event is also registered in Hungary.

(2)⁵¹ The survey of vital events shall cover the following categories of data: name, address, social security number, citizenship, place and date of birth, sex, family status, education, economic activity, occupation, number of children, health status related to birth or death as a demographic event, place of registration, individual electronic identification number of the registration, place and date of the vital event.

(3)⁵² Among the data collected with respect to the vital event or to the change of address, the name, address and social security number shall be deleted no later than eight days after the data were checked for completeness and coherence.

(4)⁵³ The available data within the data categories laid down in subsection (2) shall be provided by registrars, health bodies, doctors entitled to issue certificates of autopsy, courts and notaries with competence at the place of the vital event and, in the case of events abroad, by the authorities performing domestic registration. Address data shall be provided by the central body in charge of the register of personal data and address by virtue of the rules to which it is subject.

(5)⁵⁴ By virtue of separate laws on the procedure of autopsy, the HCSO may receive and treat the data related to autopsy in a manner that is suitable for individual identification.

National statistical data collection programme

Sec. 11 (1)⁵⁵ Data collections involving an obligation to provide data, with the exception of those ordered by an Act, shall be contained in the national statistical data collection programme of the official statistical service (hereinafter: programme).

(2) The draft programme shall be prepared by the HCSO upon the proposals of the bodies of the official statistical service.

(3) The HCSO shall submit the draft programme to the NSC for comments and the NSC shall make such comments primarily taking into account the need for and professionalism of data collections and the level of burden on respondents and in order to avoid overlaps

(4) The President of the HCSO shall finalise the draft programme taking into account the comments of the NSC.

Sec. 12-14⁵⁶

Statistical data collection by bodies outside the official statistical service

Sec. 15 (1) Bodies and organisations outside the official statistical service may perform statistical data collections, with the exception laid down in subsection (2), on the basis of voluntary data supply.

(2)⁵⁷ If a public corporation or a public administration body outside the official statistical service intends to perform data collection involving an obligation to provide data for statistical purposes, it shall report such intention, in order to include it in the national statistical data collection programme, to the body of the official statistical service with competence according to the subject of data collection, and such body shall attach it to its proposal laid down in Sec. 11(2).

(3) A local ordinance may order and implement statistical data collection in the local government's territory of competence by applying the rules laid down in this Act.

Sec. 16 (1) Statistical data collection based on voluntary data supply may be implemented without a separate licence.

(2) The person requested to provide data shall be warned that data provision is voluntary.

The publicity, protection and transmission of statistical data

Sec. 17 (1) The results of data collections by the bodies of the official statistical service shall be public with the exception laid down in subsection (2). These bodies shall arrange for publication within the scope of their competence.

(2)⁵⁸ Classified data and, with the exception laid down in Sec. 18, any data serving statistical purposes that may be linked to natural or legal persons or to data suppliers without legal personality (hereinafter: individual data) may not be published.

Sec. 18 (1) Individual data may only be used for statistical purposes and may only be disseminated, transmitted or published with the prior written consent of the data supplier. This limitation shall not apply to the data transmissions between of persons performing statistical activities within the same body.

(2)⁵⁹ Individual data on those activities of public bodies and associations, as well as of bodies financed by the government, that are performed in the interest of the public may be made public without the written consent of the data supplier.

(3)⁶⁰ In addition to the provisions in subsection (1), the transmission of individual data is only permitted without the data supplier's written consent to international organisations engaged in statistical activities for statistical purposes in order to meet a statutory international obligation.

Sec. 19 (1) In case of data collections related to a natural person, the data subject's name and address (hereinafter: personal identification data), with the exception of those where the data carrier must be placed in the custody of archives pursuant to the law on the protection of archival materials, shall be deleted upon completion of statistical data processing, after checking completeness and coherence of data but no later than one year after the reference period, and before that in case of data transmission, with the exception laid down in Sec. 21(4).

(2) In case of longitudinal surveys of data defined by subsection (1) with respect to a period of more than one year, the data shall be provided with an internal identifier which prevents the disclosure of the data subject's identity. The data subject's identification data shall be treated separately from the data. The data manager shall keep a detailed record of data processing to ensure transparency.

(3)⁶¹ For the duration of a sampling procedure for a data collection with the same purpose or in order to incorporate new data in the database, the personal identification data may be temporarily connected with the database. The rules for such connection shall be determined in consideration of the position of the National Data Protection and Freedom of Information Authority, and shall be submitted to the NSC for comments.

(4)⁶² The provisions in subsections (2)-(3) may be applied to data collections covering the whole population pursuant to a separate Act.

Sec. 20 Individual data shall qualify as private secret for the purposes of other laws. Liability for observing the relevant rules of protection shall be held by the persons engaged in statistical activities and those contributing to them.

Sec. 21 (1)⁶³ Any of the bodies of the official statistical service shall transmit its data available from the implementation of the programme to another body of the official statistical service for performing its responsibilities as requested (data transmission). Unless otherwise provided by this Act, no data request or data transmission may relate to individual data.

(2) The body that provides the data shall allow the recipients to collect and copy without reimbursement all available data stored in their forms and tables. Data recipients shall reimburse data providers for the costs of electronic copies and re-processing of data stored electronically.

(3)⁶⁴ At the request of the body of the official statistical service, public corporations and public administration bodies outside the official statistical service shall also be bound by the obligation to transmit data defined in subsection (1) with respect to data collection within the national statistical data collection programme.

(4)⁶⁵ The HCSO has the right to receive:

a) from the data collecting body defined in subsections (1) and (3), the data available from the national statistical data collection programme in a form which is suitable for individual identification,

b) personal and non-personal data – unless otherwise stipulated by an act of parliament – in an identifiable form, from any body collecting data that are related to official, auditing and economic activities, as well as the keeping of public and authentic records, within the scope determined in the national statistical data collection programme or its obligations laid down in international commitments, for statistical purposes and observing the data protection rules, by specifying the purpose and period of the data collection.

c) In its official bulletin, the HCSO shall inform data suppliers in advance about the receipt and use of personal data for statistical purposes. The reimbursement for data transmission shall be governed by subsection (2).

(5) Any of the bodies of the official statistical service may connect its own statistical databases for statistical purposes. Personal databases may only be connected for the specific purpose of the data collection and for the period required for achieving such purpose. Any data processing in excess of the original purpose shall qualify as new data processing.

Dissemination

Sec. 22 (1) The bodies of the official statistical service disseminate data to the stakeholders listed in Sec. 6*i*).

(2) Dissemination to international organisations shall be coordinated by the HCSO. To this end, the HCSO shall be notified of such data supplies in advance. The agreement with the data recipient on the reimbursement of the data transmission is subject to the agreement between the data supplier and the recipient.

Sec. 23 (1) The dissemination activity of each body of the official statistical service shall be determined by the head of such body, considering the NSC's position.

(2) Dissemination shall comprise publications and communications from databases or other data carriers.

Sec. 24 The bodies of the official statistical service shall, in consideration of Sec. 17(2), provide the persons, bodies and organisations listed in Sec. 6i) with the statistical data that have not been published. The reimbursement of such data transmission shall be governed by Sec. 21(2).

Miscellaneous provisions

Sec. 25 In the course of collecting data for or supplying data from the internal administrative or public records and registers related to the controlling, auditing, economic or other activity of authorities and other bodies, as well as public records or registers of public authenticity, the definitions and classifications published by the HCSO shall be taken into account.

Sec. 25/A⁶⁶ Pursuant to Act LXVI of 1995 on public deeds, public archives and the protection of private archive materials (hereinafter: Ltv.), individual data defined by Sec. 17(2) may be subject to research as follows:

a) individual data containing personal data may be subject to research pursuant to Ltv. Sec. 24-24/A,

b) the individual data of legal persons, organisations without legal personality and sole entrepreneurs with respect to their economic activities can be made subject to research fifteen years after the reference period.

Sec. 25/B⁶⁷ The HCSO may receive and store any fact, data and document related to taxation, in compliance with the data protection rules, to meet its statutory international data supply obligation, in a manner that is suitable for individual identification. The management of data related to natural persons and of the data of sole entrepreneurs not related to their economic activities shall be subject to the provisions of Sec. 19.

Coming into force

Sec. 26 (1) This Act shall come into force on 15 May 1993.

(2) This Act shall be implemented by the Government.⁶⁸

(3) The Government is hereby authorised to regulate by a decree

a) the HCSO's specific responsibilities;

b) the National Statistical Council's specific responsibilities and main rules of procedure;

c)⁶⁹ the national statistical data collection programme, the rules of procedure for its compilation and obligation for data supply;⁷⁰

d) the main formal requirements of statistical questionnaires;

e)⁷¹

f) detailed rules for vital statistics data collection.

(4)⁷² The Minister supervising the HCSO is hereby authorised to:

a) regulate by a decree statistical definitions, methods, classifications, registers and codes to be compulsory applied, and⁷³

b) pass a decree to repeal previous ones.⁷⁴

Sec. 26/A. Section 9/B paragraph (2) incorporated by the Act No. XCIX of 2014 on the establishment of the 2015 central state budget of Hungary shall be applied in all cases in progress by the First of January 2015.

Compliance with European Union law⁷⁵

Sec. 27⁷⁶ This Act establishes provisions required for the implementation of:

a) Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities,

b) Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work,

c) Commission Regulation (EU) No 328/2011 of 5 April 2011 implementing Regulation (EC) No 1338/2008 of the European Parliament and of the Council on Community statistics on public health and health and safety at work, as regards statistics on causes of death,

d) Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers.