



National Authority for Data Protection and Freedom of Information

Case number: NAIH-3347-2/2012/V.

Data public on grounds of public interest – Labour classification and salary of employees hired by companies and institutions maintained by local municipalities (shortened summary of the opinion)

A client had lodged a petition to the National Authority for Data Protection and Freedom of Information (hereinafter referred to as NAIH) and requested the NAIH to issue an official statement on whether a company or institution maintained by the local municipality is obliged to publish data concerning the employees' salaries and labour classification.

In this regard a clear distinction should be made between the employees of companies maintained by the local government and other institutions maintained by the local government.

1. Pursuant to the prevailing regulations, as for the „**locally owned**” **companies**, major data of the managing employees (name, position, function) shall be made public.

As to other institutions specific rules apply. According to the Privacy Act the name of person undertaking tasks within the scope of responsibilities and authority of the body, his scope of responsibilities, executive mandate and other relevant personal data qualify as data public on grounds of public interest.

2. a) Pursuant to the Act on Civil Servants major data of the **civil servants** (name, citizenship, classification and position at the institution, salary etc.) qualify as data public on grounds of public interest – the same provisions apply in connection with advisors at the local government, administrators and notaries as well. Therefore the access to data of the above functionaries shall not be restricted or excluded, even a municipal council member may have access to them.

2. b) As to **public servants** their personal data also qualify as data public on grounds of public interest since they undertake tasks within the scope of responsibilities and authority of the body.

Pursuant to the Act on Local Municipalities a local representative may require information and support, from the office of the municipality, which shall be deemed necessary to implement his duties and tasks. However local representatives may have access to personal

data if the law empowers him/her to do so for the purpose of performing his/her official duties.

B u d a p e s t, 22nd of March 2012.

President