



LAW CASES WORKING GROUP

RELEVANT CASES FORM 2025

OBJECTIVE

In May 2022, the International Conference of Information Commissioners (ICIC) established the Law Cases Working Group, which objective is to increase the knowledge about Law Cases and relevant resolutions regarding access to information with the overarching goal of increasing innovation. These efforts are intended to share knowledge and exchange best international practices.

This Relevant Cases Form was prepared within the ICIC Law Cases Working Group, and its objective is to integrate a compilation of files fact sheets with relevant cases, two 2025 cases per institution, in order to be shared in the ICIC website.

CASE REFERENCE

Authority: National Authority for Data Protection and Freedom of Information (Authority)
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Country / State: Hungary

CASE SUMMARY

Document: Closure of investigation Case number: NAIH-10695/2025

Information requested:

- The Ministry of the Interior (responsible authority for public education in 2025) refused to disclose data relating to the results of responses to parental questionnaires sent via the electronic educational system. The petitioner requested the percentage of responses given for each of the answer options



provided for the individual questions, the number of respondents for each question, and, for the specified questions in each year, which of the text-based responses represented the most common opinions and how many respondents had submitted them.

Public entity answer:

- Refusal based upon legal grounds for restriction regarding data used to support decision-making.
- In its response to the Authority's request, the Ministry merely listed the purposes for which the answers to the individual consultation questions could be used. It did not refer to any specific decision or measure – whether already taken or planned – in connection with numerous questions in the questionnaire; thus, the link between the data and the decision was not sufficiently direct and specific. The Ministry was unable to establish any reason why the data sought by the petitioner could not be disclosed. The disclosure of data of public interest may only be refused on the grounds of data used for decision-making if the controller can demonstrate a specific risk. The Ministry's response did not contain any justification that would, under the Fundamental Law, justify the restriction on access – for example, in the interests of upholding another fundamental right or protecting a constitutional value – according to which the restriction is strictly necessary, purpose-limited, proportionate, and respects the essential content of the fundamental right concerned.

Disagreement (argument that originates the closure of investigation):

- In its requests and report, the Authority explained that the Ministry is under an obligation to provide a detailed substantive justification; that is, it must specify precisely which decision to be taken in which ongoing procedure the requested data of public interest is intended to support, and, in this regard, to what extent the disclosure of the data of public interest would influence the decision-making process, and thus whether it would frustrate the effective implementation of the



decision or render impossible the independent, effective work of civil servants free from unauthorised influence. Furthermore, this ground for refusal may only be invoked in relation to a specific decision. With regard to the preparatory data for decisions already taken, the general rule is public access, whilst future decisions must be identifiable decisions to be taken in the near future; the Ministry's general reference to unspecified future decisions cannot be accepted as an obstacle to the disclosure of the data.

Resolution:

- The Authority issued a report because the Ministry of the Interior has not accepted the position clearly set out in the Authority's requests.
- The Ministry examined the identity of the person requesting the data and the purpose of the request, even though, according to the provisions of the Fundamental Law and the Privacy Act, neither of these may be examined. Pursuant to Article VI(3) of the Fundamental Law of Hungary, the right to access and disseminate data of public interest is a fundamental right to which everyone is entitled. Under the Privacy Act, anyone may exercise this right by submitting a request for access to data of public interest. Ensuring freedom of information is a fundamental obligation of organs performing public tasks. To this end, organs performing public tasks are obliged to fulfil requests for information addressed to them impartially and professionally, without inquiring into the reasons or purpose of such requests. It can generally be stated that the less transparent public organs make their activities and financial management through electronic publication, the more and the more detailed individual data requests they will have to fulfil.

Court decisions: 2.Pf.20.397/2025/5/II., Date of judgment: 16 October 2025

- The court of first instance upheld the claim and ordered the defendant to disclose the requested data. In its reasoning, the court stated that the right of access to data of public interest is, as a general rule, unrestricted, and that the mere fact that data are related to decision preparation does not in itself justify refusal of



disclosure. The court emphasized that, pursuant to Section 31(2) of the Privacy Act, the burden of proving the lawfulness and justification of refusal lies with the data controller. In this respect, the defendant failed to demonstrate that withholding the requested data was necessary in connection with any specific decision-making procedure.

- In its appeal, the defendant requested that the first-instance judgment be reversed, maintaining its position that disclosure of the requested data would jeopardize the decision-making process. In response, the plaintiff argued that, following the delivery of the first-instance judgment, the defendant had already disclosed the requested data in full, and therefore the plaintiff had gained access to them.
- The appellate court found that the defendant had fully complied with the data request before the first-instance judgment became final and binding, and therefore the fundamental right to freedom of information had already been realized in the specific case. In view of this circumstance, the defendant could no longer be ordered, during the appellate proceedings and by way of upholding the first-instance judgment, to disclose the data. Accordingly, pursuant to Section 383(2) of the Code of Civil Procedure, the court Ítéletábla partially amended the judgment of the first-instance court and dismissed the plaintiff's claim with respect to the principal subject matter of the action. At the same time, regarding litigation costs, the court held that the defendant had given rise to the proceedings and therefore upheld the order on costs.

Relevance of the case:

- Principles of Right to Information (RTI).
- Exemptions.
- High profile case.
- Direct constitutional significance.
- The decision affects the rights of vulnerable groups.



- Involve new technologies.
- Direct international significance.
- The relevance of the case most reflective to the application of the authority's powers.
- Other: _____

Keyword / subject that heads the case:

- data used to support decision making, parental questionnaires

RESOURCES

Link to the case: