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Topic IV: Progress in the implementation of SDC methods and techniques in central and eastern Europe

**PROTECTION OF STATISTICAL DATA IN THE  
HUNGARIAN CENTRAL STATISTICAL OFFICE**

**Contributed paper**

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**I. INTRODUCTION**

1. As stated during the Work Session on Statistical Data Confidentiality, held in Thessaloniki (Greece) in 1999 that it would be necessary for Eurostat and for other countries to learn about the data protection practices of the countries of eastern Europe.
2. Following the completion of the Eurostat questionnaire, I decided to try to indicate the main features of the data protection in the system requested by Eurostat in its questionnaire.
3. The following areas will be examined:
  - legal regulation;
  - mathematical and methodological aspects;
  - organisational background;
  - the citizen.

**II. LEGAL REGULATION**

4. The concepts of the protection of data and freedom of information have played a significant role in the intellectual preparation of the democratic transformation. Respect for the right to privacy and the demand for transparency of public life, respectively disrupted the institutional basis of the party-state.
5. The democratic transformation of 1989 induced drastic changes in the political and economic system as a whole: the information model of the state suddenly changed and it started to follow the information paradigm of the highly developed capitalist countries.
6. The democratic transformation brought about changes in the operations of the statistical service that were in compliance with the demands of the millenium for modernisation, for globalisation, and for joining the international community.
7. Following transformation to democracy, first of all, the legal framework in Hungary had to be established in order that the "new-type" of official statistical service operation could be undertaken. Its first step was amendment of the constitution. As stated, among the fundamental rights and obligations by the amended constitution, which in reality is a new one, everyone shall have the right to the protection of his or her personal data and everyone shall have the right "to have access to and communicate the data of public interest".

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8. In the autumn of 1992, the National Assembly of Hungary adopted the fundamental regulations serving the protection of personal data and the enforcement of the right to access data of public interest. The Constitutional Court contributed to a considerable extent to the adoption of this regulation by its decision in 1991 which limited the use of the personal identification number and declared that personal data shall not be collected “for storage” unless for a specified purpose. By this it laid the foundation of the Hungarian legislation for data protection according to which personal data shall be collected and stored for a definite and well-defined purpose.

9. In the Act on the Protection of Personal Data, the protection of personal data is basically considered as a right to informational self-determination, i.e. its starting-point is that everyone should exercise control over his or her personal data. The Act does not, however, omit consideration of the fact that this right is not unlimited. For this reason, it makes it possible to regulate the data management by law allowing for data communication.

10. The Act determines the concept of personal data and of special categories of the data; it contains the provision according to which compulsory management of personal data can only be ordered by law; the Act provides for dependence of the personal data etc.

11. From a statistical point of view it is important to mention that the scope of the Hungarian Act on Protection of Personal Data encompasses only the so-called natural persons while it does not cover the legal persons (e.g. companies). The data of these persons are protected by various regulations of official secrecy (e.g. trade secret) and by other rules of law. As stated by the Hungarian Act on Statistics the data of legal persons are qualified as statistical secret (individual data) and as these are not data of public interest they can only be disclosed with the consent of the given legal person.

12. Following the Act on Data Protection a series of sectoral laws has been passed such as the Act on Statistics, the Act on Archives, the Act on Official Secrecy, the Act on Minorities etc.

13. Since the summer of 1995 the Bureau of the Commissioner of Data Protection has been operating so the rules of law on data protection can be filled more and more with tangible legal contents. Based upon the above facts, regulations of data protection have also been created within the Hungarian Central Statistical Office.

14. The latest change has been the fact that the amendment of the Act on Statistics enables the Hungarian Central Statistical Office (HCSO) to have access also to register data. This is already a move towards the statistical work of the Scandinavian countries based on registers.

15. In essence, we can say that the legal framework of the data protection in Hungary is complying with the requirements of the European Union. This is shown also by the fact that in its decision of 27 July 2000, the Commission of the European Union qualified the level of the protection of personal data as proper in Hungary. On the basis of the decision, and in accordance with the EU Directive No. 95/46/EC, personal data will flow from the EU to Hungary as freely as between the EU member States. Besides Switzerland and the United States, Hungary has been the first among the EU candidate countries to have been granted this qualification.

16. In the opinion of the Commissioner of Data Protection, Hungary placed special emphasis on the informational civil liberties in the years of the democratic transformation and “the Hungarian democratic Rechtsstaat, in this case, complies with the external requirements without constraint but also follows its own ideas which are in harmony with the European values”.

### **III. MATHEMATICAL AND METHODOLOGICAL ASPECTS**

17. The protection of the data practically means the use of various methods of the information technology. In the HCSO their use is not unified yet.

18. In different statistics various methods are used. It has recently been realized that this topic needs a unified management which may take as long to put in place as the establishment of the legislation has done.

19. As stated by the implementing decree of the Act on Statistics, there shall be no less than three data in a cell. This is the guarantee both for natural and legal persons for the fact that their individual data will not be disclosed. The HCSO protects itself against the risk of disclosure mainly by “manual” controlling at present. (It decides individually if the disclosure of a datum each might identify the data supplier.) Nevertheless, the use of computerised methods is spreading. The HCSO tries to use also new possibilities in the publications of the data of the 2001 Population Census.

20. The testing of the software ARGUS has been started just following the Thessaloniki meeting.

#### **IV. ORGANIZATIONAL BACKGROUND**

21. In the HCSO an official responsible for data protection has been working since 1999. At present, this post is occupied by the Head of the Legal Section. For the physical protection of the data and data carriers a special official is responsible. We have, however, the intention to create a mixed commission. It would be needed because the unified work of various experts is necessary to manage together the legal, information technological and organisational aspects. The necessity of this is justified also by Eurostat.

22. At present, the departments publishing the data are responsible for the fact that individual data should not be disclosed by the HCSO. In case of any doubt they can ask for the statement of the HCSO's official responsible for data protection.

#### **V. THE CITIZEN**

23. In the four decades prior to the transformation to democracy, one practically could not even hear about human rights. The old attitudes of the people are still living though they increasingly start to exercise their rights; first of all they would like the law to protect their privacy, but they would also like to exercise their informational civil liberties. The citizen expects information from the state on the one hand and he or she would like to know on the other hand how his or her personal data are managed.

24. The Statistical Office, too is facing this demand when the citizens inquire about their personal data while they would like to get more and more detailed information. This demand can be met by supplying the information in a correct manner.

25. The citizens have to be convinced of the fact that the data obtained from various data collections are managed confidentially by the HCSO which will not transfer them to the authorities or to other organs of the economy. The Hungarian Central Statistical Office initiated a special communication programme on this topic with particular interest in the 2001 Population Census.

26. It is a requirement of the HCSO that everyone should have access to the non-individual, summarised data because these are data of public interest.

27. The experts participating in the research work have a very great demand for the data and international experience shows that they have an increasing access to the data files. For this reason, the Hungarian Central Statistical Office is also planning the establishment of a so-called research-room in the future in order that the researchers should have access to the surveys as much as possible.