

**Act No. CLV of 2016 on official
statistics¹**

The Parliament, having regard to the need for authentic, well-founded and professional official statistics for knowing, understanding and evaluating the phenomena and processes of society and economy, promoting the objectivity, impartiality and independence of official statistical activities, taking into account the efforts of the European Union to synchronize and enhance the national statistical activities in order to ensure the uniformity of European statistics, nevertheless emphasizing the historical antecedents, continuity and achievements of national statistics as well as the importance of the needs of national users of statistical data, and to further enhance the independence and professionalism of the Hungarian Central Statistical Office and trust in official statistics, has adopted the following Act.

Chapter I.

General provisions

1. Scope of the Act

1. § The scope of the act applies to the statistical business process and its related activities (hereinafter referred to as official statistical activity) performed by the members of the Official Statistical Service and audited regularly by the Hungarian Central Statistical Office (hereinafter referred to as HCSO), as well as to all persons and organisations involved in official statistical activity as data collectors, data providers, data transmitters and users.

2. Definitions

2. § For the implementation of this law, the following definitions shall apply.

1. *data source*: the information source from which statistical surveys are carried out. Multiple data sources may be used in statistical surveys;

2. *statistical data domain*: the characteristics observed by statistical surveys that relate to a given topic and level of observation within the same logical unit;

3. *administrative data source*: a secondary data source in which the collection of data and the keeping of the record is prescribed by law for the controller of the administrative data source;

4. *identification*: the event by which a given statistical unit (e.g. a natural person, enterprise, or other institution) is unequivocally recognised, or one or more direct identifiers of the statistical unit are obtained;

5. *individual data*: the data or set of data which – using the best technical tools available – allows the direct or indirect identification of a statistical unit as a result of the disclosure of so far unknown information;

¹ Published on 15 July 2016.

6. *other secondary data source*: all secondary data sources that cannot be qualified as administrative data sources.

7. *primary data source*: a data source from which the characteristics of a population described by the statistical survey related to a specific period or date may be determined wholly or partially through statistical data collection;

8. *disclosure*: the production of new information based on previously published data;

9. *risk of disclosure*: the possibility of identifying at least one statistical unit through published data or through the dissemination of previously unknown information;

10. *direct identifier*: unique identification code assigned to the statistical unit (independent of public accessibility of the code), including the denomination/name of the statistical unit, the exact address of the statistical unit and the contact information of the statistical unit. Technical identifiers assigned by the data processor are not regarded as direct identifiers;

11. *indirect identification*: the identification of a statistical unit by means other than direct identification, for example based on a variable of the data file which, as a part of the key, helps in the identification of the statistical units;

12. *secondary data source*: a data set from which the characteristics of a population, which is described by the statistical survey related to a specific period or date, may be determined wholly or partially through statistical data transmission. The two types of secondary data sources are: data transmissions from administrative data sources (administrative data transmissions) and transmissions from other secondary data sources;

13. *statistical data transmission*: the transfer of data collected and recorded from one institution to another in order to determine the characteristics of a population described by the data collection related to a specific period or date;

14. *statistical business process*: the processing of official statistical data, which is the primary duty of official statistical data controllers. The process includes recognising the need for official statistics and planning, organising, and developing the production process of official statistical data, as well as its supporting instruments, the use of data sources, the preparation, processing, and analysis of data for statistical purposes, statistical dissemination and presentation of data, and archiving official statistical information;

15. *statistical survey*: a collection of characteristics that describe society, the economy or the environment, referring to a specific period or date of a population, for statistical purposes, using various data sources;

16. *statistical data collection*: a collection of characteristics of a population described by the statistical survey related to a specific period or date by means of interviews with data providers or direct observation;

17: *statistical purpose*: the use of official statistical data in the statistical business process;

18: *statistical unit*: a population unit with specific characteristics, features or traits.

19: *statistical record*: a regularly updated record of characteristics that support the statistical business process and are related to the identification and contact information of the units surveyed for the purpose of statistical surveys, kept by the members of the Official Statistical Service. The population-describing

units contained in the statistical records may relate to any unit of the society, economy or environment, and generally contain persons, addresses, organisations and activities;

20: *statistical register*: a statistical record kept by the members of the Official Statistical Service in order to support and standardise the statistical business process, which contains the present and historical state of populations of the different statistical surveys, the reason, scope, source of changes, and which also stores structured information on the units of the population in a database;

21: *final statistical data*: the output data of the statistical business process, which may provide the basis for data dissemination on the state of a social, economic or environmental phenomenon related to a specific period or date.

Chapter II.

The Official Statistical Service

3. Official statistical activities

3. § (1) The purpose of the official statistical activities is to provide, by means of dissemination of statistical information, a realistic and objective picture of the state and the changes of the society, economy and environment for public organisations, local governments, enterprises – including financial markets – civil societies, the scientific community, the general public, the media, and international organisations, especially the institutions of the European Union.

(2) The members of the Official Statistical Service shall perform the official statistical activities in coherence with the functions of the European Statistical System – according to 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 (hereinafter referred to as European Statistics Regulation) – while conforming at all times to the principles laid down in the European Statistics Code of Practice and in point (3) of Section (3) listed below.

(3) The following principles shall apply to official statistical activities:

a) *Professional independence*: Official statistics must be produced by the members of the Official Statistical Service in an independent manner, particularly in terms of the selection of techniques, definitions, methodologies and data sources to be used, and the timing and content of all forms of dissemination and the performance of those tasks shall be free of any political pressure or other types of influence and shall be separate from any other non-statistical activity. The head of the organisation for each of the members of the Official Statistical Service shall assign an official responsible for official statistical activities. The official responsible for official statistical activities shall be the sole person responsible for deciding and assigning tasks related to official statistical activities.

b) *Impartiality*: Official statistics must be developed, produced and disseminated free of any political pressure or other types of influence, and all users must be treated equally.

c) *Objectivity*: Official statistics must be produced and disseminated in a reliable and unbiased manner.

d) *Reliability*: Official statistics must measure as credibly, accurately and consistently as possible the reality that they are designed to represent and make explicit that scientific criteria are used for the selection of sources, methods and procedures.

e) *Commitment to quality*: Official statistics support evidence-based decision-making, research and dialogue between members of society by means of production and dissemination of reliable and high quality statistical information. To this end, members of the Official Statistical System shall regularly measure and continuously improve the quality of statistical products and processes and regularly inform users about quality.

f) *Statistical confidentiality*: The protection of data related to statistical units that are obtained directly for statistical purposes or indirectly from administrative or other sources, and the prohibition of use for non-statistical purposes and of their unlawful disclosure.

g) *Cost-effectiveness*: The costs of producing statistics must be in proportion to the importance of the results and the benefits sought, resources must be optimally used and the response burden minimised.

(4) The detailed content of the principles of official statistics – in addition to point (3) and taking into account the European Statistics Code of Practice – shall be determined by the National Statistics Code of Practice.

(5) The National Statistics Code of Practice shall be compiled and published by the President of the HCSO and adopted in consultation with the National Statistical Council and the National Statistics Coordination Board.

4. The Official Statistical Service

4. § (1) Official statistical activities shall be performed by the Official Statistical Service.

(2) Taking into account subsections (4) to (5) of Section 4, an organisation that disseminates official statistical data as part of its public tasks and whose organisation and functioning corresponds to the rules laid out in the National Statistics Code of Practice and the European Statistics Regulation may become member of the Official Statistical Service following the criteria specified in subsections (4) to (5) in Section 4.

(3) The HCSO is a member of the Official Statistical Service, the President of the HCSO shall perform the tasks of the Chief Statistician in Hungary.

(4) As part of the tasks of Chief Statistician, the President of the HCSO shall be responsible for the coordination and coherence of the official statistical activities performed by the members of the Official Statistical Service, and as such, specifically:

a) Issues guidelines concerning the performance of official statistical activities and monitors and supervises their implementation.

b) Taking into account the rules in Section 6, represents Hungary in the European Statistical System, the bodies and fora and statistical work of the European Union as well as other international organisations which engage in statistical activities, and maintains contact with other national statistical institutes.

c) Assigns and informs the European Commission (Eurostat) on the members of the Official Statistical System, which are to be regarded as other national statistical authorities taking part in the development, production and dissemination of European statistics.

5. § (1) The President of the HCSO shall ascertain compliance with the National Statistics Code of Practice and the European Statistics Regulation – according to the rules laid down in a Decree by the Government – by the means of an accreditation procedure. In relation to the accreditation procedure, the President of the HCSO:

a) informs the National Statistics Coordination Board and the National Statistical Council on the result of the accreditation procedure, prior to its publication as described in point (b).

b) publishes the results of the accreditation process of the Official Statistical Service in the Official Bulletin of Hungary and on the HCSO website.

(2) In case an accreditation request is rejected, a new request might be put forward after the correction of the documented deficiencies.

(3) The HCSO performs an audit on the matter of compliance with the National Statistics Code of Practice and the European Statistics Regulation every 5 years. The rules for the accreditation procedure shall apply for the audit procedure.

(4) If the President of the HCSO finds that an organisation does not comply with the National Statistics Code of Practice and the European Statistics Regulation, said organisation shall undergo a review period of one year. Upon expiration of said period, compliance with the principles of the National Statistics Code of Practice and the European Statistics Regulation shall be assessed anew. If the previously determined shortcomings have not been fixed and the official statistical activity of the organisation is still not in compliance with the principles of the National Statistics Code of Practice and the European Statistics Regulation, the President of the HCSO shall withdraw the accreditation of that organisation and cease its membership within the Official Statistical Service by the end of the year following the year of the review period. The ceased member may finish its official statistical activities for the year following the year of the review period, but shall perform no such activities in the following year. The statistical data processed by the organisation shall be transmitted along with the closure of statistical activities to the organisation continuing said activity, and in the absence of such an organisation, to the HCSO. While the above described transmission takes place, the statistical data stored at the organisation shall be simultaneously destroyed.

(5) In case of the legal succession of a member of the Official Statistical Service, a new accreditation procedure shall be performed.

(6) In case of the cessation of a member of the Official Statistical Service, legal succession shall be determined. The statistical data stored by the ceased member of the Official Statistical Service shall be treated according to Point (4).

5. Cooperation with the Central Bank of Hungary

6. § (1) The Central Bank of Hungary (hereinafter referred to by its Hungarian acronym, **MNB**) shall, as the operator of the central bank information system, be a member of the Official Statistical System. The rules of this Act shall apply to the MNB with the differences stated in the Act on the Central Bank of Hungary (hereinafter referred to as **MNB Act**).

(2) While performing official statistical activities, and adhering to the principle of independence stipulated by the MNB Act, the MNB shall – without prejudice to compliance as a member of the European System of Central Banks (hereinafter referred to as ESCB), with the principles set out in the Public commitment by the ESCB – comply as fully as possible with the principles of the National Statistics Code of Practice.

(3) Compliance with the National Statistics Code of Practice is audited by the MNB every 5 years by means of self-assessment; for the purpose of better compliance, the MNB prepares a plan for improvement actions based on the self-assessment results.

(4) The MNB informs the President of the HCSO on the results of the self-assessment and the planned improvement actions.

(5) The HCSO and its President shall – within their sphere of competence set out in this Act – cooperate closely with the MNB and its President; however, the performance of these tasks shall not interfere with the independence and tasks of the MNB regulated by the MNB Act.

Chapter III.

The Hungarian Central Statistical Office

6. The legal status of the Hungarian Central Statistical Office

7. § (1)² The HCSO shall be a professionally independent, publicly-financed organisation operating as a head governmental office.

(2) The seat of the HCSO shall be in Budapest.

(3) Legislations and normative acts governing public organisations shall not violate the professional independence of the HCSO.

(4)³ The rules laid out in Act No. CXXV (263) of 2018, Section (2) on Public Administration (hereinafter referred to by its Hungarian acronym, Kit.) shall not apply in relation to the HCSO.

(5) The President of the HCSO shall not be instructed in his or her area of competence by anyone, as set out by an Act of law.

(6) The budget of the HCSO and the budgetary organisations defined in subsections (9) and (10) shall constitute an independent chapter in the act for the central state budget.

(7) The HCSO shall perform its tasks related to the collection, processing and disseminating data of public authority with the involvement of the Statistical Analysis Limited Liability Company established by the President of the HCSO, and which is in the sole ownership of the Hungarian State.

(8) The right of ownership of the Company is exercised by the President of the HCSO on behalf of the Hungarian State.

² Amended by: Act CXXV (328) of 2018, Section (3).

³ Established by: Act CXXV (328) of 2018, Section (1). Amended by: Act CIX (228) of 2019, Section (a), Act XIX (101) of 2020, Section (a).

(9) The Hungarian Demographic Research Institute shall be a central budgetary organisation which carries out basic and applied demographic research as its public duty – with the exception of its foundation, reorganisation and cessation – under the direction of the President of the HCSO.

(10) The Hungarian Central Statistical Office Library shall be a central budgetary organisation that is a specialised scientific library with nation-wide competence entitled to a full series of legal deposits– with the exception of its foundation, reorganisation and cessation – under the direction of the President of the HCSO.

7. The duties of the Hungarian Central Statistical Office

8. § (1) The HCSO shall perform all duties placed into its competence by an act of law or by legislation based on an act of law.

(2) The duties of the HCSO shall be:

- a) to present the state of and changes in the economy, society and environment through official statistical data, and in order to achieve this, to conduct statistical surveys to perform the statistical data business process, such as the collection, process, analysis and dissemination of statistical data,
- b) to elaborate the methodology for the calculation of the gross domestic product based on articles 36 and 37 of the Basic Law, assessing the keeping of limitations regarding state debt, determining the gross domestic product based on Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts,
- c) to produce and disseminate vital statistics,
- d) to collect data on the population periodically as determined by an act of law, either in the way of a population census or microcensus and disseminating the data from these censuses,
- e) to deliver opinions on draft legislations concerning official statistics,
- f) to compile the professional content of the draft of the Government decree on mandatory statistical data collections with the exception of those ordered by an act of law, participating in its procedure of adoption and monitoring its implementation,
- g) to compile the National Statistical Survey Programme of the Official Statistical Service and to monitor its implementation,
- h) to inform the Parliament and the Government yearly on the social, economic, environmental and demographic data of Hungary,
- i) to prepare and publish a yearly report for the Parliament on the functioning of the Official Statistical Service,
- j) to perform the accreditation and revision of the accreditation of the members of the Official Statistical Service,
- k) the professional coordination of the official statistical activity of the members of the Official Statistical Service, issuing guidelines and recommendations on official statistics and the monitoring and revision of their implementation,

- l) to elaborate of common classifications to be used in the statistical business process, the compilation of the professional content of the Ministerial Decree on statistical codes, participating in its adoption procedure and monitoring their implementation,
 - m) to run the Gazetteer of Hungary and publish the Register of Settlements of Hungary,
 - n) to manage a specialised scientific library with a nation-wide competence entitled to a full set of legal deposits,
 - o) to manage a demographic research institution,
 - p) to cooperate in the elaboration and management of statistical vocational training,
 - q) to cooperate in the growth and development of statistical culture.
- (3) The HCSO shall make proposals on the elaboration of legislations concerning official statistical activity.
- (4) The HCSO shall be consulted on decisions and legislations concerning official statistics and the tasks of the HCSO.
- (5) The President of the HCSO shall partake as a permanent participant at the meeting of the forum preparing the meeting of the Government.
- (6) The President of the HCSO shall be invited to the item on the agenda of the meeting of the government that concerns the tasks of the HCSO.

8. Management of the Hungarian Central Statistical Office

9. § The management of the HCSO shall be carried out by the President and the Deputy Presidents.

10. §⁴ Unless an Act of Law provides otherwise, the rules applicable to government officials in management positions as set out in the Kit. on public administration shall apply to the legal relationship between the President and Deputy President of the HCSO – with the exceptions provided for in this Act.

11. § (1) The head of the HCSO shall be the President, who shall not be instructed on the performance of his or her tasks.

(2) The President of the HCSO shall:

- a) perform the tasks of the Chief Statistician according to this Act,
- b) be the head of the organisation of the HCSO,
- c) compile the organisational and operational rules and issue other internal regulations, strategic documents of the HCSO,
- d) according to Section 4. – with the exception of the MNB – coordinate the official statistical activities of the members of the Official Statistical Service,

⁴ Established by: Act CXXXV (328) of 2018, Section (2). Amended by: Act XIX (101) of 2020, Section (b).

e) exercise the employers' rights in connection with the Deputy Presidents and the government officials and employees of the HCSO personnel.

12. § The Deputy President shall perform his or her tasks within the field of competence assigned in the organisational and operation rules of the HCSO under the direction of the President of the HCSO and shall direct the work of the organisational units set out in the organisational and operational rules of the HCSO.

13. § (1) The President of the HCSO shall be appointed by the Prime Minister for a period of 7 years, which appointment may be renewed twice.

(2) The Deputy Presidents of the HCSO shall be appointed by the President of the HCSO for an indeterminate period.

14. § (1) A person may be appointed President of the HCSO if he or she:

- a) is a Hungarian citizen,
- b) has a university degree,
- c) is of recognized statistical work,
- d) has a professional experience of at least ten years from within the Official Statistical Service or the European Statistical System, of which at least five years have been spent in a managerial position.

(2) A person may be appointed Deputy President of the HCSO if he or she:

- a) is a Hungarian citizen,
- b) has a university degree,
- c) has managerial experience of at least five years within the field of public administration or statistical sciences.

(3) A person may not be appointed President or Deputy President of the HCSO if he or she has a criminal record, or within the 4 years prior to the appointment, has held a position as national or European member of Parliament, member of the Government, State Secretary, President of the Republic, Government Commissioner heading a governmental office in the capital or county, local government representative, mayor, deputy mayor, mayor of the capital, deputy mayor of the capital, chair or deputy chair of the county assembly, ethnic minority representative or official of a political party.

(4) Prior to the submission of proposal for appointment, the person to be appointed as President of the HCSO and the person to be appointed as Deputy President of the HCSO shall each verify by means of an official certification that he or she has no criminal record to the Prime Minister and to the President of the HCSO, respectively.

(5) If warranted, the Prime Minister or the President of the HCSO may petition in writing the deputy presidents of the HCSO during their term of office to prove that they have no criminal record, with a description of the legal consequences of the omission.

(6) The Prime Minister and the President of the HCSO may process the personal data referred to in subsections (4) and (5) of the President and the Deputy President of the HCSO until the termination of the appointment.

15. §⁵ The President and Deputy Presidents of the HCSO shall, within 30 days from their appointment and subsequently every two years, make a declaration of assets in accordance with the rules applicable to government officials.

16. § (1) The appointment of the President of the HCSO shall be terminated:

- a) after the cessation of the mandate,
- b) upon reaching the age of 70,
- c) by his or her death,
- d) by resignation,
- e) by declaration of incompatibility,
- f) by declaration of a lack of conditions necessary for appointment,
- g) by dismissal.

(2) The termination of appointment of the President of the HCSO shall be declared in cases referred to in subsection (1) points (a) to (f) by the Prime Minister.

(3) If the President of the HCSO does not terminate a source of conflict of interest within thirty days upon appointment, or a reason for such incompatibility arises during his or her stay in office, the Prime Minister decides on the matter of incompatibility. The declaration of incompatibility shall be justified in writing.

17. § (1) The President of the HCSO may at any time resign office. The resignation shall be given in writing to the Prime Minister. In case of resignation, the date of termination of appointment shall be determined by the Prime Minister, which shall not be later than sixty days from the date of handing in the resignation to the Prime Minister.

(2) The President of the HCSO may be dismissed by the Prime Minister in the event that,

- a) he or she refuses to fulfil the obligation to provide a declaration of assets, fails to comply with the obligation due to fault on his or her own part, or provides essential false data or facts,
- b) a court of justice has delivered final judgement on his or her criminal liability for an intentional crime,
- c) he or she refuses to fulfil the obligation to certify a lack of criminal record, or fails to comply with the obligation due to fault on his or her own part.

(3) The dismissal of the President of the HCSO for reasons referred to in subsection (2) points (a) and (c) shall be given justification in writing.

18. § (1) The President of the HCSO may dismiss the Deputy President of the HCSO from office at any time. The dismissal does not have a need of justification.

(2)⁶ The Deputy President shall be offered a position within the organisation of the HCSO befitting his or her education and training prior to dismissal from office, unless the dismissal is based on an application for a right to pension or unless the Deputy President of the HCSO is to be regarded as

⁵ Amended by: Act CIX (228) of 2019, Section (b).

⁶ Amended by: Act CIX (228) of 2019, Sections (c), (d).

pensioner at the time of dismissal from office. The Deputy President of the HCSO shall inform to the President of the HCSO in writing of the acceptance of the position offered within five working days.

(3) ⁷In case the Deputy President accepts the position offered, he or she shall be transferred accordingly.

(4) ⁸ In case the Deputy President declines the position offered, he or she is entitled to a period of dismissal and remuneration in accordance with the rules for government officials, during which period he or she shall be relieved of duties.

19. §⁹ (1) The President of the HCSO shall be entitled to a salary of a Secretary of State in accordance with the Salary Table included in point I of Annex 1 of the Kit., the amount of which is determined by the person exercising the employer's rights. In addition, the President of the HCSO is entitled to the same benefits as a Secretary of State.

(2) The Deputy President of the HCSO shall be entitled to a salary of a Deputy Secretary of State in accordance with the Salary Table included in point I of Annex 1 of the Act on Government Officials, the amount of which is determined by the President of the HCSO in his or her capacity as employer. In addition, the Deputy President of the HCSO is entitled to the same benefits as a Deputy Secretary of State.

20. § The President and the Deputy Presidents of the HCSO shall be entitled to forty working days of leave of absence.

Chapter IV.

Statistical Bodies

9. The National Statistical Council

21. § (1) The National Statistical Council (hereinafter referred to as NSC), comprised by the representatives of data providers and data users, shall be the advisory body of the President of the HCSO.

(2) The specific tasks of the NSC shall be:

a) to follow-up on the implementation of the principles in the European Statistics Code of Practice and the National Statistics Code of Practice,

b) to advise on the content of the National Statistics Code of Practice,

c) to advise on the National Statistical Survey Programme from the point of view of users' needs and burden on respondents,

d) to advise on the yearly dissemination programme of the Official Statistical Service,

e) to advise on the rules for access to statistical data for scientific purposes.

(3) The NSC might put any issue on its agenda that concerns statistics and may invite experts of the HCSO to its meetings. The NSC may issue recommendations concerning its tasks.

(4) The NSC shall be comprised of:

⁷ Amended by: Act CIX (228) of 2019, Section (c).

⁸ Amended by: Act CIX (228) of 2019, Section (c).

⁹ Established by: Act XIX (100) of 2020. Valid from: 11 April 2020.

- a) one member delegated by the President of the HCSO,
- b) one member delegated by each ministry in their capacity as data users,
- c) one member delegated by each of the five organisations chosen by the President of the HCSO from among the keepers of administrative records,
- d) one member representing the employers and one member representing the employees delegated by the National Economic and Social Council,
- e) two members delegated by the national representative bodies of local governments,
- f) one member delegated by the Hungarian Chamber of Commerce and Industry,
- g) one member delegated by the National Chamber of Agriculture,
- h) five members delegated by the Hungarian Academy of Sciences as representatives of the scientific community,
- i) one member delegated by the Central Bank of Hungary (MNB).

(5) The members of the National Statistical Coordination Board and the President of the National Authority for Data Protection and Freedom of Information shall be permanent participants in the sessions of the NSC.

(6)¹⁰ The members of the NSC shall be appointed upon their delegations by the Prime Minister for a period of 3 years, based on the proposal of the President of the HCSO, which is formed on the nominations of the heads of the bodies and organisations specified in subsection (4). The members shall elect the Chair of the NSC from among themselves from 3 years. The secretarial tasks of the NSC shall be performed by the HCSO.

(7) The members of the NSC and its Chair must have a clean criminal record and not be suspended from any profession which is subject to qualifications in statistics (hereinafter jointly: grounds for disqualification).

(8)¹¹ A person shall not be appointment member of the NSC if he or she does not fulfil the criteria set out in Section 82, subsections (1) to (4) of the Kit. on public administration.

(9) Upon appointment, every member shall submit official documentation to prove that they are not subject to any grounds for disqualification

(10) During the mandate of any member or the Chair of the NSC, the President of the HCSO may call on a member or the Chair of the NSC in writing to prove that they are not subject to any grounds for disqualification.

(11) The President of the HCSO may process the personal data of the member of the NSC disclosed according to subsections (9) and (10) until the termination of appointment of the data subject as member of the NSC.

(12) The appointment of the members or the president of the NSC shall be terminated:

- a) upon expiry of the mandate,

¹⁰ Established by: Act XLIV (64) of 2017, Section (1). Valid from: 2 June 2017.

¹¹ Amended by: Act CIX (228) of 2019, Section (e).

- b) upon acceptance of resignation, approved by the Prime Minister,
 - c) by the member's death,
 - d) upon revoking the membership by the Prime Minister following withdrawal of the designation and proposal,
 - e) if such a member or the Chair of the NSC neglects their obligation laid down in subsection (8) 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 15 business days of such repeated call.
- (13) If the mandate term of the Chair or a member of the NSC terminates, the HCSO shall call on the body entitled to nominate a new person to the vacant position. In the case of the points (d) and (e) of subsection (12), the procedure for the appointment of a new member shall be governed by Section 6. In the case of points (b) to (e) of subsection (12), the mandate term of the new member may be different.
- (13a)¹² If the mandate term of a member is terminated before the end of 3 years, the mandate of the new member shall be for the remainder of the 3 year mandate, subject to subsection (12), points (b) to (e).
- (14) The NSC shall perform its tasks according to the rules of procedure elaborated by the NSC and approved by the President of the HCSO. The rules of procedure of the NSC shall be public.

10. The National Statistics Coordination Board

22. § (1) The members of the National Statistics Coordination Board (hereinafter referred to as Coordination Board) shall be the representatives of the Official Statistical Service. The Coordination Board shall be chaired by the president of the HCSO. The secretarial tasks of the Coordination Board shall be performed by the HCSO.

(2) The objective of the Coordination Board is to discuss issues related to official statistical activity, more specifically:

- a) issues concerning the priorities and strategy related to the development, production and dissemination of official statistics,
- b) to evaluate the resources needed for the development, production and dissemination of official statistics,
- c) to elaborate proposals concerning the standardisation of official statistics, the continuous improvement of quality and the elimination of redundant information,
- d) to take part in the elaboration, further development and formulating an opinion of the National Statistics Code of Practice, and exercise a right of approval during its adoption procedure,
- e) to provide advice regarding the draft of the National Statistical Survey Programme, and to monitor and assess the implementation of the Programme,
- f) to provide advice regarding the resolutions and guidelines concerning the use secondary data sources for official statistical purposes,

¹² Established by: Act XLIV (64) of 2017, Section (2). Valid from: 2 June 2017.

g) to provide advice regarding the resolutions and guidelines concerning methodological issues, definitions, classifications, and recommendations,

h) to provide advice regarding the national standpoint represented in the European Statistical System.

(3) The members of the Official Statistical Service shall each nominate one person to the Coordination Board. The members of the Coordination Board shall be appointed by the President of the HCSO based on the nomination for an indefinite period. In case of an absence of the appointed member, he or she may delegate a proxy with full rights of representation.

(4) Members of the Coordination Board shall have a clean criminal record and not be suspended from any profession which is subject to qualifications in statistics (hereinafter jointly: grounds for disqualification).

(5)¹³ A person shall not be appointed member of the Coordination Board if he or she does not fulfil the criteria set out in subsection 82, points (1) to (4) of Kit. on public administration.

(6) Upon appointment, every member of the Coordination Board shall submit official documentation to prove that they are not subject to any grounds for disqualification.

(7) During the mandate of any member of the Coordination Board, the President of the HCSO may call on a member of the Coordination Board to ask for proof that they are not subject to any grounds for disqualification.

(8) The President of the HCSO may process the personal data of the members of the Coordination Board disclosed according to subsections (6) and (7) until the termination of appointment of the data subject as member of the Coordination Board.

(9) The appointment of the members of the Coordination Board shall be terminated:

a) by the member's death,

b) upon resignation,

c) upon revoking the membership by the President of the HCSO following the proposal of the delegating body,

d) by the cessation of the designating body, or by the termination of the membership of the designating body within the Official Statistical Service,

e) when a member of the Coordinating Board neglects their obligation laid down in point (7) within 15 business days of the duly repeated call and fail to prove that they have neglected such obligation through no fault of their own within 15 business days of such repeated call.

(10) If the mandate of any member of the Coordination Board is terminated, the President of the HCSO shall call on the designating body to delegate a new person to fill the vacancy.

(11) The Coordination Board shall perform its duties according to the rules of procedure elaborated by the Coordination Board and approved by the President of the HCSO. The rules of procedure of the Coordination Board shall be public.

(12) The President of the National Authority for Data Protection and Freedom of Information shall be a permanent participant in the sessions of the Coordination Board.

¹³ Amended by: Act CIX (228) of 2019, Section (e).

Chapter V.

Statistical surveys

11. General rules for statistical surveys

23. § (1) The method for a statistical survey may be either statistical data collection or statistical data transmission. Statistical surveys may be performed from primary or secondary data sources.

(2) As a primary data source, statistical data collections may be mandatory or voluntary.

(3) Primary data sources shall only be used in cases where there are no adequate and accessible secondary data sources.

(4) In order to reduce the burden on respondents, more statistical surveys related to the same data may only be performed in duly justified cases.

(5) The members of the Official Statistical Service may, for statistical purposes – with regard to Section 28, subsection (7) and Section 43 –, transmit among themselves final statistical data and related additional information (metadata) that are available from statistical surveys free of charge. A member of the Official Statistical Service is not obligated to transmit data that have been produced in the statistical business process but not yet considered to be final.

(6) The members of the Official Statistical Service shall sign a written agreement on the terms of the data transmissions, which shall contain the objective and the means of the data transmission, the terms of data processing and the conditions of use of this data following its dissemination. The agreements shall be published on the website of the members of the Official Statistical Service.

(7)¹⁴ In the case of data surveys under this Act, the right to restrict data processing as specified in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and Article 18 of the repealing Directive 95/46/EC (hereinafter General Data Protection Regulation) may not be exercised by a natural person as a statistical unit if the statistical data survey has been carried out in accordance with the provisions of this Act.

12. Statistical data collections

24. § Any natural or legal person as well as organisations with legal capacity may be mandated to provide data by means of statistical data collection.

25. § (1) Mandatory statistical data collection which concern the personal data of natural persons – with the exception in Section (26), subsection (1) – may only be ordered by an Act of Parliament.

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

a) any data related to the affected person's racial origin, nationality or ethnicity, political views or party affiliation, religious or other beliefs, membership to professional representation unions may only be

¹⁴ Established by: Act XXXIV (157) of 2019, Section (1). Valid from: 26 April 2019.

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 unfit for personal identification and on the basis of the affected natural person's voluntary data supply or by virtue of the provision of an Act of Parliament.

26. § (1) The obligation of legal persons, natural persons engaged in economic activity and organisations with legal capacity to provide data shall be determined by a Decree of the Government until 30th of November each year.

(2) The draft of the Government Decree specified in subsection (1) shall be compiled – upon the proposals of the members of the Official Statistical Service – by the HCSO and submitted to the Government by the relevant minister.

(3) In the context of subsection (1) a natural person engaged in economic activity shall be a person who produces goods or provides services by using resources – such as capital goods, work, industrial technology, raw materials or semi-finished goods.

(4) The Government Decree determining mandatory statistical data collections shall include:

a) the title of the data collection,

b) the scope of respondents,

c) the frequency and deadline of the data collection,

d) the content of the data collection (detailed statistical data domains),

e) the mode of electronic data provision,

f) the reference date of the data on which the assignment of respondents has been based,

g) the relevant European legislation.

(5) Within the scope of the data providers set out in subsection (4) the actual respondents are designated – with the exception of full scale surveys – by the member of the Official Statistical Service responsible for the implementation of the statistical survey – by means of using sound methodology, and in case of the HCSO, based on the rules set out in subsection (6).

(6) The designation of respondents is done by the HCSO based on records and registers available on the 15th of December unless legislation provides otherwise. In the event that during the year the replacement of the respondents, or that for the better accuracy of the circle of respondents the designation of new respondents is needed, the designation shall be performed based upon records and registers available at the time of designation.

(7) The members of the Official Statistical Service inform the respondents of their obligation to provide data until the 31st of December each year or 30 days prior to the deadline for the statistical data collection at the latest.

27. § (1) Respondents are obligated to provide data in a truthful and timely manner, free of charge and in the prescribed modes of data provision.

(2) The member of the Official Statistical Service carrying out the statistical data collection may, in order to check the authenticity of the data provided, look into the registers and documents of the respondent concerning the data provided upon the prior notification of the respondent.

27/A. §¹⁵ (1) The data providers specified in Section 26, subsection (1) and Section 29, subsection (1) shall fulfil their mandatory statistical data collections and statistical data transmissions electronically in the case of data surveys carried out by the HCSO – including other statistical data surveys in accordance with Section 29.

(2) The HCSO shall operate an IT system (hereinafter the System) for the electronic fulfilment of mandatory statistical data collections and statistical data transmissions in accordance with subsection (1).

(3) In case of contact with data providers performing statistical data collections and statistical data transmissions in the System, the rules set out in the Act on the General Rules of Electronic Administration and Trust Services (hereinafter E-Administration Act) shall apply with the exceptions set out in points (4) to (10).

(4) Identification of the data providers performing statistical data collections and statistical data transmissions in the System – in accordance with the rules of the E-Administration Act – shall take place with the unique identifier received after registration during the unique identification process provided in the System, or through another electronic identification service in accordance with the rules of the E-Administration Act.

(5) The HCSO shall deliver documents addressed to the data provider registered in the System to a maximum of five e-mail addresses if contact with the data provider is not possible in any other way on the basis of the E-Administration Act.

(6) In the case of a data provider not designated as an enterprise – if the data provider has not previously registered in the System – documents related to data provision and data transmission shall be delivered via a postal service order; in the case of a new enterprise not previously registered in the System, the delivery shall take place through official electronic contact.

(7) The System shall record and confirm the date of statistical data collection and statistical data transmission, which is also the date of fulfilment of the data collection and data transmission obligation.

(8) In the case of statistical data transmission, the obligation to transmit data can be considered fulfilled with the transmission of the documentation and metadata required for the interpretation of the data of the statistical data transmission– in addition to the data transmission.

(9) The HCSO shall retain the completed statistical data collection and statistical data transmission in the System for one year from the date of recording (hereinafter retention period).

¹⁵ Established by: Act CXXXIV (91) of 2017, Section (1). Valid from: 1 January 2018.

(10) If the System is not accessible to the data provider for at least four hours on a day for any reason (malfunction, downtime), this day shall not be included in the data collection deadline. The HCSO shall publish on its website the days that do not count towards the deadline.

13. Administrative data sources, data transmission from administrative records

28. § (1) The content of the administrative data sources may be used for official statistical purposes without restrictions based on the conditions set out in this Act.

(2) Taking into consideration issues concerning the content, methodology, definitions and classifications used for an administrative data source, the opinion of the HCSO on their use for statistical purposes shall be taken into account when designing, amending and discontinuing the data source.

(3) The HCSO shall discuss the opinion referred to in subsection (2) with the other members of the Official Statistical Service.

(4) The controller of the administrative data source shall – with the exception of classified data – taking into account subsections (1) and (5) transmit the data and the related additional information (metadata) kept in the record as legislation based on administrative sources in a way that allow for individual identification and is suitable for statistical purposes.

(5) With the exception of the HCSO, other members of the Official Statistical System may only access personal data according to subsection (4) if a separate Act of Parliament provides so.

(6) The data transmission referred to in subsection (4) shall be free of charge if the data to be transmitted are available electronically. In any other case the rules in Section 46, Subsection (2) shall apply for the calculation of the transmission fee.

(7) The detailed terms of the transmission of administrative data shall be determined in an agreement signed by the controller of the administrative data and the member of the Official Statistical Service taking over the data without any delay upon the submission of the request for the data transmission and having proven the relevant official statistical purpose. This agreement shall be made public on the website of the bodies who sign it.

(8) The cooperation agreement concerning the transmission of administrative data shall contain at least the following:

1. the name, seat and contact details of the cooperating parties,
2. the scope, objective and content of the cooperation,
3. the name of the data provider (in case it differs from the owner of the data),
4. the data of the body carrying out the data transmission (in case it differs from the body requesting the data),
5. the description of the data files: name, purpose of use, type of data transmission (e.g. transmission of administrative data for statistical purposes, transmission of non-administrative data for statistical purposes, other data transmission),

6. name of the original data file, title of the legislative act concerning the original data collection, register, description of the statistical/registration unit, number of statistical/registration unit in the original data source, frequency of updates in the original data source,
 7. the manner and instrument of statistical data transmission, the type and structure of the data file,
 8. the regularity and frequency and deadline of the data transmission,
 9. the reference year for the data, the type of the reference period, the frequency of the data,
 10. the status of the process of the data by period,
 11. the scope of the data transmission: complete data transmission, partial data transmission, or mixed data transmission,
 12. the number of transmitted data files within a given period,
 13. the estimated size of the transmitted data in megabytes (MB),
 14. the estimated number of data records within the data file,
 15. the indication of the transmitted metadata,
 16. the level of confidentiality of the data file (individual data, special data, personal data)
 17. references to the eventual transmission of the data within the Official Statistical Service and according to Section 41 on the possibility of access to the transmitted data for scientific purposes.
- (9) When transmitting administrative data for official statistical purposes, the controller of the administrative data source shall at least transmit the following additional information (metadata):
- a) the name and contact details of the controller of the administrative data source,
 - b) the name and contact details of the data provider,
 - c) the name and type of the data files,
 - d) the description of the structure of the data file: name of the columns, data type (along with the number of decimal places, date format in case of dates), the description of the column's content, the measurement unit; in case of coded information, the identifier of the codomains,
 - e) in case of data files containing codomains, the transmission of codes and definitions for codomains,
 - f) any other methodological descriptions that aid the understanding of the data, or that indicate the population of the data file (the scope of the register and the transmitted units), methodological information on the content of the data file (applied classifications, methodology of observation and processing), how the register and the methods of quality assurance will be done.
- (10) The transmission of administrative data shall be performed – for the HCSO in all cases, for the other members of the Official Statistical Service upon request – through the electronic system operated by the HCSO for this special purpose.

(10a)¹⁶ Article 27/A. § shall apply to the transmission of data via the electronic system referred to in Section 10.

¹⁶ Established by: Act CXXXIV (91) of 2017, Section (2). Valid from: 1 January 2018.

(11) The controller of the administrative data source prepares each year a quality report – with the content and format defined by the HCSO – on the quality of the administrative data source with regard to its use for official statistical purposes and submits it to the HCSO.

(12) The HCSO presents the received quality reports and its suggestions for quality improvement to the Coordination Board requesting its opinion on it.

(13) The controller of the administrative data source cooperates with the member of the Official Statistical Service that received the data in order to implement the suggestions formulated in connection with the use for official statistical purposes and quality control of the administrative data source in case this does not cause any additional administrative or technical tasks, and the implementation of the suggestions does not increase administrative or IT security risk for the basic activity of the data controller. The controller of the administrative data shall inform the member of the Official Statistical Service that has formulated the suggestion of its implementation or the reason for non-implementation.

(14) The administrative data that has been transmitted for official statistical purposes may only be further transmitted for official statistical purposes within the Official Statistical Service or made available for scientific purposes according to Section 41, if the cooperation agreement allows for it.

14. Other statistical data transmissions

29. § (1) Any legal person, natural person engaged in economic activity – concerning their economic activity –, or any other organisation with legal capacity may be obliged by Government Decree to transmit – with the exception in subsection (3) – the data kept in their registers in a way that allows individual identification for official statistical purposes to the members of the Official Statistical Service.

(2) Data transmissions referred to in subsection (1) shall be regulated in the Government Decree defining mandatory statistical data collections according to Section 26. For the statistical data transmissions the rules in Sections 26-27 and Section 28 subsections (7)-(9) shall apply.

(3) The other statistical data transmissions shall not cover the transmission of personal data.

15. Vital statistics

30. §¹⁷ (1) Vital statistics shall monitor all births, deaths, marriages, registered civil partnerships, civil partners' declarations, divorces and marriage annulments, dissolutions and terminations of registered partnerships, the terminations of civil partners' declarations and terminations of pregnancy (hereinafter jointly: vital events) and all address changes in Hungary.

(2) Within the scope of demographic events, vital statistics shall be monitored for Hungarians living abroad who are registered in Hungary.

(3) The survey of vital events shall cover the following groups of data: name, address, social security number, citizenship, place and date of birth, sex, marital status, household composition, education level,

¹⁷ Established by: Act XXXIV (157) of 2019, Section (2). Valid from: 26 April 2019.

economic activity, occupation, number of children, health status related to birth or death as a demographic event, place of registration, number of registration, individual electronic identification number of the registration, place and date of the vital event.

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

(5) Data belonging to the data categories defined in subsection (3) shall be provided by registrars, health care providers, doctors authorized to issue certificates of autopsy, courts and notaries with competence at the place of the vital event and, in the case of vital events that take place abroad, by the authorities effectuating 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.

(6) Due to different laws regarding the procedure of an autopsy, the HCSO may receive and process the data related to an autopsy in a manner that is suitable for individual identification, in accordance with the requirements of said laws.

16. National Statistical Survey Programme

31. § (1) The National Statistical Survey Programme (hereinafter referred to as NSSP) contains the statistical surveys carried out by the members of the Official Statistical Service in the year concerned.

(2) The NSSP contains the following characteristics of the statistical surveys carried out by the members of the Official Statistical Service:

- a) the type and title of the statistical survey, the mandatory or voluntary nature of the survey,
- b) the data categories,
- c) the data source,
- d) the scope of respondents, and in the case of statistical data transmissions, the data controller,
- e) the frequency, deadlines of the statistical data collection or transmission,
- f) the national and European legal basis for the statistical survey,
- g) the outputs produced from the statistical survey and the means of access to the output.

(3) The NSSP shall be compiled by the HCSO based on the proposals of the members of the Official Statistical Service – after obtaining the opinion of the Coordination Board and the NSC – and shall be approved by the President of the HCSO – taking into account the Government Decree regulating mandatory statistical data collections referred to in Section 26 – until the 1st of December preceding the year the NSSP refers to.

(4) The NSSP shall be published on the website of the HCSO by the President of the HCSO.

(5) While planning the NSSP, the members of the Official Statistical Service shall prepare the documentation for the methodology of the statistical business process of the statistical survey, and it shall be made available to the other members of the Official Statistical Service and the NSC.

(6) Until the 30th of September of each year, the President of the HCSO shall prepare a report on the implementation of the NSSP based on the information received from the members of the Official Statistical Service, and shall submit it for discussion to the Coordination Board and the NSC. The report shall be made publically available after discussion.

(7) The members of the Official Statistical Service shall prepare the questionnaires of the statistical data collections and the related documentation in accordance with the methodological guidelines issued by the President of the HCSO.

17. Sanctions for non-response and false response

32. § (1)¹⁸ The Capital City or County Government Office shall - in proceedings instituted within one year of the commencement of the unlawful activity - impose an administrative fine on the data provider who or which:

- a) fails to perform any lawfully ordered obligations to provide statistical data by the set date,
- b) fails to perform any obligation related to statistical data transmissions.

(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 with legal capacity under their personal law. In the case of the omissions laid down in subsection (1), a fine shall be imposed for each unlawful activity.

(3)¹⁹ The member of the Official Statistical Service carrying out a statistical survey affected by an unlawful activity under Section (1) shall be considered a client during the administrative procedure according to Section (1).

(4)²⁰ When imposing a fine in accordance with Section (1), the authority shall decide on the imposition of the fine and the amount of the fine taking into account all the circumstances of the case. In this context, the authority shall consider, unless otherwise provided by law:

- a) the damage caused by the unlawful activity, including the costs incurred in connection with the prevention, correction and recovery of the damage,
- b) the recurrence and frequency of the unlawful activity,
- c) the economic capacity of the offender.

(5)²¹

(6)²² The Minister overseeing the organisation of the public administration is entitled to conduct a supervisory procedure under Act CL of 2016 on General Administrative Procedures.

¹⁸ Established by: Act XLIV (64) of 2017, Section (3). Valid from: 2 June 2017.

¹⁹ Established by: Act XLIV (64) of 2017, Section (4). Valid from: 2 June 2017.

²⁰ Established by: Act L (524) of 2017, Section (1). Valid from: 1 January 2018.

²¹ Repealed by: Act CX (92) of 2019, Section (a). Invalid from: 1 March 2020.

²² Established by: Act L (524) of 2017, Section (1). Amended by: Act CX (92) of 2019, Section (b).

33. § (1)²³ The Capital City or County Government Office shall – within a forfeit deadline of one year – impose an administrative fine on the legal person or organisation with legal capacity which in the case of lawfully ordered data collection provides false data or provides false information in connection with the data collection.

(2) The amount of the administrative fine shall range from HUF 100,000 to HUF 2,000,000. A fine shall be imposed for each unlawful activity.

(3)²⁴ The member of the Official Statistical Service carrying out a statistical survey affected by an unlawful activity under Section (1) shall be considered a client during the administrative procedure in accordance with Section (1).

(4)²⁵ When imposing a fine in accordance with Section (1), the authority shall decide on the imposition of the fine and the amount of the fine taking into account all the circumstances of the case. In this context, the authority shall consider, unless otherwise provided by law:

a) the damage caused by the unlawful activity, including the costs incurred in connection with the prevention, correction and recovery of the damage,

b) the recurrence and frequency of the unlawful activity,

c) the economic weight of the offender.

(5)²⁶

(6)²⁷ The Minister overseeing the organisation of the public administration is entitled to conduct a supervisory procedure under Act CL of 2016 on General Administrative Procedures.

34. § (1)²⁸ The member of the Official Statistical Service carrying out a statistical data collection may publish on its website the name, seat, place of business, tax number and the amount of the imposed fine related to the legal person, or organisation with legal capacity which has been adjudicated according to Section (32), subsection (1) a) and b), and Section (33), subsection (1), if the final official decision has been taken, provided that the administrative proceedings against the decision have been finalised or the time limit for initiating the administrative proceedings against the decision has passed without result. In this case, the data of the adjudicated respondent may be published from the day following the deadline for administrative proceedings or from the day following the final conclusion of the administrative proceedings concerning the part of the decision by the public authority that has been kept in force.

(2) The data published according to subsection (1) may be accessed for one year on the website of the member of the Official Statistical Service carrying out the statistical survey.

18. The management of statistical records and statistical registers

²³ Established by: Act XLIV (64) of 2017, Section (5). Valid from: 2 June 2017.

²⁴ Established by: Act XLIV (64) of 2017, Section (6). Valid from: 2 June 2017.

²⁵ Established by: Act L (524) of 2017, Section (2). Valid from: 1 January 2018.

²⁶ Repealed by: Act CX (92) of 2019, Section (c). Invalid from: 1 March 2020.

²⁷ Established by: Act L (524) of 2017, Section (2). Amended by: Act CX (92) of 2019, Section (d).

²⁸ Established by: Act CXXVII (201) of 2019. Valid from: 1 January 2020.

35. § (1) The statistical register contains the following statistical data domains related to the units of record:

- a) identification data (name, seat, statistical and other identifiers),
- b) contact data (addresses, names of contact persons),
- c) demographical data (data related to the origin, dissolution and status of the registration unit),
- d) economical and stratification data (such as activity, size category),
- e) data describing the connections between units of record (such as connection between the organisation and its place of business, connection between the organisation and the company group),
- f) characteristics supporting statistical use,
- g) characteristics supporting the management of the register (reasons, sources, date of changes).

(2) The metadata related to statistical registers shall be public.

36. § The rules set forth in Sections 39 and 41 shall apply to the publication of statistical records and registers.

37. § The creation, amendment and discontinuation of statistical registers shall require the consent of the HCSO.

19. Statistical code

38. § (1)²⁹ The statistical code is an identifier used in the record of legal persons, natural persons engaged in economic activity, and organisations with legal capacity under their personal law. The statistical code shall be created in accordance with the rules set forth in a Decree by the Minister supervising the HCSO.

(2) The statistical code for the organisations listed in subsection (1) shall be determined according to the following:

- a) in the case of individual entrepreneur activities, by submitting the report on commencement of the activity to the competent authority;
- b) in the case of a business activity that may only be performed after the submission of the application for company registration, by submitting an official request for the registration of changes to the competent companies court;
- c) in case of civil organisations and other organisations not considered to be companies, by submitting the request for registration or the request for registration of changes,
- d) in any case other than those in points (a) to (c), by filling in the form used for performing the obligation to register or report changes with the National Tax and Customs Administration of Hungary,
- e) in case of budgetary organisations, local governments, governments of nationalities, partnerships, regional development councils, and other legal persons to which by the rule of law the rules for the

²⁹ Established by: Act XLIV (64) of 2017, Section (7). Valid from: 26 May 2017.

management of budgetary organisations apply upon registering in the register-book kept by the Treasury and according to subsections (3) and (4).

(3) The authority acting in matters related to individual entrepreneurs' activities, the companies' court and the court which keeps records of civil organisations and other organisations not considered to be companies, the National Tax and Customs Administration of Hungary and the Treasury shall provide to the HCSO, via the relevant electronic system, the data required for assigning the statistical code, the affected person's name (company name), address (seat), reference number and core business, available from the data provided during the procedures referred to in subsection (2), points a) to e).

(4) Based on the data laid down in subsection (3), the HCSO shall immediately provide the authority acting in matters related to individual entrepreneurs' activities, the companies court, the court keeping the record of civilian organisations and other organisations not considered as companies and the National Tax and Customs Administration of Hungary, via the relevant electronic system, with the statistical code of the persons laid down in subsection (2) a) to d), or shall notify the requesting organisation of the duly justified refusal to assign the statistical code.

Chapter VI.

Accessibility of Statistical data

20. Rules of data access

39. § (1) Data produced for the purpose of official statistics by the members of the Official Statistical Service shall be public – with the exception stated in subsection (2). The members of the Official Statistical Service shall disseminate data within their respective spheres of competence.

(2) Individual data – with the exceptions provided by this law – must not be made public.

(3) Individual data may be made public or provided access to in the following cases:

a) Upon the consent of the data provider, if the data provider or the statistical unit has expressly given its prior and unambiguous consent to the data transmission publication, or

b) In case a European legal act defines such unique conditions and circumstances under which – in lack of a prior written dissent by the data provider – data regarding the data provider which allows indirect identification may be published with the purpose of official statistics, or

c) In case the data shall be considered data of public interest or data public on grounds of public interest according to the Act. No. CXII of 2011 on the right of informational self-determination and freedom of information, or

d) Data which is not to be considered as personal data, and which may be described in natural measurement units and may only allow indirect identification and are intended for publication within the scope of regular dissemination and that fall into one of the following categories:

da) rail and aerial transportation,

db) inland waterway and overland transportation,

dc) transportation of gas and other carbon-hydrates,

dd) operation on airports, inland- and other port facilities, performance of transportation services within these facilities,

de) postal services, in the frame of universal postal services, or activities replacing universal postal services, and other services performed by the universal postal service provider,

df) telecommunication services,

dg) waste management services,

dh) water-utility supply,

di) gas, thermal energy, electricity providing services.

e) Data which is not considered to be personal data and which may be measured in value, and may only allow indirect identification and are intended for publication within the scope of regular dissemination and that fall into one of the following categories:

ea) data on the revenue from fare for rail, inland, overland transportation services for passengers,

eb) data on the revenue from fare and freight of air transportation,

ec) revenue from the activity fee of telecommunication services.

(4) The Gazetteer of Hungary and the Register of Settlements of Hungary shall be public in their entirety.

(5) The content of the Business Register kept by the HCSO shall be public according to the categories predefined and published by the HCSO on its website with the exception of the demographic and economic, and layer characteristics and the basic data needed for defining the scope of activity.

(6) In addition to subsections (3) to (5), individual data may be transmitted in the following cases:

a) Upon the written request of the data provider concerning the return of its data given in the frame of a statistical data collection. The request may be rejected by the data controller if the data provided are no longer available in the form of a result of the statistical data collection.

b) To a member of the European Statistical System or the European System of Central Banks, if the transmission of the individual data is based on the European Statistics Regulation or any other European legal act necessary for the development, production and dissemination or improvement of quality of European Statistics.

c) In case of the member of the Official Statistical Service, within the organisation itself and to the extent necessary.

(6a)³⁰ The right of access provided in Article 15 of the General Data Protection Regulation may be exercised by natural person as statistical units only in accordance with point a) of Section (6) and Section (46) with regard to data derived from statistical data collections.

(7) In the written consent referred to in Section (3) subsection a) the data to be published, the purpose of publication and – if applicable – the duration of the publication shall be indicated.

(8) Individual data managed in the frame of a statistical data collection shall be used for statistical purposes only. Individual data must not be used for any purpose outside of the statistical business

³⁰ Established by: Act XXIV (157) of 2019, Section (3). Valid from: 26 April 2019.

process, specifically not for criminal, civil procedures, non-contentious proceedings, administrative, taxation proceedings, or for transmission in the frame on inland legal aid.

40. § (1) In case of a statistical survey concerning an individual person, the natural identifiers under the Act No. XX of 1996 on the means of identification replacing the personal identification code and the use of identification codes must be deleted after completion of the statistical data processing, except for those where the data carrier must be given to the custody of archives under the rules on the protection of archive records.

(2) In case of data files containing personal data, the direct identifiers of a statistical unit used for statistical data collection shall be stored separately from other data related to the statistical unit. The statistical unit shall be given a technical identifier instead of the direct identifiers used for statistical data collection, by which the connection between the data collected and the direct identifiers of a statistical unit used for statistical data collection can be restored.

(3) The connection between the data collected and the direct identifiers of a statistical unit used for statistical survey may only be restored for official statistical purposes and temporarily until the achievement of that objective. In case the objective has been achieved or if the objective is no longer valid, the identifiers have to be separated or deleted according to the rules set out in subsections (1) and (2).

(4)³¹ In the case of statistical data collections, the data provider may exercise his right to correction under Article 16 of the General Data Protection Regulation until the start of the statistical data processing. A member of the Official Statistical Service performing data collection is not obliged to make the correction requested by the data provider if it would violate the application of the statistical data collection methodology or other statistical professional considerations or is impossible. In case of statistical data transmission, the right to correction cannot be exercised by the member of the Official Statistical Service receiving the data.

41. § (1) The HCSO and the other members of the Official Statistical Service may – with respect to the rules in Section (28), subsection (14) – provide access for scientific purposes to individual data through which the statistical units cannot be directly identified.

(2) Access under subsection (1) may only be provided in a safe environment where the data may only be accessed under strictly controlled circumstances, within an environment that is separated from the internal network of the members of the Official Statistical Service, the data stored within that network and which environment is technically separated from any outside network. Only such research results may be taken out of the safe environment that have been checked prior to the release by the member of the Official Statistical Service, having applied the relevant methods in order to ensure that the disclosure risk of the statistical unit is kept to a minimum according to the best statistical methods available.

(3) The HCSO and the other members of the Official Statistical Service may provide access for scientific purposes to data on single statistical units which – by using the application of statistical disclosure control methods – have been modified in such a way that that the disclosure risk of the statistical unit is kept at an appropriate level considering the best tools available that may be used for identification.

³¹ Established by: Act XXIV (157) of 2019, Section (4). Valid from: 26 April 2019.

(4) The conditions for access to data for scientific purposes shall be regulated by the members of the Official Statistical Service by internal regulation based on the guidelines approved by the President of the HCSO, and shall be published on their website.

42. § A member of the Official Statistical Service may, within the organisation, link databases they manage containing personal data for official statistical purposes for the time and extent necessary to achieve that purpose.

43. § (1) The members of the Official Statistical Service may transmit among themselves final statistical data in their possession according to the rules set out in Section (23), subsection (5) and (6). The data transmission – with the exception of Section 39, subsection (6) point b) and subsections (2) and (3) – shall not relate to individual data. The rules in Section (46), subsection (2) shall be applied to the compensation for the data transmission.

(2) The HCSO may take over individual data for statistical purposes from the other members of the Official Statistical Service.

(3) The MNB may take over individual data from the other members of the Official Statistical Service in accordance with the law on the Central Bank of Hungary (MNB) for the purposes of the statistical system operated within the monetary information system of the MNB.

44. § (1) The head of the member of the Official Statistical Service shall take all regulatory, methodological, administrative, technical and organisational steps that are necessary for the protection of individual data.

(2) The rules and provisions for the management of statistical data shall be regulated in an internal regulation by the HCSO and the head of the member of the Official Statistical Service.

21. Dissemination

45. § (1) Official statistics shall be disseminated by the HCSO and the members of the Official Statistical Service according to the guidelines approved by the President of the HCSO.

(2) Data transmissions to the European Union that relate to European Statistics shall be coordinated by the president of the HCSO also for the other members of the Official Statistical Service, the member of the Official Statistical Service shall provide the requested information to the HCSO in order to fulfil its coordination tasks. European Statistics may only be transmitted in accordance with the European Statistics Regulation, by the HCSO, the other national authorities assigned by the President of the HCSO and the MNB.

(3) The members of the Official Statistical Service shall notify the President of the HCSO of their data transmissions to other international organisations.

46. § (1) The members of the Official Statistical Service – by taking into account the protection of individual data – fulfil individual requests for statistical data, and provide access for scientific purposes according to the rules set out in Section (41).

(2) In the event of an individual request for data under subsection (1), the member of the Official Statistical Service may request compensation based on cost calculation.

(3) The conditions for the access to data and the compensation shall be regulated by the President of the HCSO and the head of the member of the Official Statistical Service by internal regulation and shall be published on their website

Chapter VII.

Closing provisions

22. Authorisation provisions

47. §³² (1) The Government shall have the authority to issue a decree on:

a) the detailed rules for the accreditation procedure and revision of accreditation of the members of the Official Statistical Service,³³

b) the main rules for the procedure of the NSC and the Coordination Board,³⁴

c) the response burden on the data providers of mandatory data collections as referred to in Section (26), the requirements for the content and format of the questionnaires, the method of fulfilment of the mandatory data provision, the detailed rules of the method, with special regard to the rules for the operation of the IT system ensuring electronic data provision,³⁵

d) the method of fulfilment of the mandatory data provision and data transmission related to the data transmissions specified in Section (28), subsection (4), the detailed rules of the method, with special regard to the rules of the IT system ensuring electronic data provision,³⁶

e) the data content of the data collection for vital statistics in accordance with the rules set out in this Act, and the detailed procedural rules for the provision of data,³⁷

f) the detailed rules for the metadata of statistical registers, the general rules for the development of statistical classifications,³⁸

g) the provisions for the qualifications and further education of persons performing official statistical activities at the members of the Official Statistical Service with the exception of the MNB.

(2) The minister overseeing the HCSO shall issue a decree on the method used to generate statistical codes, as well as the use of statistical methods, definitions, classifications and statistical codes.³⁹

23. Entry into force

48. § This Act shall enter into force on the first day of the following month after its publication.

³² Established by: Act XLIV (64) of 2017, Section (8). Valid from: 26 May 2017.

³³ See: Government Decree 184/2017 (VII. 5.).

³⁴ See: Government Decree 184/2017 (VII. 5.).

³⁵ See: Gov. Decree 184/2017 (VII. 5.), Gov. Decree 388/2017 (XII. 13.), Gov. Decree 431/2017 (XII. 20.), Gov. Decree 47. §, 237/2018 (XII. 10.), Gov. Decree 717/2020 (XII. 30.) 22. §.

³⁶ See: Government Decree 184/2017 (VII. 5.).

³⁷ See: Government Decree 184/2017 (VII. 5.).

³⁸ See: Government Decree 184/2017 (VII. 5.).

³⁹ See: Decree by the Minister Heading the Prime Minister's Office 24/2017 (IX. 11.).

49. §⁴⁰

24. Transitional provisions

50. § The accreditation of the organisations which are members of the Official Statistical Service on the day this Act enters into force shall be initiated by the HCSO and shall be performed according to a schedule negotiated with the members of the Official Statistical Service until the 31st of December 2018 at the latest. In case a member of the Official Statistical Service should fail to comply with the conditions of the accreditation, its membership may be terminated according to the rules set out in Section 5. subsection (4).

51. § The mandate of the President of the HCSO and the Deputy President of the HCSO – appointed before the entry into force of this Act – shall transform into an appointment according to Section 13, subsections (1) and (2), respectively, by the time of the entry into force of this Act.

25. Compliance with European legislation

52. § This Act provides provisions 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 (Text with relevance for the EEA and for Switzerland),

b) Regulation (EU) 2015/759 of the European Parliament and of the Council of 29 April 2015 amending Regulation (EC) No 223/2009 on European statistics (Text with relevance for the EEA and Switzerland),

c) Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93,

d) Regulation (EC) No 222/2009 of the European Parliament and of the Council of 11 March 2009 amending Regulation (EC) No 638/2004 on Community statistics relating to the trading of goods between Member States.

26. ⁴¹

53. §⁴²

⁴⁰ Repealed by: Act CXXX of 2010, Paragraph 12. Invalid from: 2 January 2017.

⁴¹ Repealed by: Act CXXX of 2010, Paragraph 12. Invalid from: 2 January 2017.

⁴² Repealed by: Act CXXX of 2010, Paragraph 12. Invalid from: 2 January 2017.

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