

Act 125 of 1995

on the National Security Services

In order to secure the sovereignty of the Republic of Hungary and to protect its constitutional order, Parliament creates the following act on the constitutional operation of the National Security Services:

Organisation and legal status of the National Security Services

Article 1

National security services of the Republic of Hungary

- a) Information Office,
 - b) National Security Office,
 - c) Military Intelligence Office,
 - d) Military Security Office,
 - e) Specialised National Security Service
- (hereinafter collectively referred to as “National Security Services”).

Article 2

(1) The Information Office, the National Security Office and the Specialised National Security Service (hereinafter collectively referred to as “National Civil Security Services”), the Military Intelligence Office and the Military Security Office (hereinafter collectively referred to as “National Military Security Services”) are budgetary agencies subject to the control of the Government, with national jurisdiction and budgets of their own.

(2) The National Security Services may establish local/regional bodies — in accordance with the relevant government management decisions — to fulfil their functions defined in this Act.

Duties of the National Security Services

Article 3

The mission of the National Security Services is to promote the enforcement of the national security interests of the Republic of Hungary through the fulfilment of the duties defined in this Act, and through the system of instruments of open and covert intelligence gathering to thereby contribute to ensuring the national sovereignty and to protect the constitutional order of the country.

Article 4

The Information Office shall

- a) obtain, analyse, evaluate and forward information of foreign relevance or foreign origin that can be used to promote the security of the nation, necessary for government-level decision-making, and it shall pursue such activity as will promote the enforcement of the interests of the Republic of Hungary;
- b) detect foreign secret service efforts and activities that violate or threaten the sovereignty, political, economic or other important interests of the Republic of Hungary;
- c) collect information on foreign organised crime representing a threat to national security, in particular on terrorist organisations, on illicit drugs or weapons trafficking, illicit international trafficking of weapons of mass destruction and their parts, and the materials or instruments required for the manufacturing thereof;
- d) detect foreign intents and acts that threaten the security of the economy and the financial status of the country;

e) take part in detecting and preventing the illicit trafficking of internationally controlled products and technologies;

f) safeguard Hungarian agencies (institutions) and establishments located abroad that are important for the activity of the administration;

g) carry out national security protection/control duties with regard to persons assigned to its competence;

h) provide specialist control, official authorisation and supervision of encryption, and produce encryption keys.

Article 5

The National Security Office shall

a) detect and prevent foreign secret service efforts and acts which violate or threaten the sovereignty, political, economic, defence or other important interests of the Republic of Hungary;

b) detect and prevent covert efforts to alter/disturb the constitutional order of the Republic of Hungary by unlawful means;

c) detect and prevent the efforts of foreign powers, organisations or persons to commit terrorist acts;

d) detect and prevent covert endeavours which threaten the economic, scientific/technical, financial security of the Republic of Hungary, and illicit trafficking in narcotic drugs and weapons brokerage;

e) safeguard agencies (institutions) and establishments which are of importance for the activity of the central state power and the administration;

f) carry out national security protection/control duties with regard to persons assigned to its competence;

g) perform checks and related activities of persons requesting a permanent residence permit or, furthermore, refugee status or Hungarian citizenship, and — in connection with the protection of state sovereignty and constitutional order — of persons applying for a visa;

h) detect — until an investigation is ordered — crimes against the state (CrC, Chapter X); crimes against humanity (CrC, Chapter XI) and, in its field of operation, desertion abroad (CrC, Art. 343); mutiny (CrC, Art. 352), and endangering of combat readiness (CrC, Art. 363);

i) investigate acts of terrorism (CrC, Art. 261), if the National Security Office was notified on it, or if information was disclosed to it about said acts;

j) obtain information on criminal acts relating to violence against a member of a national, ethnic, racial or religious group (CrC, Art.174/B); the violation of state secrets (CrC, Art.221); causing public danger (CrC, Art.259); the violation of an obligation based on international law (CrC, Art.261/A); the seizure of aircraft (CrC, Art.262); incitement against a community (CrC, Art.269), and on scare-mongering (CrC, Art.270);

k) take part in investigating, preventing, blocking the illicit traffic of internationally controlled products and technologies and in controlling their legal traffic;

l) take part in investigating, preventing, and blocking the illicit traffic of military instruments and services and in controlling their legal traffic;

m) upon the request of the National Security Supervisory Authority, it shall carry out industrial security inspections within its jurisdiction.

Article 6

The Military Intelligence Office shall

a) obtain, analyse and forward military policy, defence industrial and military information, of foreign relevance or origin, concerning the military element of security policy necessary for government-level decision-making;

- b) reveal efforts directed against the Republic of Hungary indicative of offensive intent;
- c) detect the efforts and activities of foreign military secret services that violate/threaten the sovereignty/defence interests of the Republic of Hungary;
- d) collect information on illicit arms dealing representing a threat to national security and on terrorist organisations threatening the security of the armed forces;
- e) take part in detecting and preventing the illicit traffic of internationally controlled products and technologies;
- f) provide the pieces of information required for the strategic/operational planning activity of the General Staff of Defence;
- g) safeguard Hungarian military agencies and establishments (institutions) located abroad which are of importance for the activity of the administration;
- h) fulfil national security protection/control duties with regard to persons assigned to its competence.

Article 7

The Military Security Office shall

- a) detect and prevent foreign secret service efforts and activities directed against the ministry headed by the minister responsible for defence and the Hungarian Army;
- b) detect and prevent, in its area of operation, covert efforts to alter/disturb by unlawful means the constitutional order of the Republic of Hungary;
- c) detect and prevent the efforts of foreign powers, persons or organisations to commit acts of terrorism against the organisations of the ministry headed by the minister responsible for defence and the Hungarian Army;
- d) collect information regarding organised crime threatening the ministry headed by the minister responsible for defence and the Hungarian Army, in particular, especially, regarding illicit trafficking in drugs and arms dealing;
- e) take part in detecting and preventing the illicit traffic of internationally controlled products and technologies and in controlling their legal traffic;
- f) take part in detecting, preventing and blocking the illicit traffic of military technological instruments and services, and in controlling the legal traffic thereof ;
- g) safeguard the designated government and military administration objects (institutions) within its jurisdiction;
- h) carry out national security protection/control duties with regard to persons assigned to its competence;
- i) detect, in its own area of operation, until an investigation is ordered, crimes against the state (CrC, Chapter X); crimes against humanity (CrC, Chapter XI); desertion abroad (CrC, Art.343); mutiny (CrC, Art.352) and endangering combat readiness (CrC, Art.363),
- j) detect acts of terrorism within its own area of operation (CrC, Art.261);
- k) obtain information on criminal acts involving violence against a member of a national, ethnic, racial or religious group (CrC, Art.174/B); the violation of state secrets (CrC, Art.221); the causing of public danger (CrC, Art.259); the violation of a duty based on international law (CrC, Art.261/A); the seizure of aircraft (CrC, Art.262); incitement against a community (CrC, Art.269), and scare-mongering (CrC, Art.270); threatening with public danger (CrC, Art.270/A); infringement of an obligation relating to the traffic of internationally controlled products and technologies (CrC, Art.287), and detect every criminal act that threatens the execution of the constitutional functions of the ministry headed by the minister responsible for defence and of the Hungarian Army;

l) it shall carry out national security duties related to research, development, manufacturing and trade in defence pursued by the organisations of the ministry headed by the minister responsible for defence and of the Hungarian Army;

m) upon the request of the National Security Supervisory Authority, it shall carry out industrial security inspections within its scope of authority.

Article 8

(1) The Specialised National Security Service

a) shall provide services, upon written request, within the limits of the relevant legal regulations, with the special instruments and methods of intelligence information gathering and covert data acquisition, in support of organisations authorised to gather intelligence and acquire data covertly under the law;

b) as required by the organisations authorised under the law, shall provide the special technical instruments and materials needed for intelligence gathering and covert data acquisition activities;

c) shall establish special telecommunications connections for users specified by the Government;

d) shall provide official control with regard to the protection of security documents;

e) shall carry out expert activity;

f) shall carry out national security checks of persons assigned to its competence.

(2) The Specialised National Security Service may not be involved in government information provision activity.

(3) The Specialised National Security Service is a service providing organisation, which shall use the instruments and methods defined under Points *a)-d), f)* and *g)* of Paragraph (1) of Article 54 at its own discretion only to carry out its duties as defined under Point *a)* of Paragraph (1) and Point *d)* of Article 9.

(4) The Specialised National Security Service shall not use the instruments and methods of intelligence gathering as defined under Points *e), h)-j)* of Paragraph (1) of Article 54 and Article 56 at its own discretion except to carry out its duty defined under Point *d)* of Article 9.

(5) The Specialised National Security Service shall provide services free of charge.

(6) The government shall determine the order of co-operation between the organisations authorised to gather intelligence information and acquire data covertly and the Specialised National Security Service.

Article 9

The National Security Services

a) shall provide for the procurement, research and development of, as well as for professional initial training in, the technical systems/instruments needed for their work. To this end they may co-operate with one another and with other agencies;

b) shall fulfil the duties related to a state of extraordinary emergency, preventive defence situation and a state of emergency as defined by a separate law;

c) shall fulfil the duties, within the limits of this Act, defined by the Government and/or the minister responsible for the management of the National Civil Security Services or the minister responsible for national defence;

d) shall fulfil control functions to ensure internal security and crime prevention;

e) shall provide for the relevant training of the regular staff and civil servants.

Management and control of the National Security Services

Article 10

(1) The Government shall control the National Civil Security Services through the appointed minister, while the National Military Security Services shall be controlled through the minister responsible for national defence (hereinafter referred to as referred to as “Minister”).

(2) The appointed minister in control of the National Civil Security Services, indicated under Paragraph (1), shall not be the minister responsible for security, the minister responsible for national defence or the minister responsible for justice.

Article 11

(1) The Minister shall

a) prepare the drafts of legal regulations and other government decisions regarding the operation, duties and scopes of authority of the National Security Services and/or take part in the preparation thereof;

b) provide for the execution of national security duties related to the enforcement and protection of the interests of the Republic of Hungary;

c) regulate by decrees and other legal instruments of state administration the activity and operation of the National Security Services;

d) maintain contacts to promote the international co-operation of the National Security Services.

(2) In his/her managerial power the minister shall

a) identify tasks/issue instructions for the National Security Services for the execution of duties based on statutes, government order or other government decisions;

b) define semi-annually, in writing, the tasks ever of the services for their respective general directors; issue written instructions to meet the information requests of members of the Government;

c) upon the proposal of the general directors, approve the rules of organisation and operation as well as the staff table of the National Security Services;

d) table a proposal for the budget of the National Security Services;

e) exercise, in regard of the budget management of the National Security Services, the planning, appropriation modification, reporting, information supply, financial and control obligations and rights of the head of the agency responsible for the chapter, and of the head of the agency responsible for the supervision of the public agency defined by legal regulation;

f) carry out expediency and efficiency audits with respect to the management of the National Security Services;

g) control the lawful and proper operation/task performance of the National Security Services;

h) approve, upon the proposal of the general directors, the internal rules of procedure and authorisation intelligence information gathering;

i) approve, upon the proposal of the general directors, the proposals regarding the international contacts of the National Security Services;

j) make proposal to the Prime Minister regarding the appointment/recall of general directors;

k) with the exception of appointment and recall, exercise employer’s rights over the general directors, appoint and relieve their deputies, and exercise employer’s rights over them;

l) make proposals to the President of the Republic for the appointments of generals;

m) appoint colonels based upon the proposal of the general directors;

n) approve the appointment of persons proposed for positions requiring general’s rank and the relief of persons in such positions;

o) arrange for internal security and crime prevention audits affecting general directors/their deputies;

p) exercise his/her special rights assigned by law, government order or government resolution.

(3) The minister shall not withdraw a case assigned to the competence of general directors or hinder their powers with an instruction issued in his managerial scope of authority.

(4) The minister shall issue specific instructions to the National Security Services through the general directors, and shall not give instructions to the National Security Services acting on the basis of their official powers regarding the contents of the decision.

(5) The minister shall investigate complaints pertaining to the activity of the National Security Services and inform the complainant of the outcome of the investigation and of the relevant measures within 30 days. This deadline may be extended by another 30 days on one occasion.

(6) The minister in control of the National Security Services shall manage the analysis and evaluation of information originating from public agencies regarding the national security of the country, as well as work to support the preparation of relevant decision-making by the Government.

Article 12

(1) The National Security Services shall be headed by general directors, who shall be appointed and relieved by the Prime Minister upon the proposal of the Minister.

(2) The motion concerning the general director of the Specialised National Security Service shall be submitted by the minister in control of the National Civil Security Services in agreement with the minister of defence and the minister responsible for law enforcement.

Article 13

(1) The general directors shall lead the National Security Services with independent responsibility within the limits defined by this act, the relevant legal regulations and other legal instruments of administrative control.

(2) The chief of staff of the Hungarian Army may request the transfer of information necessary for the performance of his duties defined under the Defence Act — even in the absence of a hierarchical subordination/superiority relationship — from the general director of the Military Intelligence Office who shall meet that request promptly. The professional liaising and information provision protocol shall be established by the minister responsible for defence.

(3) The general director

a) shall be responsible for the lawful, proper and professional operation of the national security service and the execution of its tasks;

b) may issue instructions to the national security service under his/her control;

c) shall be responsible for the autonomous budget management of the national security service, and the fulfilment of the accounting and reporting obligations;

d) shall define, with the approval of the minister, the internal rules of procedure and authorisation of intelligence information gathering;

e) shall define the internal rules of procedure of data management;

f) shall provide for drawing up the rules of organisation and operation, and of other internal regulations, as well as their consistency and enforcement;

g) shall make a proposal to the minister regarding the appointment/relief of the deputy general director and the appointment of general and colonels;

h) shall propose for approval appointment to and relief from positions requiring general's rank;

i) shall exercise the employer's rights with respect to the national security service staff, with the exceptions specified by legal regulation;

j) shall report to the Government through the minister on the activity of the national security service, as necessary, but at least once annually.

Parliamentary control of the National Security Services

Article 14

(1) Parliament provides parliamentary control of the National Security Services with the participation of its National Security Committee (hereinafter referred to as referred to as “Committee”). The chairman of the Committee shall always be an opposition MP.

(2) The minister shall inform the Committee of the general activities of the National Security Services regularly and at least twice annually.

(3) The Government shall inform the Committee through the minister of its resolutions concerning the National Security Services.

(4) In exercising parliamentary control, the Committee may

a) request information from the Minister and from the general directors of the National Security Services, simultaneously notifying the Minister on the national security situation of the country and on the operation and activity of the National Security Services;

b) request information from the minister of justice, from the minister in control of the National Civil Security Services, the minister responsible for defence and the general directors regarding the authorisation procedure as defined under Articles 56 and 59;

c) investigate complaints indicative of the unlawful activity of the National Security Services, if the complainant does not accept the result of the investigation defined under Paragraph (5) of Article 11 and the weight of the complaint justifies the investigation according to the votes of at least one third of the members of the Committee, and inform the concerned party of the findings of the Committee;

d) request that the minister carry out the investigation and inform the Committee of its results, if it presumes that the activity of a national security service is unlawful or improper;

e) carry out a fact-finding investigation, in the course of which it may view the documents referring to the given case, registered by the National Security Services and hear the staff of the National Security Services, if it notices that one of the National Security Services operates unlawfully, or if it so deems in the course of the proceedings as defined under Points *c)* and *d)* or under Paragraph (4) of Article 27;

f) call on the minister to take the necessary actions and initiate the examination of responsibility if anything points to the unlawful or improper operation of any of the National Security Services; the minister shall inform the a Committee of the outcome of the investigation;

g) comment on the detailed draft budget of the National Security Services, the budget items of other organisations authorised to gather intelligence information of relevance to that activity, the detailed draft report on the execution of the annual Budget Act, and make a proposal to Parliament regarding the passing of the bills under discussion;

h) prior to their appointment, shall organise hearings for the persons nominated for the position of general director and expresses its standpoint regarding their being suited for the job.

(5) The Committee may request expert work from the staff of the National Security Services, if that is necessary for exercising its controlling powers, simultaneously notifying the competent general director.

Article 15

(1) The Committee shall receive the general evaluation reports — if these are important from a national security point of view — and the reports prepared for the Government by the National Security Services.

(2) The Committee shall be authorised to inspect the briefing reports of the National Security Services which do not relate to specific cases.

(3) If intelligence information gathering is launched/carried out by the National Security Services regarding a Member of Parliament or a relative of his/hers living in the same household,

the minister shall immediately inform the Committee of this fact. The MP concerned may not be informed of this activity.

Article 16

(1) During Parliamentary audits carried out by the Committee, the obligation of the Minister and the National Security Services to disclose information shall not apply — with the exception indicated under Paragraph (2) below — to information that might threaten in the given case, if disclosed, priority national security interests relating to the method itself or to the protection of the source (cooperating person).

(2) During the examination of unlawful activities by the National Security Services, the Committee may oblige the minister and the general director with the agreement of two thirds of its members to provide such data regarding the method used for gathering intelligence within the country as is indispensable for pronouncing a judgement on the unlawfulness at hand. Data learned in this manner shall be used exclusively during the Committee proceedings.

Article 17

(1) The Parliament Defence Committee (hereinafter referred to as “Defence Committee”) shall monitor on an ongoing basis the implementation of the tasks of the National Military Security Services; in this context,

a) the minister shall inform the Defence Committee at least once a year of the general activity of the National Security Services;

b) the minister shall inform the Defence Committee of government resolutions of relevance to the National Military Security Services;

c) prior to their appointment, the Defence Committee shall hear the persons nominated for the position of general director of the National Military Security Services and express its standpoint regarding their being suited for the job.

(2) Only an MP having been subject to the national security check as specified under Article 19 may be elected Member of the Defence Committee.

(3) The members of the Defence Committee shall enjoy national security protection throughout the term of their mandate.

Article 18

(1) The Committee shall hold closed sessions when exercising its controlling powers and the Defence Committee shall do the same when exercising its powers defined under Article 17.

(2) The members of the Committee and of the Defence Committee shall be subject to the obligation of secrecy with respect to information including state and service secrets having come to their knowledge in their capacity as members and this shall prevail even after the termination of their committee membership.

(3) The Parliamentary control procedure of the Committee regulated in this Act shall not prejudice any other judicial or other statutory proceedings.

(4) The Committee shall formulate its answer to complaints or notifications concerning the lawfulness of the operation of the National Security Services so that no conclusions regarding the intelligence information gathering activity of the National Security Services can be drawn from it.

Article 19

(1) Only an MP having been subject to the national security check as specified in this Act may be elected member of the Committee.

(2) The chairman of Parliament shall initiate national security checks of MPs appointed to the Committee by the faction heads — in accordance with the rules applying to checking persons

nominated to important and confidential positions. The heads of the factions may designate twice the number of candidates that the faction is authorised to nominate at the most.

(3) The national security checks of the MPs nominated for Committee membership shall be carried out by the National Security Office. If a risk factor is identified, the general director of the National Security Office shall inform the MP concerned about it.

(4) After the completion of the national security check specified in Paragraph (3) above, the head of the faction shall draw up a nomination list including as many members as the faction is entitled to nominate.

(5) If a risk factor is identified with respect to a candidate listed in the nomination, and the Committee has not been formed yet, the minister in control of the National Civil Security Services shall inform the chairman of Parliament and the head of the faction concerned of the risk factor.

(6) If a risk factor is identified with respect to a candidate listed in the nomination and the new member is elected to an already operating Committee, the minister in control of the National Civil Security Services shall inform the Committee and the head of the faction concerned of the risk factor.

(7) If the head of the faction concerned maintains the nomination despite the information, the further validity of the nomination shall be decided upon in the case defined under Paragraph (5) above by the chairman of Parliament and in the case defined under Paragraph (6) by the Committee with majority of votes.

(8) The members of the Committee shall be provided national security protection for the entire term of their mandate.

Staff of the National Security Services

Article 20

(1) The National Security Services staff includes persons in regular status and civil servants. The detailed rules of the regular service legal relationship and the civil servant legal relationship are set out by separate laws.

(2) The regular members of the National Military Security Services belong to the staff of the Hungarian Army. Their service relationship is subject to the legal regulations applying to the service relationship of regular soldiers.

(3) The Minister is authorised to order a regular member of the National Security Services to work in an organisation assisting in the fulfilment of managerial duties.

Article 21

(1) The service relationship of regular staff members of the National Security Services is a special service relationship established for an indefinite term, under which service is performed in a hierarchy and extreme danger.

(2) A regular service relationship may be established with a Hungarian citizen of legal capacity, who has a permanent domestic residence and no criminal record; meets the educational and vocational qualification, as well as health, psychological and physical fitness criteria of the given service job; meets the other requirements specified by the minister, consents to security checking to establish/maintain the service legal relationship, and with respect to whom no risk factors are identified during the check.

(3) Eligibility for service shall be checked both at the time of the establishment of the service relationship and during its term.

Article 22

- (1) A regular member of the National Security Services shall
- a) qualify as a person performing an important and confidential job;
 - b) exercise his/her citizen's rights within the limits specified in this Act and in the separate law on service legal relationships;
 - c) not be a member of a party, nor pursue any political activities;
 - d) announce to the general director in advance his/her intent to enter a social organisation; the general director may forbid membership, if that is incompatible with the profession or the duty roster, or if it violates /threatens the interests of the service (conflict of interest);
 - e) not pursue an activity which is unworthy of a regular service relationship, or would threaten the impartial, uninfluenced fulfilment of the service functions;
 - f) establish another work-related legal relationship with the advance permission of the general director; the permit shall be refused in the cases defined under Point e), and if the establishment of the legal relationship concerned is incompatible with the profession or the duty roster; if it may give an opportunity to abuse information acquired in connection with the service legal relationship, or if it interferes with/threatens the interests of the service.
- (2) A regular member of the National Security Services shall
- a) take an oath,
 - b) fulfil his/her duties defined in the duty roster in accordance with the relevant legislative requirements,
 - c) obey the instructions of his/her superior, bearing in mind the provisions of Article 27,
 - d) assert the national security interests of the Republic of Hungary by all legal means and protect them, if necessary, at the risk of his/her life.

Article 23

- (1) Civil servants perform jobs at the National Security Services that do not require the establishment of a regular service relationship implying special requirements.
- (2) The National Security Services may establish a public employment legal relationship with a person who complies with the employment criteria specified under the Act on the legal status of civil servants, and consents in writing to security checks for the purpose of the establishment/maintenance of the legal relationship.
- (3) Regular service jobs may be re-classified as civil servant jobs and civil servant jobs as regular service jobs. The legal relationship of the re-classified staff is subject to the provisions of a separate law.

Article 24

The National Security Services staff shall exercise discretion regarding the state and service secrets of the National Security Services and their activities having come to their knowledge, and they shall keep and protect such secrets. Relief from this obligation may be granted by the Minister and the general directors of the National Security Services. The secrecy obligation of the National Security Services staff shall prevail after the termination of their employment.

Article 25

Regular members of the National Security Services may be granted an intelligence service bonus corresponding to a maximum of 25% of their normal duty allowance. The jobs implying eligibility for the bonus shall be defined by the Minister, upon the proposal of the general director. This bonus shall not be taken into account in the calculation of the service period supplement.

Article 26

The internal organisation and the detailed rules of the operation of the National Security Services, the order of instructions, shall be defined so as to allow for the identification of individual responsibility in every case.

Article 27

(1) A regular staff member of the National Security Services shall execute the orders of his/her service superior when doing his/her job, except if that would obviously constitute a criminal act.

(2) If a regular member of the National Security Services refuses to execute an order received on the basis of Paragraph (1) above, he/she shall report that fact to the general director. The general director shall forward the report without delay to the Minister and the Committee.

(3) If a regular member of the National Security Services is ordered to carry out an unlawful activity, he/she shall point this out to the party issuing the order, but shall not refuse to carry out the order, with the exception of the circumstance mentioned under Paragraph (1) above.

(4) If a member of the National Security Services detects unlawful operation of the services, he/she may report that observation in writing to the Minister. The Minister shall investigate the report and inform the Committee and the reporting party of the order to investigate the case and of any relevant results.

Article 28

(1) The National Security Services shall co-operate with one another in the interest of fulfilling their duties.

(2) The state agencies and the National Security Services shall mutually promote each other's work. The detailed rules of co-operation shall be set out in separate agreements within the limits of the relevant legislative provisions.

(3) The National Security Services may co-operate with physical persons, legal persons or unincorporated organisations in carrying out their tasks. The detailed rules of the co-operation may be set out in special agreements, within the limits of the relevant legislative provisions.

(4) The National Security Services may co-operate with foreign intelligence agencies on the basis of international agreements and commitments.

(5) In order to enforce the security requirements, the National Security Services may codify the rules of procedure applying to the supply of social security, health care, tax accounting, central budget, financial and statistical data, to archives audits to protect documents of lasting value, and to the use of currency in the scope of special operation expenses in separate agreements concluded with the competent organisations, within the limits of the relevant legislative provisions.

Article 29

(1) In their respective jurisdictions, within the limits of this Act, the members of the Government may request the Minister in writing to indicate their information needs to the National Security Services. The request shall be justified, and it shall indicate that the same information could not be obtained from any other source.

(2) State agencies shall supply data free of charge to provide the information necessary for the activity defined under Paragraph (6) of Article 11, as specified by the Government.

Article 30

(1) In order to implement the tasks specified in this Act, upon the initiative of the general directors of the National Security Services, state agencies of special importance for national security, business organisations in long-term state ownership, plants/institutions operating the central energy supply and telecommunications systems, manufacturers and users of internationally controlled products and technologies and entities involved in military research

may establish an official service/civil servant legal relationship or another work-related relationship (hereinafter collectively referred to as “employment”) with a member of the national security service, provided that the latter complies with the relevant employment criteria as well.

(2) In order to fulfil the duties set out in this Act, the National Security Services may initiate employment, for a term set out in a separate agreement, at organisations that do not fall under the scope of Paragraph (1) above.

(3) The National Security Services shall not initiate employment at courts, public prosecutor’s offices, at the Constitutional Court, the State Audit Office, the Office of Parliamentary Commissioners, and the Office of the President of the Republic or the Office of Parliament.

(4) Within the limits of the effective legal regulations, the special rules concerning the national security aspect of employment shall be incorporated into the separate agreement concluded between the National Security Services and the organisation concerned. The national security aspect of such employment is a state secret, unless stated otherwise by the parties concluding the agreement.

Measures of the National Security Services

Article 31

(1) The National Security Services shall not exercise investigative authority competences.

(2) A regular member of the National Security Services may use the measures specified under Articles 32-36 to prevent criminal acts in the scope of responsibility of the National Security Services and to arrest perpetrators of such criminal acts.

(3) While fulfilling their functions, the National Security Services may restrict the right to personal freedom, the right to the inviolability of the home, the right of privacy and privacy of correspondence, the right to the protection of personal data, the right to access to data of public interest as well as the right to the protection of a possession as specified in this Act.

(4) The measure shall not cause a disadvantage that is obviously disproportionate to the legal objective thereof.

(5) The causing of injuries shall be avoided, if possible, if a means of coercion is used in the context of the measure.

(6) From among several possible and suitable measures/coercive means, measures or coercive means implying the least amount of restriction, injury or damage to the person concerned while ensuring efficiency shall be used.

Article 32

A regular member of the National Security Services may arrest and take into custody the perpetrator, caught in the act, of a crime falling under the scope of responsibility of the National Security Services and may use coercion (physical duress) to stop the act or to break resistance for the same purpose. After the arrest, detainment shall take place immediately.

Article 33

A regular member of the National Security Services may use handcuffs in the case regulated under Article 32 in order to

- a) prevent self-inflicted injuries;
- b) prevent attacks;
- c) prevent escape;
- d) break resistance

by the person whose personal freedom is or is intended to be restricted.

Article 34

A regular member of the National Security Services may carry a service weapon. The detailed rules of carrying, using and storing service weapons shall be specified by the Minister.

Article 35

(1) A regular member of the National Security Services has the right to use a weapon as specified under this Act. Firearms may be used of one's own will or, exceptionally, upon instruction.

(2) Only a willingly fired shot, aimed at a person shall qualify as 'use of firearms'.

Article 36

(1) In addition to the cases of legitimate self-defence and emergency, a regular member of the National Security Services may use firearms;

a) to prevent an attack on life or one implying serious bodily harm, or to prevent the direct threat of these;

b) to prevent/interrupt the criminal acts aiming at the violent changing of the constitutional order (CrC, Art.139), sabotage (CrC, Art.142), espionage (CrC, Art.147), genocide (CrC, Art.155), causing public danger (CrC, Art.259), acts of terrorism (CrC, Art.261), seizure of aircraft (CrC, Art.262);

c) in the event of unauthorised access/attempted access implying violence against a person/object to a state secret associated with the national security service;

d) to prevent an attack on/representing a direct threat to a national security service object.

(2) The use of firearms shall be preceded by

a) a call to interrupt the illegal activity;

b) the use of other coercive means;

c) a warning that firearms would be used;

d) a warning shot.

(3) The measures preceding the use of firearms may be omitted in part or fully if, given the overall circumstances of the event, there is no time for preliminary measures and the delay would represent a direct threat to the regular staff member or the life/physical health of another person.

(4) Firearms shall be used in a manner that does not result in the death of another person.

(5) Irrespective of the consequences, the use of firearms or the firing of a warning shot shall be reported to the service superior immediately after the measure is taken.

(6) No firearms shall be used — except for legitimate self-defence and in cases of emergency — against a visibly pregnant woman or a child.

Article 37

(1) The person concerned — or, if prevented, his/her relative — may lodge a complaint against the measures specified under Articles 32-36 above implemented by a regular member of the National Security Services.

(2) The complaint shall be submitted to the general director of the national security service within 8 days starting from the date when the person concerned learned about the measure. No complaint shall be lodged beyond 5 years starting from the date of the contested measure.

(3) The general director shall take a decision regarding the subject matter of the complaint within 8 days from its receipt.

(4) The complainant may appeal to the Minister against this decision within 8 days from its communication. The Minister shall confirm, alter or annul the first-instance decision within 8 days from the receipt thereof.

(5) A certification request may be submitted within 30 days starting from the omitted deadline.

(6) The party concerned may request a review of the decision of the minister according to the rules of Chapter XX on the revision of administrative decisions of the Code of Civil Procedures.

The procedure is assigned to the exclusive jurisdiction of the Metropolitan Court. The court shall annul the contested unlawful decision.

Data management of the National Security Services

Article 38

In order to fulfil the duties defined under this Act, the National Security Services manage personal data (including special data) and public data (hereinafter collectively referred to as “data”).

Article 39

(1) The National Security Services shall obtain data

a) through the voluntary or compulsory supply of data by the party concerned, as specified in this Act;

b) from open sources;

c) from data disclosure by data management agencies;

d) by gathering intelligence information.

(2) In the context of their data management activity, the National Security Services shall use that instrument which is absolutely necessary to achieve the given objective and which least restricts the individual rights of the person concerned.

(3) Persons in/nominated to important and confidential jobs shall communicate their personal, including special, data relating to the security check as specified in this Act to the National Security Services carrying out the check.

Article 40

(1) In order to execute their tasks, in the absence of a statutory provision to the contrary, the National Security Services may request data from any data management system — they have to specify the objective of the request — and they may inspect the systems and the documents upon which the register is based. Data requests shall be met with respect to patchy or fragmented data as well. Data transfer shall be documented at both the sending and the receiving body.

(2) The National Security Services may request/use data originating from the registers managed by state agencies, institutes of finance, insurance companies and organisations responsible for telecommunications free of charge. The other data management agencies may reverse the costs incurred in connection with the data requests of the National Security Services in retrospect.

(3) The National Security Services may use, in the manner specified by legal regulation, personal identifier, natural personal identity and tax identification data or other identifiers when requesting data from agencies responsible for the registration of personal data/residential address, or in their contacts with such entities or with other data managers, and in their own registers, to carry out the duties specified in this Act.

Article 41

(1) In order to fulfil their duties, the National Security Services may order in writing, specifying the objective of the measure, to place marks in the registers of agencies registering the personal data/residential address of citizens, of the ministry led by the minister responsible for the registration of personal data and residential addresses and of the Police, or in other registration systems serving to control of border traffic.

(2) Through the mark, the National Security Services may request notification of data changes or of requests pertaining to the person concerned and, furthermore, in the context of border traffic, they may request, in writing, to have the person concerned arrested. The agency concerned shall implement the measure indicated in the request of the National Security Services.

(3) The National Security Services shall take action to delete the mark promptly after the circumstance justified its placement has ceased or has been otherwise terminated.

Article 42

(1) The request, inspection or supply of data by the National Security Services as well as the placement of marks and the relevant contents shall qualify as a state secret.

(2) The data management agency disclosing data to the National Security Services or allowing the latter to inspect data, or place a mark in its register shall not inform the person concerned or any other person or organisation of this fact, the relevant contents or measures.

(3) The head of a data management agency or institution having no official jurisdiction may lodge a complaint, without suspensory effect, to the Minister against the data inspection/disclosure order.

Article 43

The National Security Services shall use data having come to their knowledge exclusively for the purpose representing the legal basis of ordering their acquisition, except if the data are indicative of the implementation of a criminal act liable to prosecution, or if they substantiate another obligation to inform the national security service, or the party receiving the data is authorised itself to obtain them.

Article 44

(1) In order to fulfil the duties set out in this Act, the National Security Services may request data from one another and shall supply data to one another.

(2) The Police, the Border Guard, the Customs and Finance Guard, courts, the prosecutor's office and penal institutions are authorised to request data from the National Security Services for a specific purpose which they shall indicate in the request, in order to fulfil the duties specified under the act referring to them, within the scope specified therein.

(3) Data disclosure by the National Security Services shall not result in the disclosure of the identity of the person co-operating with the National Security Services (data source). In order to protect the intelligence information gathering method and the source, the general directors of the National Security Services may limit the utilisation of transferred data.

(4) The bodies requesting data disclosure shall be responsible for the management of data disclosed to them according to the provisions of this Act and the data management legislation; they shall register the data they receive and their utilisation and, upon request, they shall inform the national security service of the same.

Article 45

Pursuant to international commitments, the National Security Services may forward personal data to foreign data managers within the limits of the legal regulations applying to the protection of personal data.

Article 46

The National Security Services shall keep records of the forwarding of personal data, which shall include

- a)* the data disclosure request;
- b)* the register identifier of the party requesting the data;
- c)* the time of data forwarding;
- d)* the duplicate copy of papers and other documents of the data disclosure.

Article 47

(1) The National Security Services may interconnect their data management systems or connect them to those of other government data management agencies to fulfil specific tasks, provided that the conditions of data protection and data security are ensured at the other data manager as well.

(2) The connection shall be terminated after the completion of the specific national security task and the data file created during the connection shall be deleted after the termination of the process.

Article 48

(1) In the interest of national security or to protect the rights of others, the general director of the national security service may refuse the request of the party concerned to disclose data managed by the National Security Services or included in the data forwarding records indicated in Article 46; or to delete his/her personal data or to learn data of public interest managed by the National Security Services.

(2) The National Security Services shall keep records of requests received from parties concerned, and they shall inform the data protection commissioner of such requests, the manner of their evaluation and reasons for refusal on an annual basis.

(3) In the interest of national security, the general director may restrict the data inspection right of persons concerned, provided for in Paragraph (3), Article 11 of Act LXV of 1995 on State and service secrets, with respect to National Security Services data classified as service secret.

Article 49

(1) The general directors shall provide for preventing unauthorised access to, and communication, alteration, deletion or destruction of, data, and for protection against illegal access (data security).

(2) The National Security Services shall regularly control the correctness of personal data managed by them. Data that does not correspond to the facts shall be corrected, and data based on facts shall be distinguished from those based on deduction, opinion or estimation in the data management process.

(3) The National Security Services shall treat data associated with their regulatory powers separately from other data.

Article 50

(1) In order to fulfil the duties set out this Act, the National Security Services may take over from the records of other agencies authorised to manage data and manage the following:

- a)* data of safety certificates, for 10 years starting from the end of their term of validity;
- b)* documents issued during the supervision and management of encryption activity, for 10 years starting from the end of their term of validity;

c) data created during the fulfilment of national security control and protection functions, for 20 years starting from the termination of the position/office concerned;

d) personal data collected under the scopes of responsibility not listed under Points a)-c) above, for 70 years starting from the termination of data collection.

(2) Personal data managed by the National Security Services shall be deleted immediately

a) after the deadline specified in Paragraph (1);

b) if a court orders to delete the data in its data protection proceedings;

c) if the management of the data is unlawful;

d) in the case defined in Paragraph (2) of Article 60;

e) if the management of the data is obviously unnecessary.

(3) The deletion obligation does not apply, with the exception of the cases specified in Points b)-d) of Paragraph 2, to personal data on carriers to be transferred, according to the legal regulation on the protection of archived materials, to the archives for retention.

Article 51

(1) Apart from the data including state or service secrets, those relating to the

a) objects and personnel,

b) procurements and other contracts,

c) safety inspection and protection functions

of the National Security Services shall be made public with the consent of the Minister and/or the general directors.

(2) The National Security Services shall notify the data protection commissioner annually of the refusal of requests to learn data as defined in Paragraph (1) above and the reasons for such refusal.

Article 52

(1) The Parliamentary commissioner for citizens' rights shall proceed with respect to the National Security Services as specified in a special act.

(2) The data protection commissioner shall have the same licenses as the Parliamentary commissioner for civil rights in proceedings relating to the National Security Services.

(3) In addition to Paragraph (2) above, the data protection commissioner shall be authorised to inspect the internal regulations and instructions governing the organisation and operation of data management at the National Security Services.

(4) Within the limits of this Act, the general directors shall promote the work of the Parliamentary commissioner for citizens' rights and of the data protection commissioner.

Intelligence information gathering

Article 53

(1) In order to fulfil their duties as described under Articles 4-9, the National Security Services may gather intelligence information. This does not apply to the performance of the tasks specified under Point h) of Article 4 and Points d)-e) of Paragraph (1) of Article 8.

(2) The National Security Services shall use the special instruments and methods of intelligence information gathering exclusively, if the data needed for the fulfilment of the functions defined in this Act cannot be obtained in any other manner.

Intelligence information gathering not subject to external authorisation

Article 54

(1) Within the framework of intelligence information gathering, the National Security Services may

- a) request information;
- b) gather information while concealing its national security character;
- c) establish a covert relationship with a private individual;
- d) create and use information systems promoting information gathering;
- e) set traps, provided that these cause no injury or health damage;
- f) prepare and use cover documents to protect their own staff and physical persons collaborating with them, and to conceal the national security aspect of the activity;
- g) create/maintain a cover institution;
- h) keep under surveillance persons affected by their tasks; premises, buildings and other objects; terrain and route sections and vehicles which can be connected to them, and record their observations by technical devices;
- i) with the exception of the cases described under Article 56 below, wiretap conversations and record their observations with technical devices;
- j) gather information from communications systems and other data storage devices.

(2) A law enforcement agency and its documents shall be used as cover institution/document only, if the competent minister and the national head of the organisation concerned are informed of that fact.

Article 55

(1) With the preliminary approval of the prosecutor designated by the chief prosecutor, the National Security Services may agree on the disclosure of information with a person reasonably suspected of having committed a criminal act, by offering the latter the prospect of refusal or termination of the investigation, if the national security interest involved in collaboration with the person concerned overrides that of the enforcement of the criminal law claim of the state.

(2) No agreement shall be concluded with a person having committed a crime involving voluntary manslaughter.

(3) The license defined under (1) is not due to the Specialised National Security Service.

(4) If the agreement is concluded, the National Security Services shall provide compensation for the damage which ought to have been borne by the perpetrator under the relevant civil law regulations. With regard to compensation claim, the state shall be represented by the minister responsible for justice.

Intelligence information gathering subject to external authorisation

Article 56

The National Security Services may, with external authorisation,

- a) search residences in secret and record their observations with technical devices;
- b) observe and record what is happening on the residence with the help of technical devices;
- c) open letters and other postal items, inspect their contents and record them with technical devices;
- d) learn communication through a public telephone line or some other telecommunication service transmitting said communication and record the relevant observations by technical devices.

Article 57

(1) A motion directed at obtaining authorisation for intelligence information gathering as defined under Article 56 shall be submitted by the general director of the Information Office, the

National Security Office, the Military Intelligence Office or the Military Security Office and — with regard to the fulfilment of the duties specified under Point *f*) Paragraph (1) of Article 8 and Point *d*) of Article 9 — by the general director of the Specialised National Security Service.

(2) The motion shall include the following:

a) the place of the intelligence information gathering, the name/circle of the person(s) concerned and/or — available — data suitable for identification;

b) description of the intelligence information gathering and justification of the necessity thereof;

c) initial and closing date of the activity, specified in days;

d) in the event of the submission of a motion as specified under Article 59: the justification of the fact that, in the given case, it is imperative for the effective operation of the national security service.

Article 58

1) Intelligence information gathering as listed in Article 56, carried out during the performance of the national security tasks specified under Points *b*), *d*), *h*)-*j*) of Article 5 and Points *b*), *d*), *i*)-*k*) of Article 7, shall be authorised by the judge designated for this purpose by the Chairman of the Metropolitan Court.

(2) Intelligence information gathering activities listed in Article 56 (1), carried out during the performance of national security tasks not within the scope of Paragraph (1), shall be authorised by the minister responsible for justice affairs.

(3) The judge or the minister responsible for justice affairs (hereinafter collectively referred to as “Licensor”) shall adopt a decision within 72 hours starting from the submission of the motion. He/she shall sustain or, if unfounded, reject the motion. This decision is not subject to appeal.

(4) The Licensor shall authorise intelligence information gathering for a maximum of 90 days per occasion. The Licensor may extend this deadline in justified cases, on the basis of the relevant proposal of the general directors, by another 90 days.

(5) When elaborating his decision concerning the extension of the deadline, the judge may get acquainted with the data obtained/recorded in the course of the intelligence information gathering authorised in the given case by him.

(6) The Licensor shall not inform the party concerned of his proceedings or of the fact of intelligence information gathering.

Exceptional authorisation

Article 59

(1) The general directors of the National Security Services may authorise the covert information gathering activities listed under Article 56 themselves until the Licensor’s decision at the latest, provided that the external authorisation of intelligence information gathering would imply such delay as would obviously be contrary to interest in the effective operation of the national security service in the given case.

(2) The general directors of the National Security Services shall submit a motion for external authorisation in the case specified in Paragraph (1) simultaneously with issuing their own authorisation.

(3) Intelligence information gathering based on exceptional authorisation as specified in Paragraph (1) above shall only be ordered once in one and the same case, unless a new fact representing a direct threat to national security is revealed.

Termination of intelligence information gathering subject to external authorisation

Article 60

(1) Intelligence information gathering subject to external authorisation shall be terminated promptly if

- a)* it has achieved the objective specified in the authorisation;
- b)* no result can be expected if it is continued;
- c)* its deadline elapsed without extension;
- d)* it is unlawful in any respect.

(2) In the event of the exceptional procedure specified under Paragraph (1) of Article 59, intelligence information gathering shall also be terminated at once, if the Licensor does not authorise continuation of the intelligence information gathering. In this case data obtained during the intelligence information gathering shall be destroyed immediately in accordance with the legal provisions applying to the order of destruction of documents containing state and service secrets.

Other rules applicable to intelligence information gathering

Article 61

(1) If intelligence information gathering takes place as defined under Point *a)*, Paragraph (1) of Article 8, the procurement of the authorisation required for intelligence information gathering shall be the task of the agency ordering the application. Responsibility for the lawfulness of the application shall lie with the ordering agency, while the Specialised National Security Service shall be responsible for its execution.

(2) The Specialised National Security Service shall forward all data obtained through intelligence information gathering applied in the context of its service provision duties to the customer agency and the forwarded data shall be deleted from the records of the Specialised Service.

(3) The Specialised National Security Service shall keep records of its service provision duties which shall include the following:

- a)* the written request of the customer organisation, with the necessary authorisation,
- b)* the personal data necessary for the identification of the persons indicated in the request,
- c)* a description of the devices and methods of intelligence information gathering used in the given case,
- d)* the list of data carriers forwarded to the customer organisation.

(4) Responsibility for the authenticity of the communicated data shall lie with the data supplier, and responsibility for their utilisation and the implementation or omission of measures based on that shall lie with the agency having ordered the intelligence information gathering.

Article 62

Data obtained through intelligence information gathering shall be considered a state secret until their eventual use as evidence in criminal proceedings; furthermore, the identity of physical and legal persons and of unincorporated organisations collaborating with the national security service, and the fact and technical details of the information gathering activity shall also be classified as state secrets. The cooperating persons and organisations shall not disclose data relating to this activity without the authorisation of the Minister or the general directors.

Special management rules of intelligence information gathering

Article 63

(1) The National Security Services may indicate a special appropriation to cover special operating expenses related to their core activity in their budget. Special operating expenses shall be indicated — contrary to the general rules of accounting — in aggregates, in one sum.

(2) Direct staff and material-type costs associated directly with the secret service activities of the National Security Services, the application of the instruments and methods of intelligence information gathering shall qualify as special operating expenses.

(3) The sum paid by the National Security Services to the collaborating private individual is subject to the deduction of 20% withholding tax payable to the tax authority. Private individuals shall not incorporate this income into their aggregate tax base, or declare said income, and the payer shall not supply personal data or issue a statement to the private individuals regarding it.

(4) Income paid to a regular member of the National Security Services for foreign service performed under this legal relationship shall be subject to tax deduction at the highest tax rate in the tax table for the given year, this tax being payable to the tax authority. Private individuals shall not incorporate this income into their aggregate tax base, or declare said income, and the payer shall not supply personal data or issue a statement to the private individuals regarding it.

Article 64

(1) The National Security Services may establish and maintain cover institutions — in accordance with the statutory provisions on the type of cover institution at hand — in order to perform their duties. No budgetary institutions shall be established as cover institutions.

(2) The establishment and maintenance of a cover institution shall be covered from the budget of the National Security Services. Related expenses shall qualify as special operating expenses.

(3) If the cover institution ceases to exist, its assets shall be due to the National Security Services.

(4) The provisions of Act 38 of 1992 on Public finance shall not apply to a cover enterprise.

Article 65

The National Security Services may manage foreign currency without special restrictions in respect of the activities defined in Paragraph (2) of Article 63.

Article 66

(1) An external agency shall inspect the utilisation of the special operating expenses of the National Security Services exclusively from the point of view of lawfulness. No inspection based on the expediency and effectiveness criteria shall be carried out in this respect, except for Point *f*), Paragraph (2) of Article 11.

(2) During the external audit of the management of the National Security Services, the auditing body shall not enter into the possession of such data as are indicative of information originating from intelligence information gathering, its source or the specific nature of the intelligence information gathering method used.

Rules of national security protection and control

Article 67

(1) The objective of national security protection (hereinafter referred to as “protection”) provided by the National Security Services is to detect and prevent covert efforts directed against the activity of the persons specified in *Annex I*, or aiming at the unlawful acquisition of protected information connected with the activity of these persons and hence violating or threatening the national security interests of the Republic of Hungary.

(2) When providing protection the National Security Services shall only apply the instruments and methods of covert and open information gathering to the person to be protected upon the written consent of said person.

(3) The National Security Services shall regularly inform the person to be protected of the safety measures taken in the course of the protection activity and the group of persons affected by the measures concerned.

Article 68

(1) The objective of the national security check (hereinafter referred to as “check”) carried out by the National Security Services is to examine whether persons nominated to /in important and confidential jobs meet the security requirements necessary for the lawful operation of public life and the national economy and, if necessary, those derived from international commitments.

(2) The investigation of the security conditions means the detection of risk factors, circumstances, pieces of information that could be used to make the activity of a person in an important and confidential job vulnerable to influence for illegal purposes, and hence create a situation that could violate or threaten national security.

(3) The group of persons in important and confidential jobs is described in *Annex 2* hereto.

(4) According to the rules applying to persons nominated to important and confidential jobs, prior to their nomination and/or appointment, a one-off security check of the persons listed below shall be initiated:

- a) the judge authorising intelligence information gathering,
- b) every minister,
- c) members of the Committee and the Defence Committee, respectively, or experts taking part in the proceedings thereof;
- d) the designated prosecutor defined in Article 55,
- e) a person co-operating with a secret-owning agency as specified in Act 65 of 1995 on State and Service Secrets who, in order to perform his/her job, has to learn a state secret or data to be protected by security check pursuant to an international commitment, or as per the contents of Paragraphs (2)-(6), Article 5/B of Act 65 of 1995, or subject to foreign classification or marking defined by an act promulgating an international agreement according to Paragraph (7) of Article 5/B.

Article 69

(1) The president of the Republic shall initiate checks of

- a) the commander in chief and the chief of staff of the Hungarian Army,
- b) the national commander of the Border Guard,
- c) senior staff members of the Office of the President of the Republic of Hungary.

(2) The Chairman of the Parliament shall initiate checks of

- a) MPs nominated to the National Security Committee or the Defence Committee of Parliament,
- b) senior staff members of the Office of Parliament.

(3) The Prime Minister shall initiate checks of

- a) persons nominated to a minister’s office,
- b) under-secretaries of state and state officials in an equivalent status,
- c) senior staff members of the Prime Minister’s Office,
- d) heads, deputy heads and other public service leaders in a status equivalent to that of the heads of agencies with nation-wide competence under to Government control.

(4) The competent minister shall initiate checks of

- a) specialised state secretaries and state officials in an equivalent status,

- b) ambassadors and consuls general in charge of independent foreign consulates,
- c) heads of central agencies and other public service heads in an equivalent status,
- d) ministry division heads and state officials in an equivalent status,
- e) national commanders and deputy commanders of the law enforcement agencies under his/her control and person nominated to colonel's rank or jobs requiring colonel's rank,
- f) heads of state-owned or majority state-owned business organisations,
- g) senior staff members of majority state-owned banks, specialised finance institutions and insurance companies,
- h) persons performing jobs specified by him/her pursuant to Point 18 of *Annex 2* hereto.

(5) The minister responsible for defence or the commander of the Hungarian Army shall order or initiate checks within the Hungarian Army of persons performing jobs defined by the competent minister.

(6) The national chief of police shall initiate checks of

- a) the chief police commissioner and the police commissioners,
- b) within the Police, of persons performing jobs specified by the competent minister.

(7) The national commander of the Border Guard shall initiate checks within the Border Guard, of persons performing jobs specified by the competent minister.

(8) The national commanders of the law enforcement agencies shall initiate checks within the law enforcement agencies of persons performing the jobs specified by the competent minister.

(9) The general directors of the National Security Services shall initiate checks of staff members of the National Security Services.

(10) The Chairman of the Metropolitan Court shall initiate checks of persons nominated to the rank of judge authorizing intelligence information gathering.

(11) The Chairman of the National Security Committee shall initiate checks of persons nominated as experts in the Committee proceedings. The Chairman of the Defence Committee shall initiate checks of persons nominated as experts in the Defence Committee proceedings.

(12) The Chief Prosecutor shall initiate a check of the prosecutor designated by him pursuant to Article 55 above.

(13) The head of the secret-owning agency shall initiate checks of the persons specified in Point e), Paragraph 68 of Article 68 and Point 19 of *Annex 2* hereto.

(14) The Chairman of the National Security Supervisory Authority shall initiate checks of persons who, in order to perform their jobs, are required to know data subject to protection by security checks pursuant to an international commitment, unless the person authorised to initiate the check can be identified according to Paragraphs (1)-(13).

Article 70

(1) Persons to be appointed to important and confidential jobs shall undergo the security check prior to their nomination.

(2) The party authorised to initiate security checks of persons performing important and confidential jobs shall initiate said checks at his/her own discretion, but at least every five years.

(3) A person (expert) applying for/invited to a job/office subject to mandatory checks shall be informed in advance of the possibility of being subjected to security checks and the possible methods thereof.

(4) The check shall be carried out exclusively with the prior written consent of the person nominated to/performing the important and confidential job (hereinafter collectively referred to as "person concerned").

(5) If the person concerned does not consent to the check, he/she shall not be employed in an important and confidential job.

(6) The person authorised to initiate the security check shall request the Minister in writing to order the check simultaneously with the sending of the Questionnaire specified under Article 71. The Minister shall order the performance of the check.

Article 71

(1) Upon the request of the authorised party or the person designated by him/her, the person concerned shall fill in the security questionnaire specified under *Annex 3* hereto prior to the initiation of the check.

(2) The persons specified in Points 1-17 of Annex 2 hereto, and in Points *a)-d)*, Paragraph (4) of Article 68 shall fill in the Type “C” questionnaire displayed in *Annex 3*. The persons defined under Point *e)*, Paragraph (4) of Article 68 shall fill in the following types of questionnaires, depending on the classification/markings of the data to be learned:

a) data under the scope of Paragraph (1), Article 3 of Act 65 of 1995 on State and service secrets:

1. persons learning data included in the documents listed in the Annex to Act 59 of 1993 on the Parliamentary commissioner for civil rights: Type "C" questionnaire;

2. persons learning data including state secrets: Type "B" questionnaire,

b) classified data or data with limited access taken over pursuant to an international agreement or produced pursuant to an international commitment:

1. persons learning data with a classification corresponding to “strictly confidential” under the law or in an international agreement: Type "C" questionnaire”;

2. persons learning data with a classification corresponding to “confidential” under the law or in an international agreement: Type "B" questionnaire;

3. persons learning data below the classification level defined under Point 2, but requiring protection under the law or by an international agreement: Type "A" questionnaire.

(3) The competent minister or the head of the secret-owning agency shall specify, on the basis of Points 18, 19 of Annex 2 hereto, the jobs in regard of which the persons concerned shall fill in a Type "A", "B" or "C" questionnaire as shown in *Annex 3* hereto.

The Chairman of the National Security Supervisory Authority shall take specific decisions concerning the type of questionnaire to be filled in by the persons defined under Paragraph (14) of Article 69, depending on the protection level of the data to be learned.

(4) If the check associated with a Type "A" or "B" questionnaire generates data indicative of the presence of a risk factor, the national security service carrying out the check may propose the initiator to have a Type "B" or "C" questionnaire filled in.

(5) The check covers the examination and evaluation of the truth content of the data provided in the questionnaire and the identification of other risk factors. The check shall be carried out within 30, 45 and 60 days for a Type "A", “B” and “C” questionnaire, respectively. This deadline may be extended on one occasion, by another 30 days, upon simultaneous notification of the person concerned and the initiator.

(6) The checking, the examination and the assessment of the risk factors, shall be proportionate to the confidentiality and other security requirements associated with the given important and confidential job.

(7) The national security service carrying out the inspection may consult the person concerned, hear rapporteurs, and use personnel records and previous check data, check data in the data management systems and use — if the necessary data cannot be obtained in any other manner — the instruments and methods of intelligence information gathering. The national security service shall only carry out intelligence information gathering subject to external authorisation as defined in Article 56 during checks associated with a Type "C" questionnaire.

Article 72

(1) On the basis of information and data obtained during the check, the national security service shall draw up a security expert opinion that specifies every one of the safety hazard factors that were identified. The national security service shall be responsible for the statements in the expert opinion as well as the omission of the necessary information. The expert opinion shall be counter-signed by the Minister and, subsequently, the national security service shall forward it to the initiator. The initiator shall forward the expert opinion to the National Security Supervisory Authority, if the person concerned needs to learn data subject to protection by a security check pursuant to an international commitment to perform his/her tasks.

(2) The initiator shall inform the person concerned of the termination of the check and of the contents of the security expert opinion — except under circumstances indicative of a criminal act.

(3) Pursuant to Paragraph (5) of Article 11, the person concerned may lodge a complaint with the Minister and subsequently the Committee against any statements featured in the security expert opinion that he/she considers false.

(4) The initiator — the Chairman of the Parliament with the restriction set out in Paragraph (7) of Article 19 — shall weigh the expert opinion received from the national security service at his/her discretion when making the relevant decision. If the expert opinion forwarded to the National Security Supervisory Authority indicates a hazard factor, the security certificate necessary to learn data to be protected by the security check pursuant to an international commitment shall not be issued.

(5) The questionnaire filled out for the purpose of the inspection and the data gathered by the services during the check shall qualify as a state secret.

Miscellaneous

Article 73

In the event of staff reduction by the National Security Services, Paragraph (2), Article 23, Chapter IV of Act 4 of 1991 on Job assistance and unemployment benefits and its rules regarding information provision to the public employment service shall not apply.

Definitions

Article 74

For the purposes of the application of this Act, the following definitions shall apply:

a) national security interest: to secure the sovereignty and protect the constitutional order of the Republic of Hungary and, within that framework,

- to detect aggressive efforts against the independence and territorial integrity of the country,
- to detect and prevent covert efforts which violate or threaten the political, economic, defence interests of the country,

- to obtain information of foreign relevance/origin necessary for government decisions,
- to detect and prevent covert efforts to alter/disturb by unlawful means the constitutional order of the country ensuring the observance of fundamental human rights, representational democracy based on pluralism and the constitutional institutions,

- to detect and prevent acts of terrorism, illegal weapons dealing and trafficking in drugs, and illegal trafficking in internationally controlled products and technologies;

b) government agency: ministries, central administrative agencies, the public prosecutor's office, the armed forces (Hungarian Army, Border Guard) and the law enforcement agencies;

c) law enforcement agency: National Civil Security Services, the police, the government agencies of civil defence, the regular fire-brigade, the customs and finance guard and the penal organisation;

d) residence: premises/areas other than those which are public/open to the public;

e) relative: spouse, direct-line relative, adopted, step or foster child, adoptive, foster or step parent, sibling, partner, spouse of direct-line relative, fiancé(e), direct-line relative/sibling of spouse, and sibling's spouse.

Article 75

(1) Where the statute refers to armed forces and bodies, said forces and bodies shall be construed as including the National Civil Security Services as well.

(2) Unless stated otherwise, if the statute refers to mentions law enforcement or police agencies, said agencies shall be construed as including the National Civil Security Services as well.

(3) If the statute refers to a supervising minister in connection with the National Security Services, said reference shall be construed as referring to the competent minister in charge of the National Security Services.

Entry into force

Article 76

(1) Except for the items specified under Paragraphs (2)-(4) below, this Act shall enter into force on the 90th day after its promulgation.

(2) The provision under Article 25 shall enter into force on 1 January 1996.

(3) Paragraph (3) of Article 63 and Paragraph (3) of Article 89 shall enter into force on 1 January 1997.

(4) Points *c)-e)* of Paragraph (4) of Article 14, Article 15 and Paragraphs (2) and (4) of Article 27 shall enter into force after the establishment of the Committee as per the provisions set out under Article 19.

(5) Paragraph (2) of Article 16 and Point *h)* of Paragraph (1) of Article 19 of Act 65 of 1995 on State and service secrets shall enter into force on the 90th day after the promulgation of this Act.

Authorisations

Article 77

(1) The Government shall be authorised to decree:

a) the order of the competent management and official supervision of the encryption activity;

b) the set of security documents, the duties and powers of organisations authorised to protect security documents, the rules of procedure of security document protection;

c) the order and rules of the co-operation of organisations authorised to gather intelligence information and of organisations providing telecommunications services, to guarantee the conditions of intelligence information gathering.

(2) The Government shall be authorised to stipulate by resolution:

a) the rules of the competence of the National Security Services and of their co-operation with one another and other agencies;

b) the main lines of activity of the National Security Services;

c) the order of information provision by the National Security Services and other governmental agencies, and the organisational framework and detailed rules of the evaluation and utilisation of national security information;

d) the group of agencies and facilities subject to national security protection.

(3) Within six months starting from the entry into force of this Act, the Government shall ensure that the operation of the National Military Security Services and their organisations comply with Paragraph (1) of Article 2 of this Act.

Article 78

(1) The Minister shall be authorised to decree:

a) the order of the management of the residences of the National Security Services and employer housing benefits;

b) the order of the registration for regular use of service weapons and the detailed rules of the use of service weapons;

c) the order of entry to the facilities of the National Security Services;

d) the order of granting ministerial honours;

(2) The Minister shall be authorised to stipulate by order:

a) the special conditions of fitness for service, and the rules of their control;

b) the general rules of the National Security Services procedure to create/maintain cover institutions;

c) every procedure prescribed by the legal regulation governing the reporting and accounting obligations of budgetary agencies as 'own jurisdiction' regulation;

d) the heads of the National Security Services eligible for protection, the detailed rules of the relevant protection measures.

(3) The competent minister shall be authorised to decree, in agreement with the Minister, the jobs classified as important and confidential pursuant to Point 18 of *Annex 2* hereto, and to specify the level of security checks applicable to these jobs.

Repealed provisions

Article 79

Simultaneously with the entry into force of this Act, the following shall be repealed:

a) Act X of 1990 on the provisional regulation of the authorisation of special intelligence instruments and methods;

b) the last sentence of Paragraph (3), Article 26 of Act 63 of 1992 on the protection of personal data and the disclosure of information of public interest;

c) Law Decree No 66 of 1957 on holding important, confidential jobs;

d) the second sentence of Article 52 of Law Decree No 10 of 1971 on the service relationship of regular staff members of the armed forces and the armed bodies;

e) the text applying to the National Security Services of Article 4 and Paragraph (1), Article 11 of Decree Law No 17 of 1974 on state and public security, Paragraphs (5)-(7) of Article 11 thereof and Act LI of 1990 on the amendment of Decree Law No 17 of 1974;

f) Decree No 26/1990. (II. 14.) MT of the Council of Ministers on the transitional regulation of the performance of national security tasks, as well as Decree No 90/1990. (V. 2.) MT of the Council of Ministers, Decree No 98/1990. (VI. 11.) MT of the Council of Ministers and Gov. Res. No 38/1990. (IX. 14.) Korm. amended by Paragraph (3) of Article 20 of Gov. Res. No 43/1994. (III. 29.) Korm.;

g) Point g) of Article 11 and Article 77 of Act 110 of 1993 on Defence;

h) Article 13 of Gov. Decree No 166/1992. (XII. 18.) Korm. on the amendment of Gov. Decree No 61/1990. (X. 1.) Korm. on the authorisation of the traffic of certain internationally controlled products and technologies;

- i) Paragraphs (1)-(3) of Article 5 and Paragraph (2) of Article 6 of Gov. Decree No 85/1994. (V. 31.) Korm. on certain rules of the budget management, reporting and accounting of the National Security Services;
- j) Government Decree No 108/1994. (VII. 21.) Korm. on the duties of Minister without Portfolio Dr Béla Katona.

Amended legislation

Art.80

Art.81

Art.82-84

Art.85

Art.86

Art.87

Art.88

Art.89 (1)

(2)

(3)

Art.90 (1)

(2)

Art.91

Annex 1 to Act 125 of 1995

Offices subject to protection:

1. President of the republic,
2. prime minister,
3. chairman of Parliament and his/her deputies,
4. chairman/members of the Constitutional Court,
5. chairman of the Supreme Court and his deputies,
6. the ministers,
7. the chief prosecutor and his/her deputies,
8. the chairman of the State Audit Office of Hungary and his/her deputies,
9. the Parliamentary commissioners and the general deputy of the Parliamentary Commissioner for Civil Rights,
10. members of the Parliamentary National Security and Defence Committees,
11. judges authorising intelligence information gathering,
12. the prosecutor designated by the chief prosecutor pursuant to Article 54,
13. the president and vice-presidents of the Hungarian National Bank.

Annex 2 to Act 125 of 1995

Persons holding important and confidential jobs:

1. Ambassadors and consuls general in charge of

- independent foreign consulates,
2. undersecretaries of state and state officials in equivalent status,
 3. state secretaries and state officials in an equivalent status,
 4. heads and deputy heads of autonomous administrative agencies and government offices, and other public service heads in an equivalent status,
 5. heads of central offices and other public service heads in equivalent status,
 6. senior staff members of Office of Parliament,
 7. senior staff members of the Office of the President of the Republic,
 8. senior staff members of a Prime Minister's Office,
 9. commander in chief/chief of staff of the Hungarian Army,
 10. national commander of the Border Guard,
 11. national commanders of the law enforcement agencies and their deputies,
 12. the national chief police commissioner and his deputies, the chief police commissioners and the police commissioners,
 13. generals and candidates for jobs requiring general's rank,
 14. ministry division heads and state officials in an equivalent status,
 15. heads of state-owned/majority state-owned business organisations,
 16. senior staff members banks, specialised financial institutions, insurance companies in majority state ownership,
 17. staff members of the National Security Services,

18.
Other persons holding jobs specified by the competent minister in the ministries, government offices, central agencies, armed forces, law enforcement organs, who must learn, in order to fulfil their duties, state secrets or data to be protected by security checks pursuant to an international commitment, or specified in Paragraphs (2)-(6) of Article 5/B of Act 65 of 1995 on State and Service Secrets, or bearing foreign classification/markings defined by an act proclaiming an international agreement according to Paragraph (7) of Article 5/B, or performing jobs subject to the threat of external, covert, attacks

19.
Persons specified by the head of a secret-owning organisation according to Act 65 of 1995 on State and service secrets, not subject to Point 18, who must learn, in order to fulfil their duties, state secrets or data to be protected by security checks pursuant to an international commitment, or as specified in Paragraphs (2)-(6) of Article 5/B of Act 65 of 1995 on State and service secrets, or bearing a foreign classification/markings set out by an act promulgating an international agreement according to Paragraph (7) of Article 5/B.

Annex 3 to Act 125 of 1995

**Strictly confidential
Particularly important
(after completion)**

SECURITY QUESTIONNAIRE

for the security check of candidates for or holders of important and confidential jobs

Type "A" check

General details
1. Family name and first name:
2. Previous names (maiden name):
3. Day, month, year, and place of birth:
4. Mother's name:
5. ID document number:
Citizenship details
6. Current citizenship:
7. Previous citizenship (country, time, number of relevant document):
8. Foreigners and holders of dual citizenship:
First day of stay in this country:
Legal title, status:
Number and date, and issuing authority of residence permit:
Passport number:
Name of authority that handles application for permanent residence, and immigration:
Date of submitting application for naturalisation and citizenship, name of competent authority processing the case:
Marital status, family relatives
9. Marital status: Married, bachelor, single, divorced, living in life partnership, widow/widower
10. Information concerning current spouse, partner
Family name and first name:
Previous names (maiden names):
Day, month, year, and place of birth:
11. Personal details of children:
Family name and first name:
Day, month, year, and place of birth:
Mother's name:
Family name and first name:
Day, month, year, and place of birth:
Mother's name:
Address, place of residence
12. Present permanent address (locality, district, street, number, building, floor, door number):
13. Temporary address:
14. Residence, where you are accessible, address, phone number (if not identical to the permanent, or temporary address):
Schooling
15. Highest school qualification, number and date of certification document:
16. Name of the issuing institution of education:

Occupation
17. Present occupation, position:
18. Name and address of employer:
Military service
19. Did you complete your military service (when, where, any special military qualification):
Punitive and infraction proceedings
20. Have punitive proceedings been conducted against you within 15 years of the date of the present statement ending in punishment (if your answer is "yes", specify when and why, and give name of court of justice processing the case, degree of punishment, and date of termination):
Have infraction or disciplinary proceedings been conducted against you within 5 years of the date of the present statement ending in punishment (if your answer is "yes", specify – except for vehicular traffic related infractions – when and why, and give name of authority processing the case, degree of punishment.):
21. Are punitive or infraction proceedings in progress against you? (If your answer is "yes", specify why, and give name of court of justice or other authority processing the case.):
Special details
22. During your domestic or foreign employment have you worked in positions requiring the completion of a security questionnaire or making a security statement? (If your answer is "yes", give the name of the workplace, your position, and date of appointment):
23. Are you aware of any condition (risk factor) which you find necessary to disclose from the point of view of a security check (e.g. addictions, information suitable for discrediting or blackmail you, etc.):

Type "A"

SECURITY STATEMENT

I, hereby, declare that I have truthfully stated all relevant details requested of me in this questionnaire.

I consent to the information gathering regarding my person in the framework of a security check conducted in accordance with Act 125 of 1995 on the National Security services. I acknowledge the fact that if the information required is not otherwise accessible, the National Security Services may gather intelligence regarding my person, except for the use of instruments subject to external authorisation. I further acknowledge the fact that the national security service will perform the necessary security controls regarding the questions left unanswered.

I have completed the questionnaire being aware of the fact that I am not obliged to charge myself or any of my relatives with committing a crime.

Budapest, 19

Signed, address

**Statement of spouse, life partner, or
legal age relative living in the same household**

I have been informed of the fact that the security inspection conducted in conjunction with my spouse, life partner, relative may involve myself, and, as part of that process, if the necessary information cannot be accessed otherwise, the National Security Services may conduct intelligence gathering, except for the use of instruments to be authorised by the minister responsible for justice affairs.

Budapest, 19

Signed, address

**Strictly confidential
Particularly important
(after completion)**

SECURITY QUESTIONNAIRE

for the security check of candidates for or holders of important and confidential jobs

Type "B" check

General details
1. Family name and first name:
2. Previous names (maiden name):
3. Day, month, year, and place of birth:
4. Mother's name:
5. ID document number:
Citizenship details
6. Current citizenship:
7. Previous citizenship (country, time, number of relevant document):
8. Foreigners and holders of dual citizenship:
First day of stay in this country:
Legal title, status:
Number and date, and issuing authority of residence permit:
Passport number:
Name of authority that handles application for permanent residence, and immigration:
Date of submitting application for naturalisation and citizenship, name of competent authority processing the case:
Marital status, family relatives
9. Marital status: Married, bachelor, single, divorced, living in life partnership, widow/widower
10. Information concerning current spouse, partner
Family name and first name:
Previous names (maiden names):
Day, month, year, and place of birth:
Mother's name:
Citizenship (See: items 6, 7, 8):
Occupation, position:
Name and address of workplace:
11. Personal details of children:
Family name and first name:
Previous names (maiden names):
Day, month, year, and place of birth:
Mother's name:
Citizenship (See: items 6, 7, 8):
Occupation, position:
Name and address of workplace:
12. Details of persons above 18 years of age not listed above living in the same household:
Family name and first name:
Previous names (maiden names):
Day, month, year, and place of birth:
Mother's name:

Citizenship (See: items 6, 7, 8):
Occupation, position:
Name and address of workplace:
13. Your relatives living abroad:
Family name and first name:
Day, month, year, and place of birth:
Address:
Occupation, workplace:
Citizenship:
Degree of relationship:
14. Present permanent address (locality, district, street, number, staircase, floor, door):
15. Temporary address:
16. Residence (if not identical to the permanent, or temporary address):
17. Previous permanent and temporary residence in excess of 3 months (5 years in retrospect):
18. If you spent more than 6 months abroad, indicate your addresses abroad and the reasons of the stays (15 years in retrospect):
Schooling
19. List the educational institutions upward of your secondary schooling that you have attended (name, and address of educational institution, duration and time of completion of program, number, and date of documents certifying qualification):
Occupation
20. Present occupation, position, name and address of employer:
21. Previous occupations, positions, roles and the time you held them (15 years in retrospect) name and address of employers: If employment relation terminated at the initiative of employer, state circumstances, and reason:
Military service
22. Did you complete your military service (when, where, any special military qualification):
Income and financial status
23. Annual gross total income from your main occupation:
24. Source of revenue in excess of HUF 500 000 per annum derived from other than your main occupation:
25. Debts, financial liabilities to state tax authority, social security, or financial institutions in the past 5 years:
26. Was there a collection order enforced against you personally or against your companies in the last 5 years? (if the answer is "yes", please tell why):
27. Do you have an interest in a domestic or foreign business organisation:
Name, address of the business organisation:
Scope of activity:
Nature of interest (owner, co-owner, member of managing body, consultant etc.):
Details of punitive and infraction proceedings
28. Have punitive proceedings been conducted against you or your spouse (life partner) within 15 years of the date of the present statement ending in punishment (if your answer is "yes", specify when and why, and give name of court of justice processing the case, degree of punishment, and date of termination.):
Have infraction or disciplinary proceedings been conducted against you or your spouse (partner) within 5 years of the date of the present statement ending in punishment (if your answer is "yes", specify – except for vehicular traffic related infractions – when and why, and give name of authority processing the case, degree of punishment.):
29. Are punitive or infractions proceedings in progress against you? (If your answer is "yes", specify – except for vehicular traffic related infractions – why, and give name of court of justice or other authority processing the case:
Special details
30. During your domestic or foreign employment have you worked in positions requiring the completion of a security questionnaire or making a security statement? (If your answer is "yes", give the name of the workplace, your position, and date of appointment):

31. Have you, during your career noticed a circumstance suggestive of the presence of a foreign intelligence agency (attempts at networking, enlistment, discrediting)? If so, please specify:
32. What number of private relationships do you maintain with foreign citizens? Name no more than 10 of your most important contacts:
Family name, first name:
Day, month, year, and place of birth:
Address:
Occupation, workplace:
Citizenship:
Nature/brief description of relationship:
33. Do you or did you maintain contact with a person who you know to be or to have been a top official of a present foreign government? (If so, describe in detail.)
34. Do you or did you maintain contact with a person who you know to be or to have been a member of a foreign intelligence agency or its cover organisation? (If so, describe in detail.)
35. Are you aware of any condition (risk factor) other than the above, which you find necessary to disclose from the point of view of a security check (e.g. information suitable for discrediting, or blackmailing you):
36. Are you in contact with an organisation, movement, group, etc. denying the constitutional postulates of a democratic constitutional state or pursuing such activity? (If so, please describe in detail.)

Type "B"

SECURITY STATEMENT

I, hereby, declare that I have truthfully stated all relevant details requested of me in this questionnaire.

I consent to the information gathering regarding my person in the framework of a security check conducted in accordance with Act CXXXV of 1995 on the National Security services. I acknowledge the fact that if the information required is not otherwise accessible, the National Security Services may gather intelligence regarding my person, except for the use of instruments subject to external authorisation. I further acknowledge the fact that the national security service will perform the necessary security controls regarding the questions left unanswered.

I have completed the questionnaire being aware of the fact that I am not obliged to charge myself or any of my relatives with committing a crime.

Budapest, 19

Signed, address

**Statement of spouse, life partner, or
legal age relative living in the same household**

I have been informed of the fact that the security inspection conducted in conjunction with my spouse, life partner, relative may involve myself, and, as part of that process, if the necessary information cannot be accessed otherwise, the National Security Services may conduct intelligence gathering, except for the use of instruments to be authorised by the minister responsible for justice affairs.

Budapest, 19

Signed, address

**Strictly confidential
Particularly important
(after completion)**

SECURITY QUESTIONNAIRE

for the security check of candidates for or holders of important and confidential jobs

Type "C" inspection

General details
1. Family name and first name:
2. Previous names (maiden name):
3. Day, month, year, and place of birth:
4. Mother's name:
5. ID document number:
Citizenship details
6. Current citizenship:
7. Previous citizenship (country, time, number of relevant document):
8. Foreigners and holders of double citizenship:
First day of stay in this country:
Legal title, status:
Number and date, and issuing authority of residence permit:
Passport number:
Name of authority that handles application for permanent residence, and immigration:
Date of submitting application for naturalisation and citizenship, name of competent authority processing the case:
Marital status, family relatives
9. Marital status: Married, bachelor, single, divorced, living in life partnership, widow/widower
10. Information concerning current spouse, partner
Family name and first name:
Previous names (maiden names):
Day, month, year, and place of birth:
Mother's name:
Citizenship (See: items 6, 7, 8):
Occupation, position:
Name and address of workplace:
11. Personal details of children:
Family name and first name:
Previous names (maiden names):

Day, month, year, and place of birth:
Mother's name:
citizenship (See: items 6, 7, 8):
Occupation, position:
Name and address of workplace:
12. Details of persons above 18 years of age not listed above, you share a household with:
Family name and first name:
Previous names (maiden names):
Day, month, year, and place of birth:
Mother's name:
Citizenship (See: items 6, 7, 8):
Occupation, position:
Name and address of workplace:
13. Your and your spouse's relatives living abroad:
Family name and first name:
Day, month, year, and place of birth:
Address:
Occupation, workplace:
Citizenship:
Degree of relationship:
Address, place of residence
14. Present permanent address (locality, district, street, number, staircase, floor, door):
15. Temporary address:
16. Residence (if not identical to the permanent, or temporary address):
17. Previous permanent and temporary residence in excess of 3 months (15 years in retrospect):
18. If you spent more than 6 months abroad, indicate your addresses abroad and the reasons of the stays (15 years in retrospect):
Schooling
19. List the educational institutions starting with your secondary school that you have attended (name, and address of educational institution, duration and time of completion of program, number and date of documents certifying qualification):
20. If you studied abroad, give name, address, of educational institution, duration of program, and time of completion of program, number, and date of documents certifying qualification):
21. Academic rank (place and time of obtainment, subject):
22. Professional, academic publications (address, place, and time of publication, subject):
23. Foreign language skills (number and level of proficiency):
Occupation
24. Present occupation, position, name and address of employer:
25. Previous occupations, positions, roles and the time you held them (15 years in retrospect) name and address of employers: If employment relation terminated at the initiative of employer, state circumstances, and reason:
Military service
26. Did you complete your military service (when, where, any special military qualification):
Income and financial status
You and your spouse/partner:
27. Annual gross total income from your main occupation:
28. Source of revenue in excess of HUF500 000 per annum derived from other than your main occupation:
29. Debts, financial liabilities to the state tax authority, social security, or financial institutions in the past 15 years:
30. Do you have an interest in a business organisation registered by the Hungarian court of registry? If so: name, address, profile of business organisation: Nature of such interest (owner, co-owner, member of managing body, consultant, etc.):

31. Do you have an official relationship with a business organisation registered abroad? If so, what is the nature of the cooperation/relationship?
Name, and address of business organisation:
Profile:
Place of registration of company:
32. Was there a collection order enforced against you personally or against your companies in the last 15 years? (if the answer is "yes" please give details of when, why, court or authority ordering such process):

Property belonging to you and/or a relative living in the same household:

32/A. Property owned by you and/or a relative living in the same household
.
Address and topographical lot number:
Area:
Rate of ownership:
Date and legal title of acquisition:
32/B.
Movable property of a value in excess of HUF1 million owned by you and/or a relative living in the same household
Vehicles (type, registration number):
Any protected work or art, protected collection (name of artist, registration number):
Other movable property (name, time and legal title of acquisition):
32/C.
Sum:
Name:
Series number:
of savings tied up in securities as per Paragraph 34 of Article 3 of Act CXVII of 1995 on Personal Income Tax
32/D.
Claim based on deposit or savings account contract as per the Civil Code
Name of lending institution:
Account number or deposit booklet number:
Sum:
32/E.
Income from abroad
Source of income:
Sum of income:
Legal title of income:
Period of receiving income:
Details of punitive and infraction proceedings
33. Have punitive proceedings been conducted against you or your spouse (life partner) within 15 years of the date of the present statement ending with punishment (if your answer is "yes", specify when and why, and give name of court of justice processing the case, degree of punishment, and date of termination.): Have infraction or disciplinary proceedings been conducted against you or your spouse (partner) within 5 years of the date of the present statement ending with punishment (if your answer is "yes", specify – except for vehicular traffic related infractions – when and why, and give name of authority processing the case, degree of punishment.):
34. Are punitive, infraction, disciplinary, or damage compensation proceedings in progress against you or your spouse (life partner)? (If your answer is "yes", specify – except for traffic infractions – when and why, and give name of court of justice or other authority processing the case, degree of punishment.):

Special details
35. During your domestic or foreign employment have you worked in positions requiring the completion of a security questionnaire or making a security statement? (If your answer is "yes", give the name of the workplace, your position, and date of appointment):
36. Have you, during your career noticed a circumstance suggestive of the presence of a foreign intelligence agency (attempts at networking, enlistment, discrediting)? If so, please specify:
You, your spouse, or life partner:
37. What number of private relationship do you maintain with foreign citizens? Name no more than 15 of your most important contacts:
Family name, first name:
Day, month, year, and place of birth:
Address:
Occupation, workplace:
Citizenship:
Nature/brief description of relationship:
38. Do you or did you maintain contact with a person who you know to be or to have been a top official of a present foreign government? (If so, describe in detail.)
39. Do you or did you maintain contact with a person who you know to be or to have been member of a foreign intelligence agency or its cover organisation? (If so, describe in detail.)
40. Do you consume alcohol, and if so, how much?
Have you been addicted to alcohol?
Have you participated in a detoxification program?
41. Have you occasionally or regularly consumed, sold, produced drugs, or substances or pharmaceuticals of narcotic effect, when, how much, and what kind?
42. Do you have an partner relationship outside of wedlock or life partnership (including homosexual)?
43. Are you or were you in contact with any organisation, movement or association, etc, denying the basic principles of a democratic rule of law or engaging in an activity of this nature? (If so, describe in detail.):
44. Are you aware of any condition (risk factor) other than the above, which you find necessary to disclose from the point of view of a security check (e.g. information suitable for discrediting, or blackmailing you):
45. You may name persons for reference purposes (a maximum of three) who can provide an objective opinion about you, and who are neither your relatives nor your subordinates or superiors?
Name, address, telephone number:
How long have you known each other?

Type "C"

SECURITY STATEMENT

I, hereby, declare that I have truthfully stated all relevant details requested of me in this questionnaire.

I consent to the information gathering regarding my person in the framework of a security check conducted in accordance with Act CXXV of 1995 on the National Security services. I acknowledge the fact that if the information required is not otherwise accessible, the National Security Services may gather intelligence regarding my person, except for the use of instruments subject to external authorisation. I further acknowledge the fact that the national security service will perform the necessary security controls regarding the questions left unanswered.

I have completed the questionnaire being aware of the fact that I am not obliged to charge myself or any of my relatives with committing a crime.

Budapest, 19

Signed, address

**Statement of spouse, life partner, or
legal age relative living in the same household**

I have been informed of the fact that the security inspection conducted in conjunction with my spouse, life partner, relative may involve myself, and, as part of that process, if the necessary information cannot be accessed otherwise, the National Security Services may conduct intelligence gathering, except for the use of instruments to be authorised by the minister responsible for justice affairs.

Budapest, 19

Signed, address