



Case number: NAIH-8517-10/2025
Reference number: AKH/3186-2/2025

for Mayor [...]

Municipality of the Town of [...]

Subject: Closure of investigation

Dear Madam Mayor,

On 31 March 2025, [...] (hereinafter referred to as "the notifier") filed a complaint with the National Authority for Data Protection and Freedom of Information (hereinafter referred to as "the Authority"), according to which he was blocked, together with several local residents, from the official Facebook page of [...] Municipality (hereinafter referred to as "the Municipality") at [...] (hereinafter referred to as "the FB page").

According to the complaint, the Municipality operates the FB page as an official information channel, where it regularly publishes information, decisions and events. The notifier complained that, as the FB page is the primary information channel, access to information of public interest by the persons concerned by the blocking is impaired. In addition, the blocked persons have not been informed of the reason for the blocking or how they can have their access restored.

The Authority launched an investigation in the case on 11 April 2025 pursuant to Section 38(3)(a) of Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information (hereinafter: Infotv.), and requested information on the following:

1. Is the FB page operated as the official FB page of the Municipality?
2. In view of the shortcomings identified and the electronic publication obligation of the Municipality pursuant to Section 33 (1) of the Infotv., does the Municipality publish on its FB page data of public interest and data accessible on public interest grounds pursuant to Annex 1 of the Infotv. that are not included in the publication list available on its website under "Data of public interest"?
3. What data does the Municipality share on the FB page?
4. Has the Municipality indeed restricted access to the FB page for certain persons, and if so, for what reason?
5. How many persons/users are affected by this restriction?
6. What is the reason for the restriction, in what procedure and who decides about it?

7. Does the notifier have access to the data published on the official FB page of the Municipality? If not, what is the reason for the restriction?
8. How can banned users access data of public interest or data accessible on public interest grounds that they do not have access to on the FB page?
9. How are banned users guaranteed the possibility to access the information shared on the FB page?

In the above-mentioned letter dated 24 April 2025, the Municipality, thanking the Authority for its indication of the shortcomings of its website, stated the following:

1. The FB page is indeed the official page of the Municipality. There are three ways in which the Municipality provides information to the public, with no hierarchy between them. 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, the periodical called [...] and the [...] website.
2. The Municipality does not publish on its FB page data referred to in Article 33 of the Infotv., its purpose is solely to provide information on events in the town or of interest to the people of the town. All data of public interest are published on the pages of [...], which is distributed to all households. 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.
3. The FB page reports on events and news from [...], and aims to inform about the life of [...] town and the people connected to it.
4. The FB page was indeed restricted for certain individuals because the comments became so rude that, in addition to tarnishing the town's reputation, they also offended the human dignity of some individuals and constituted hate speech. In this respect, it referred to the Helsinki Committee's report and Articles 8 and 10 of Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities. It attached an article published in [...] on the subject, containing an interview with the mayor. In its view, the ban was a necessary and proportionate measure in the light of all the above. It referred to Facebook's terms and conditions of use, according to which the reason for the ban was also known to the banned users.
5. The ban affects 23 profiles.
6. Pursuant to Articles 41, 67 and 68 (3) of Act CLXXXIX of 2011 on Local Governments of Hungary, the mayor shall decide on the ban at his/her own discretion.
7. In its view, the notifier will find all events of [...] and data of public interest in [...] and on the website, and neither the notifier, nor other banned persons will be disadvantaged by the ban.
8. It did not explain how banned users would have access to data of public interest or data accessible on public interest grounds that were posted on the FB page but could not be accessed, or how they would be granted access to information shared on the FB page.
9. In its opinion, there was no infringement falling within the competence of the Authority, as neither the provisions of the Infotv. nor the GDPR were violated.

The Authority makes the following observations in the case and draws attention to the following:

Pursuant to Article 38(2) of the Infotv., the Authority shall be responsible for monitoring and promoting the implementation of the right to personal data protection and the right of access to data of public interest and data accessible on public interest grounds, as well as for promoting the free movement of personal data within the European Union.

It is therefore not within the Authority's competence to investigate the blocking of certain users from a Facebook page. However, in such a case where data are shared on Facebook by an organ performing public duties which data are subject to obligatory electronic publication under Article 37(1) of the Infotv and Annex 1 thereto and which are not available on the website of the organ performing public duties, the blocking of users from the Facebook page does indeed result in an infringement of the right to access data of public interest and data accessible on public interest grounds.

At the same time, the Municipality has declared that it does not publish on its FB page any data of public interest or data accessible on public interest grounds that is included in a publication unit of the standard publication list of Annex 1 of the Infotv., which it would otherwise be obliged to publish on its website.

Prior to the opening of the investigation procedure, the Authority visited the website of the Municipality of [...] and found that the data published pursuant to Article 37(1) of the Infotv. and Annex 1 thereto were available, albeit not following the structure of Annex 1 to the Infotv. and with several shortcomings.

The Authority has reviewed the content published on the Municipality's FB page in March and April 2025, and found that it does not include any data falling under the standard publication list of Annex 1 of the Infotv.

On the basis of the above, the Authority does not consider it necessary to take action against the Municipality under Article 56 (1) of the Infotv. but highlights the following:

Pursuant to Article 32 of the Infotv., the organs performing public duties shall promote and ensure that the general public is promptly provided with accurate information with regard to matters falling within their functions, such as the state and local government budgets and their implementation, the management of state and local government assets, the use of public funds and contracts concluded in connection therewith, and special and exclusive rights conferred upon market actors, private organisations and individuals.

The Authority therefore explicitly supports, in accordance with the above-mentioned provision of the Infotv., that data controllers, in addition to the specific electronic publication obligation set out in the Infotv., proactively facilitate citizens' information and knowledge of data of public interest and data accessible on public interest grounds through other channels. The various social media platforms, including Facebook, offer the most obvious and one of the most widely publicised solutions. At the same time, if a body or person performing public duties decides to create a social media profile in this capacity, it is obliged to ensure the availability of data of public interest and data accessible on public interest grounds published there, in accordance with its obligation to inform the public accurately and promptly as laid down in the Infotv.

The Authority has repeatedly expressed its view that this can be achieved in practice if all users have access to the information shared on the site as data of public interest and data accessible on public interest grounds. The Authority has pointed out that it explicitly disagrees with the idea that a

local public body potentially blocks from certain members of the local community public information it published - i.e. does not provide access to it to members of the community on equal terms. If necessary, moderation tools may be used against a user because of his or her conduct and activities on the site.

On the basis of the above, the Authority, with particular reference to the obligation of public bodies to proactively publish and facilitate the disclosure of data of public interest and data accessible on public interest grounds as set out in Article 32 of the Infotv., recommends that the Municipality unblock users banned from the FB page, thus ensuring the widest possible access to the information shared there.

If necessary, the site operator may use moderation tools against a user due to his or her conduct and activities on the site.

Therefore, even if the municipality restricts the possibility to post comments, there is no reason to prevent some users from accessing the site at all.

If the municipality does not have the capacity to permanently moderate posts but it would be necessary to, the Authority suggests that it should rather disable comments on posts in general.

Considering that the circumstances giving rise to the continuation of the investigation no longer exist, the Authority hereby terminates the investigation under Article 53(5)(b) of the Infotv.

Finally, with regard to the deficiencies identified during the investigation in relation to the publication of data of public interest on the website, a non-exhaustive list of which was included in letter No. NAIH-8517- 7/2025, the Authority informs the Municipality that in the procedure under Section 71/D of the Infotv., the Authority is entitled to monitor in detail the proper fulfilment of the publication obligation.

Budapest, by electronic signature and timestamp

Yours sincerely,

Dr habil. Attila Péterfalvi
President
Honorary university professor

Annexure: none

Please quote the case number of this letter in your reply.