

Act XLVI of 1993 On Statistics

The Aim of the Act

Section 1

The task and aim of statistics are to give a truthful and objective picture about the state of, and changes in, society, economy, ownership and environment to the organs of the state power and public administration as well as to the organisations and members of the society. In order to obtain this aim the present Act - in harmony with the Act LXIII of 1992 on the Protection of Personal data and the Disclosure of Information of Public Interest - shall regulate the surveying, processing, storage, transfer, receiving, analysis, supply, communication and publication of data by statistical methods (hereinafter referred to as "statistical activity").

The Scope of the Act

Section 2

The scope of the Act covers:

- a) natural persons and legal persons and organisations without legal personality performing statistical activity as defined under Section 1, as well as
- b) organs and organisations carrying out data collections and data management without statistical aims in respect of their data used also for statistical purposes.

The Official Statistical Service

Section 3

- a) the Hungarian Central Statistical Office;
 - b) the ministries; and the Prime Minister's Office
 - c) the Office of the National Council of Justice
 - d) Public Prosecution of the Republic of Hungary
 - e) the National Bank of Hungary;
 - f) the Office of Economic Competition;
 - g)
 - h) (ceased to have effect)
 - i) ¹¹
- (3) The Hungarian Central Statistical Office, in order to fulfil its tasks specified under paragraphs b) and e) of Section 6, may ask information from the organs enumerated under paragraphs b) to h) of subsection (2) about their statistical activities and about the implementation of the National Data Collection Programme. These organs shall be obliged to supply the requested information.

Section 3/A

The head of the organ belonging to the official statistical service shall ensure the independence of the statistical activity, and the objectivity of the statistical information provided.

The Hungarian Central Statistical Office

Section 4

- (1) The Hungarian Central Statistical Office (hereinafter referred to as HCSO) shall be a professionally independent public administration organ with national competence under the immediate supervision of the Government.
- (2) The President and the Deputy Presidents of the HCSO shall be appointed and relieved by the Prime Minister. The period of the respective appointments shall be 6 years which may be extended twice, by a further 6 years, each time.

¹ The Hungarian Banking and Capital Market Supervision repealed by Act CXXIV of 1999 on the Hungarian Financial Supervisory Authority (Pénzügyi Szervezetek Állami Felügyelete)

Section 5

- (1) The structure of the HCSO shall be established by the President of the HCSO.
- (2) The HCSO shall consist of central and regional organisational units.

Section 6

- (1) The task of the HCSO shall be the following:
 - a) the planning of data surveys and the surveying, processing, storage, transfer, receiving, analysis, communication, publication and protection of data;
 - b) the harmonisation of statistical activities and the provision of professional activity - in specified cases also activity of other nature;
 - c) the carrying out - on the basis of a separate Act - of periodical population censuses for surveying population data;
 - d) the organisation and carrying out of other national surveys;
 - e) the compilation and presentation for approval of the draft programme of the annual national statistical data collection of the official statistical service, the carrying out of its own data collections as well as monitoring the carrying out of the programme at the organs of the official statistical service;
 - f) with the initiation of the National Statistical Council, developing statistical methods, concepts, classifications, determining, preparing and publishing code numbers as well as introducing them into compulsory use; operation of the statistical register and on that basis the preparation of a directory.
 - g) participation in designing the conceptual and classification systems for data collections of other information systems, of public, authentic and other registers as well as of data collections accompanying the public administration supervision, economic or other activities;
 - h) annual reporting to the Parliament and the Government about the country's social, economic and population data;
 - i) supplying statistical data to the organs of the state power and public administration, social organisations, interest representing organs, local governments, public bodies, scientific and economic organisations, the population and the media as well as to international organisations;
 - j) keeping the Public Administration Book of Place Names of the Republic of Hungary and publishing the Register of Settlements of the Republic of Hungary;
 - k) participating in the statistical work of international organisations and maintaining contacts with national statistical offices abroad;
 - l) maintaining and operating a scientific-specialist library which has the right of deposits and professional archives with national tasks;
 - m) participation in the preparation of legal rules related to statistics;
- (2) In order to keep record of data suppliers the statistical register shall contain the name, the statistical identification code, the code of statistical classification criteria, furthermore the basic data required to classify these, i.e. the seat, mailing address, the phone and telefax number as well as the addresses of the registered offices, the scope of activity, the character of opening times (operating on permanent basis or seasonal business), of the economic organisation with legal personality, of the natural person performing economic activity (enterprise) and of the organisation without legal personality.
- (3) The contents of the statistical register, as defined in subsection 2 - with the exception of the basic data providing the basis for classification -, shall be open to the general public. The organs belonging to the official statistical service may supplement the contents of the statistical register - in order to organise the data collections included in the national statistical survey programme - to the extent necessary.

The National Statistical Council

Section 7

- (1) In order to further the operation and the co-ordination of the work of the official statistical service, of the representation of the interests of society and of the enforcement of the requirements of data users as well as to express an opinion on the draft of the national data collection programme, a National Statistical Council (hereinafter referred to as NSC) shall operate as a professional advisory and opinion-forming body beside the President of the HCSO.
- (2) The members of the NSC shall be the following:
 - a) one member of each organisation belonging to the official statistical service, appointed by the head of the respective organisation;
 - b) two members appointed by the interest representing organs of the employers; one member appointed by each national chamber of commerce; one member appointed by the interest representing organs of the employees and three members appointed by the representations of the local governments;
 - c) one member appointed by the organs of social insurance; furthermore
 - d) not more than five professionals from the representatives of the scientific community proposed by the Statistical Committee of the Hungarian Academy of Sciences and requested by the President of the HCSO.
- (3) At the meetings of the NSC the Data Protection Commissioner shall participate as a permanent invited guest.
- (4) The members and - upon the proposal of the members - the Chairman shall be appointed for a definite period of time by the Prime Minister. The proposal for the appointment shall be made by the President of the HCSO.

Statistical Data Collections

Section 8

- (1) Statistical data collections may be performed
 - a) by prescribing an obligation to supply data, or
 - b) on the basis of voluntary data supply.
- (2) Any natural person and legal person as well as organisation without legal personality shall be obliged to supply data.
- (3) Obligatory supply of information with regard to personal data by any natural person can only be ordered by law.
- (4) Special data for statistical purposes may be collected in the following way:
 - a) any data referring to the racial origin, nationality, nationality group and ethnic belonging, political opinion or party affiliation, religious or other conviction of the person concerned, only in a manner unsuitable for the establishment of personal identity, furthermore on the basis of a voluntary data supply by the natural person concerned,
 - b) data referring to the health condition, pathological addiction, sexual life or criminal record of the natural person in a manner unsuitable for the establishment of personal identity, furthermore on the basis of a voluntary data supply by the natural person concerned or if so provided by the law.
- (5) (ceased to have effect)
- (6) The detailed rules regarding the statistical data-supply obligation of legal persons, and - in respect of the economic activity -, of natural persons and of organisations without legal personality engaged in economic activity shall be laid down - taking into consideration the position of the NSC -, upon the proposal of the President of HCSO, in a Government Decree.

Section 8/A

- (1) The legal person, the natural person engaged in economic activity and the organisation without legal personality shall be obliged to register at the HCSO in order to apply for a statistical code. The statistical code shall consist of a statistical identification number and a code for statistical classification by virtue of subsection (2) of Section 6.
- (2) The organisations mentioned under subsection (1) above shall fulfil their obligations to apply for a statistical code as follows:
 - a) in case of an activity allowed for persons having private entrepreneurial licences: by submitting an application for entrepreneurial licence to the notary (hereinafter referred to as district centre notary) of the settlement's (municipal district's) local government, layed down in the Government's Decree on designation and venue of document's bureaus, competent by the seat of the entrepreneur, discharging the duties of a district centre, defined in the government decree on the designation and territorial competence of record offices;
 - b) all those who are only authorised to economic activity in a businesslike way after having submitted an application for company registration: by submitting an application for company registration to the competent court of registration;
 - c) any person not falling under the scope of paragraphs a) and b) by filling in a data collection questionnaire, introduced for application for a statistical code, simultaneously with fulfilling the duty of registration at the state tax office.
- (3) The district centre notary or court of registration in charge, respectively, shall inform the HCSO - through a computerised system serving for this particular purpose - about the name (company name), the address (seat) and also the principal activity of the concerned, from the data available from the application forms filled in for obtaining an entrepreneurial licence or a business registration - in order to establish the statistical code.

- (4) Based on the data indicated in subsection (3) the HCSO shall communicate without delay through its computerised system the district centre notary, the court of registration and the state tax office the statistical code issued for those indicated by paragraph a) and b) of subsection (2) and/or shall notify the requesting organ of the reasons for not granting the statistical code. All those indicated by paragraphs c) of subsection (2) will be informed - upon request - issued in written form about their statistical code.
- (5) Any changes necessary for the establishment of the statistical code - provided there is no duty of reporting to the district centre notary and the court of registration - and the change of the principal activity shall be made known to the HCSO by the involved within 15 days after the change of the data.

Section 9

- (1) Those obliged to supply data shall supply the prescribed data, truthful in content, by the deadline and in the manner established and free of charge.
- (2) The person who is designated by the collector of data on the data-supply questionnaire as the one obliged to sign it shall be responsible for complying with the provisions set out in subsection (1) hereof.
- (3) The organs carrying out the data collections included in the national statistical data collection programme, in order to supervise the truthfulness of the data supplied, may have access - on the basis of prior notice - to the registers and documents, related to the data supplied at the data suppliers'. For the protection of data, which have come to their notice in the course of the supervision, subsection (2) of Section 17 shall be applied.
- (4) In the course of the supervision consideration shall be given to the work of the organisation under supervision. The supervision shall be organised so that the current activities are not disturbed.

The Collection of Vital Statistical Data

Section 10

- (1) In the scope of vital statistics every birth, death, marriage, divorce, change of residence (hereinafter referred to as vital event) taking place in Hungary shall be taken into account.
- (2) For the purpose of the statistical surveying of vital events the HCSO shall collect the following personal data: name, home address, citizenship, place and date of birth, sex, marital status, educational level, economic activity, occupation, place of work, number of children, health status related to the vital event, place of registration, the current number of the registration record, the place and date of the vital event and the places and dates of the related vital events.
- (3) Of the data collected in connection with the vital event and the change of residence, the name and the home address shall be cancelled within eight days after finishing of the checking of completeness, and relationship between, the data.
- (4) The data indicated in subsection (2) shall be supplied by the locally competent registrars, health organs and the courts. The data on home addresses shall be supplied by the central organ of registration for personal data and home addresses, in accordance with prevailing rules, related to this organ.

National Statistical Data Collection Programme

Section 11

- (1) The statistical data collections involving obligation to supply data - with the exception of those ordered by law - shall be included in the annual national statistical data collection programme (hereinafter referred to as "programme") of the official statistical service.
- (2) The draft programme shall be drawn up by the HCSO based on the proposals of the organs belonging to the official statistical service.
- (3) The HCSO shall submit the draft programme, drawn up by it, to the NSC to request its opinion about it, which shall express its opinion primarily from the point of view of necessity and professionalism of the data collections, and of the burden it represents for the data suppliers, and in order to avoid double counting.
- (4) The draft programme shall be finalised by the President of the HCSO, considering the NSC's opinion.

Section 12

The President of the HCSO shall submit the draft programme to the Government for approval. The Government shall issue a decree on the programme and the obligation of data supply.

Section 13

In justified cases, the approved programme may be modified or supplemented according to Sections 11-12.

Section 14

The programme which shall be a schedule to the Government Decree and its modification and supplement shall be published in the Official Bulletin of the HCSO.

Section 15

- (1) An organ or organisation not belonging to the official statistical service, with the exceptions specified under subsection (2) hereof, may collect statistical data on the basis of voluntary data supply.
- (2) If a public institution or a public administration organ with nation-wide authority, not belonging to the official statistical service, wants to carry out a collection of data for statistical purposes involving obligatory data supply, it shall report this intention - in order that the respective data collection be included in the national statistical data collection programme -, to the organ belonging to the official statistical service which is competent by the object of the data collection, which shall enclose it with its proposal according to subsection (2) of Section 11.
- (3) A local government by-law may order or carry out statistical data collection in the area belonging to the competence of the local government and in accordance with the rules laid down in this Act.

Section 16

- (1) Collections of statistical data based on voluntary data supply may be performed without permission.
- (2) The attention of those requested to supply data shall be called to the voluntary character of the supply of the data.

The Openness, Protection and Transfer of Statistical Data

Section 17

- (1) The results of data collections performed by the organs belonging to the official statistical service shall be open to the public - with the exceptions specified under subsection (2). These organs shall provide the publication of data within their own competence.
- (2) Data classified as state secret or official secret as well as data - with the exceptions specified under Section 18 - which serve for statistical purposes, and which can be related to a natural person or to a legal person or to a data supplier without legal personality (hereinafter referred to as "individual data") may not be made public.

Section 18

- (1) Individual data may be used only for statistical purposes, and may be communicated and passed on to others or be made public only if the supplier of the data has previously given his written consent to this. This limitation shall not apply to the communication of data between persons carrying out statistical activities within the same organ.
- (2) Individual data on the activities of organs, social organisations and state budget organs performing activities of public interest may be made public also without prior written consent of the data supplier if the respective data relates to the activities of public interest of the organs above.
- (3) Individual data without the written consent of the data supplier, - exceeding the stipulations under subsection (1) -, may be transferred for statistical purposes only, to an international organisation engaged in statistical activity, and in order to meet an international commitment, defined by rule of law.

Section 19

- (1) In case of data collection with regard to the person of a natural person the name and the home address (hereinafter referred to as "personal identification data") of the person concerned - with the exception of those whose data media shall be given over for archival protection in accordance with the legal rule on the protection of archival materials - shall be deleted at the termination of the statistical data processing, after the checking of completeness of, and the relation between the data, but at the latest within one year following the period under review, or in the case of data transfer, with the exception specified in subsection (4) of Section 21, even before it.
- (2) In case of surveys on time series concerning the data according to subsection (1) covering a period of over one year, the data-stock shall be given an inner identification code on basis of which the identity of the person concerned cannot be established. The personal identification data of the person concerned shall be managed separately from the data stock. With regard to the processing of the data, in order to ensure transparency, the manager of the data shall keep a detailed register.
- (3) For the time of adding new data to the data-stock and of carrying out a sampling process in order to collect statistical data for the same purpose the personal identification data may be temporarily linked with the data-stock. The rules of data linkage shall be established taking into consideration the standpoint of the Data Protection Commissioner, and be submitted to the NSC to request the latter's opinion about it.
- (4) The provisions of subsections (2) and (3) may be applied in the case of data-supplies covering the whole population as provided by a special law.

Section 20

Individual data shall be regarded as private secret from the viewpoint of the application of other rules of law. For the observance of the rules relating to their protection those persons shall be responsible who carry out and participate in statistical activities.

Section 21

- (1) An organ belonging to the official statistical service shall be required to transfer data, which are available from the implementation of the programme to another organ belonging to the official statistical service, if it so requests, for the fulfilment of the latter organ's tasks (transfer of data). The requesting and the transferring of data - with the exception specified under subsection (4) - may not be applied to individual data.
- (2) The party transferring the data shall be obliged to enable the receiver of data to collect and copy the data stored by him on questionnaires and in tabulated form free of charge. The costs of computer reproduction and re-processing of data - stored on data carrier - made by the transferring party will - on claim - be reimbursed to him by the receiver of data.
- (3) Upon request of an organ belonging to the official statistical service, the obligation of data transfer - specified under subsection (1) hereof - shall also apply to the public institutions and public administration organs with nation-wide authority, not belonging to the official statistical service, in respect of their data collections included in the national statistical data collection programme.
- (4) The HCSO shall be authorised to take over:
 - a) data from the organs conducting data collection specified in subsections (1) and (3), available from the national statistical data collection program, in a manner suitable for individual identification;
 - b) the personal and non-personal data available at the organs conducting data-collections involving official, supervisory, economic activity as well as connected with public, authentic records, within the scope of data determined by the national statistical data collection programme and stipulated for the data collections included in the international obligations - indicating the purpose and period of data collection - in a manner suitable for individual identification, for the purposes of statistical use and abiding by the relevant rules of data protection - unless provided to the contrary by the law.

The HCSO shall inform the data suppliers in advance in its official bulletin about taking over of the personal data and their use for statistical purposes. As to the reimbursement for the costs, related to taking over of the data, subsection (2) shall be guiding.

- (5) An organ belonging to the official statistical service may link its own statistical data stocks for statistical purposes. The linkage of stocks of personal data may take place only to an extent not exceeding the established aim of the data collection and for the time necessary to obtain the aim. Data management exceeding the original aim shall be regarded as new data management.

Information

Section 22

- (1) The organs of the official statistical service may provide data for those specified under paragraph i) of Section 6.
- (2) The supply of data for international organisations in this sphere shall be co-ordinated by the HCSO. Consequently, the HCSO shall be previously informed about these data supplies. As to the reimbursement of the costs related to the transfer of data the data supplier shall agree with the receiver of the data, by way of reciprocity.

Section 23

- (1) The information system of the organs of the official statistical system shall be established - taking into consideration the position adopted by the NSC - by the head of the respective organ.
- (2) The information system shall consist of publications and of communications from stocks of data on other data recording media carriers.

Section 24

The organs, belonging to the official statistical service - taking into consideration subsection (2) of Section 17 - shall communicate - on request - also the statistical data, not yet published in the framework of their information system, to the persons, organs and organisations specified under paragraph i) of Section 6. As for the reimbursement of the costs relating to the taking over of the data, subsection (2) of Section 21 shall be guiding.

Other provisions

Section 25

In the case of data collections and of supplies of data involving official, supervisory, economic or other activities, serving the inner administration of the organ concerned, as well as those related to the keeping of public, authentic and other records, the concepts and classification systems published by the HCSO shall be taken into consideration.

Section 25/A

Individual data contained in Section 17 subsection (2) may be used for research - by virtue of the Act LXVI of 1995 on public records, public archives and the protection of private archives (hereinafter referred to as Act LXVI) - in the following way:

- a) individual data containing personal data, according to the sections 24, 24/A of the Act LXVI,
- b) individual data of the legal person, organisation without legal personality engaged in economic activities as well as of the individual entrepreneur regarding his/her economic activity, 15 years after the reference period.

Section 25/B

The HCSO is authorized to take over and preserve facts, data, documents related to taxation - by observing the provisions of data protection and in order to fulfil the international obligation of data supply defined in legal provisions - in a manner not suitable for individual identification. Handling data related to natural persons and not relating to the economic activity of the individual entrepreneur shall be implemented by virtue of Section 19.

Coming into Force

Section 26

- (1) This Act shall come into force on May 15, 1993.
- (2) The Government shall provide for the implementation of this Act.
- (3) The Government shall be empowered to regulate by decree
 - a) the partial tasks of the HCSO;
 - b) the partial tasks and main procedural rules of the National Statistical Council;
 - c) the compilation of the national statistical data collection programme;
 - d) the main formal requirements of statistical questionnaires,
 - e) contraventions related to statistics and to other data supplies;
 - f) the detailed rules of the collection of vital statistical data.

Section 27

The provisions under Sections 11 to 14 shall be applied for the first time at the compilation of the national statistical data collection programme for 1994.

Section 28

- (1) Simultaneously with coming into force of this Act, the Act V of 1973 on Statistics shall cease to have effect.
- (2) (incorporated in the wording of the relevant provisions of law)