Ageing in digital societies: enablers and barriers to older persons exercising their social rights

Hungary
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1 Legal and policy framework

1.1 National legislation on digital public administration

In general, the relevant legal acts directly or indirectly provide the right of access to (public/digital) information and digitalised public services, but do not specifically mention the need to promote the social inclusion of older people in this regard.

The Fundamental Law1 (Magyarország Alaptörvénye, hereinafter: FL) contains no explicit reference to equal access to public services undergoing digitalisation. Article IX of the FL contains the notion of freedom of speech, with no reference to the right of access to information, though inherently it should be part of it. Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information (2011. évi CXII. törvény az információs önrendelkezési jogról és az információszabadságról)2 does not contain any explicit reference to digital rights either, though it declares a general right of access to public information, and it obliges public authorities to publish public data on their operation/activities, e.g. on their websites (see e.g. Article 26 and Article 33). Article XV of the Fundamental Law prohibits discrimination in general, but does not mention specifically ”age” as a possible discrimination ground, but notes that “other grounds” of discrimination, which are not specifically mentioned, are also prohibited. ‘Age’, however, is referred to as a discrimination ground in Article 8 pont o) of Act CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities (2003. évi CXXV. törvény az egyenlő bánásmódról és az esélyegyenlőség elő-mozdításáról).3

The right of access to public, social and health care services is not specifically mentioned in the Fundamental Law. However, Article XIX of the FL obliges the State to “endeavour to provide ‘social security for all’ and it declares that in order to ensure the social security of older people, the State maintains a pension system. The right to physical and mental health is incorporated by Article XX (1) of the FL.

Act CCXXII of 2015 on the general rules on electronic administration and trust services (2015. évi CCXXII. törvény az elektronikus ügyintézés és a bizalmi

contains no specific rules that would promote equal access to public administration and services to vulnerable groups, such as older people. Article 1 point 17 of the eAdministration Act determines which authorities are to provide electronic administration for their clients. These authorities include administrative organs, local governments and also – if it is prescribed by law - other organs providing public services. The eAdministration Act also stipulates that clients are entitled to conduct their affairs by electronic means before administrative bodies providing electronic administration (Article 3 (1) of eAdministration Act). Similarly, under its Article 8 (1), the eAdministration Act ensures that, unless it is prescribed otherwise by law, clients may carry out administrative acts and make statements by electronic means before such administrative organs in the course of administering their matters. As set out in Article 9 (2) of the eAdministraion Act, a client or his/her representative may only be obliged to use electronic administration in situations specified by law, provided that doing so is not impossible by definition in light of the given administrative act. If using electronic communication, or a method of electronic communication, is required by law for submitting a statement, any statement submitted in violation of that requirement shall be considered null and void. By means of exception, clients may not be subject to any disadvantageous legal consequence if they e.g. cannot handle a matter by electronic means because the relevant administrative organ, temporarily or permanently, fails to perform its obligations specified in the eAdministration Act or if the relevant electronic administration service is temporarily or permanently unavailable. When not obliged to use electronic communication by law, Article 22 of the eAdministration Act provides clients – and thus older people – with a choice of using electronic or non-electronic means of communication and of selecting a method of electronic identification (however, some form of electronic identification is compulsory) and clients may also select a method of communication with the relevant administration organ obliged to provide electronic administration. This includes the possibility for clients to make a statement that their messages sent via an IT system specified by them shall be considered to be a statement made by the client. Unless provided otherwise by law, the aforementioned decisions of clients may be made or modified by them a) in person, or b) by electronic means using an interface or telephone channel operated by a service provider designated by the government. The clients’ rights to choose their preferred way of communication – electronic or non-electronic with public authorities in administrative affairs – is also reinforced by Article 26 of Act CL of 2016 on the Code of General Administrative

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Procedure (2016. évi CL. törvény az általános közigazgatási rendtartásról).\textsuperscript{5} Act LXXV of 2018 on the accessibility of websites and mobile applications of public administration organisations (2018. évi LXXV. törvény a köszférabeli szervezetek honlapjainak és mobilalkalmazásainak akadálymentesítéséről, hereinafter: Act LXXV of 2018)\textsuperscript{6} obliges public administration bodies to make their portals accessible. However, the act makes no explicit reference to the concept of digital exclusion or various disadvantaged groups (including older people) in this context. In its Article 4 (5), Act LXXV of 2018 only refers to people living with disabilities in the context of balancing their probable profit from the accessibility measures with the related costs. Government Decree 162/2019 (VII.5.) on the detailed rules on the control of the fulfilment of the requirements set by Act LXXV of 2018 on the accessibility of websites and mobile applications of public administration organisations (162/2019. (VII. 5.) Korm. rendelete a köszférabeli szervezetek honlapjainak és mobilalkalmazásainak akadálymentesítéséről szóló 2018. évi LXXV. törvényben foglalt kötelezettségek teljesítése ellenőrzésének részletes szabályairól) makes it the duty of the Governmental Agency for IT Development (Kormányzati Informatikai Fejlesztési Ügynökség) to supervise and control the accessibility of websites and mobile applications of public administration organs.\textsuperscript{7}

1.2 National policy, strategy or action plan on the digitalisation of public services or digital inclusion

The National Digitalisation Strategy 2021-2030 (Nemzeti Digitalizációs Stratégia)\textsuperscript{8} was adopted in 2021 by the Government. Of the strategy’s four pillars (Digital infrastructure, Digital skills, Digital economy, Digital State) none focuses specifically on the aspects of digitalisation and social rights or inclusion of older people. As for the promotion of equality, the National Digitalisation Strategy mentions that the spread of digitalisation will increase the digital equality of people living in isolation, of the socially deprived people and of people with disabilities. The National Digitalisation Strategy also provides statistical data on the low percentage of older people using the Internet (e.g.


51% of those who do not use the Internet belongs to the age group 64-74). Furthermore, the Digital skills pillar intends e.g. to promote programmes for digital competency and support the learning of digital skills in education. The Digital skills pillar refers to the improvement of the digital skills of older people, and, as a possibility, to the “extension” of the Infocommunication Programme for the Older (Időssügyi Infokommunikációs Program). Meanwhile, the Digital State pillar aims at the digital development of both central and local and cross-border public administration with user-friendly systems and customer-centric services, development of smart-towns and smart areas and with the increase of electronic service.

1.3 National recovery and resilience plans covering the digitalisation of public services

The National recovery and resilience plan has no component which would directly focus on the promotion of the access of older people to digitally available public social services.

However, programmes related to the digitalisation of health care contain elements which support the access of older people to health care services through digitalisation. In particular, these programmes aim at the reduction of the burden of personal attendance for patients suffering from chronic illnesses whose movement is challenged or who are disabled, as maintaining regular contact with health care service providers becomes easier via the use of electronic communication methods. Thus, in view of the National recovery and resilience plan, the chances of the above mentioned vulnerable groups to have equal access to quality health care services would be enhanced. More specifically, the Digitalisation program aiming to protect the life and safety of people with restricted self-care capabilities / reform of the digital older care (Az önellátásra korlátozottan képes emberek biztonságát és életvédelmét szolgáló digitalizációs program – Digitális idősgondozás reformja) component of the related chapter focuses on older people, whose vulnerability was accentuated by the COVID pandemic. The most important challenges,
acknowledged by the National recovery and resilience plan, comprise – among others - regional inequalities in terms of access to health care services, long waiting lists to senior homes providing lifelong care, while most of the older people concerned would like to receive health and social care services in their vicinity.\textsuperscript{13} The related development programme intends to ensure, free of charge, the provision to each older person above 65 years of age a specific infocommunication device through which they could ask for help and assistance in critical situations from a related call centre.\textsuperscript{14}

Within the framework of the digital dimension of horizontal development projects, the Government also intends to strengthen e-governance. In particular, the reform programme Raising the Efficiency of Public Services through strengthening the National IT Device Management (\textit{Közszolgáltatások hatékonyságát növelő nemzeti informatikai eszközkezelési rendszer megerősítése}) is aiming to migrate the handling and registration of the digital devices necessary to provide the public services connected to health care, education and the social sector to a new, digital platform, allowing for their intelligent management.\textsuperscript{15}

2 Programs and practices aimed at ensuring equal access to public services in the digital age

Within the framework of the Digital success programme (\textit{Digitális jólét program}), which was launched by the Government in 2015, in view of the need for the Digital support for older people (\textit{Idősek digitális támogatása}) an information booklet was compiled to enhance the digital skills of older people in general.\textsuperscript{16} The booklet was issued and made available online for all with

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special regards to the COVID pandemic, to promote the access of older people to online services, help them to maintain contacts or have access to online forms of entertainment, so that they could, for instance, avoid crowds at public spaces, avoid social isolation and stay safe during the pandemic. The compilation assists older people in becoming able to use digital technologies safely and with confidence. The information booklet was compiled in such a way that makes it possible for older people to develop their skills on their own.

The Ministry of Innovation and Technology (Innovációs és Technológiai Minisztérium) launched an Infocommunication Programme for the Older in 2017 (Időssügyi Infokommunikációs Program). Within the framework of this programme, between 2017-2019, 5000 laptops were distributed for older people in 480 settlements of the country, especially in such settlements where older people live in isolation. The people concerned could also participate in a 12x2h training course. According to data published by the government, in 2018, 100 000 people could participate in the programme. Allegedly, 116 call centres have also been set up.17

Focusing on older people, the Central Help Desk Office of the Ministry of Human Resources (Emberi Erőforrások Minisztériuma Központi Ügyfélszolgálati Iroda) compiled in 2018 a document providing information to older people on the available social and health care services. This compilation comprises detailed information on the accessibility of pensions, on the various forms of available health care services, social support and aid and also on the level of administration or authorities administering pensions, social and health care services or taking decisions on granting them. The compilation provides information on some related websites, but it does not contain information on how to use online digital services.18 The information leaflet has been updated in 2022 and is also available online on the government portal Family Information Bureau (Családi tudakozó).19 In addition to that, the printed version of the information leaflet is also available at the Central Help Desk Office of the Ministry of Human Resources.20

The Digital Freedom Committee (Digitális Szabadság Bizottság) set up by the Ministry of Justice (Igazságügyi Minisztérium) focuses on the data protection


18 Emberi Erőforrások Minisztériuma Központi Ügyfélszolgálati Iroda, Információk Időseknek, 2018, available at: https://www.kormanyhivatal.hu/download/0/ff/34000/Informaci%C3%B3_id%C5%91seknek_2018%20-%20%E0MMI.pdf.

19 Családi tudakozó (Family Information Bureau) website, available at: https://csaladitudakozo.kormany.hu/.

20 Information provided by the Ministry of Human Resources to public data request, 30 June 2022, p. 5.
and cyber security threats posed by the use of digital technologies. Their work is not focused on older people in particular.

In 2021, within the framework of the Family Friendly Country project (Családbarát Magyarország), a special, “Older affairs referee” (Idősügyi referens) training programme was launched to train professionals who could actively promote the social inclusion of older people at local governments.

The Government also launched in March 2022 the “Care watch” (Gondosóra) programme, which provides older people (65+) for free with a device through which they may contact a call centre and ask for help in an emergency. The device is not capable of connecting the person concerned with health care service providers, but the call centre may provide assistance reaching out to them. The related services are to be non-stop available all over the country. According to the plans of the Government, the programme would be fully implemented in four years and may reach around 1,5 million people concerned.

3 Research and data focused on equal access to public services in the digital age

The Office of the Commissioner for Fundamental Rights of Hungary (Alapvető Jogok Biztosának Hivatala) has not issued its yearly report for 2021 yet. However, no deliberated complaints related to discrimination on the ground of old age has been made public on the OCFR’s website in the context of public services.

There are no fresh statistics as to the digital literacy of older people, according to a related research paper published in 2021. Thus, the paper refers back to statistical data from 2017, which shows that – at that time – still a very low percentage (30%) of older people (65+) used the Internet on a weekly basis and 64% of them did not use a computer.

21 Digital Freedom Committee (Digitális Szabadság Bizottság), available at: https://digitalisszabadsag.kormany.hu/index.
Under the auspices of the Friedrich Ebert Stiftung, Budapest, a comprehensive paper was compiled by Andrea Gyarmati on the care provided to older people in Hungary, with special emphasis given to the unequal access to older (social and health) care services for older people living in different regions of the country and the length of waiting lists, for instance, to senior homes. Whilst the study had a specific focus on public services for the older, it did not cover the topic of digitalisation.

Within the framework of the project: The affect of COVID19 for older day care from the providers' and clients' point of view (Semmelweis University), Kinga Vajda published the results of a comprehensive research in 2021 on the relationship between the older generation and info-communication in the day care of older people in 2021.
### 4 State of digitalisation of selected public services

<table>
<thead>
<tr>
<th>Stage of digitalisation</th>
<th>Access to health records</th>
<th>Public statutory pensions</th>
<th>Social benefits</th>
<th>Other (as relevant in your context)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not digitalised (Y/N)</td>
<td>N (Digitalised)</td>
<td>N (Digitalised)</td>
<td>N (Data request pending)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Health records are accessible via the National eHealth Infrastructure Citizen Portal (EESZT Elektronikus Egészségügyi Szolgáltatási Tér: Lakossági Portál) after personal identification.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Information is available online (Y/N)</td>
<td>Y</td>
<td>Information on public statutory pensions is available e.g. on the Governmental Administration Portal  or on the portal of the National Pension Directorate (Országos Nyugdíjbiztosítási Főigazgatóság).</td>
<td>Y</td>
<td>General information is available e.g. via the Governmental Administration Portal, and on the websites of local governments or government offices.</td>
</tr>
</tbody>
</table>

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36 National Pension Directorate (Országos Nyugdíjbiztosítási Főigazgatóság), available at: https://www.onyf.hu/hu/.
Transactions are possible online (Y/N)

Y

Various services, including eReferral, ePrescriptions, eMedical History, etc.) are available through the National eHealth Infrastructure Information Portal. It is also possible to submit requests, initiate proceedings and communicate with the authorities in relation to social security (health care security) services via the Governmental Administration Portal (Úgyfélkapu) or the epapir.gov.hu portal after personal identification.

Y

It is possible to ask for an appointment online and it is possible to submit requests, initiate proceedings and communicate with the authorities in relation to public statutory pensions via the Governmental Administration Portal or the epapir.gov.hu portal after personal identification.

Y

It is possible to ask for an appointment online at the relevant local government offices and it is possible to submit requests, initiate proceedings in relation to social benefits the Governmental Administration Portal or the epapir.gov.hu portal after personal identification.

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<table>
<thead>
<tr>
<th>Recognition of groups at risk of digital exclusion</th>
<th>N The related, general Act LXXV of 2018 makes no explicit reference to digital exclusion. Article 4 (5) of the act only refers to people living with disabilities in the context of balancing their probable profit from the accessibility measures with the related costs. (Data request pending)</th>
<th>N The related, general legislative Act LXXV of 2018 makes no explicit reference to digital exclusion. Article 4 (5) of the act only refers to people living with disabilities in the context of balancing their probable profit from the accessibility measures with the related costs. (Data request pending)</th>
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<tbody>
<tr>
<td>If yes, please list the barriers and groups that are mentioned.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multichannel access options</td>
<td>Telephone service (Y/N) If yes, please describe what kind of personalised services it provides.</td>
<td>Y (request for information, request for prescriptions /referrals)</td>
<td>Y (request for information)</td>
</tr>
<tr>
<td></td>
<td>Physical administrative access points (Y/N). If yes, please specify the level of availability (local, regional, national), the opening days and hours.</td>
<td>Y (local/regional availability) The opening days and hours vary in each municipality.</td>
<td>Y (local/regional availability) The opening days and hours vary in each municipality.</td>
</tr>
<tr>
<td></td>
<td>Specific locations that facilitate offline access to the service (Y/N) If yes, indicate the location(s). Please describe what kind of support is provided.</td>
<td>Y (General practitioners / health care institutions) Otherwise: no specific locations are available.</td>
<td>Y (Local governments/ government offices) Otherwise: no specific locations are available.</td>
</tr>
</tbody>
</table>

45 Information provided by the Ministry of Human Resources to public data request, 30 June 2022, p. 4-5.
46 Information provided by the Ministry of Human Resources to public data request, 30 June 2022, p. 4-5.
47 Information provided by the Ministry of Human Resources to public data request, 30 June 2022, p. 4-5.
<table>
<thead>
<tr>
<th><strong>Specific locations</strong> that facilitate online access to the service (Y/N). If yes, indicate the location(s). Please describe what kind of support is provided.</th>
<th>Y (local internet access points)</th>
<th>Y (local internet access points)</th>
<th>Y (local internet access points)</th>
</tr>
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<tbody>
<tr>
<td><strong>Other</strong> – please indicate any other access channels to the service.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| **Other forms of support for online use** | Please indicate any other form of support to facilitate the use of the online service for older persons such as easy-to-read versions, different language versions, etc. | N (Data request pending) | |