



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
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Country / State: Hungary

CASE SUMMARY

Document: Closure of investigation Case number: NAIH-8517-10/2025

Information requested:

- Access to the official Facebook page of [...]Municipality which serves as the primary information channel of the Municipality, where it regularly publishes information of public interest e.g. decisions, events etc. (The FB page was restricted for certain individuals because of rude comments.)



Public entity answer:

- The FB page is indeed the official page of the Municipality. In addition to the FB page, residents can also obtain information about events, data and matters that concern them from the official newspaper in printed form and from the Municipality website. There is no data of public interest or data accessible on public interest grounds that the notifier can only find out about on the FB page.
- The FB page was restricted for certain individuals because the comments became so rude that they tarnished the town's reputation, offended human dignity and constituted hate speech.
- As per Facebook's terms and conditions of use, the reason for the ban was also known to the banned users.
- There was no infringement falling within the competence of the Authority, as neither the provisions of the FOI Act, nor the GDPR were violated.

Disagreement (argument that originates the closure of investigation):

- It is not within the Authority's competence to investigate the restriction of certain users from a Facebook page.
- However, in such a case where data are shared on Facebook by a public body which data are subject to obligatory electronic publication under Article 37(1) and Annex 1 of the FOI Act and which are not available on the website of the public body, the blocking of users from the Facebook page does indeed result in an infringement of the right to access data of public interest.
- At the same time, the Municipality has declared that it does not publish on its FB page any data subject to obligatory electronic publication.
- The Authority has reviewed the content published on the Municipality's FB page, and found that it does not include any data falling under the electronic publication obligation.

Resolution:



- The Authority does not consider it necessary to take action against the Municipality under Article 56 (1) of the FOI Act.
- However, the Authority explicitly supports that controllers proactively facilitate citizens' information and knowledge of data of public interest through other channels.
- If a public body creates a social media profile, it is obliged to ensure the availability of data of public interest there, in accordance with its obligation to inform the public accurately and promptly as laid down in the FOI Act.

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:

- Restriction of access to FB page of public bodies.

RESOURCES

Link to the case: https://naih.hu/files/naih-8517-10-2025_fb_page_en.pdf