

Authority:

National Authority for Data Protection and Freedom of Information (NAIH)

Country / State:

Hungary

Case title:

Access to Information on Political Advisers in Ministries — NAIH Decision

Official citation:

NAIH-687-24-2024

Date of decision:

2024

Relevant law:

Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information (FOIA), Section 26 (2); Act CXXV of 2018 on Government Administration, Section 214 (1)

Decision:

NAIH held that the names of political advisers fall within the scope of persons performing public duties, as their advisory tasks are directly linked to the activities of ministers and state secretaries. It established that denial of access constituted a violation of the right to access data of public interest and ordered the ministries to disclose the requested information.

Key words:

Right to information, access to data on public officials, political advisers, transparency of public duties, principles of RTI

Case Summary:**1. Facts**

A civil society organization requested from eight ministries the names of political advisers, the dates of their appointment, and information on their remuneration. The ministries denied the request, arguing that political advisers are not persons performing public duties under Section 26 (2) FOIA, as they only provide advice and do not carry out day-to-day ministerial tasks or hold managerial roles.

2. Decision

NAIH disagreed, noting that under Section 214 (1) of the Government Administration Act, political advisers perform tasks directly related to the work of the Prime Minister, ministers, and secretaries of state. Their role makes them part of the public decision-making process, and public oversight requires transparency about their identities and remuneration. NAIH therefore found that

refusal to provide access violated the FOIA and ordered disclosure of the requested data.

Note (Optional):

PUBLIC DUTIES AND TRANSPARENCY — clarification that political advisers are considered as acting within the scope of public authority functions, reinforcing the principle of accountability in ministerial decision-making.

Resources:

The decision will be published at <https://www.naih.hu/about-the-authority/annual-reports> <https://www.naih.hu/about-the-authority/annual-reports>